

# May 2008 Statutes (GIM) Examination

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## Question 1

(10 marks)

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- a) Name three statutes that grant the authority to expropriate. (3 marks)
  - b) What rights or interests can be expropriated? (2 marks)
  - c) What input does the owner have in the expropriation process? (2 marks)
  - d) How is the value of the expropriation established and what body, under the appropriate Act, deals with an appeal? (2 marks)
  - e) How is the expropriated property described? (1 mark)

## Question 2

(10 marks)

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- a) Give three (3) examples of public highways as set out in the *Municipal Act 2001*. (2 marks each x 3 = 6 marks)
  - b) Describe the process for closing and disposing of a highway under Municipal jurisdiction. (4 marks)

## Question 3

(10 marks)

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- a) List and describe three "duties" as an employer under the *Occupational Health and Safety Act*. (6 marks)
  - b) When is it mandatory to select a Health & Safety Representative? What is his or her function? (4 marks)

## Question 4

(10 marks)

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- a) Outline the process the Association of Ontario Land Surveyors follows when a formal complaint is lodged against a surveyor. (7 marks)
  - b) What actions/decisions are available to the Complaints Committee in the consideration/disposition of a complaint? (3 marks)

**Question 5**

**(10 marks)**

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- a) Explain two methods by which a matter can be directed to the Discipline Committee for a hearing. (4 marks)
- b) i. Name the two general areas in which the Discipline Committee may find a member guilty. (2 marks)
- ii. There are a number of specific actions set out in the legislation that define the general areas named in 1 above. Identify two that do not apply to all branches of AOLS membership and explain why. (4 marks)

**Question 6**

**(14 marks)**

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- a) For each of the following:
- i) give the statutory authority under which it operates (1/2 mark each); and
  - ii) briefly explain its role; (1-1/2 marks each)
- a) The Academic and Experience Requirements Committee
  - b) Complaints Review Councillor
  - c) Fees Mediation Committee
  - d) Lay Appointees to AOLS Council
  - e) AOLS Registrar
  - f) Nominating Committee
  - g) Executive Committee

**Question 7**

**(15 marks)**

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The law of evidence governs the admissibility of evidence presented before criminal and civil trials and virtually every tribunal, hearing or inquiry whether public or private.

- a) One of the central concepts of the law of evidence is the treatment of hearsay evidence.
- i) What is hearsay evidence? (5 marks)
  - ii) Why is hearsay evidence generally held to be inadmissible before the courts and before many lesser tribunals? (5 marks)
- b) Another provision of the law of evidence is that of expert evidence. Explain the concept of expert evidence and the significance of this type of evidence. (5 marks)

**Question 8**

**(5 marks)**

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As a professional GIM, you are hired to establish a Geographic Information System for a small municipality. Your work includes the preparation of a final report.

- 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 mark)

**Question 9**

**(10 marks)**

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A municipality retains the services of an Ontario Land Surveyor holding a Certificate of Registration in Geographic Information Management to carry out a municipal property mapping project. Upon receipt of the surveyors' results, the municipality contends that a few additional measurements are necessary in order that the survey comply with specifications issued upon execution of the contract and it holds back 10% of the surveyor's remuneration, payable upon compliance with the municipality's request. Seven years later, the municipality brings an action against the surveyor. How does the Limitations Act apply to this case?

**Question 10**

**(6 marks)**

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- a) Distinguish between the effects of registering and depositing. (2 marks)
- b) Give two (2) examples each of both registered and deposited documents. (2 marks each, total of 4 marks)