

Ontario Professional Surveyor



on the cover ...

**Ottawa, Ontario (circa 1865)
Celebrating the 125th AOLS AGM
and Canada's 150th Birthday**



CANADA 150
1867-2017

also in this issue ...

Public Awareness helps People make Informed Choices

Moma Markovich: Glimpses into Ontario's

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ONTARIO PROFESSIONAL SURVEYOR



VOLUME 60, No. 1

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ON THE COVER ...

The parliament buildings (circa 1865) shown on the cover were officially opened on June 6, 1866 just over a year before Confederation. Unfortunately, on February 3, 1916, a fire destroyed all of the original Centre Block and all that remained was the Parliamentary Library. Although the new Centre Block was intended to respect the original design and reflect the High Victorian Rival style in its use of local stone and intricate ironwork, it was a building belonging to the 20th century and Canada's wartime experience. The new building was designed as a memorial to the Canadians who fought in the First World War and to show a stronger sense of Canadian identity. Photo: Rideau Locks, Ottawa, Ontario. Parliament Hill shortly after its completion, with the Entrance Valley locks below. Photographer is unknown. Credit: McCann, Ed/ Library and Archives Canada/ PA-171981.

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President's Page

By Murray Purcell, O.L.S., O.L.I.P.



Our wonderful Association plays an integral role in providing us with our livelihood. Over the past year there have been some self-governing organizations across Canada that have lost their status, i.e. the Real Estate professionals from British Columbia and the Engineers from Quebec. There are also some provincial land surveying organizations who are desperately concerned about their ability to self-govern in the future.

So what does it take to remain in control of your professional destiny? I believe that it takes a group of men and women who believe that their profession makes a difference in society, who are educated in their craft, protect the public, respect their peers, recognize that there is always room to improve and learn, and are damn proud on a professional AND personal level each and every day.

So let's talk about "proud":

I am proud of a wonderful team of hard working employees at 1043 McNicoll. In my travels across Canada I can tell you that our organization is the envy of the country. We are technical, we are efficient, we are forward thinking, and we are selfless. Our Executive Director consistently leads his team by example, passion and conviction and always looks to our future. Blain's confidence is a direct result of the staff that surround him. Bill Buck as Registrar holds a position which takes a special personality. In my mind, Bill represents our "bomb squad". He has the opportunity and ability to diplomatically diffuse issues with the public and OLS members wherever possible. Maureen Mountjoy represents the future initiatives of the AOLS. Maureen is all about public awareness, education, and this quarterly magazine. She spends countless hours at university, college and high school events promoting our Association. Tim Hartley, our Survey Review Department Manager has taken a wonderful educational approach to our system and sees the peer review as an opportunity to promote, educate and enthuse members into following protocols that allow them to sleep at night. Also instrumental in allowing AOLS to operate as efficiently as it does are Lena, Julia, Penny, Sheila, Vladimir, Joyce, Herman, and Al. Their dedication and hard work at AOLS headquarters allows us to self-govern the way we do. We are fortunate to have them all and I am proud to say they have made 2016 another smooth and efficient year.

I am proud of our AOLS committees; Discipline, Complaints, Continuing Education, Academic and Experience Requirements, Standards, Public Awareness, Geomatic

Recruitment, Monument Protection, and many others. Committee members volunteer for countless hours to enable us to self-govern. If you are not a member of a committee perhaps it is time that you were.

I am proud of my 2016 AOLS Council. Past President Travis Hartwick has been very supportive and a wonderful resource, and I can only hope that next year I can "gently/politely" contribute just as he has. Russ Hogan as Vice President has supported me throughout the year and left me with the comfort of knowing that the AOLS will be in good hands in 2017. Councillors Wikar, Jeff, Dan, Al, Andrew, and Peter have all provided tremendous effort, and shown professionalism, understanding and passion. Our Surveyor General, Sue MacGregor has offered wisdom and the reality of the government perspective. We have also been fortunate to have the contributions from our public members; Patricia Meehan, Kathleen Gowanlock, Mark Spraggett, Peter Meerveld, and Miranda Paquette. They have provided monumental support and valuable advice in our efforts to protect the public. Ladies and gentlemen, next year's Council remains in good shape.

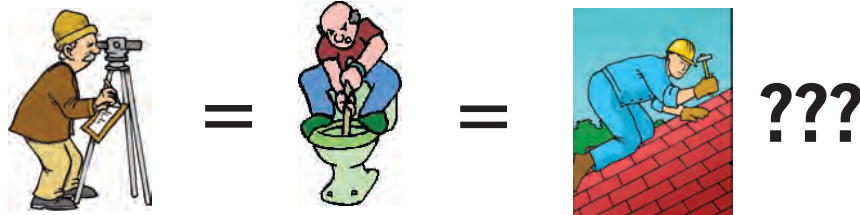
On a personal note, I am proud of my company. I have had the fortunate circumstance of surrounding myself with top notch Ontario Land Surveyors and support staff to allow me to serve as your president. I can appreciate that this has not been an easy year for my crew but I know that they understand the importance of someone filling a position on Council. I am also proud of my partner; my wife Roselle has travelled with me this year and represented our province with grace and dignity.

Last, but not least, I am proud of all of YOU. For a membership of less than 500 we hold our own as a self governing organization. We meet our obligations of self-governance and continue to strive for more professional recognition. We don't back down. We have complaint and discipline issues, but they are dealt with fairly and with principle.

This year has been an absolute pleasure to serve on Council. We have attempted to push various issues and agendas forward and have actually formulated some new and exciting ideas for the future. Having said that, let's first get the less than proud moments out of the way.

With the intent to save your association money, our annual strategic planning session was run differently this year. While we managed to extrapolate sufficient data and vision for this upcoming year, I felt that the directions offered to our AOLS management team were less instructional and useful than in previous years. You get what you pay for. Secondly, sketches is

cont'd on page 5



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Executive Director's Notes

By Blain Martin



One of my consistent initiatives over the last six years has been to enhance the communication that the AOLS head office has with the AOLS members. Watching my friend Brian Munday, the Executive Director of the Alberta Land Surveyors Association, put an article into each of his association's quarterly magazines has led me to believe I should do the same with the Ontario Professional Surveyor. This is the first one!

In this first piece I want to highlight the AOLS staff who work diligently to ensure that our profession is maintained in the very best possible way. At each Annual General Meeting I often highlight individual staff members but in this article I want to speak about the staff as a whole.

We had our Christmas lunch last Friday and we invited our author, Charlie Wilkins to join us. At the end of the lunch Charlie made a small speech about our staff. Charlie mentioned how wonderful it was to work in this office and see the passion and devotion that everyone has to the tasks they are doing. Charlie is, of course, good with words and his remarks were very moving to all of us.

Speaking of Charlie brings us to our celebratory book, which is nearing completion. Charlie's manuscript is different than any other book published about surveying because it tells the stories of surveyors. In the course of the book's development, our writer, Charlie Wilkins, interviewed more than 150 surveyors; collecting their stories, photos and artifacts; all the while building his perspective on the history and the common interests that bind them.

Charlie's research extended to libraries, public archives, government offices and art collections – and of course to the far corners of the Association's own growing archives. His introductory essay, "A Year Among the Surveyors," connects everything from the exploits of the earliest surveyors in Upper Canada to the Erindale Survey Science program of the 1970s to the latest in digital technology and to the passions and adventures of our youngest surveyors.

When I speak about my profession, I often say that we are engaged in a way that most professions are not. One of the indications of this engagement is that we usually get 75% of our members attending our Annual General Meeting. Another

indication of member engagement is the amount of money that you have provided to the development of our book. As I write this article we currently sit at a sponsorship level of \$200,000. I cannot thank you enough for this and for your participation in the celebration of our association and our profession.

This year our Annual General Meeting will be held together with our colleagues in the Quebec Association and with those in the Association of Canada Lands Surveyors. The educational topics will be motivational rather than specific to our profession.

We have a young woman, likely to be Canada's next astronaut, who will be speaking about women in science and how we can motivate them. Brian Ballantyne, who we know well from his water boundary discussions, will this time outline the contribution of Surveyors to the development of Canada. We also have topics such as, "Is there enough land on this earth for us all?" and "Is security of tenure a universal right?" The event will take place in Ottawa to celebrate our 125th year during the 150th year of Canada. I encourage you to be there!!!

One of the committees I want to mention in this first article is our Continuing Education Committee (CEC). They put on fabulous programs for us and maintain our Continuing Education tracking. This year the number of complaints is down from previous years. I cannot help but wonder if our continuing education is assisting us to reduce the number of complaints that we receive.

That said, the majority of complaints that we do receive seem to revolve around "right of entry" and "damaging property". One of the CEC courses that we have not seen a lot of participation in is Theresa Syer's Leadership Excellence Seminar. Attending this seminar would give you a perspective on how to avoid interactions with clients or their neighbours that might lead to complaints. I encourage you to attend this seminar when we offer it again next spring.

I have to conclude by saying that I am looking forward with excitement to this year's Annual General Meeting and I am looking forward to seeing you all there.



