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# the Link MAGAZINE



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Message from the **President**

## Moving Forward

By Brian Brown  
*BCLS, President*

**M**y, my, it amazes me how the last few months have flown by! Here we are in the middle of July already, and it seems like just last week I was writing for the Spring issue of The Link.

We had a successful AGM in Victoria in April with an excellent turnout of members for both the meeting and the CPD. There were some challenges for rooms due to the Empress and all available rooms being closed for renovations — which brings me to another point: Please register early for the March 14th, 15th, & 16th days of CPD and the 113th AGM in Whistler. This is one of the busiest times of the year for the Whistler Resort and rooms will fill up fast; I recommend registering now.

Your Board now has two new Board members, welcome to Shauna Goertzen and David Rutherford. I would also like to thank Jason Whale for his time on the Board and his valuable input. Since our AGM, the Board has had one teleconference, and we also had four days in Sidney, starting with two Professional Assessment Interviews on the first morning. We had one successful candidate who has now been sworn in. I invite the readers of this article to join me in congratulating and

welcoming Mr. David Sereda as a new land surveyor. In the afternoon, we held two discipline hearings, the

*We had one successful candidate who has now been sworn in. I invite the readers of this article to join me in congratulating and welcoming Mr. David Sereda as a new land surveyor.*

results of which have been circulated to the membership. We continued with two days of face to face meetings, with the final and fourth day being an all-day Strategic Planning session lead by McLaughlin & Associates, a consultancy specializing in strategic planning and governance. I also travelled to the Alberta Land Surveyors Association AGM in Jasper, AB, the Association of Newfoundland Land Surveyors AGM at The Wilds at Salmonier River, NL, and the Association of Prince Edward Island Land Surveyors AGM at The Resort at Cavendish Corner — Shining Water/Ingleside, PE.

The Strategic Planning session was held after consultation by an online survey sent to all members, followed by interviews with key stakeholders. The consultation process confirmed support for our Association's Mission, Vision and Values. The strategic planning workshop was attended by the ABCLS Board and management, an equal number of land surveyors and land surveyors in training,

retired LTSA CEO Godfrey Archbold, and retired MFLNRO ADM Gary Townsend. At the end of the day,

draft goals were prepared for further consideration by the Board and members during the fall regional group meetings.

You will hear more in the near future as to how we intend to work towards these goals, including plans to track our progress.

ParcelMap BC has now become reality for the entire Province. I have found it to be very helpful in researching a project and can see how it will continue to evolve and improve with age like a fine wine.

In closing, I stress once again to please register early for your accommodation for the 2018 Annual General Meeting and CPD days to avoid disappointment. I'm looking forward to seeing you there! ❖





Secretary's Letter

## Unauthorized Practice

By Kelly Stofer  
BCLS, Secretary

**A**t the last annual general meeting, I reported that the Association had responded to eight complaints of unauthorized practice in 2016. But at the halfway mark of 2017, there have only been two such complaints (both involving the same individual), leaving me to wonder why? Have we chased away all the charlatans, or have we just been lucky?

The purpose of this article is to explain why it is important for the Association to respond to complaints of illegal practice and how we go about doing so.

Protecting the public from fraudsters is an obligation shared by all self-governing professions. Our responsibility to regulate the practice of land surveying goes beyond just regulating ourselves. We also have a responsibility to deal with operations that put the public at risk, such as when non-land surveyors hold themselves out to the public as land surveyors and engage in the unauthorized practice of land surveying. The Association has been empowered with specific provisions under the Land Surveyors Act and the Bylaws to respond.

Because most complaints of illegal practice are actually made by land surveyors, it is important that we all

*Our responsibility to regulate the practice of land surveying goes beyond just regulating ourselves. We also have a responsibility to deal with operations that put the public at risk, such as when non-land surveyors hold themselves out to the public as land surveyors and engage in the unauthorized practice of land surveying.*

understand our collective obligation to remain fair, vigilant, and impartial in reporting illegal practice. Our foremost obligation is to protect the interest of the public. We must act on evidence, not supposition, and we must take care to not be seen as simply an advocate of the profession or the gatekeeper trying to hinder lawful competition.

