



MONUMENTATION

The planting of survey monuments in areas where there may be underground services is of concern to all land surveyors. The Professional Standards Committee has therefore reviewed O.Reg. 525/91 with respect to regulations under the Technical Standards and Safety Act, 2000 and other similar regulations requiring that formal location reports be obtained in Ontario prior to “breaking ground” which is interpreted to include the setting of boundary monuments.

The Professional Standards Committee and Council believe that the current regulations provide sufficient options for the establishment of boundary Monumentation and remind members that non-conformance to the regulation is risking professional misconduct as well as exposure to professional liability and loss of insurance coverage.

Provision for alternatives to Standard Iron Bars resides in O.Reg. 525/91 S. 11, which states in part:

- (4) If it is impossible to plant a standard iron bar as required by this Regulation because of underground structures or services or the lack of overburden, the surveyor shall plant a short standard iron bar. O.Reg 525/91, s.11 (4).
- (5) If it impossible or impractical to plant a monument required by this Regulation or permitted by subsection (1) because of the nature of the location of the point, the surveyor shall plant the monument as near as possible, but not closer than one metre, to the point. O.Reg. 525/91, s.11 (5).
- (6) The surveyor shall, if possible, plant the monument authorized by subsection (5) on the existing or proposed boundary of the lands being surveyed. O.Reg. 525/91, s. 11 (6).

While the Underground Utilities Committee continues to examine Monumentation options which would satisfy each of the TSSA regulations, O.Reg. 525/91 and the provision of proper and timely land survey services to the public, members are reminded that they must adhere to all legislation in the performance of their services.

Monumentation is a fundamental part of most legal surveys. It establishes primary physical evidence of a boundary, which the owner can see, and it provides future evidence for subsequent survey operations. The use of non-approved monumentation, such as very short iron bars and nails in pavement, provides neither stable evidence nor compliance with safety regulations.

For information, the following references from other legislation are brought to your attention. Note that the following are examples and other regulations may also deal with this issue.

ELECTRICITY ACT, 1998 - Reg. 22/04

10. (3) Before digging, boring, trenching, grading, excavating or breaking ground with tools, mechanical equipment or explosives, a contractor, owner or occupant of land, buildings or premises shall, in the interests of safety, ascertain from the distributor responsible for the distribution of electricity to the land building or premises the location of any underground distribution line that may be interfered with in the course of such activities. O.Reg. 22/04, s. 10 (3).
- (4) The distributor shall provide reasonable information with respect to the location of its underground distribution lines and associated plant within a reasonable time. O.Reg. 22/04, s.10 (4).

TECHNICAL STANDARDS & SAFETY ACT, 2000

O.Reg 210/01

Oil and Gas Pipeline Systems

Ascertaining pipeline locations

9. (1) No person shall dig, bore, trench, grade, excavate or break ground with mechanical equipment or explosives without first ascertaining from the licence holder the location of any pipeline that may be interfered with. O. Reg. 210/01, s. 9 (1).
- (2) The licence holder shall provide as accurate information as possible on the location of any pipeline within a reasonable time in all the circumstances. O. Reg. 210/01, s. 9 (2).

O.Reg 213/01

Duty to inquire before digging

12. (1) No person shall dig, bore, trench, grade, excavate or break ground with mechanical equipment or explosives without first ascertaining from the holder of a licence as a distributor the location of any pipeline that may be interfered with. O. Reg. 213/01, s. 12 (1).
- (2) The licence holder shall provide as accurate information as possible on the location of any pipeline within a reasonable time in all the circumstances. O. Reg. 213/01, s. 12 (2).

No interference with pipeline

13. No person shall interfere with or damage any pipeline without authority to do so. O. Reg. 213/01, s. 13.

OCCUPATIONAL HEALTH & SAFETY ACT, 1990 – Reg. 213/91

228. (1) Before an excavation is begun,
 - (a) gas, electrical and other services in and near the area to be excavated shall be accurately located and marked; and
 - (b) if a service may pose a hazard, the service shall be shut off and disconnected. O. Reg. 213/91, s. 228 (1).
- (2) The employer who is responsible for the excavation shall request the owner of the service to locate and mark the service. O. Reg. 213/91, s. 228 (2).
- (3) If a service may pose a hazard and cannot be shut off or disconnected, the owner of the service shall be requested to supervise the uncovering of the service during the excavation. O. Reg. 213/91, s. 228 (3).