Sites to See

Canada 150

<http://canada.pch.gc.ca/eng/1468262573081>

Come out and celebrate! Don't miss the **Canada 150** celebrations happening across the country! Learn more about several special days to celebrate throughout 2017. Discover Canada's national parks, heritage spaces and explore our country's rich history in 2017. There is something for everyone!

a frustrating issue which has not yet been resolved. This perplexing topic continues to be an arch nemesis. Like your Standards Committee, I have sat in on many discussions which bring us no further ahead. I encourage you to try to sit with 5 or more of your peers and come up with a solution. Suffice it to say, the Standards Committee continues to work on this important and controversial topic. With that out of the way, here are some more positive things to take from 2016.

An exciting event took place over the summer. The Ontario Landscape Architects Association requested a meeting to discuss our self-governance model with a particular interest in our peer review and continuing education processes. They hired and brought along an individual who possesses a political presence in Ontario's parliament. Their intention is to obtain political recognition for their profession. As most would agree, political recognition gets you results on so many levels. We have since had discussions with this individual and his company regarding the AOLS and I feel his reputation and strategies could also be very beneficial in working towards having our profession better recognized at Queens Park. More information on this is likely to be revealed in March at our AGM.

Another exciting topic includes an investigation into the possibility of an exclusive university for land surveying, similar to the former Erindale College program. This is gaining some momentum and more information I hope will be available by our meeting in March. Couple this with our recent successes at Loyalist College and the Richmond Green High

School initiative, our education and demographic concerns are certainly moving in a more positive direction.

Our marketing initiatives have been slow to begin but the National Surveyors Conference in March is shaping up to be a huge exposition and celebration and it will likely be a large catalyst to moving marketing forward. There have been many questions and inquiries from members and suppliers across Canada, so the hype is really growing! Blain is providing an article in this issue to update you on our AGM progress. Please keep in mind that Professional Surveyors Canada (PSC) has also developed marketing initiatives on a national level. I once again encourage you to review PSC's efforts and to consider giving them a chance by obtaining a membership.

As a final comment, it continues to be a difficult task for our Nominating Committee to seek out candidates willing to run for a position on Council. We have been fortunate with our current representatives, however to those of you thinking "maybe someday" - you are wasting valuable time. We need your help now. The strength and respect of Council requires members who have strong opinions, passion and pride. I have grown and learned so much over the last year and I am hopeful that members will understand that there are both personal and professional benefits to becoming a Council representative.

It has been an absolute pleasure to serve as your President and I look forward to meeting and socializing with all of you in Ottawa in March.



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Public Awareness helps People make Informed Choices

By Grant Lee, RPP (Ret.), RPM

“To ensure that the public interest may be served and protected” is the principal object of the Surveyors Act. By extension, every professional surveyor must consider the public interest as integral to the core of his/her business decisions. The Act goes on to include, as an additional object, “to promote public awareness of the role of the Association.”

There are two significant aspects of marketing professional surveying; protecting and serving the public interest, and promoting public awareness. The public (key client of the professional surveyor) defines the brand of the surveying profession, and it is the relationship between the public and the Ontario Land Surveyor that adds value to that brand. Relationships are forged through promoting public awareness, and promotion is one of the 7 Ps of the marketing mix. The ‘Marketing Mix’ is a term used to describe the combination of tactics used by a business to achieve its objectives by marketing its products or services effectively to a target customer group.

Public awareness is not defined in the Surveyors Act, yet the Act acknowledges that for carrying out its principal object, the promotion of public awareness is listed as an important additional object. The United Nations Entity for Gender Equality and the Empowerment of Women describes public awareness as the public’s level of understanding about the importance and implications of a concept, and that “raising public awareness is not the same as telling the public what to do – it is explaining issues and disseminating knowledge to people so that they can make their own decisions.” For the professional surveyor engaged in private practice, promotion of the brand value of the professional surveyor becomes a matter of marketing products or services effectively. Considering that an individual may encounter the services of a professional surveyor once or twice in a lifetime, the relationship forged and the memory of the experience may reinforce or detract from the brand of the profession. The professional surveyor works hard to defend and enhance the brand of the profession through personal acts and interaction between her/his professional association and the public.

There was a period in the late 20th century when CRM

(customer relations management) was considered by many corporate executives as the way to grow business and break into new markets. The idea of managing a relationship to trigger repeat business and more frequent purchases was likely a waste of resources for most who ventured along that path to sales. CRM manifested itself with the advent of affordable personal computers and software programs that could track the purchases of age and gender-related groups. With the advent of the Internet, the ease of sharing databases and personal information about clients became widespread and contributed to legislation such as The Personal Information Protection and Electronic Documents Act (PIPEDA) - the federal privacy law for private-sector organizations. It sets out the ground rules for how businesses must handle personal information during commercial activity. Today, every business must have an in-house privacy policy.

Among other things within the limits of PIPEDA, a CRM system helps track contacts, accounts, what was said and agreed upon between a vendor and customer, purchases and the details of the purchase. This data and information

matches customers’ needs with products and services to identify best customers, manage communications, establish and implement marketing campaigns and help build relationships with customers. For professional services businesses, if a CRM was ever adopted and used, it is likely that a CRM became merely a process of collecting information legally and then rarely maintaining and using it. Specialized electronics retailers and manufacturers, for example, are known as fast-moving consumer goods (FMCG) enterprises who continue to use CRM systems to drive sales in a business-to-consumer



Photo credit: Communication Associates

(B2C) marketplace.

Customer experience management (CEM) is evolving from CRM as Generation X consumers mature and Millennials make their own purchasing decisions. CEM goes beyond tracking a series of purchases by following the consumption behaviour of customers throughout their entire lifecycle – cradle to grave. With CEM, the focus is on the customer as a person and not a faceless client. For the professional service provider, CEM allows the sharing of

data and information about their clients who may repeat a purchase at certain periods, like the first time entering the market to purchase real property and the second time when they need greater space for a family to grow, move to a new job location, or when disposable income allows for investment. Matching this level of data to the demographics data of a community and where buyers enter a market geographically can assist the professional surveyor in making decisions about where and when to invest resources to attract sales or build market share through public awareness. Customers and prospects can be provided with information and knowledge to make informed choices. Many real estate brokers seem to be using some form of CEM to maintain long-term relationships with their existing clients. This is evident through annual birthday greetings, and timely promotions when sales cycles favour listings.

Circling back to the mandate of the professional surveyor to serve and protect the public interest while engaged in promoting public awareness opens the door to professional marketing techniques used to achieve business objectives through the marketing mix. By using marketing techniques like CEM and tactics that explain issues and disseminate knowledge to people in a community so that they can make their own decisions about how and when to engage the services of a professional surveyor, the brand of the profession can be strengthened while business interests flourish.

What kind of marketing tactics might help engage people

with the surveying profession during the various phases of their life? One may be for businesses to embrace email database management to build a CEM that can reach out and touch clients and prospects through email marketing campaigns – one of the most effective marketing techniques of our time carried out within the limits of Canada's Anti-Spam Law (CASL). The flagship of email marketing campaigns is the e-newsletter and blog distributed through a commercial email platform to stay in touch with customers, clients and prospects.

Surveyors can engage in community events to educate the public about the value of the cadastre and what surveyors do. Surveyors can volunteer on AOLS committees or through their own employers to reach out to schools to spread the excitement they feel about their careers. In addition, they can participate in community events to promote a profession of life-long learning and use of technology that people can see and touch every day of their lives. By helping to build community, professional surveyors can reinforce the brand of the profession by using marketing techniques designed to educate and help people make informed choices.

Have we instead reverted to a time in the post WWII era to around the end of the 80s when businesses invested enormous amounts of intellectual capital and profit in sponsorships, attending fundraisers, golf tournaments,

cont'd on page 8

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sporting events, securing offline media advertising and making donations to attract the attention of customers and clients? For some businesses, change from this form of public awareness promotion has not happened. For businesses that have engaged in modern marketing tactics with modern technology, marketing professional services has shifted significantly to a focus on the individual consumer and education to help build community.

When settlements were being established in Ontario and other provinces, the professional surveyor was as well known as the doctor or mayor. The surveyor was likely the owner of a grist mill or sawmill and often the local developer defining the lots and assisting in sales. The modern era has enabled the professional surveyor to return to being an integral partner in building community by educating the public through effective public awareness promotion that



Photo credit: AGL Marketing Limited

helps people make informed choices. By doing so, there is opportunity for businesses to flourish through cost-effective marketing tactics that forge lasting professional relationships with customers and clients. 

Grant Lee is President of AGL Marketing Limited. He can be reached at glee@aglmarketing.com for further information.

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United Nations Entity for Gender Equality and the Empowerment of Women <http://www.endvawnow.org/en/articles/248-public-awareness.html>

The Personal Information Protection and Electronic Documents Act (PIPEDA)

<https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/>

What's the Difference Between CRM and CEM?

