

NOTE FROM THE REGISTRAR

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Various surveying firms have made the Association offices aware of engineering and technical surveying companies doing work for public utilities on streetline boundaries that may conflict with surveying legislation. The AOLS Council and the Registrar developed an information letter for specific instances, to be sent to a utility where there is a misunderstanding of the jurisdiction of the O.L.S. as it relates to the Revised Statutes of Ontario, 1990.

The following is a sample letter which would be sent to the utility, signed by the Registrar, to the attention of the manager or person in charge of administering contracts.

Re: Defining Property Lines for Engineering and other Projects

We have been made aware that your utility may be establishing cadastral boundaries which is contrary to the existing legislation in Ontario.

The Province of Ontario has established various legislation to ensure that the public interest may be served and protected.

The Surveys Act of Ontario R.S.O. 1990, Chapter 30, Part 1(2), under Validity of Surveys states: "no survey of land for the purpose of defining, locating or describing any line, boundary or corner of a parcel of land, is valid unless made by a surveyor or under the personal supervision of a surveyor". - Surveyor meaning an Ontario Land Surveyor.

The Surveyor's Act of Ontario R.S.O. 1990, Chapter 29, defines the practice of cadastral surveying "means advising on, reporting on, conducting or supervising the conducting

of surveys to establish, locate, define or describe lines, boundaries or corners of parcels of land or land covered with water".

Section 11(2) of the Surveyor's Act, states "no person shall provide to a member of the public, a service that is part of the practice of cadastral surveying, except under, and, in accordance with a Certificate of Authorization".

Section 39(1) of the Surveyor's Act, states: "every person who contravenes Section 11 is guilty of an offence and on conviction, is liable for the first offence to a fine of not more than \$15,000 and for each subsequent offence, to a fine of not than \$30,000".

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Section 11(2), Surveyors Act

When undertaking engineering or other projects where the streetline, being a boundary line as defined above, is required to be located or plotted on an engineering drawing, you should be aware that the property line location must, in law, be defined as a result of a survey made by an Ontario Land Surveyor. This is for your protection as well as your abutting owners.

The Association of Ontario Land Surveyors has been informed that

"others" who may be involved in these types of projects, are defining property boundaries in the course of doing their own professional tasks. Ignorance is no excuse. As well as being a detriment to a project or to an Authority, the actions of non-professionals in performing a professional surveyor's task will be dealt with firmly by the Association of Ontario Land Surveyors. There is much more to defining a property line than assuming a width from the centreline of pavement or finding a few survey stakes and assuming that they mark the current property line.

Ontario Land Surveyors are trained in this task and it is their specialty just as other functions are the specialty of other professionals.

One example of the pitfalls of having someone other than a professional surveyor define a property line saw a major utility authority build their plant on private lands when they thought it was being built in the approved location within the street. As well as costing the authority much embarrassment, a very expensive easement had to be obtained along the route from various owners that were crossed. The authority was actually very fortunate to have obtained the easement rights from the owners and not have had to move their plant.

Please remember, when you need a property line located on the ground or plotted on a drawing, consult with the proper professional - an Ontario Land Surveyor. For a listing of the local Ontario Land Surveyors, you may refer to the yellow pages or call the Association of Ontario Land Surveyors at (416) 491-9020.