Sections 59 and 70 of the Land Surveyors Act provide as follows:

Practice of land surveying and use of titles

**59 (1)** A person must not

- (a) engage in the practice of land surveying, or
- (b) hold himself or herself out, or be held out, to the public, as being a land surveyor or as authorized under this Act to engage in the practice of land surveying,

unless the person

- (c) is a practicing land surveyor, or

- (d) practices as authorized by this Act through a land surveying company.
- (3) Subject to subsection (4), a person must not use or display the designation “B. C. Land Surveyor”, “British Columbia Land Surveyor”, “land surveyor”, “Professional Land Surveyor” or “Provincial Land Surveyor” or the initials “B. C. L. S.” or “P. L. S.” unless the person is a practising land surveyor.
- (4) A land surveyor whose name has been placed on a list of nonpractising land surveyors, on application by the land surveyor to the association, may use the designations or initials, the use of which is restricted by subsection (3), if the designation or initials are followed by the designation “Not Practising” or “Retired” or the abbreviation “N.P.” or “Ret.”
- (5) A person who contravenes subsection (1) or (3) commits an offence.



## Injunction

**70** On application of the board and on being satisfied that there is reason to believe that there is or will be a contravention of this Act, the Supreme Court may grant an injunction restraining a person from continuing or committing the contravention, and, pending disposition of the action seeking the injunction, the court may grant an interim injunction.

Parts 20.2 and 20.3 of the Bylaws read as follows:

### 20.2 Board Authority to Respond to Illegal Practice

If the Board is satisfied that there is reason to believe that there is or will be a contravention of Section 59 of the Act, the Board may take such action as it deems necessary and, for this purpose, may authorize the payment of legal or other fees.

### 20.3 Publication

When the Board obtains a court order or an agreement restraining a person from the unauthorized practice of land surveying, the Board may, in order to protect the public interest, publish a summary of the circumstances and of the order or agreement, in such form as the Board may specify.

So how does this really work?

When the Association receives information indicating that a person has contravened section 59 of the Act, the Secretary will typically send the person a letter advising of the apparent contravention.

To send a letter, the information received should be more than just an allegation; it must demonstrate a reasonable probability that the

person has engaged or is engaging in the practice of land surveying, without authorization.

The letter will explain that practice not authorized by the Act is contrary to the public interest and that the Association is required to prevent unauthorized practice. The Secretary will demand any such practice cease immediately and, where appropriate, may require the person to provide a written undertaking that the person will not, from this point forward, engage in the practice of land surveying or hold themselves out to the public as a land surveyor.

*The Board cannot proceed on suspicion or rumour – there must be some proof. So when making a complaint of illegal practice, it is always helpful to include any documents, photographs, or other evidence of the contravention.*

If the person refuses to provide a voluntary undertaking, or having provided a voluntary undertaking, subsequently breaches his or her promise not to engage in unauthorized practice, the Board has authority to seek an injunction.

To take this action, there should be sufficient supporting evidence to convince a judge that court intervention is necessary. There must be “reason to believe that there is or will be a contravention” of the Act.

The Board cannot proceed on suspicion or rumour – there must be some proof. So when making a complaint of illegal practice, it is always helpful to include any documents, photographs, or other evidence of the contravention. The Association has not, to this point, engaged the services of an investigator to assist in evidence gathering, but where it appears that the public interest is at risk, it remains an option.

(The use of private investigators is a common practice in self-governing professions where actual evidence of illegal practice is not easily obtained.) A recent case brought by the College of Veterinarians of B.C. is but one example - <http://www.timescolonist.com/b-c-judge-bars-woman-from-suggesting-she-provides-pro-dentistry-for-pets-1.20377428>).

If the Board is successful in obtaining an injunction, the unauthorized practitioner would need to adhere to the resulting court order or risk being found in contempt of court, which carries the potential threat

of incarceration. Accordingly, the standard of proof for contempt is very high.

Costs incurred by the Association on the authority of the Board in seeking both an injunction and subsequent remedies may be recoverable.

In summary, we all have an obligation to report illegal practice and the Association has the ability under the Act and the Bylaws to take action. Please don't hesitate to contact the Secretary when you believe there has been a contravention of the Act.

The author would like to thank ABCLS legal counsel, Rajiv K. Gandhi, for his valuable assistance with this article. ❖



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Message from the **Chief Administrative Officer**

## Setting Goals

By Chad Rintoul  
*Chief Administrative Officer*

Following the Annual General Meeting in Victoria, the Association has been very much focused on developing the 2018 – 2020 Strategic Plan. In addition to comprehensive input from members and stakeholders, subjects raised on the floor of the AGM were certainly given consideration when formulating the draft plan. As you will see, there is still much emphasis on awareness of the profession anticipated in the plan. One comment during the AGM suggested that the ABCLS ‘has grown’ which stemmed from a discussion on member dues. The reality is the Association hasn’t grown in the traditional sense, but I firmly believe the membership feels a ‘growing sense of prominence and professionalism’. Practicing members (not including life-members) over a six year period are in slight decline; 2017 – 340, 2016 – 343, 2015 – 344, 2014 – 350, 2013 – 354, and 2012 – 359. Our intake is generally keeping up with the pace of retirement, and with 90 Land Surveyors in Training I am confident we are in a very healthy position – but we are certainly not ‘growing’ in numbers or revenue derived from dues. The new plan will continue to recognize awareness of the profession as a priority to ensure the profession remains well positioned to meet the needs of society.