<http://www.business2community.com/customer-experience/whats-difference-crm-cem-0650823#QXSYuu06BIFpdo0d.99>

How to achieve an effective marketing mix

<http://www.cim.co.uk/files/marketingmix.pdf>

Canada's Anti-Spam Law

<https://www.the-cma.org/regulatory/code-and-guidelines/cma-guide-to-canada-anti-spam-law?gclid=CKW9zcn38M8CFQKoaQodSOsFYw>

What is customer relationship management?

<http://www.canadabusiness.ca/managing-your-business/marketing-and-sales/sales-and-customer-relationship-management/what-is-customer-relationship-management/>

Calendar of Events

January 31 to February 2, 2017

14th Annual ORCGA Damage Prevention Symposium
Niagara Falls, Ontario
www.orcga.com

February 13 to 15, 2017

International LiDAR Mapping Forum
Denver, Colorado
www.lidarmap.org

March 1 to 3, 2017

125th AOLS Annual General Meeting
Ottawa, Ontario
www.aols.org

March 12 to 17, 2017

ASPRS Annual Conference
Baltimore, Maryland
<http://conferences.asprs.org/Baltimore-2017>

May 29 to June 2, 2017

FIG Working Week 2017
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www.fig.net/fig2017

September 4 to 7, 2017

UAV-g 2017
Bonn, Germany
<http://uavg17.ipb.uni-bonn.de>



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Moma Markovich: Glimpses into Ontario's Transportation History

By Tara Grabell

It's a cold winter day and the surveyor in the parka is focusing his vision through the transit and signalling his colleagues in the distance. And then it's a warm summer day and two surveyors are looking straight down the clear cut in the forest, a theodolite on a tripod in front of them. These are just two of the many scenes in the history of transportation in Ontario that Moma Markovich captured in oil on canvas and board.

But just who was Moma Markovich? And why did he paint the work of surveyors in 1960s Ontario? Here is his story: Moma was a gifted artist long before the Department of Highways – now the Ministry of Transportation (MTO) - hired him as a junior draftsman in 1951.

His extraordinary life story began in the beautiful Serbian city of Belgrade in 1902. By his 20s his creative talent was already being molded at a famous Parisian art school. By his 30s Moma was creating award-winning illustrations for children's schoolbooks and working for the Yugoslavian government designing postage stamps. At the same time he was an active member of the Serbian comic strip community, drawing popular comic strips with slight political overtones.



Moma Markovich, Survey Party II [Winter Survey Party at Work],
Government of Ontario Art Collection, Archives of Ontario 101255.

But it was his work for his government that landed Moma in an Austrian labour camp as a political prisoner following Nazi occupation during WWII. Desperate to escape, his first two attempts failed, but with better planning he was finally able to elude his captors and flee to Italy. It was here that the artist in him found new opportunities to flourish – first as an editor and illustrator of internal Allied journals, and



Moma Markovich standing next to his painting Dirt Road [The Common Way], 1966, oil on canvas.
Government of Ontario Art Collection, Archives of Ontario: 101203

following the end of the war, holding a one-man art show.

Through all the turmoil in his life, Moma was further tested by the loss of his family. With courage, Moma finally immigrated to Canada in 1951 to begin a new life. This quiet man started over in Toronto as a freelance artist.

After four years his path crossed with the Department of Highways and he joined the public service, using his impressive drawing talents to create bridge renderings as a draftsman. But some talents can only go hidden for so long.

Within a short period of time, word of his artistic abilities began to filter through the organization and eventually he was made a staff artist in the Art Section. This position required him to create special artistic works from time to time and it was from this that he was chosen by the late W.J. Fulton, Deputy Minister, to preserve for posterity the story of



Moma Markovich, Survey Party I [Location for Hwy. Northeast of Bancroft],
Government of Ontario Art Collection, Archives of Ontario 101254.

Ontario's roads and highways in a series of oil paintings.

This series, titled "Ontario Roads – From Waterway to Freeway" – consisted of approximately seventy historical scenes, which depicted the development of transportation in Ontario and specifically the growth of roads in the province. Moma went on to complete 184 works of art for the Department of Highways during the late 1950s and throughout the 1960s.

These works of art shared glimpses into the life of the hard-working men and women in the Department of Highways – the surveyors, the engineers, the construction crews, the ferry crews, and so many more.

Moma retired from what is now MTO in 1970, though he put his talents to work creating a similar collection highlighting the broad activities of the Ministry of Natural Resources and Forestry. (See the sidebar by Lani Wilson) Following his passing in 1977, Moma's works continued to hang in the offices and boardrooms of MTO across the province.

As a tribute to his legacy, the MTO has now transferred the collection to the care of the Archives of Ontario – with the promise to preserve this unique visual history for generations of Ontarians to come.

And as these works go through a restoration process at the Archives of Ontario and return to MTO public spaces, new generations of surveyors will continue to enjoy a peek into how things were done just a few short decades ago – in the days before GPS and Remote Sensing.

The entire Moma Markovich collection is now available to view online as part of the Government of Ontario Art Collection Database – accessible on the Archives of Ontario website

<http://www.archives.gov.on.ca>



Tara Grabell is the Ministry Service Manager for the Corporate Services Division of the Ministry of Transportation.

Ministry of Natural Resources Collection

Following his work at the Ministry of Transportation, Moma Markovich was commissioned by the Ministry of Natural Resources to paint an additional series of artworks that depicted activities of that ministry in the 1970s including forest fire fighting, surveying, logging, fishing and conservation area planning. This series of 55 oil paintings was originally installed in the Leslie M. Frost Natural Resource Centre in Dorset, Ontario. Educational lesson plans were created to teach school children about the importance of the ministry's activities using the Markovich paintings as visual aids.



Moma Markovich, Meridian Line [Winter Bush Survey], Government of Ontario Art Collection, Archives of Ontario 636376.

When the Centre closed in 2004, the paintings were moved to the Ministry of Natural Resources office in Peterborough where they remained until 2013 when they were formally transferred to the Government of Ontario Art Collection at the Archives of Ontario for conservation, photography, reframing and inclusion in the Art Loan Placement Program.



Moma Markovich, DeHavilland Beaver [Supplying Survey Camp], Government of Ontario Art Collection, Archives of Ontario 636328.

The artworks in both the Ministry of Transportation and the Ministry of Natural Resources collections are treasures for Ontario's history and heritage and are unique representations of the accomplishments of both ministries and the Province.

Lani Wilson, Curator
Government of Ontario
Art Collection
Archives of Ontario



Moma Markovich, Winter Campsite [Patricia Survey Party], Government of Ontario Art Collection, Archives of Ontario 636463.

Reid v. College of Chiropractors of Ontario: A Case Summary

By Maria Eugenia Brunello and Bernie LeBlanc

The recent case *Reid v. College of Chiropractors of Ontario* provides clarity on whether or not members of self-regulating professions are required to cooperate with their regulating body during the investigation of a complaint.¹ Perhaps not surprisingly, they do.

Background

In *Reid*, Dr. Reid, a chiropractor, was found to have engaged in professional misconduct in his communications with a colleague.

Back in 2006, 2008, and 2009, the colleague, Dr. Paynter, lodged a few complaints relating to Mr. Reid's advertising practices that violated the College of Chiropractors of Ontario's ("CCO") policies. These initial complaints were dealt with informally, and Dr. Reid was subject to cautions and a reprimand.

However, a subsequent complaint that was lodged in 2010 resulted in a three-month suspension of Dr. Reid's licence to practise. Before and after that penalty was handed down, Dr. Reid made three phone calls and two visits to Dr. Paynter's clinic. He also sent two emails to Dr. Paynter that were peppered with expletives. These interactions were the subject of further complaints against Dr. Reid by Dr. Paynter, and the subject of two allegations of professional misconduct against him being referred to the CCO's Discipline Committee.

During the initial five-month period while the CCO investigated this last complaint, Dr. Reid refused to cooperate with the CCO despite several written requests for information from the CCO. Finally, the CCO appointed an investigator and Dr. Reid, after some initial hesitation, agreed to meet and be interviewed by the investigator.

Dr. Reid's failure to respond to the College's written requests for information and the quality of responses provided to the investigator resulted in three additional allegations of professional misconduct against Dr. Reid being referred to the CCO's Discipline Committee for failing to cooperate with the College.

Discipline Committee

At the discipline hearing, Dr. Reid was found to have committed all five allegations of professional misconduct. The Discipline Committee imposed a 12-month suspension from practice, along with re-education about professional standards and \$10,000 fine.

Appeal to the Divisional Court

Dr. Reid appealed the Discipline Committee's decision to the Divisional Court.

In his appeal, Dr. Reid challenged the CCO's authority to compel its members to provide submissions in response to complaints, among many other things.

