

May 2016 Professional (Cadastral) Examination

PROFESSIONAL WRITTEN (CADASTRAL) EXAMINATION

Friday, May 27th, 2016

9:00 A.M. – 1:00 P.M.

TIME ALLOWED: Four (4) hours

OF QUESTIONS: Ten (10)

TOTAL MARKS: 100

PASS: 65%

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, including the plan.
2. Note the number of marks for each question before compiling your answers and allocate your time accordingly.
3. Place your exam registration number at the top right-hand corner of **each page** of your answers and on the front of each booklet. **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 (unruled) side for calculations, etc., however anything written on the unruled 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).

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Question 1

(10 marks)

Check the attached plan. Indicate in red any amendments or corrections. You may want to use a yellow marker to note the correct items although no marks will be provided for this aspect. There are at least 20 items to be corrected; a 1/2 mark will be awarded for each correctly identified item to a maximum of 10 marks.

NOTE: Write your number on the top of the plan in the space provided.

Do not write your name on the plan.

Question 2

(20 marks)

You have been contacted by a law firm acting on behalf of a client who owns a large and valuable tract of land beside a small lake. The client wishes to sell the property; however, there is a problem with the description and the purchaser requires it to be resolved before proceeding with the sale. A portion of the property abuts a Shore Road Allowance and the lawyers have become aware of conflicting locations for the Road Allowance. The conflicting opinions of two surveys were provided to you, as follows:

An older survey of some water lots completed by Surveyor X relied upon the "line of vegetation" to set the outer, or lakeside, limit of the Road Allowance, on the premise that a dam across the outlet creek would only affect the lake water level by, at most, two feet. Surveyor X determined the natural water level by observing vegetation along the shores, and accepted the line where the dry land vegetation becomes wetland or shoreline vegetation. By Surveyor X's survey, the Road Allowance is dry.

The property has recently been surveyed by Surveyor Y, for the purposes of the sale; however, Surveyor Y relied upon a tie shown on an 1880 railway plan, which Surveyor Y presumes preceded the erection of the dam. Surveyor Y set the tie of 855 feet from the railway limit, determined the elevation of that point, then retraced the contour of that elevation as the location of the outer limit of the Road Allowance. By Surveyor Y's survey, the Road Allowance is completely submerged.

The law firms for the vendors and purchasers have held several meetings with both Surveyor X and Surveyor Y in an effort to resolve the differences of opinion; which locations for the Road Allowance vary as much as 150 feet. The only thing they could agree upon was they did not agree.

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During a preliminary attendance at the site you locate several of Surveyor X's bars; some are in the water and some are on dry land. Also, the waters of the lake wash against the trunks of large maple trees, and many large trees have fallen into the lake along the shore line.

You are asked to provide a proposal to complete an independent assessment of the issue of the location of the Shore Road Allowance.

- a) Write a letter to the lawyer (your client), providing an overview to the approach you would take to completing your independent investigation. (12 marks)

Do not sign the letter.

- b) List the possible sources of information that you would research pursuant to that investigation, and what you might expect to find. (8 marks)

Question 3

(15 marks)

A client calls and advises that they wish to sell the southerly 5 acres of their 25-acre property to the adjacent landowner.

Write a letter to the client explaining:

- the process
- the participants
- the documentation
- the expected time frames
- the costs to be incurred
- any other pertinent or special issues common to your area.

Start each part of your answer with a new paragraph.

NOTE: Do not sign your name to the letter.

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Question 4

(10 marks)

You were retained to provide a reference plan for the creation of a hydro easement.

While doing the field work, your crew cut an existing hydro cable with an iron bar. The instrument-person was rendered unconscious temporarily. The crew rushed to the nearest phone and informed you of the accident.

- a) What are your obligations? (5 marks)

- b) Two months later you are presented with an invoice for \$4,000.00 for emergency repairs undertaken by the Hydro Commission and an accompanying letter explaining that you are at fault since you did not request an underground locate. The letter also states that all your past invoices will be held and that you will not be awarded further contracts until the matter is paid in full and would you please deposit the plan in the registry office.

How will you handle this situation? (5 marks)

Question 5

(6 marks)

Your client is a developer and he has a large parcel of land in an urban area that he wants to develop as four separate Standard Condominiums. He has approached the City Planning Department to discuss the development and the required changes to the local zoning. The City has informed him that they will not support the development of four Standard Condominiums but will support the development of a Phased Condominium. Your client has no experience working with Phased Condominiums and has come to you for advice.

List the potential advantages and disadvantages of building a Phased Condominium rather than multiple Standard Condominiums.

Question 6

(7 marks)

Deferred Monumentation: The Association of Ontario Land Surveyors and its members have been discussing this matter for over 20 years. Many papers have been presented discussing the pro's and con's, procedures and possible solutions.

Briefly explain the deferred monumentation process and discuss the pro's and con's.

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Question 7

(5 marks)

Briefly describe the possible consequences to a member who receives a poor Comprehensive Review from the Survey Review Department.

Question 8

(10 marks)

You prepare Surveyors Real Property Reports for new houses for a builder. The following spring you are retained by the homeowner to set wood stakes on the lot lines of lot 36 for fencing. On re-establishing the line between lots 36 and 37, you find the side ties result in two distinct but parallel sidelines that overlap by 0.12m. On further examination you conclude that the ties on lot 36 as shown on the SRPR's were incorrect and the minimum building setbacks have not been met.

You have the following options:

- i) Split the difference and stake the fence.
- ii) Stake the correct limit and say nothing.
- iii) Advise the client that the house does not conform to zoning and all the associated implications.

Which course of action would you follow? Explain why.

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Question 9

(10 marks)

In essay form, identify the issues and problems common to the conduct of the two surveys summarized below, and outline, with justification, the processes and practices you will employ to avoid such problems.

A field crew surveyed the south half of a township lot in a 640 acre sectional township with single fronts. Subsequent to completion of the survey, the owner of the north half of the lot calls the supervising OLS to the site of the line between the north and south halves of the lot and indicates the fallen down remains of very old post and wire fencing, lying generally parallel to, and approximately 25 feet south of the recent line cut through the bush on the line splitting the lot depth. The surveyor concludes that the old fence does not fit his line, so it must be a "fence of convenience" and the neighbour must prove that the new survey is wrong.

A field crew is surveying Lot 7, Concession 5, in a sectional township with double fronts. A crooked old post and wire fence standing on the east side of the lot is accepted for the Lot line, and monuments are set at the significant bend points. Subsequently, the client owner and the easterly abutting landowner attend at the surveyor's office with a written statement of facts about which they agree; essentially, that the fence was jointly erected by them many years previously, as a temporary measure, not intended to be the Lot line, merely approximate until they could afford to have the true line run.

Question 10

(7 marks)

The Association of Ontario Land Surveyors is referred to as a "self-governing body."

Name or briefly describe 7 safeguards or processes that the AOLS has in place to ensure that the public is served and/or protected. (7 marks)