Development of this strategic plan is the result of an inclusive consultation process including an online survey sent to all members, followed by consultation interviews with key committee chairs and ABCLS stakeholders. A one-day planning session was held on June 8th in Sidney to review the survey and consultation feedback and create the draft strategic direction for the next three years. Twenty-seven people participated in the planning workshop including members of the Board of Management; ABCLS staff, members, students, and members of the public. I want to thank everyone who participated in this process, in particular our stakeholders for their valuable insight, and the members of the public and BC Land Surveyors who donated their time and energy to attend and contribute to the success of the workshop.

The process to date has identified three areas of priority:

**Goal #1:** Increase understanding of the function and value of the land surveying profession and the survey fabric to a civil society.

In prior years the ABCLS has had a strategic goal of increasing awareness of the profession across a broad set of

target audiences. For the 2018-2020 period this goal will see the ABCLS place new emphasis on the “why” of its communication programs, through content targeted more precisely at changing key influencers’ and stakeholders’ perceptions, with an objective of measurably increasing their understanding of the value of the profession to society.

With a refreshed and more versatile website, the Association intends to direct its messaging more cost effectively using enhanced technology, database management and social media methods.

**Goal #2:** Ensure members practice competently and deliver quality services.

As a core responsibility of the ABCLS, this area may be characterized as a focus on continuous improvement. The goal for the coming years is to build on the considerable momentum from the Professional Competency Program, to see further refinements in key areas.

**Goal #3:** Enhance effectiveness of ABCLS governance.

Based on member feedback at the 2017 AGM and through the member survey, the plan identifies the need to



refresh board governance strategies to enhance the effectiveness of its committee processes, provide more opportunities for board leadership and succession, and improve interaction and engagement with members.

This is a new area of priority for the Association and will be a key focus over the planning period.

I look forward to working with the membership and the board as we

refine the strategies and measurables to ensure that we meet these goals in the years ahead. ❖

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## DELEGATE REPORTS

# The Association of Prince Edward Island Land Surveyors' Annual General Meeting

By Brian Brown, *BCLS*, President

**T**he Association of Prince Edward Island Land Surveyors (APEILS) held their Annual General Meeting at Shining Waters Luxury Cottages – Resort at Cavendish Corner in Prince Edward Island June 22 & 23, 2017. The first official event was the Presidents' Forum Thursday afternoon June 22, which I will describe in more detail further in the report. This was followed by the Exhibitors' Evening held in the exhibitors' space to get the members interacting with all the exhibitors.

In attendance at the Presidents Forum were the Presidents: Mike Fretwell (Alberta), Lee Anderson (Saskatchewan), Gary Fraser (Manitoba), Russ Hogan (Ontario), David Parkhill (New Brunswick), Kevin Brown (Nova Scotia), Past President John Berghuis (Newfoundland and Labrador), Vice President Tony Inman (Prince Edward Island), and of course, our host Derek French (President APEILS). Also in attendance was the President of the Association of Canada Lands

Surveyors (ACLS) Tania Bigstone. Wilson Phillips, Chair of the Board of Directors of Professional Surveyors of Canada (PSC), sent his regrets due to a family illness, but he did send an update for us.

PSC plans to go ahead with the P.Surv. trademark, and provinces will either use it or they won't. PSC wants to work with Saskatchewan on an agreement to use the P.Surv. trademark. Wilson is going to meet with a lawyer to discuss and create a Coexistence Agreement and a MOU on the issue of using the term P.Surv. There is also going to be a revised discussion paper created on P.Surv. On another front, a number of volunteers for underground infrastructure (UI) advocacy have stepped forward.

Kevin Brown (Nova Scotia) brought up Title Insurance. Kevin was interviewed by CBC radio to give the Surveyor's thoughts on Title Insurance. Real estate lawyer, Catherine Walker, was also interviewed by CBC, and she advised all purchasers to obtain a survey. This was one of the most

active stories on the CBC website; it got a lot of hits. The interview may be heard at this link: <http://www.cbc.ca/news/canada/nova-scotia/home-buying-title-insurance-real-estate-land-surveys-1.4162925>

Dave Parkhill (New Brunswick) was telling us that their Council wants to amend their Voting Bylaw. This is coming from questions being raised about status of members, such as what qualifies a member to be on the Discipline and Professional Conduct Committee and should a retired member still qualify for that committee. In the future, New Brunswick could have more life and retired voting members than active members. There's no limit of the number of life members--where do you draw the line? There are also some liability concerns. Encon will have a policy in the future to cover retired members completely.