Dr. Reid noted that the Health Professions Procedural Code (the part of the *Regulated Health Professions Act* that sets out the health colleges' complaints and discipline process; "HPPC") only states that members *may* make written submissions to their college in response to a complaint.² This language, Dr. Reid argued, is meant to allow a member to respond to complaints but does not compel them to do so.³

The Divisional Court agreed that the language in the HPPC is permissive and not compulsory.⁴ However, the Divisional Court went on to say that the health colleges have the authority to *require* cooperation from a member by instituting a college-specific Standard of Practice making cooperation and communication mandatory.⁵ The CCO had a policy of that kind in place. Despite that, Dr. Reid never responded to the CCO's requests for a response to Dr. Paynter's complaints. For this reason, the Divisional Court agreed with the Discipline Committee's finding that Dr. Paynter engaged in professional misconduct by failing to comply with the CCO's standard of practice which required him to cooperate with the CCO's inquiries.⁶

Conversely, the Divisional Court decided that Dr. Reid's delayed or sparse response to an investigator was not tantamount to a failure to cooperate with the investigator. Reviewing the evidence, the Divisional Court found that, while Dr. Reid was initially resistant to meeting with the investigator (based on erroneous legal advice), he eventually did meet and cooperate with the investigator.⁷ As a result, the Divisional Court set aside the Discipline Committee's finding that Dr. Reid failed to cooperate with the CCO's investigator, thereby engaging in another count of professional misconduct.⁸

On balance, the Divisional Court left four of the five findings of professional misconduct unchanged. The Divisional Court went on to consider the reasonableness of the penalty ordered by the Discipline Committee. The Divisional Court decided that the penalty was still reasonable, even in light of the one finding of professional misconduct it set aside.⁹

Dr. Reid attempted to appeal the Divisional Court's decision to the Court of Appeal. However, he ran out of time to bring a motion for leave to appeal. His motion to extend the time was dismissed, in part due to the perceived lack of merit of the proposed appeal.¹⁰

cont'd on page 14



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Conclusion

In conclusion, *Reid* confirms that regulatory bodies have the ability to require cooperation and communication from their members by instituting standards of practice to that effect. *Reid* also provides an important lesson on the importance of cooperating with one's regulatory body, and the risk of failing to do so.



Maria Eugenia Brunello is an associate at Steinecke Maciura LeBlanc. Prior to joining the firm, Maria Eugenia practiced insurance law in Toronto and has advised clients on a wide range of civil liability and insurance coverage matters. She has appeared before the Ontario Superior Court of Justice, the Supreme Court of Nova Scotia and the Ontario Small Claims Court. Contact Maria by email at mebrunello@sml-law.com for further information.

Bernie LeBlanc is a partner at Steinecke Maciura LeBlanc. He practices almost exclusively in the areas of administrative law and professional regulation and has appeared before all levels of court in Ontario as well as a wide range of administrative tribunals. He acts for and provides training and advice to national and provincial regulators, and he regularly prosecutes professional misconduct cases in several disciplines, businesses and industries. Bernie has been certified by the Law Society of Upper Canada as a Specialist in Civil Litigation and in Health Law. Contact Bernie by email at bleblanc@sml-law.com for further information.

¹ *Reid v. College of Chiropractors of Ontario*, 2016 ONSC 1041.

² *Ibid*, paras. 53-54.

⁴ *Ibid*, para. 60.

⁶ *Ibid*, para. 62-76.

⁸ *Ibid*, para. 97.

¹⁰ 2016 ONCA 779.

³ *Ibid*, para. 57.

⁵ *Ibid*, paras. 60-61.

⁷ *Ibid*, paras. 87-97.

⁹ *Ibid*, para. 126-128.

NEWS FROM 1043

Changes to the Register

MEMBERS DECEASED

Thomas E. Lyons	989	Sept. 23, 2016
Edwin Smith	1248	Oct. 10, 2016
David Woodland	1475	Oct. 17, 2016

RETIREMENTS/RESIGNATIONS

Andrew Cameron	1314	Sept. 23, 2016
David H. Marion	CR30	Dec. 31, 2016
Edward J. Grenkie	1379	Dec. 31, 2016
Paul L. Church	1466	Dec. 31, 2016

COFA'S APPROVED

Valard Geomatics Ltd.
Edmonton, Alberta, October 31, 2016

COFA'S REVISED

Was: Black Shoemaker Robinson & Donaldson Limited
Now: Black Shoemaker Robinson & Donaldson Limited (a wholly owned subsidiary of J.D. Barnes Limited.)
Guelph, Ontario, November 1, 2016

COFA'S RELINQUISHED

Frontop Surveying Inc.
Markham, Ontario, December 12, 2016

Surveyors in Transit

Michael J. Simpson is now the Managing OLS at **Callon Dietz Incorporated Ontario Land Surveyors** in their new office located at Suite 102, 591 Main St. East, North Bay, ON, P1B 1B7. Phone: 705-478-6699.

Steve Ruttan is no longer with **Ivan B. Wallace Ontario Land Surveyor Ltd.**

Doug Jordens is now the Managing OLS at **exp Geomatics Inc.** in their office located at POB 784, 56 King St., Dryden, ON, P8N 2Z4. Phone: 807-223-5974.

Michael E. Marlatt is no longer with the **Ministry of Government Services**.

Lise Currie is now with the **Ministry of Government Services** in North Bay.

Djordje Petrovic is no longer with **Donevan Fleishmann Petrich Limited**.

Seyed A. Fathi is now the Managing OLS at **Barich Grenkie Surveying Ltd. (A division of Geomape Canada Inc.)** in their Toronto office and **Nath Segaran** is now the Managing OLS in their Stoney Creek office.

W. Bruce Clark is now the Managing OLS at **Valard Geomatics Ltd.**

MMM Geomatics Ontario Limited has moved their Mississauga office to 610 Chartwell Road, Suite 300, Oakville, ON, L6J 4A9. Phone and Fax remain the same.

Dasha Page is now the Managing OLS at **Matthews, Cameron, Heywood – Kerry T. Howe Surveying Ltd. (a division of J.D. Barnes Limited)**.

Ron Bridges is now with **WSP Surveys (AB) Limited Partnership**, Suite 1200, 10909 Jasper Avenue, Edmonton, AB, T5J 3L9. Phone: 780-423-8253.

Michael A. Griffiths is now with **Tham Surveying Limited** in Vaughan.

Paul Gregoire is no longer with **MMM Geomatics Ontario Limited**.

MMM Geomatics Ontario Limited has sold their Ottawa office Notes and Records and those of **Paul A. Ridell** to **Stantec Geomatics (Ottawa)**.

Brooks & Muir Surveying (a division of Macaulay White & Muir Ltd.) has moved their office to 514 Princess Street, Suite 120, Woodstock, ON, N4S 4G9. Phone remains the same.

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Paul F. Forth, O.L.S. is honoured on his retirement by the North Eastern Regional Group (NERG)

By Nancy Harris-Herr, O.L.S. and Anne Cole, O.L.S., C.L.S.

At the recent NERG Fall Meeting held September 16th at the Sherwood Inn on the shores of Lake Joseph near Port Carling, members recognized and honoured Paul Forth on his recent retirement. Several spoke of their long association with Paul through the regional group, the Muskoka mini-group and through business relationships. Paul's constant good cheer, pleasant demeanor, his love of surveying and Georgian Bay, and his highly professional and conscientious approach to surveying over his long career, were all noted. Paul responded with thanks and a mention of some of the previously retired surveyors, not in attendance, who had guided him in the early years of his involvement with NERG. A summary of Paul's career was presented to the group:

From the age of 6 until 15, Paul played on the Parry Sound All Star hockey team. While he may have had a dream of an NHL career, as every young boy did, his partner on defense all those years was another young boy who dreamed of the NHL, his name is Bobby Orr.

In 1962 at the age of 15, Paul was taken by the hand by his father to Larry U. Maughan, O.L.S., who lived and worked out of his house just down the street from Paul's home, and he was told he had to work there that summer. That night Paul came home with blisters on his hands, which his father was pleased to see. That first summer Paul worked as an axe man and rear chainman. He continued to work in the following summers for Larry until 1967, by which time, he had progressed to party chief.

In 1968 Paul taught a combined grade 2 & 3 class at Minto Clifford Public School in Harriston, Ontario, but in the summer of 1968 Paul was drawn back to the world of surveying. He started working with the Department of Lands and Forests in Parry Sound in the Surveys and Mapping Branch of the Ministry of Natural Resources (MNR). He worked under the supervision of Doug Magee, O.L.S., with whom he articulated. During this time Paul worked across Northern Ontario, spent a winter in Timmins in -40° F weather and worked surveying the Fort Francis Tepees (First Nations Burial Grounds).

In August 1972, Al Allman, O.L.S., Secretary Treasurer of the AOLS dropped into the MNR office while on his way to the cottage. With a bible in hand and his wife as a witness, Al swore Paul in as a Commissioned Ontario Land Surveyor. At the February 1973 AGM Paul received his certificate.



Paul Forth, O.L.S., 16 September 2016 displaying a framed copy of the first Reference Plan (Plan 42R-3472) that he signed and deposited into the Registry System in 1973. The invoice to the Pointe au Baril Legion of \$100 including \$25 disbursements is attached to the back of the photo. Wondering if there were other benefits in lieu??

In January 1973, Paul began working with Energy Mines & Resources Canada in Toronto as the Surveyor for Ontario Crown Lands. He was responsible for surveys across Ontario that included Walpole Island, Parry Island and Shawanaga. By September Paul thought of making Toronto his home, but when an offer he made on a house was declined, Paul took that as a sign. Georgian Bay was calling him home.

