

INSURANCE ADVISORY COMMITTEE

-Taking Steps to Prevent a Claim

A surveyor commenced work on a building construction project with the preparation of an R-plan of the physical property. Several years later the surveyor was retained to provide layout services as the construction commenced.

Since the project was in support of a charitable organization for their new community building facility, the surveyor offered to donate his/her services and undertook to do much of the office work personally without the help of staff, with the exception of the fieldwork.

In preparing for the construction layout work, the surveyor discovered some discrepancies between the calculated dimensions and those shown on the architectural drawings, but the discrepancies were minor and the points were close enough for the excavation work. Since the site superintendent had requested layout of the building that very day, the field crew proceeded with the stakeout for

excavation. The surveyor had intended to raise the discrepancy issue with the architect the very next day, but the file was not returned to its proper place and the issues were never resolved. No note was left in the file about the discrepancies and only the surveyor was aware of them.

Several months later, the site superintendent requested that the footings be pinned in the excavation. An undue delay had occurred due to site conditions that needed to be resolved. The surveyor advised the superintendent that he/she would layout the building corners but not the footings which should be the responsibility of the contractor. The pinning of the building corners work commenced with the layout of one portion of the building using the original calculated points from the building stakeout. Since there was no note in the file and so much time had passed in the interim, the discrepancies with the architectural plans that had not been resolved were not apparent to anyone.

When the site superintendent requested the layout of the balance of the building and a few additional points, the surveyor requested more information to determine where to place the additional points. Upon receipt of the more detailed plans, the surveyor discovered a significant difference between the building corner locations and the placement of the footings.

A field check was undertaken and that work confirmed a problem with the location of the footings which had been constructed. The exterior face of the building was designed to overhang the footings by 20 cm but the contractor had used the pins defining the building corners to position the footings and had failed to account for the 20 cm overhang. In confirming this matter, the surveyor also re-discovered the other, original issues. There was a side yard set back encroachment caused from a bend in the side property line which was not accounted for in the surveyor's original calculation for the building stakeout. There was also a jog in the adjoining sections of wall between the layout of the part of the building that was completed first and the remaining part of the building, which was positioned separately. This difference related back to the original discrepancies which had been noted with the architect's drawings but were not followed up on.

The side yard encroachment issue on its own could likely have been resolved at little or no cost but no easy solution was available for the footings which were incorrectly set and were now unusable nor for the jog in the wall. Costly replacement was the only resolution. While one of the errors was on the part of the contractor, the errors attributed to the surveyor essentially resulted in a claim for costs against the surveyor.

What could have prevented this claim?

- 1) The surveyor chose to do much of the work on his/her own, thereby losing access to the company's normal checking procedures and quality control processes.
- 2) The surveyor noted discrepancies early in the process but did not immediately resolve them nor did he/she note the problems in the job file as a reminder or for others to subsequently find.
- 3) The surveyor made an assumption that the side line was straight when calculating the building layout rather than reconfirming its position from the R-plan, which had been prepared several years earlier. 