

# Proposed Special Provision for Municipal General Conditions of Contract

*NOTE: The entire contents of this document have been provided and recommended by the Association of Ontario Land Surveyors.*

## **SPECIAL PROVISION (SP) PROTECTION OF SURVEY MONUMENTATION**

### **MONUMENTS - GENERAL**

Property Monuments provide physical evidence of boundaries shared by adjacent land owners. Ontario regulations require that they be set by Ontario Land Surveyors (OLS) at all property corners and at regular intervals on boundaries. They may consist of, for example, 1" or 5/8" square steel or 1" plastic bars set with tops flush to or near grade, pins set in rock, or crosses cut in concrete.

The protection of these monuments is enforceable under sections 442 and 443 of the Criminal Code of Canada, as excerpted:

#### *Interfering with boundary lines*

**442.** *Every one who wilfully pulls down, defaces, alters or removes anything planted or set up as the boundary line or part of the boundary line of land is guilty of an offence punishable on summary conviction.*

#### *Interfering with international boundary marks, etc.*

**443.** *(1) Every one who wilfully pulls down, defaces, alters or removes: (a) a boundary mark lawfully placed to mark any international, provincial, county or municipal boundary, or (b) a boundary mark lawfully placed by a land surveyor to mark any limit, boundary or angle of a concession, range, lot or parcel of land, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.*

### **SURVEY MONUMENTS - PROTECTION**

**GC 1.04.01 is amended by the addition of the following:**

**Monument** means either a Property Monument or a Control Monument.

**Property Monument** means any property bar, concrete pillar, rock post, cut cross or other object that marks the boundary between real property ownership.

**Control Monument** means any horizontal or vertical (benchmark) control monument that may be used to lay out the work.

**Subsection GC 7.02.01 of OPSS.MUNI 100 (11/2006) is deleted and replaced with the following:**

Prior to commencement of construction, the Contract Administrator and the Contractor shall locate on site those Monuments that delineate the Working Area and may be used to lay out the Work, all

as shown on the Contract Drawings. These Monuments shall be protected by highly visible T-bars or 36" tall stakes with survey ribbon set within 0.3 metres of them. Property Monuments shall be inventoried by a licensed Ontario Land Surveyor (OLS) showing location, condition, and monument details in the report format required by the Owner. Any Property Monuments that must be removed to facilitate the Work shall be identified as such as agreed by the Contractor and Contract Administrator and noted in the inventory report.

**Subsection GC 7.02.02 of OPSS.MUNI 100 (11/2006) is deleted and replaced with the following:**

The Contractor shall be responsible for the preservation of all Property Monuments while the Work is in progress, except those Property Monuments identified in 7.02.01 as needing removal to facilitate the Work. All Monuments disturbed, damaged, or removed by the Contractor's operations shall be documented in the inventory report and replaced under the supervision of an Ontario Land Surveyor. Monuments removed to facilitate the Work shall be replaced at the Owner's expense, and all others shall be replaced at the Contractor's expense.

**Subsection GC 7.02 of OPSS.MUNI 100 (11/2006) is amended by the addition of the following:**

**7.02.09** The Monument inventory report of 7.02.01 and .02 shall included as a minimum:

- Contract Number, Contractor Name, Contact Administrator Name
- Project/Site construction limits
- Rough location, type, identification No., condition of each monument before and after construction;
- The solutions for protection of the monuments that may be impacted by construction;
- Referencing ties and any other information that the OLS may deem important.
- A summary of those monuments affected by the work and how they were reset or replaced, and by what type of monument.

At the completion of major project works, when no further adverse impacts to the survey monuments are expected, the OLS shall complete and sign the report and submit it to the Owner, Contractor and the Contract Administrator. A copy of the report, along with copy of the read receipt from the owner and contractor, shall be retained by all parties.