He returned to Parry Sound and set up a private practice out of his home. Throughout the years of private practice he joined his firm with other local Surveyors which resulted in the formation of Forth and Magee with Doug Magee, and then included William (Bill) J. Beatty to become Beatty

Forth & Magee. This larger firm had offices in Bracebridge, Burk's Falls and Parry Sound with 25 staff, but was later dissolved. Doug Magee went on into his own practice and Bill went in search of sailing adventures and surveying in the Arctic. Bill did return to work with Paul.

During his practice, Paul acquired the survey records of James White, Tom Briggs, William J. Beatty and Doug Magee.

In addition to working in Northern Ontario, Paul has also worked in parts of Southern and Central Ontario. While with the MNR he worked on the BOMB project that included Barrie, Orillia, Midland and Bradford. On this job they worked during the night on high towers with tellurometers taking precise measurements to set control points.

In January, 2011 Tulloch Geomatics Inc. purchased Paul's practice. He continued to work for them as a project manager until his retirement in March 2016.

Technology has changed significantly during his career. When he started surveying, they used survey chains, plumb-bobs, tension grips, made temperature corrections, used the old transits and plans were done by hand.

Throughout his career he has been called as an expert witness in court, primarily for water boundaries. He has been challenged by both lawyers and judges. Most of these cases were ruled in favour of his client. He is fortunate to

have had a couple of his surveys referenced as case law.

Paul was a firm believer of gaining knowledge through hands-on experience. Here are a few things people have learned while working with Paul:

- Always bring extra gas for the boat or you will be using paddles;
- Have a spare set of keys for the vehicle or you will be walking;
- Make sure you bring the right file to the right job;
- Make sure to confirm where the job site is;
- Fridays in the summer are always Georgian Bay survey days and Paul will be in the field;
- If the sun is shining when driving west from Burk's Falls to Parry Sound you always have to stop in Ahmic Harbour until the sun goes down;
- Paul never could hear a rattle snake but always saw them before they struck.

Paul has been looked up to as a mentor, colleague and most of all a friend. Sharing his knowledge with passion not only for his profession, but for his clients as well, has been a great inspiration. He has left a remarkable legacy behind, one that will remain with us for years to come. Georgian Bay is once again calling your name Paul, time for some R&R at the cottage.



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Don't Stumble on your Path to Financial Security

By Julie Brough

When presenting to the AOLS membership earlier in the year, one of the members suggested a future topic of interest would be *something* on retirement income. There are many different aspects of retirement income planning that I could try to address, but in this piece I'm going to discuss some basic **do's** and **don'ts**. The nice thing about this list is that the same rules can be prudently applied during the accumulation stage of an individual's investment period. Besides – eventually everyone retires, don't they?

1) DON'T allow volatility to rob you of success

This applies at any stage of your investment lifespan but more so when you enter the “decumulation” years. Most people must accept some volatility in portfolio returns to maintain a reasonable income stream in retirement, as retiring on the meagre returns offered by GIC's or even a high quality corporate bond portfolio is not an option. So when does volatility become a problem? This simple answer is *always*. If you take two portfolios with the same average rate of return over a 15-year period and one has greater volatility than the other, the portfolio with the higher volatility of returns will be worth less than the one with lower volatility. When you reach the decumulation period, you put the impact of volatility on steroids.

If you don't believe me let's go through a simple example. John and Mary began retirement with a portfolio of \$500,000. They invested their funds conservatively and earned a 3.5% return each year for 15 years. They withdrew \$25,000 per year to meet their living expenses. At the end of the 15-year period they had \$355,000 remaining in their portfolio.

Rick and Michelle decided to invest differently and although they achieved a 3.5% return most years, in year 5 the portfolio declined by 15%, followed by a 15% recovery the next year and a 10.5% return the following year. For the remaining years they continued to earn 3.5% per year resulting in the same 3.5% average return John and Mary achieved. However, that one bout of volatility reduces the portfolio value to \$327,000 at the end of the 15 years. In fact, Rick and Michelle need to increase the return in the 12

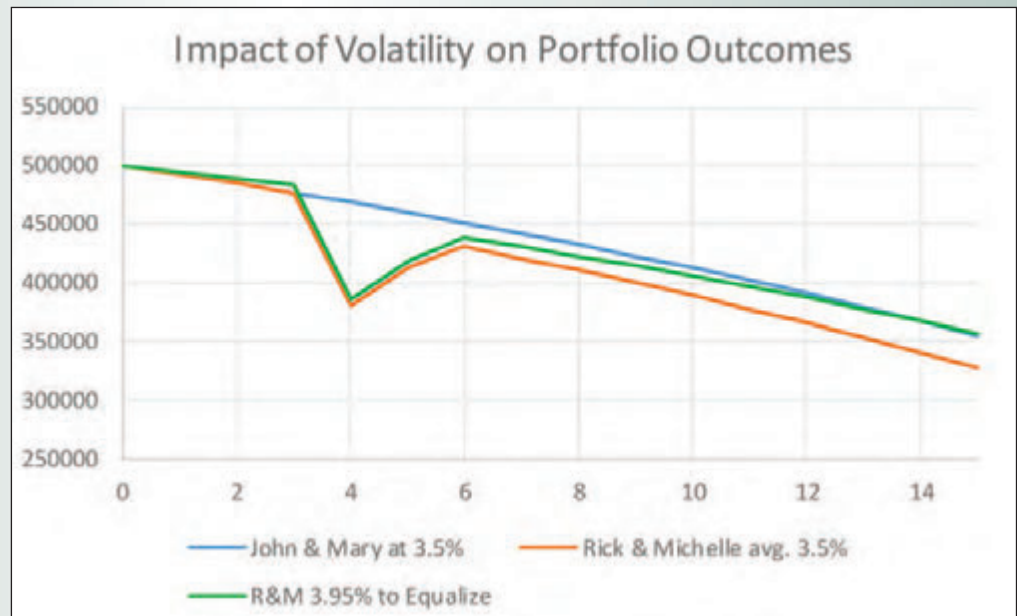
years where they earned 3.5% to 4.0% to just match the outcome of John and Mary.

So, taking on greater risk to accomplish a marginally better return, may not lead to the desired outcome. Downturns in equity markets will occur and likely more than once in 15 years, and certainly more than once in a normal retirement period.

2) DON'T go crazy chasing yield

Unless you have accumulated more assets than you could ever hope to spend, do not expect to live off of the interest and dividends earned in your portfolio. In the current investment environment most people can't. Striving to do so can lead to *disastrous* consequences.

High yield stocks often have more inherent risk. The



simple scenario is one in which a company is facing some sort of problem. Many mid-cap energy companies paid attractive dividends at the end of 2014. Since then many of the share prices have been cut in half (or worse) and the dividends have been reduced or eliminated impairing both the income stream *and* the capital base.

High-yield corporate debt has become popular with investors in recent years as they strive for higher interest payments. Remember, there is a certain percentage of these companies expected to fail and the unlucky bondholders will face a loss of capital. According to a study completed by Moody's, one of the leading bond-rating services, a “BB” bond (the first level below investment-grade) has an 8.8%

cont'd on page 20

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chance of failure – approximately 1 in 11 bonds in this category will default.

Finally watch out for programs structured to provide unusually high yields from a stock portfolio. These products often include embedded leverage or utilize a covered option writing program, both of which can face serious challenges during a period of declining equity markets, leading to a permanent loss of capital.

Let me tell you a story about an 82-year old woman whose advisor wanted her to live off the cash flow generated by her portfolio. The costs associated with her care forced her to withdraw over 10% a year from her holdings. The portfolio was structured utilizing a series of high-yield funds that traded on the Toronto Stock Exchange. The Funds all yielded in the neighbourhood of 8%, with one fund making up over 50% of her holdings. The Fund that made up the majority of her holdings was levered, which means the Fund had borrowed additional money to invest to enhance the cash flow. However, leverage is a double edged sword. When I first met her, the core holding was trading at \$14 per share. By the time I received the transfer in August of 2008 it was trading at \$11. I immediately began to sell the Fund, in a market with limited buyers. Her average selling price was approximately \$7. The last time I saw the Fund trade before it was delisted the shares were at \$0.67.

How could this happen? Leverage is the answer. The Fund had a structure in which there was \$15 of investor funds and

approximately \$11 of debt. The path to this debt is a bit complex so I will skip that here. The key point is that the Fund now had \$26 to invest. Assume an equity market decline of 40% that equated to a \$10.40 loss. So the \$26 was now worth \$15.60. Pay back the debt and the value of the equity drops to \$4.60 and this is before interest costs, management fees and the distributions are paid, which further erode the capital value.

A couple of lessons come out of this that are important at any stage in your investing career. If the yield doesn't make sense, dig deeper to ensure that you know how it is being achieved. Second, you are generally better off owning quality investments that allow for some security of capital, rather than striving to create cash flow using poorly structured or low quality investment vehicles.

