

Contact a surveyor, it's in your best interest

By Carl J. Rooth, O.L.S., Executive Director

This article is one of a series being prepared for the Public Awareness Committee. It is available in digital format to members for submission to local papers, lawyers, real estate boards or clients.

Surveying is one of the oldest professions known to the civilized world. Surveyors were the early discoverers of uncharted land. They have shown us where we are, and have guided us through time with vital information to keep us on course. There is virtually no part of our physical life that has not been affected by the men and women who have drawn up countries, lined up our cities, and shown us where we stand in our own back yard. Professional surveyors continue to provide a precise map of our time.

Everything constructed on or below ground has been methodically measured and accurately represented on maps, drawings, and in reports. With the recent acceleration of technology, surveyors can now create and distribute information on a scale never before possible. The surveyor is a valuable professional who lives and works in our community. Their services and products are essential

to the orderly development of the community in which we live, as they are responsible for producing accurate records of land transactions, construction and the natural resources we enjoy.

Typically, your house and land represent your largest assets. If you are contemplating purchasing property, you should know as much as possible about the piece of land in which you are going to invest. Obtaining a survey may be the most important thing you do before you close the deal on any purchase. Without a current survey, you do not know the extent of your property, as only a licensed surveyor can provide you with this information. Without the survey, there is too much you do not know, and you are risking both friendly neighbours and your investment.






It pays to know the boundaries of your land. A small distance can make a big difference. The erection of a fence can be the source of expensive litigation and

ill will between neighbours. Your licensed land surveyor can help you avoid disputes.

Here is a reminder of what surveyors do in your community, why surveyors should be used, their cost, and how to hire one.

If you are selling property





You may have to provide your buyer with an up-to-date [Surveyor's Real Property Report](#) of your property to:

-  Give your buyer confidence in the purchase.
-  Allow your buyer to register the transaction at the land registry office.
-  Enable your buyer to make mortgage arrangements.
-  Verify to your buyer the size, extent and location of the property.
-  Avoid legal disputes arising from inadequate or inaccurate property descriptions.

If you are buying property

You need to know what you are getting. Only a survey plan made by a licensed surveyor can legally define what you are purchasing.

Your surveyor will undertake the necessary research, survey the property, and prepare a plan and report that will reveal:

-  Whether other people are entitled to partial use of your property, through easements for utilities or rights-of-way.
-  Whether you are entitled to partial use of someone else's property for easements or rights-of-way.
-  Whether fences, trees, buildings, gardens, embankments, driveways, walkways, swimming pools, house additions and other property improvements actually lay on your property.
-  Whether your deed describes your property accurately.

In addition to clarifying what you have bought, your survey gives you a form of protection since it will reveal any encroachments, or other irregularities that might be the cause of later legal disputes. In addition, your surveyor can mark the exact corners of your site with survey monuments.

If no up-to-date survey exists for the property you wish to buy, you should make it a condition of purchase that one be provided for you.

Building fencing or building additions

You need to protect your investment by making sure you are building on your own property. A mislocated fence, driveway or carport can cause legal problems, and extra construction costs. Before you build, let a licensed surveyor determine your property boundaries, replacing missing stakes if necessary. Allowing a surveyor to mark the location of your building, on site, before construction begins, will also ensure that you meet setback requirements and other restrictions enforced by the Municipality in their Zoning By-Laws. Failure to comply with Zoning By-Laws could result in the loss of a future sale, if the purchasers have acquired an up-to-date survey. Mortgage lenders generally do not advance money until By-Law infringe-

ments are cleared up.

Refinancing or obtaining a mortgage

A mortgage company, whether it be a bank, trust company or other, may require a survey before they will lend money. Why is this a necessity, and why are you often asked for an up-to-date survey?

A mortgage company will require a survey to protect its investment. Mortgagors want to be sure that the land and buildings, on which they are lending money, are "as-described" in the documents which accompany the transaction. A lending institution will probably wish to ensure that the lot size, building setbacks, pool and fence locations meet local Zoning By-Laws. They also wish to know that if they have to foreclose, there will be no problems in re-selling the property.

Why use a professional land surveyor?

According to Ontario law, only surveys made by licensed Ontario Land Surveyors are legal. Only members of the Association of Ontario Land Surveyors have completed the academic requirements, and practical training, before licensing. Only Association members are required to maintain the necessary professional, practical and ethical standards set by legislation and the profession.

What will it cost?


Depending on the nature and extent of the work, a survey will cost anywhere from a few hundred to several thousand dollars. Fees for surveys are determined on an individual basis, depending mainly on the amount of time required for the research and the survey. Prior to engaging your surveyor, you may wish to inquire of the likely estimate of the fees that the survey will entail, along with the expected completion date.

Your assurance

In cases of dispute, your surveyor is an expert witness in court, and assumes full professional responsibility for the accuracy of your survey. The cost of the survey, as a percentage of your total investment, is small and a reasonable price to pay for peace of mind.

Engagement of a surveyor

You may wish to consult the Yellow Pages on the web site of the Association of Ontario Land Surveyors (www.interlog.com/~aols), your telephone directory under the "Surveyors - Land" classification, or your lawyer who may advise you of the surveyors in your area.

Ontario Land Surveyors add value to one of the most expensive investments many of us make. When you are ready to invest in real estate, or improve your property, contact your local surveyor and find out how the surveyor's services work in your best interest. 

Upcoming Events

February 17 - 19
AOLS AGM,
Toronto Marriott

March 18 - 19
ACLS AGM, Ottawa

March 27
Deadline for Spring
Quarterly Submissions

April 22 - 25
ALSA AGM, Jasper

May
SLSA AGM

June 10 - 12
ANLS AGM, St. John's

June 13 - 14
CCLS AGM, St. John's

**Check the AOLS
website for details
and more listings
www.interlog.com/~aols**