Russ Hogan (Ontario) brought up the National Marketing Campaign that Ontario is spearheading with a "Marketing Day" on July 7. Our CAO,

Chad Rintoul, attended this and will be reporting separately. We were asked what are the top three issues (Marketing Initiatives) that we think marketing can help us resolve. The three issues we felt marketing could improve were:

- 1. Raise awareness of the Profession,
- 2. Career awareness, and
- 3. Member awareness of our value to society.

We also recognized that Associations should not and cannot advocate, but regulate and govern. It was discussed that PSC should take on this initiative if that is the consensus of the PSC members.

John Berghuis (Newfoundland and Labrador) told us that the vote they had in May to change their bylaws to state “A Newfoundland Land Surveyor

*We also recognized that Associations should not and cannot advocate, but regulate and govern. It was discussed that PSC should take on this initiative if that is the consensus of the PSC members.*

shall own more than 50% of a Land Surveying Company” was being challenged. This will be interesting to see the outcome. John also spoke of the impending change of the Crown Lands Cadastre to the private sector.

Tania Bigstone of the ACLS spoke of how the Canadian Institute of Geomatics (CIG) is downsizing and that they (CIG) have voted to end their representation of the International Federation of Surveyors (FIG). ACLS feels it is very important to participate in FIG in order to represent the Canadian surveying profession and suggests this would be an important role for PSC and would encourage them to investigate this role.

Mike Fretwell (Alberta) told us that Council is reviewing their Strategic Directions. They want to explain what a surveyor does (in layman terms) and explain Title Insurance (in layman terms), improving communications and public relations (internally and externally). One method for improvement internally is a Beers with Peers night to discuss regional issues. They (ALSA) are also starting a complete Regulatory Review. Digital signatures are currently being used in Alberta by both lawyers and surveyors. Their Council is looking at funding models for the Association, seals or tariffs. It was noted that revenue from seals in BC, ON and NS is not used to run the day-to-day operations of the Associations.

David Parkhill (New Brunswick) noted that their Council was looking at aligning Committees. They currently have considerable overlap from one Committee to another.

Friday morning was the APEILS AGM. It started at 8:30 a.m. and business concluded by 11:30 a.m.

Eleven of the thirteen members of the Association were there, and nine delegates. (One of the visiting delegates is one of the eleven in attendance — Kevin Brown of NS has dual commissions).

Wayne Tremblay replaces Ed Power on the Board of Examiners, Ed having served for 42 years. They currently have no student candidates and no transfer candidates. It was queried whether having no student candidates and no transfer candidates was a concern or not. It was stated that at

this time, it is not a concern, but if this situation continues for too long, it will be.

Their Complaints & Discipline Committee is working on definitions of “frivolous”, “vexatious”, and “abuse of process”, as apparently, there have been a number of complaints that would fall under these terms.

They are wanting to open their Land Survey Act to ensure no monopoly is created, as currently Leica owns the Active Control Stations.

They also had a discussion on ownership of old land surveyor files, plans and field notes, with the possibility of instigating a field note repository. Currently I don’t believe they have a central repository for plans. They feel this is a much bigger problem than originally anticipated, causing discussion on the rights of use and disclosure of plans by the individuals who commissioned the work.

The morning concluded with a presentation from Peter Nishimura, Senior Climate Change Adaptation Policy Advisor — this was their CPD. The presentation was “Climate Change Impacts and Adaptation”. Portions of the island are suffering 28 cm/year erosion.