3) DO start with a reasonable withdrawal assumption

This one is primarily for those looking towards retirement within a shorter time frame. The easiest way to state this is "don't draw more than the portfolio can support". It seems completely logical and should be easy to implement but how do you know what is sustainable? There are lots of different rules of thumb that you can find on the Internet, some more reliable than others.

In my own dealings with clients, I often rely on a study put out by the CFA Institute several years ago that looked at the interplay of volatility and withdrawal rates and the likeli-

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hood of outliving your capital. With the amount of volatility generally associated with a “balanced” portfolio a 5% withdrawal rate led to an approximately 15% chance of outliving your money – assuming retirement at age 65. Increasing that to a 6% withdrawal rate increased the probability of going broke to about 25%. By taking the withdrawal rate to 3%, the risk is almost completely mitigated. Now of course, these are very broad guidelines, but it is important to understand your own comfort with the risk to your future income. If you have pension income to support you in later life, you may choose to live it up while you are younger and more mobile. If you only have your investment portfolio, that may lead to a different comfort with risk.


4) DO continue to reassess the sustainability of your withdrawals

The most common way to do this is to work with your advisor to create a financial plan and to update that plan regularly. Updates are important, as the accuracy of the plan is only as good as the assumptions that go into it. I can safely say that the financial plans I produced in the late 1990’s proved highly inaccurate in reality as the assumptions made ended up being wildly different than what the following two decades have produced. No one in 1996 created a plan assuming interest rates on government debt would be below 1%.

Despite that, I continue to believe the planning process is worthwhile as it creates a roadmap to success. As long as

you are staying between the yellow lines, you remain on the path to a comfortable retirement. If you start to drift, the key is to assess early why that drift is occurring and then adjust accordingly. Were the return assumptions too high? Were inflation assumptions too low? Are you spending more than was planned? The key is that the sooner you take the medicine of making an adjustment, the less painful it will be. Once a portfolio begins to decline in principal, the impact is exponential. As the base portfolio declines, less income is generated and more capital gets depleted the next year and so on and so on...

On the flip side, if you find your asset base holding up better than anticipated, don’t run out to cash in on your success by withdrawing a pile of money. You are building a “cushion” for future years when returns will not be as robust.

The path to a secure retirement is mostly about common sense and a bit of discipline or perhaps more accurately a lot of discipline and a bit of common sense. There are no magic bullets. Maintain reasonable expectations, control volatility and question what sounds too good to be true. 

Julie Brough, CFA, CFP is an Executive Vice President and Portfolio Manager at Logan Wealth Management, an independent investment management firm offering customized portfolios to its clients. She has been working with high net worth individuals for over 20 years. Contact Julie by telephone at **647-352-5100** or by email at **Julie.brough@loganwealth.com** for further information.

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Defining Canada's Extended Continental Shelf

By Denis Hains

Canada's team of hydrographers, geophysicists, and geologists returned this October from an exciting seabed mapping survey in the Arctic Ocean that gathered scientific evidence to determine the outer limits of Canada's Northern continental shelf.

This year's expedition was the last planned mission to collect data in the Arctic, and is already deemed to have been a great success, with massive amounts of high quality data collected along more than 10,500 line kilometres of Arctic seabed.

The survey was just one in a series of history-making missions carried out since 2003, when Canada ratified the United Nations Convention on the Law of the Sea (UNCLOS), an international treaty that sets out the legal framework for ocean activities and boundaries. Following ratification, dedicated research began to confirm and secure international recognition for the full extent of Canada's marine borders.

Canada is expected to be one of an estimated 85 countries to have an extended continental shelf under UNCLOS, which allows all coastal countries to extend their territory 200 nautical miles from their coastlines or beyond 200 nautical miles if a country can show their continental shelf is a natural prolongation of their land territory.

With the completion of this year's successful mission, Canada is closer than ever to having its true marine borders globally recognized; an accomplishment that would not be possible without the expertise and effort of Fisheries and Oceans Canada's (DFO) Science Canadian Hydrographic Service (CHS), Natural Resources Canada's Geological Survey of Canada, and Global Affairs Canada, along with their international partners.

In collaboration with Sweden, as well as Danish scientists who participated in research, the six-week scientific survey launched in August off the coast of Svalbard, Norway,



Crews from the *Oden* and the *CCGS Louis S. St-Laurent* together on deck to celebrate a successful end to this year's expedition.

aboard the Canadian Coast Guard vessel *CCGS Louis S. St-Laurent* and the Swedish icebreaker *Oden*. In the Arctic Ocean, the two vessels focused on a number of priority areas, including the Amundsen Basin, Makarov Basin, Lomonosov Ridge, and Alpha Ridge.

Both the *CCGS Louis S. St-Laurent* and the *Oden* are equipped to collect data through use of a deep sea multi beam echo sounder (MBES) acoustic system, which allowed mission scientists to double their efforts. Independently from the *CCGS Louis S. St-Laurent*, the *Oden* even conducted dredging for bedrock samples and continued operations in several key locations on its way back to Sweden thanks to its advanced capabilities, which significantly benefited Canada's mission this year.

With all field operations and data surveys now complete, the next step will be to analyze the information, integrate it into existing data, and prepare a final submission for the United Nations Commission on the Limits of the Continental Shelf, planned for 2018-2019.

While Global Affairs Canada handles the legal aspects relating to Canada's submission, DFO's Science Canadian Hydrographic Service (CHS) works closely with the Geological Survey of Canada to gather the necessary scientific evidence.

The Canadian Hydrographic Service's role is the collection of bathymetric data on the depth of the ocean. This is done with the multi beam acoustic system, which measures the changing depth of the water to determine the shape of the seabed. The multi beam has 864 beams that send high-frequency sound waves to measure single depth points down to 11,000 metres below-sea-level.

Natural Resources Canada's Geological Survey of Canada is responsible for taking high-resolution geophysical images



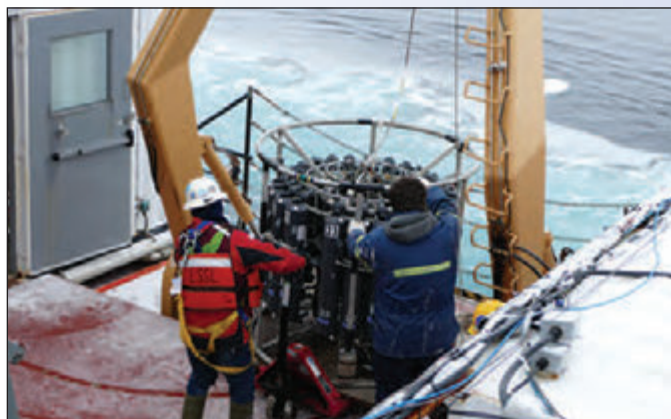
The Canadian Coast Guard Ship *CCGS Louis S. St-Laurent* breaks ice in the Canadian Arctic during operations for this year's UNCLOS mission.

of the seafloor and the subsoil beneath it. Both types of data – bathymetric and geophysical – are necessary to make the strongest scientific case to the United Nations Commission, which is composed of experts in the field such as hydrographers and geologists, who make recommendations on the evidence provided.

The Government of Canada is making it a priority to globally define and secure the full extent of its marine territory and to enhance its Arctic knowledge for the benefit of all Canadians.



The hydrography lab onboard the CCGS Louis S. St. Laurent is manned by hydrographers from the Canadian Hydrographic Service at all times to ensure high-quality data is acquired and processed in real time from the multibeam echosounder.



Members of the crew haul in a full rosette – a device used for ocean monitoring. It collects water samples at different depths for analysis.

Denis Hains, Hydrographer General of Canada, is the Director General of the Canadian Hydrographic Service (CHS) with Fisheries and Oceans Canada. He was the 2016 Chair of the International Hydrographic Organization (IHO) Arctic Regional Hydrographic Commission, and he is the co-chair of the IHO US Canada Hydrographic Commission. He previously occupied the positions of Director General, Integrated Business Management Services position at the Canadian Coast Guard and Director, Canadian Geodetic Survey with Natural Resources Canada. Mr. Hains holds a Bachelor of Science Degree in Geodesy from l'Université Laval in Québec City, Canada and he is a member of the Québec Land Surveyor Corporation as well as the Canadian Hydrographic Association.

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Survey Review Department Forum



By Al Worobec, Survey Review Department Examiner

In the Fall issue of the Ontario Professional Surveyor, Tim Hartley provided an overview on Field Examinations. I wish to expand on the process and highlight the items that we look for during our site visits.

The five-year Comprehensive Review rotation of field examinations, which is set up around the limits of the Regional Groups, requires an aggressive schedule which is a challenge to complete each year. We set up two files for each surveyor in the firm as possible sites to visit prior to heading to the field, so it is important that we receive the supporting material for each file in a timely manner. Our typical schedule is one week spent prepping files for the field and one week conducting field exams in a Regional Group area.

Notification of the week(s) we plan to be in your area is sent to your firm at least one week prior to our arrival. Although it is not mandatory, many firms will attempt to contact the clients that would be affected in advance to inform them of the possibility of us visiting their property. This has on occasion saved us some travel time to a site where a pet, locked gates or construction activity would have prevented our entry to the rear yard. Hence the rationale for prepping two files per Surveyor.

