

## May 2018 Professional (Cadastral) Examination

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### PROFESSIONAL WRITTEN (CADASTRAL) EXAMINATION

Friday, May 25<sup>th</sup>, 2018

9:00 A.M. – 1:00 P.M.

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**TIME ALLOWED:** Four (4) hours

**# OF QUESTIONS:** Nine (9)

**TOTAL MARKS:** 95

**PASS:** 65%

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### INSTRUCTIONS

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

1. There are nine (9) 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, on the front of each booklet and on the plan. **DO NOT** write your name on or in the book(s) or the plan.
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) and plan.

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### Question 1

**10 marks**

- a) Name five (5) types of plans for which the limits may be un-dimensioned. **(5 marks)**
- b) Name five (5) types of plans that create geographic fabric. **(5 marks)**

### Question 2

**12 marks**

A lawyer contacts you indicating an interest in retaining you as an expert witness in a lawsuit. She wants you to define the word “survey” as expressed within the context of an agreement of purchase and sale with the clause that the vendors provide an up-to-date survey. She acts for the purchasers; and the problem is that the “survey” provided is a plan that was attached to a conveyance document, and it does not include any buildings or improvements; hence, her clients are suing for breach of contract.

The vendors have owned and occupied the specific property since its creation, and acquired the property with the plan. Although there had been mortgage transactions, there had not been any survey activity on the specific property since its creation.

- a) Write a letter of response to the lawyer, setting out your professional opinion in the matter, and your professional advice in the matter. **(7 marks)**

**NOTE: Do not sign the letter.**

- b) Provide reasons to support your views. **(5 marks)**

### Question 3

**15 marks**

Check the attached plan. Indicate **in red on the plan** 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 incorrect or omitted; a 3/4 mark will be awarded for each correctly identified item to a maximum of 15 marks.

**NOTE: Write your exam registration number at the top right corner of the plan.**

***Do not write your name on the plan.***

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### Question 4

**12 marks**

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You have been hired by a new home owner to complete a reference plan on a Registry Property for the purposes of conversion to Land Titles because there are description issues. After completing a Registry Office search, you find that all of the adjoining properties are Land Titles Conversion Qualified (LTCQ). Of these adjoining properties, one shows a "together with" easement in its thumbnail description over a described strip of your client's property, with the indicated purpose of access to the neighbouring rear yard. There are no other easements indicated on the subject or adjoining properties. On the ground, you find a mutual driveway in use by both your client and the neighbour whose PIN shows the "together with" easement in its thumbnail description. The neighbours have no idea where the limits of the mutual drive extend. The adjoining property was registered within the 40 year search period.

- a) Use a sketch to show what **PART(s)** you would show on your draft Reference Plan? **(4 marks)**
- b) What would you include within the Schedule for each **PART**? **(4 marks)**
- c) How would you guide your client with regard to what may be in order for the lawyer to do in preparing a new deed? **(4 marks)**

### Question 5

**8 marks**

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You are a newly commissioned surveyor working for an established firm. You find that one of the principals of the firm is cutting corners and not performing proper research. You have serious concerns that his work is substandard and may not comply with the Performance Standards.

- a) How would you deal with the situation? **(2 marks)**
- b) Would your response differ if the surveyor were a local competitor? If so, how? **(2 marks)**
- c) If the Association of Ontario Land Surveyors became involved, what processes are available? **(4 marks)**

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### Question 6

10 marks

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A client has asked you to survey a farm that he has recently purchased. He intends to build a golf course on the property and subdivide estate lots to adjoin the course. One of the main reasons that he chose this property was because of a large creek that splits the farm and could be used to irrigate the golf course. The original crown patent made no mention of the creek but simply transferred the whole Township lot to a predecessor in title. As part of the survey you have to determine if the creek is navigable.

- a) In *Coleman v Attorney-General for Ontario, (1983)* Justice Henry set out a number of tests to determine navigability. Describe three of the tests. **(3 marks)**
- b) Assuming that the creek was deemed navigable what advice would you to give your client with respect to his rights to use the creek for irrigation purposes? What issues would you have considered in forming your opinion? **(3 marks)**
- c) Assume that your client only purchased the lands on the South side of the creek. Your client acquired the property by use of a metes and bounds description that described his Northerly boundary as being to and along the South bank of the creek running through Lot 6 Concession 4 to the Easterly limit of said lot 6. Assuming that the creek is non-navigable discuss how you would determine where your clients Northerly limit should be illustrated on your reference plan. **(4 marks)**

### Question 7

10 marks

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There are two AOLS committees that deal primarily with the education of surveyors.

- a) Name them. **(2 marks)**
- b) Under what authority are they created and are they mandatory? **(4 marks)**
- c) What is the primary focus of each committee? **(4 marks)**

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### Question 8

**8 marks**

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You have just completed a SRPR on a parcel of land, where the ownership was recorded under the Polaris system as Land Titles (qualified) in 1990. The subject lands, and many of the abutting parcels, were created in the 1940's and 1950's, utilizing metes and bounds descriptions. Many of these original descriptions were prepared by conveyancers and were not based on actual survey. The Property Index Map shows all the parcels in the area of your survey as being aligned with Township Fabric. You re-established the parcel limits by careful reading of the original severing documents, compared these to physical evidence (old pipes, fencing, eave lines, etc) found during the field survey, and were able to reconcile the evidence found with the linear distances called for in the various documents (given the accuracy that these parcels were likely originally laid out at). However, the orientation of the sidelines is significantly different from that shown on the PIN maps, and what is called for in the underlying deeds. The solicitor has called to tell you that you can't rely on adverse possession to survey now that Land Titles is in effect. Write a reply describing your methodology for completing this survey and referencing relevant statute and case law.

**Do not sign this letter.**

### Question 9

**10 marks**

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A potential client has come to you with a parcel of land that is registered as Land Titles Conversion Qualified (LTCQ). They are interested in developing it as a Condominium. This is their first time developing land and they have come to you for some guidance in the process. You have done a bit of research and found that this parcel of land is within a two-tier municipality.

- a) **List** five different types of Condominiums that can be registered under the Condominium Act 1998 **(5 marks)**;
- b) Outline a step by step process for your clients describing the process to develop this parcel of land into a registered Plan of Condominium **(5 marks)**