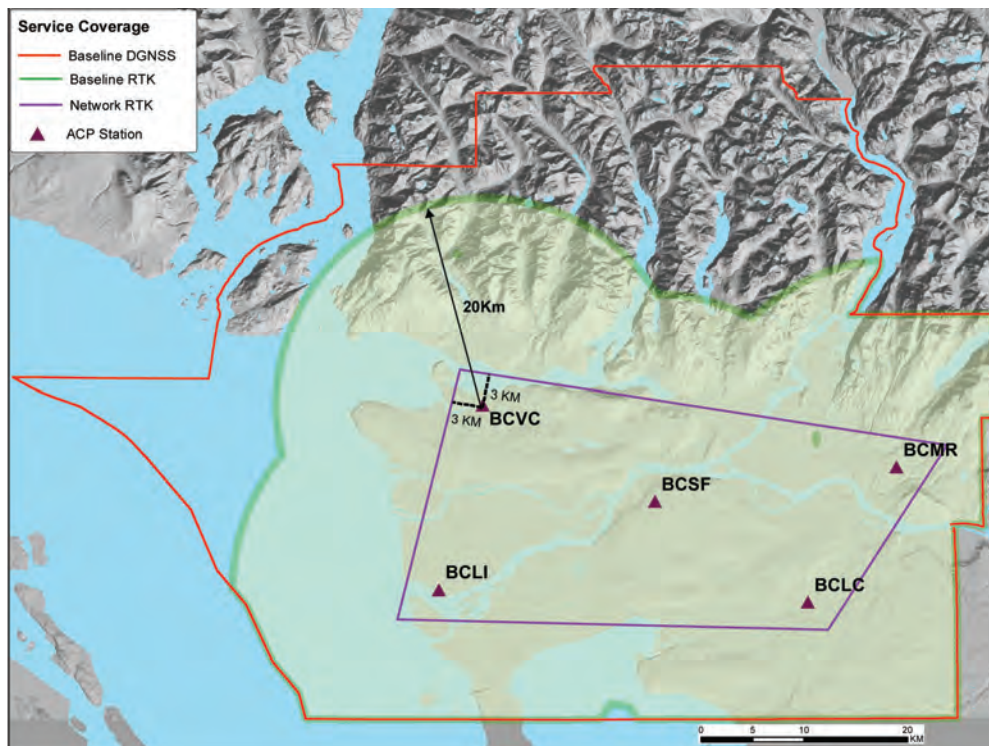
On a side note, it struck me that PEI must be a great place to have a lawn mower dealership and service centre. I have never seen so many huge and impeccably manicured lawns.

Thank you to now Past President Derek French and his whole family for their outstanding hospitality and congratulations to President Tony Inman! ❖



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## The Association of Newfoundland Land Surveyors Annual General Meeting

By Brian Brown, *BCLS, President*

The Association of Newfoundland Land Surveyors (ANLS) held their Annual General Meeting at The Wilds at Salmonier River, Newfoundland and Labrador May 25-27, 2017. Thursday, May 25, started with a game of golf followed by the President's Forum. At the President's Forum, there was discussion about the Canadian GeoAlliance. The feeling was that the Alliance seems to be more in line with geography than surveying. Some other notes were that they are working on developing a product to put geomatics on the map, membership cost is \$1000/year—this may prove to be a critical year for organizations deciding to support or not. The Alberta Land Surveyors Association (ALSA) and the Association of Canada Land Surveyors (ACLS) have chosen to support them for one more year, and this aligned with the ALSA strategic planning session.

There was also discussion about the Interprovincial Free Trade Agreement. It seems most provinces have not looked into the questions posed by PSC regarding the trademark. Manitoba has done research into this. It appears to be a rewrite of the western trade agreement and the new west partnership agreement. With only one person responsible for the agreement, they have not been able to supply any information. Alberta also had Brian Munday investigate this; his finding was that it was the same

as TILMA. It also seems government agencies have no awareness of this agreement, and there appears to be work arounds in place.

Other discussion was about the National Marketing Campaign, (Ontario held a workshop on this July 7th that our CAO attended. I'm sure we will hear more about this); Foreign Credential Recognition, (an application has been submitted, looking at a potential start date of October, 2017); and there was an ACLS handout about

Continuing Professional Development, highlighting key issues for Associations.

Friday was all about Mandatory Continuing Professional Development (MCPD) after a Keynote speaker about Land Tenure in Newfoundland—more of an interesting history lesson. The first MCPD was "Lessons Learned & Moving Forward," which was a review as to how their MCPD program was working; they seemed satisfied with the results. After lunch, their big presentation was on "LandGazette"





which is trying to accomplish what we have in ParcelMap. However, it is nowhere near as complete, and the biggest problem is that putting plans in is entirely voluntary. Looking at the numbers, I would hazard a guess that less than half the members put their plans in. They have no central repository for plans.

This meeting was followed in the evening by their Icebreaker with Dr. T.A. Loeffler, who presented “Surveying the Landscape of Adventure: From Newfoundland to Everest.” In the presentation, she shared her training program, including the mental training needed to prepare for Everest. She also included some of the comments she received from the Newfoundland public as she was training in public places. It was a very entertaining talk!

On Saturday, the meeting started with a presentation on the ANLS and Crown Lands. It seemed like some surveyors do Crown Land surveys and others do private land—it sounded like not too

many do both. There are currently two sets of standards for survey, one for Crown and one for private. They are just starting talks on digital submission.

There was a vote to change their bylaws to state “A Newfoundland Land Surveyor shall own more than 50% of a Land Surveying Company”. This vote was affirmative.