Before entering any property, to walk the perimeter of the parcel, we attempt to obtain permission from the owner/occupant or the site superintendant. An introductory letter is provided with my business card. I explain that we are at their property as a result of RANDOM FILE SELECTION and NOT because we suspect there is a problem with their Survey. As "on the ground" ambassadors of the Association and our profession, we have the utmost respect for their privacy and care of their property. Once the person understands our Public Protection Role we are often provided with a friendly guided tour of his/her boundaries. I also view our other role as a second set of eyes in the field for the Surveyor so we may identify areas where the surveyor's field staff may benefit from additional training or a friendly reminder on collecting and assessing evidence.

I have listed below some more specific items that we consider during our field examinations which you may wish to review with your staff.

Monuments shown on the plan are planted in the ground.

Missing monumentation? Is there a reasonable explanation why they are not present?

Other survey and physical evidence that was found and not illustrated on the plan.

Physical evidence that does not agree with the surveyed limits, i.e., fences, hedges, driveways, etc. Is there a tree or row of trees on or near the boundary which may suggest that the fence is one of convenience rather than an occupational limit?

Physical features that encroach on the surveyed limits, i.e., buildings, eaves, overhangs, signs, etc.

Unregistered easements, i.e., overhead wires, utility poles, utility boxes, any onsite utility services, driveways, etc.

Monumentation identification – Plan of survey, origin unknown, markings illegible, found no markings.

Monumentation compliance with the regulations, i.e., witness, disturbed, reset and planted monumentation.

Water Boundaries – controlled water level, on site Bench Mark, riparian owners, shore road allowance, fill areas, etc.

Travelled Roads – Survey and physical evidence used to establish the surveyed limits.

We have posted the "2016 Field Examination Results Template" as a Word document on the AOLS website under the heading Survey Review Helpful Documents: <http://www.aols.org/survey-review/survey-review-helpful-documents> You may download the document and modify it as required to suit your firm's needs and quality assurance processes.



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Fourth Annual Boundary Law Conference

Boundaries of Public Highways: New Developments and Practices

By Kevin Wahba, B.Eng., L.L.B.

On November 14, 2016, Four Point Learning held its 4th Annual Boundary Law Conference, a Continuing Professional Development event for land surveyors in Ontario. The purpose of the conference was to explore a variety of compelling issues and questions which centered on the developments respecting the retracement and determination of boundaries as they pertain to public highways. The conference featured a number of land professionals who spoke to these developments.

Crystal Cranch, OLS, opened the conference by taking the audience on a “road trip” to explore the uncertainty and complexity which can arise when dealing with public highways and during the trip, she had several personal anecdotes to share on the subject.

The first presentation was provided by lawyer and conference chair, Izaak de Rijcke, OLS. He explored how a land professional may determine if a road is a “public” road, and the implications that such a distinction may have on the determination of a road’s boundaries. Examples of certain court decisions and legislative provisions were examined to further the understanding of how one determines the status of a road, and the effect that this status has on how land surveyors apply the long standing common law principle of the “Hierarchy of Evidence” to public highways. In particular, allowances for roads in original township surveys were discussed as a return to considering the validity of some basic assumptions. In concluding his presentation, Izaak reinforced the need for further certainty in boundary determination – especially as road records and their history become increasingly difficult to locate.

The next speaker to present was Jeff Talbot, OLS, who examined the relationship between evidence of a boundary and evidence of a road’s origin. He explained how this relationship has evolved by providing historic examples of roads

established by Courts of Quarter Sessions and township roads established by bylaw. Mr. Talbot cited the recent decision in *Meaford v. Grist* and the court’s test for determining if a bylaw alone was sufficient to validly establish a road. Thereafter, Mr. Talbot wrapped up his portion of the event with a discussion of practical examples that an Ontario Land Surveyor may encounter when retracing the limits of a public road.

Eric Ansell, OLS from the Office of the Surveyor General at MNR&F discussed issues faced by owners of land in unsettled areas when encountering built and established roads. He explored how roads under these circumstances came to be established, and how the location and boundaries of such roads are determined. Through a discussion of Crown policies, their effect on the placement of roads in unsettled areas, and through the use of examples illustrating the issues involved in such scenarios, Mr. Ansell provided the audience with a comprehensive outline which described several problems and solutions to help guide the surveyor when retracing roads in unsettled areas and on public land.

Jeff Buisman, OLS, shared a scenario with the audience which involved the retracement of road boundaries using a “crowd-sourced” solution. Mr. Buisman provided a boundary problem to several peers, asking them to weigh in with their opinion as to where the boundary of a particular public road might be. In doing so, he developed a theory of a possible algorithm for the retracement of boundaries not only in the context of public roads, but also as a general practice which the industry may accept and see implemented in some way in the future. Exploring the notion of an algorithm approach to boundary retracement, Izaak de Rijcke took the idea one step further, suggesting that a software algorithm may help the land surveyor in the formation of his/her professional opinion. This could foreshadow a future shift towards automated



Crystal Cranch, OLS opened and closed the conference by taking the audience on a virtual “road trip”.

boundary retracement. This may be a worrisome thought for individuals in the profession, and a topic which Jeff Buisman and Izaak de Rijcke further explored and discussed by taking into account the pros, cons, and feasibility of such an automated process.

In his topic of exploring issues with boundaries confirmed under the *Boundaries Act*, Ken Wilkinson, OLS and Examiner of Surveys at ServiceOntario, presented the possibility of these boundaries requiring “re-confirmation” after disruptive events, such as road widenings, had taken place. In doing so, he provided the audience with an intriguing example of an instance where a boundary confirmed under the *Boundaries Act* became the subject of an application to re-confirm the same boundary. He then concluded by explaining how important it is for communities and surveyors to have a reliable street boundary network.

Lawyer Craig Carter shared his insights on the difficulties that may be encountered when distinguishing between public roads and private easements that are owned by land owners. He gave the audience an engaging and informative synopsis on how the courts have addressed this question by providing examples of recent cases. He went on to review how the courts have decided when roads laid out on plans of subdivision attain the status of a public road, and when the courts will grant easements to private land owners when no written agreement exists at all. Overall, Mr. Carter’s presentation delivered critical details on how an individual may determine if public

roads and easements exist, and how one may draw a distinction between the two.

The last presentation was given by lawyer Megan Mills, who gave insight on how the courts have interpreted words such as street, avenue and various other names to define roads. This was especially interesting because recent cases have shown how these words have influenced the court’s determination of the status of such roads. This topic gave the land professionals in the audience another element to investigate and consider when discerning the status of any thoroughfare. She concluded by touching on how one may determine if dedication and acceptance of a public road has taken place by further considering the origins and classification of the road.

The day ended as it began with Crystal Cranch, OLS taking us again on the same “road trip” as she had in the morning – but this time with the benefit of answers available from lessons learned.

The *Fourth Annual Boundary Law Conference* was consistent with previous years in that it provided an informative and thought-provoking insight into issues involving the law of boundaries and in this case as they pertain to public highways, which land professionals encounter almost every day in their work in Ontario. Recorded conference presentations and materials for this and all previous years’ events are available online at <http://fourpointlearning.ca>



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Letter to the Editor

Hi Maureen,

I am in Florida and just read the interesting article on Mr. Rorke by Bill Glover in the Fall issue of the OPS. It brings up several responses. Heathcote is in Grey County about ten miles south of Thornbury-Clarksburg, all of which are now in the Town of the Blue Mountains. Prior to Grey County coming into existence, it was part of Simcoe, but by 1846 I am sure Grey had been created. I recall doing surveys in several subdivision plans signed by Mr. Rorke during my time in practice in Collingwood (1963-97). Interesting that he served his articles with Elihu Stewart, whose Collingwood area field notes are held by Zubek, Emo, Patten & Thomsen, now owned by Paul Thomsen. George Zubek and I developed the Stewart Road business park in Collingwood named in Elihu's memory. Mr. Stewart was the first OLS to be Mayor of Collingwood for a few months in 1896. I was the second (1980-88). Interesting reference to Sandford Fleming, whose heirs are still in Collingwood and still developing the original

Fleming lands. Another interesting side note is that the last Industrial Park developed by Collingwood straddles Sandford Fleming Drive and a few years ago, a new access road was built and named Ron Emo Road, thus we have a unique intersection: Sandford Fleming (PLS) Drive and Ron Emo (OLS)

Road. I don't think there are any other roads named after OLS's that intersect?? Part of reason for the new road in my name is that it runs along the north boundary of All Saints' Cemetery, of which I have been the Secretary-Manager for over 40 years and within whose confines are the remains of Wm. Gibbard (PLS), Maurice Gaviller (OLS) and Elihu Stewart (OLS) and eventually (not for a while, I hope) me.

Ron Emo, O.L.S. (Ret)



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EDUCATIONAL FOUNDATION NEWS

Congratulations to our Fall 2016 Educational Foundation Award Winners

Loyalist College: On November 3, 2016, Keith Watson attended the Undergraduate Awards Ceremony to present the Eastern Regional Group award to **Samuel Tyler** for his scholastic achievement in the Survey Technician Program.



