

**STATUTES (GEODETIC) EXAMINATION**  
**Thursday November 28, 2002**  
**9:00AM**

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**TIME ALLOWED:**            Three (3) hours

**# OF QUESTIONS:**        Ten (10)

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**INSTRUCTIONS**

**Note: This is a closed book examination. No aids are allowed.**

1. There are ten (10) questions. Please ensure that you have a complete copy of the examination.
2. Note the number of marks for each question before compiling your answers.
3. Place your exam registration number at the top right-hand corner of **each page** of your answers. **DO NOT** write your name on or in the book(s).
4. Each answer must begin on a new page, however questions may be answered in any order.
5. Reference each response to its question number, including subsection.
6. Write only on the right hand side of the examination book. You may wish to use the left (blank) side for calculations, etc., however anything written on the blank side will not be considered during marking.
7. Do not write in pencil.
8. This examination must be returned to the invigilator with your answer book(s).

**TOTAL MARKS:**            96  
**PASS:**                        65%

**Question 1****(17)**

With reference to the *Surveyors Act*:

- a) What three (3) conditions must be met for a corporation to acquire a Certificate of Authorization? (3 marks.)
- b) Name and describe the function of five Statutory Committees that are required of the Association of Ontario Land Surveyors. (10 marks.)
- c) Differentiate between "incompetence" and "professional misconduct". Give one example of the former, and three of the latter. (4 marks.)

**Question 2****(10)**

- a) Under what conditions may the Registrar institute a Registrar's Investigation under Section 30 of the *Surveyors Act*? (2 marks)
- b) Describe the powers of an investigator appointed under this section. (6 marks)
- c) To whom does the Registrar report the results of the investigation? (2 marks)

**Question 3****(10)**

- a) List five (5) situations for which the AOLS can pass by-laws. (5 marks)
- b) Who must approve a by-law before it becomes effective? (2 marks)
- c) What is the purpose of having by-laws? (3 marks)

**Question 4****(15)**

- a) You are an expert witness for a municipality at a trial involving a dispute over coordinates shown on the face of a plan. Can the lawyer for the other party question you on cross-examination firstly, as to your competence in the practice of professional land surveying and, secondly, as to your past criminal record, if any? (10 marks)
- b) Discuss any areas where you feel that the testimony of an Ontario Land Surveyor with a Certificate of Registration in Geodesy would be called as an expert witness in a dispute. (5 marks)

**Question 5****(10)**

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- a) What are the two (2) requirements set by the Canada Evidence Act for the admissibility of "business records" as evidence at a trial? (3 marks)
- b) Is a copy of the "business record" admissible? Explain. (5 marks)
- c) How long must business records be maintained? (2 marks)

**Question 6****(5)**

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Regulation 361/01 of the Employment Standards Act provides that workers engaged in, among other occupations, "surveying" are exempted from Sections 7, 8, 9, 10 and 11 of the Act. List the subject of each of these five sections.

**Question 7****(5)**

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As a professional geodetic surveyor, you are hired to establish a horizontal and vertical control network that will be used to control and integrate the mapping, cadastral surveys, design and layout for a large construction project, such as the Sheppard Subway line. Your work includes the preparation of a final report, which includes monumentation location sketches, observations, coordinates and other pertinent information.

- a) Does the Copyright Act cover your report, or any portion of it? Explain. (2 marks)
- b) If the report is covered, under what condition might you or your company not own the copyright? (2 marks)
- c) If the report is covered, how long does the copyright last? (1 marks)

**Question 8****(10)**

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A municipality established a geodetic benchmark in 1970 near the shore of a stream that passed over privately owned land. The engineering department of the municipality has used this benchmark to measure the water level of the stream on a monthly basis every year since 1970. To occupy the benchmark the municipal employees had to cross the private property. Permission was never obtained to enter onto the property and the owner was not aware of the monthly intrusions onto his land. What claim to the use of this land can the municipality make under the Limitations Act?

**Question 9**

**(10)**

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With reference to the Ontario Occupational Health and Safety Act:

- a) Describe two (2) conditions under which an employee may refuse to work. (2 marks)
- b) Name two (2) conditions under which a Joint Health and Safety Committee is required. (2 marks)
- c) Name 2 classes of persons to whom this Act does not apply. (2 marks)
- d) Explain the difference between a competent worker and a competent person. (4 marks)

**Question 10**

**(4)**

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What are two (2) of the main items under Section 2 of the Business Practices Act that are deemed to be "unfair practices"?

**Total 96 Marks**