There was also discussion on the announcement from their provincial government that it is moving the Registry of Crown Grants from St. John's to Corner Brook - an almost 700 km, seven hour drive from St. John's. The majority of the population of Newfoundland live on the Avalon Peninsula, which is where St. John's is located, therefore, the concern from the land surveyors is that the majority of Newfoundland citizens will have major difficulty and expense to go to the Registry of Crown Grants.

At this time, they have their election of counsellors. Some ballots are sent in by mail, but then they have nominations

from the floor and then there was the question as to the possibility of someone voting twice, once by mail-in and once in person. It did not seem like there were real controls in place. They didn't seem to have too much trouble getting people to stand for positions on counsel, but they have a huge problem getting people to let their name go forward for Vice-president and then President. At the last minute, they managed to talk one of their members into standing for Vice-president, elected by acclamation.

All in all, it was a very interesting place to visit. It certainly made me appreciate the systems, etc., that we have here. We are very lucky in the relationship we have with government and the LTSA! On a personal note, it struck me that they could be a separate country; they certainly have their own language.

Thank you to now Past President John Berghuis and his wife Miranda for their terrific hospitality, and congratulations to President Robert Goodland! ❖

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## DELEGATE REPORTS

# The Alberta Land Surveyors' Association Annual General Meeting

by Brian Brown, *BCLS, President*



The Alberta Land Surveyors' Association (ALSA) held their Annual General Meeting at the Jasper Park Lodge in Jasper, Alberta, from April 20 to 22, 2017. Thursday, April 20, was an all-day CPD event called “Accelerate Your Surveying Business” presented by Donald Cooper. Lunch on Thursday was the New Members Lunch. Similar

to our CPD events, the end of the CPD session was missed by me and the other delegates due to coincident timing of the President's Forum.

At the President's Forum there was discussion about the fact that the Director of Surveys position has been eliminated in the province of Newfoundland and Labrador and the province of Manitoba. In Newfoundland, the last person to hold the position of Director of Surveys was Allan Chafe NLS, P. Eng. Allan left that position to take up a similar position with the City of St. John's, where he is today. The government of Newfoundland and Labrador did not fill Allan's old position, and in the last cut of senior managers (237 positions, 75 vacant), all those positions were deemed redundant. The entire Registry of Crown Grants will be closed on July 1, 2017. All original documents will be scanned and the digital footprint of titles will be housed in another building. The original documents will be stored at "THE ROOMS," a museum of Newfoundland history. A skeleton staff will occupy

*The remainder of Crown Lands staff will be relocated to Corner Brook, these are the same Electoral ridings of several senior cabinet ministers, as well as Premier Dwight Ball. The Howley Building (in St. John's), which is where Crown Lands is located now, will be sold.*

the eastern region in the same building as the previously mentioned digital files. The remainder of Crown Lands staff will be relocated to Corner Brook, these are the same Electoral ridings of several senior cabinet ministers, as well as Premier Dwight Ball. The Howley Building (in St. John's), which is where Crown Lands is located now, will be sold. Manitoba has been without a Director of Surveys for

*Derek French, President of the Association of Prince Edward Island Land Surveyors (APEILS), informed us that there has never been a Director of Surveys role in Prince Edward Island. Wayne Tremblay, PEILS is the Chief Surveyor for Prince Edward Island. Mr. Tremblay heads the Surveying Section in Dept. of Transportation, Government of Prince Edward Island.*

about 4 years and has now eliminated the position along with many government managerial positions. We also heard from Gary Fraser, President, Association of Manitoba Land Surveyors (AMLS), that the Manitoba government amended their Planning Act/Regulations. Now only a Manitoba Land Surveyor can prepare a legal description for subdivision; all subdivision sketches for planning applications are to be prepared by Manitoba Land Surveyors only. Derek French, President of the Association of Prince Edward Island Land Surveyors (APEILS), informed us that there has never been a Director of Surveys role in Prince Edward Island. Wayne Tremblay, PEILS is the Chief Surveyor for Prince Edward Island. Mr. Tremblay heads the Surveying Section in Dept. of Transportation,

