

## Educational Corner "Stones" Correspondence

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The Survey Review Department, over a five year period, reviews in detail a designated group of surveys from every survey firm or agency in Ontario. This equates to a Comprehensive Review of about 70 firms or agencies, or about 560 surveys and files a year. Needless to say, the variety of surveys and the contents of the relevant files range considerably.

The surveys and files are reviewed relative to the current Regulations, Guidelines and Standards. One area reviewed relates to Section 36 of the Interpretive Guide to O.Reg. 42/96. This section requires, in brief, that some form of written correspondence to the client is required for each survey and that obvious problems or contentious issues be brought to the client's attention. In the review of SRPRs, consid-

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eration is given to compliance with O.Reg.42/96, Section 27(1), which states that the documentation of a Surveyor's Real Property Report shall consist of a plan and a written report.

Significantly, a number of firms do not provide a closing letter or transmittal to the client with the survey plans, or else they do not maintain copies of such communications in their files. In the event that there is a written report as part of a Surveyor's Real Property Report either on the plan or as a separate document, the information is often too brief to be of any value to the client.

It may be that surveyors assume that all of their clients can read plans and under-

stand the implications of the information shown on them. This is not always the case, especially when the client is not a developer or a contractor. When a surveyor notes on a SRPR that fences are located "as shown on the plan", the surveyor does not add or clarify any information for the client. If a similar tack is used in documenting overhanging eaves and utility lines or encroachments, the written report is of little value and only signifies token compliance with the Regulations.

The primary concern of the Survey Review Department,

with respect to correspondence, is that problems or contentious issues are disclosed to a client, and that the communications to the client highlighting any salient features respecting occupation and extent of title are comprehensive and comprehensible. Of course, where contentious issues are not adequately disclosed, the surveyor opens the door to liability issues and possible litigation. Where the information is couched in technical terms or referred back to the plan, there is a possibility of the client misunderstanding or missing the significance of the information.

The Department expects and looks for copies of transmittals or closing letters in the files under review. When such information is missing, a standard response is that the surveyor delivered the plan in person and discussed the project with the client, or that the invoice included information concerning the survey. While such actions may appear to satisfy the needs of the client, the lack of a paper trail could create difficulties if the client misinterpreted or forgot relevant information, or failed to pass it on to other interested parties. In that event, the surveyor would have no record of what transpired nor any evidence that relevant information had been relayed to the client.

In summary, it is in a surveyor's interest to have a record of what was delivered to a client, when it was delivered, and what problems or contentious issues, if any, were drawn to the client's attention. Concise comprehensive reports, closing letters or transmittal letters or forms should be prepared for each survey and copies retained in the files. Where a written report forming part of a Surveyor's Real Property Report appears on a plan, a transmittal letter or form should be provided to the client with the plan.



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