Samuel Tyler (left) receiving award from Keith Watson

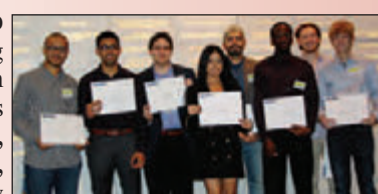


Camlin Bennett (left) poses with Trevor McNeil

Fanshawe College: On November 9, 2016, Trevor McNeil presented an Educational Foundation award to **Camlin Bennett** for his proficiency in the Plane Surveying course in the Civil Engineering Technology program.

Ryerson University: On November 10, 2016 during the Civil Engineering Awards Ceremony, the following awards were presented to the following third year students entering fourth year of the Geomatics Engineering option: **Alexandru Bauer,**

Mesut Gunhan and Phillip Vassell for demonstrating academic excellence and an interest in pursuing Geomatics Engineering and **Zain Alam, Kevin Brown, Rahana Ali, Arslan Ellahi and Matthew Budin** whose fourth-year



Left to right: Zain Alam, Arslan Ellahi, Matthew Budin, Rahana Ali, Mesut Gunhan, Phillip Vassell, Kevin Brown, Alexandru Bauer

Capstone Projects incorporated Global Navigation Satellite Systems, Surveying, Digital Mapping, Geographic Information Systems and Remote Sensing.

Mark Your Calendars

The Educational Foundation Annual Meeting of Members will be held on Friday, March 3, 2017 at the Shaw Centre in Ottawa, Ontario from 7:30 a.m. to 8:30 a.m.

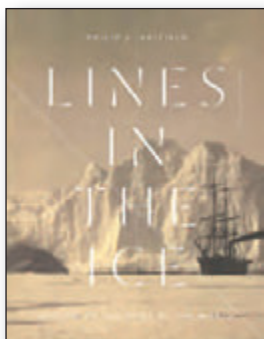


The Educational Foundation would like to recognize with thanks a donation made in the memory of Tom Lyons.

BOOK REVIEWS

Lines in the Ice Exploring the Roof of the World

By Philip J. Hatfield



Published by McGill-Queen's
University Press
ISBN 978-0-7735-4820-6

The 2014 discovery of HMS *Erebus* - a ship lost during Sir John Franklin's 1845 expedition to find the Northwest Passage - reignited popular, economic, and political interest in the Arctic's exploration, history, anthropology, and historical geography. *Lines in the Ice* investigates the allure of the North through topographical views, maps, explorers' diaries, and historic photographs.

Following the course of major journeys to the Arctic, including those of Martin Frobisher, Henry Hudson, and John Franklin, Philip Hatfield assesses the impact of these incursions on the North's numerous indige-

nous communities and reveals the role of exploration in making the modern world. Besides detailing the area's vivid history, *Lines in the Ice* also focuses on beautiful works created over the last 500 years by people who live and travel in the Arctic. Lavishly illustrated with reproductions of items rarely seen outside of the British Library, this volume meditates on humans' relationships with the Arctic at a time when climate change poses a catastrophic threat to the peoples and ecosystems of this enigmatic region.

Information taken from inside the front cover.

This Colossal Project Building the Welland Ship Canal, 1913-1932

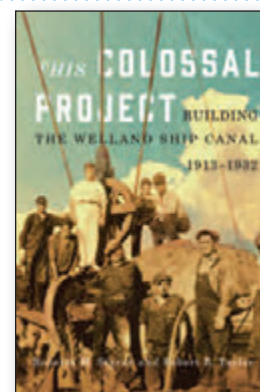
By Roberta M. Styran and Robert R. Taylor

This Colossal Project presents an absorbing epic on the building of the fourth Welland Canal, which connects Lake Ontario and Lake Erie and allows ships to bypass Niagara Falls. An immense undertaking, the canal is a vital part of North America's infrastructure and still functions as an essential part of the St. Lawrence Seaway.

Emphasizing the role of vivid personalities including engineers John Laing Weller and Alex Grant, as well as contractors and labourers, in the construction of the canal, Styran and Taylor use archival sources, government documents, newspapers,

maps, and original plans to describe a saga of technological, financial, geographical, and social obstacles met and overcome in an accomplishment akin to the building of the Canadian Pacific Railway. A story of Canadian skill, courage, vision, and hardship, *This Colossal Project* details the twenty-year excavation of the giant channel and the creation of huge concrete locks amidst war, the Great Depression, political change, and labour unrest.

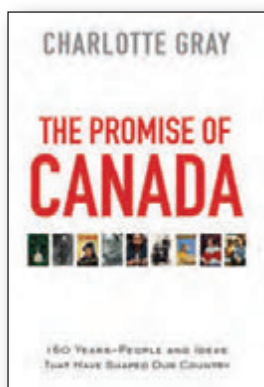
Information taken from the publisher.



Published by McGill-
Queen's University Press
ISBN 978-0-7735-4790-2

The Promise of Canada 150 Years - People and Ideas That Have Shaped Our Country

By Charlotte Gray



Published by Simon &
Shuster Canada
ISBN 978-1-4767-8467-0

What does it mean to be a Canadian? What great ideas have changed our country? An award-winning writer casts her eye over 150 years of Canadian history.

On the eve of Canada's sesquicentennial celebrations comes a richly rewarding new book from acclaimed historian Charlotte Gray about what it means to be Canadian. Readers already know Gray as an award-winning biographer, a writer who has brilliantly captured significant individuals and dramatic moments in our history. Now, in *The Promise of Canada*, she weaves together masterful portraits of nine influential Canadians, creating a unique history of the country over the past 150 years.

What do these people—from George-Étienne Cartier and Emily Carr to Tommy Douglas, Margaret Atwood, and Elijah Harper—have in common? Each, according to Charlotte Gray, has left an indelible mark on our country. Deliberately avoiding a “top down” approach

to our history, Gray has chosen people whose ideas have caught her imagination, ideas that over time have become part of our collective conversation. She also highlights many other Canadians, past and present, who have added to the ongoing debate over how we see ourselves, arguing that Canada has constantly reimagined itself in every generation since 1867.

Beautifully illustrated with evocative black and white images and colourful artistic visions of our country, *The Promise of Canada* is a fresh take on our history that offers fascinating insights into how we have matured and yet how—150 years after Confederation and beyond—we are still a people in progress. Charlotte Gray makes history come alive as she opens doors into our past, our present and our future, inspiring and challenging readers to envision the Canada they want to live in.

Information taken from the publisher.

The Last Word

"Post One" – "Surveying for the Future"



"Post One" on Nepean Point.

If you plan to tour around the City of Ottawa during the Annual General Meeting in March 2017 you might like to visit the *Centennial Survey Monument* at Nepean Point. The modern obelisk sits at a spot that overlooks the Ottawa River and the parliament buildings. The statue of French explorer Samuel de Champlain holding his famous astrolabe upside down sits on the peak of the hill.

On June 21, 1967 at 2:30 p.m. E.D.T., a simultaneous dedication took place in 12 capital cities across Canada to honour the land surveyors of this country. The provincial governments, the federal government and the administrative council of the Yukon all agreed to erect geodetic control monuments, twelve in total, in the foreground of each of their government's legislatures. Each "Post One" monument displayed a marker with its geographic coordinates, an azimuth and distance to the other capital cities, and a plaque

bearing an inscription "Surveying for the Future" (the plaque at Nepean Point was stolen but the outline of where it was placed still remains). All of the Centennial monuments and plaques were unveiled to the public at exactly the same time by the premiers of each province (or their delegates) to show the important part the surveyor played in the exploration and mapping of our nation and to mark a transition into a new era of survey technology. Some of the monuments, including the one in Ottawa and the one in Toronto, which is on the east side of the Ontario Legislature Building at Queen's Park, have time capsules placed inside or buried beside them to be opened in 2067 to commemorate Canada's 200th birthday.

SURVEYING FOR THE FUTURE

THIS SURVEY MONUMENT AND PLAQUE IS DEDICATED TO THE SURVEYORS OF CANADA WHOSE SKILL AND INDUSTRY CONTRIBUTED SO GREATLY TO THE EXPLORATION, MAPPING AND DEVELOPMENT OF OUR NATION.

IT IS SYMBOLIC OF THE BEGINNING OF THE SECOND CENTURY OF SURVEYING IN CANADA AND IS A FIRST POST IN A UNIFIED SYSTEM OF PRECISELY CO-ORDINATED SURVEY POINTS.

WITH ELEVEN OTHER CENTENNIAL SURVEY MONUMENTS ERECTED ACROSS CANADA, IT SIGNIFIES THE CONTRIBUTION BY SURVEYORS BOTH PAST AND PRESENT TO THE CHARTING OF OUR NATION'S FUTURE.



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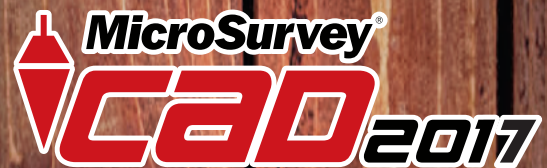
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