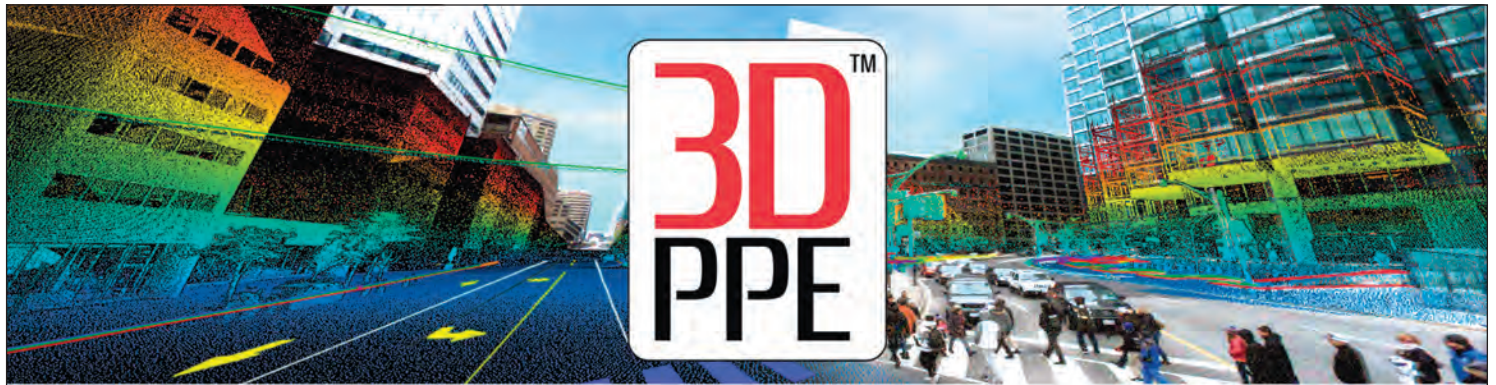
also wants to start a national marketing campaign, and it was discussed that this is what a lot of the delegates saw as what PSC should be doing—but there were also questions as to PSC's ability to do so. (Ontario held a "Marketing Day" July 7 which our CAO attended.)

Friday was the start of the business meeting; this is when the final options for council are presented, and it is the last chance for members to nominate someone from the floor. At this time, there was the surprise nomination of Fred Cheng, the current President for the position of President. President Fred Cheng accepted the nomination. The election itself is held on the Saturday, and I found it interesting that the election is done on the floor, by secret ballot, and if you are not there, you don't get to vote. The meeting started with the candidates giving a short speech: those running for President get seven minutes, those running for Vice President get five minutes and those running for Council get three minutes. At this point, Fred Cheng withdrew from running, and Mike Fretwell was elected by acclamation.

Thank you to now Past President Fred Cheng and May Cheng for their excellent hospitality, and congratulations to President Mike Fretwell! ❖

Government of Prince Edward Island. New Brunswick has a new Director of Surveys who has just been transitioned in. Saskatchewan has no succession plan in place for their Director of Surveys. Russ Hogan, President of the Association of Ontario Land Surveyors, brought up the subject of wanting to do a national salary survey; he did not get a lot of support, as most of the delegates did not seem to see value in it. Ontario





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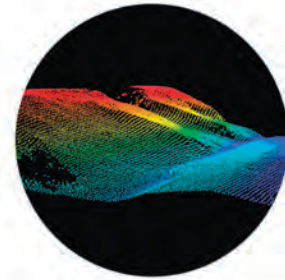
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# OIP Luncheon

Submitted by: Wayne Griffith,  
*BCLS (ret), CLS (ret)*



Left to Right: Robert Allen, Wayne Griffith

The OIP Group met at the ABC Country Restaurant in Surrey on May 1, 2017. There were 20 land surveyors in attendance: Barry Cotton, Bill Chapman, Chris James, Clare Hobbs, Dai Yates, Dave Liddle, Don Black, George Fenning, George Robertson, Hamish Hermon, Helge Jacobsen, John Henderson, John Nash, Keith Errington, Martin Schulze, Rick Clendenning, Robert Allen, Stan Nickel, Wayne Griffith and Paul Penner.

Our first order of business was to hold a moment of silence to remember George Miller, BCLS 383 and Ed Richardson, BCLS 259. Ed was commissioned in 1935 and George followed some 23 years later in 1958.

Paul Penner was introduced as the newest member to the OIP Group. Paul retired from surveying in the fall of 1998 and he lives in Chilliwack. Paul will be turning 81 this year and is active with tai chi and riding his Harley Davidson when weather permits.

Dave and Paul worked together in Langley back in the early 80s. Dave was an article student at the time and Paul was probably one of his more

memorable supervisors judging from the thumbs up gesture.

Barry Cotton was introduced and he was accompanied by Hamish Hermon. Both these gentlemen are life members and it was great to see them back. Barry is now 99 years old and is the author of "Beating About The Bush" - random memoirs of an ex-Brit.



