

Educational Corner "Stones" COMMON NON-COMPLIANCE

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For this article I intend to highlight some of the more common concerns that the Survey Review Department has encountered during the Comprehensive Review process.

RESEARCH

It is apparent from the Reviews, that most surveyors have procedures in place for searches at the Registry Offices. Most of the files examined contain search records, sketches and copies of the underlying documents. Unfortunately, not all the files we examine are complete in this regard.

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"Some files contain little or no information pertaining to the adjoining ownership;"

Some files contain little or no information pertaining to the adjoining ownership; while other files contain search information which differs from the final plan. In some cases, the search information in the file is two or three years old with no record of an updated search. In some instances, the only search information supplied is a copy of the underlying document without a report or sketch to indicate the extent of the search.

The Survey Review Department does not expect survey firms to keep copies of all the documents on file. We do recommend that a dated record of search be kept by including, in the search documentation, an abstract sheet documenting the search and any apparent omissions or inconsistencies. Every document that may affect the title or boundaries of the subject property should be

examined and a record of the findings kept. Where the survey method is predicated on the search through application of priority of title, this survey decision should be recognized within the abstract summary. Any questions that may arise in the future may be difficult to answer without a record of the extent of the search conducted at the Registry Office.

FIELD

One recurring problem involves the placing of a monument on an existing boundary or the "evidence on either side principle". Section 3 of the Interpretive Guide for O. Reg. 42/96 outlines that where a monument is placed on an existing boundary, it will be placed on the boundary at a point established from existing evidence of the boundary on both sides of the monument, if so intended.

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"...the 'evidence on either side principle'."

It is surprising how many surveyors rely on plan values alone to re-establish lot corners and boundaries and, from the information in the field notes, do not appear to have made a thorough search for evidence of the lines on both sides of the point. This is especially prevalent for Surveyor's Real Property Reports where the street line is surveyed, the front corners set, and the buildings, structures, fencing and occupation are located in the notes. In these cases, there is no indication of a search for evidence on the rear limits of the lot being surveyed or on other lots within the tier. When the plan

is subsequently drawn and forwarded to the client, it shows plan values for the side lines and the depth of the lot. One important point to remember, an SRPR is a full survey of the property even though only the front corners have to be monumented.

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"...all survey measurements shall be verified..."

Another concern in the field notes is the lack of check measurements or measurement verification. Section 7 of O.Reg.42/96 requires that all survey measurements shall be verified by mathematical closure or independent measurement. The AOLS publication "Guidelines for Surveys" expands on this requirement within the section on Total Station and Radial Methods for Legal Surveys. This section provides that all points shall be observed from a minimum of two known points, or that verification of all measurements must be provided by at least one redundant measurement to each observed point.

Many of the submitted field notes indicate the found survey evidence located in the field by a single radial tie from only one known point, without any apparent check measurements. This same problem also occurs frequently for planted monuments set at a pre-calculated location in the field by a single tie. Its resultant position is not verified by an independent measurement. It is important, not only to properly verify all measurements, but to record the verification process in case of future problems.

PLANS

One area of concern regarding survey plans is the illustration of the title information on the final plan. Section 17(1)(d) and (e) of O.Reg.42/96 requires that the property identifiers, or if property identifiers have not been assigned, the numbers of the registered instruments or parcels, for the land being surveyed and the land adjoining the land being surveyed, be clearly and accurately shown. There is an exception for the adjoining lands if the parcel is an undivided subdivision unit on a Registered Plan.

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**“All plans of
survey...require a
scale bar and a
conversion note...”**

Although the majority of plans examined comply with this requirement for the lands being surveyed, often plans do not clearly and accurately reflect the title information regarding the adjoining lands. There have been several cases where the adjoining ownership has been omitted from the plan, where the wrong instrument number has been shown, and where the extent of the adjoining lands cannot be determined from the information shown. Title information is also required for registered easements which abut and underlie the land being surveyed.

Another problem frequently encountered is the failure to comply with the new requirements for plans set out in O.Reg's 42/96 and 43/96. All plans of survey executed after April 20, 1996 require a scale bar and a conversion note whether the plan is in imperial or metric units. In addition, the new Surveyor's Certificate must be used for all plans, including SRPR's, executed after April 20, 1996. "baselines" No. 3 speaks to this issue directly.

REPORTS

Section 36 of the Interpretive Guide suggests that all surveys must be accompanied by correspondence in some form. Any contentious issues or obvious problems must be brought to the attention of the client. If there are no problems or contentious issues, a simple transmittal form to the client to acknowledge the inclusion of plans or other pertinent matters should be provided. There are still some firms who do not appear to keep copies of reporting or transmittal letters to the clients in the file, and others who do not report on problems or contentious issues, such as location of fences, overhanging eaves, encroachments, utility wires, etc. Clearly, documenting contentious issues with the client could avoid problems in the future.

Hopefully, this article gives you a better understanding of some of the common problems encountered by the Survey Review Department and, possibly, it will be helpful when you are checking your plans.