Left to Right: George Fenning, John Nash, Chris James

Robert Allen took the floor and gathered donations to help with the scanning of the 750 photographs taken by Arthur Holland, BCLS 14. These photographs were taken around 1913 when Holland surveyed the 55th parallel of latitude near Hazelton. The University of Northern British Columbia plan to digitize these photos and they will be put on the UNBC website and made available to the public on-line. As the OIP group donated more than \$150 our group name will be published on the photo website in recognition of this donation.

Robert Allen's last order of business was to present Wayne Griffith with a Certificate of Recognition for



Left to Right: Barry Cotton and Hamish Hermon

his efforts in organizing the OIP luncheons. This presentation took Wayne by surprise and he was very appreciative of this recognition.

This presentation concluded the business side of the luncheon and it was now time to get down to the lighter side - colourful jokes and reminiscing of surveys gone by. There was excellent participation in this last portion of the luncheon with more than half the fellows sharing a joke or humorous and serious tales about past surveys. We had several good laughs and many reminders of what survey life was like before technology took over.

Our next luncheon will be held on Monday, September 11, 2017 at the ABC Country Restaurant once again. If you would like to get on the OIP Group email to receive luncheon notifications, please contact Wayne Griffith at [wmgriffith@shaw.ca](mailto:wmgriffith@shaw.ca). ❖



Left to Right: Paul Penner, Dave Liddle

Photos by Wayne Griffith unless otherwise noted.



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**Surveyor General's** Datum

# Land Title and Survey Authority of British Columbia (LTSA) Update

By Mike Thomson,  
*Surveyor General*

*This article is based on the Speaking Notes prepared for the ABCLS Spring 2017 Regional Group Meetings*

*Materials have been updated to reflect current information to the 30th of June, 2017.*

## Introduction

Thank you for allowing me to discuss current activities at the Land Title and Survey Authority, and in particular within the Surveyor General Division. I am pleased to note that for this group of Regional Group Meetings we had at least one of the Deputy Surveyor General's attending each meeting.

At the Okanagan-Mainline Group Meeting I was joined by Katie Hannah. Katie joined the LTSA last September and is settling into being the individual who deals with plan issues, Crown grants and other core business we see daily. Katie has done a very good job learning about our organization and each day is more comfortable with our mandate.

At the Lower Mainland Group Meeting I was joined by Peter Haas. Peter Haas has spent much of the last two plus years facilitating the completion of the Province wide coverage for ParcelMap BC.

At the Vancouver Island Group meeting I was joined by Jeff Beddoes, Cristin Schlossberger, Dave Swaile and Katie Hannah.

At the Northern Group Meeting I was joined by Dave Swaile. Dave has spent much of the last few years focusing on First Nations matters, but still keeps his hand in the day to day business.

The LTSA operates on a fiscal year that runs from April 1 – March 31. As such we have recently released our Annual Report for the 2016/17 fiscal year. It can be found here: <https://ltsa.ca/about-ltsa/annual-and-quarterly-reports>

For the year, revenues came at \$42.5M, our highest year for revenue since inception and 8.7% above the \$39.1M in 2015/16. For the year, this revenue was approximately 15.4% above budget. This was a reflection of the active Real Estate market in BC for the majority of the fiscal year.

Early in the 2017/18 fiscal year there was a trend towards real estate activity slowing down and that has been demonstrated in the number of plans received and in revenue. In April 2017 we only saw 684 plans deposited into the land title offices. This is some 24.3% below the 903 that were deposited in April of 2016. When looking at revenue,

April 2017 revenue was some 23% below that in April 2016.

In May 2017 we saw 867 plans deposited in the land title office, while 183 (26.7%) more than in April 2017, this was still 222 (20.4%) less than the 1,089 in May, 2016.

Through two months of the fiscal year 1,551 plans have been submitted, some 441 (22.1%) less than the 1,992 in the same two months in 2016. We remain fully engaged on our ParcelMap BC project and I will provide an update a little later.

As I modify these speaking notes for the LINK on June 30, 2017, I note that yesterday, we published the last of 18 Increments. With the publication of Increment C containing New Westminster, Burnaby, Vancouver and the UBC Endowment Lands we now have Province wide coverage of all parcels with titles in the land title office, and surveyed parcels of Crown land available.

At this time last year we had recently released the Surveyor Search and Download technology, which allows land surveyors to access the ParcelMap BC fabric. At the end of May, 2016 there were 7 of 18 Increments available.

It is obvious that most land surveyors have made the transition to mandatory submission of Survey Plan Datasets. The requirement is for Survey Plan Datasets to be submitted prior to the plan being accepted for registration in the land title office or being confirmed by the Surveyor General. We are finding, however, that our team is putting a lot of work into chasing a small number of land surveyors not meeting this requirement. We are seeing steady improvements but we still have some work to do.

We know that some land surveyors continue to struggle with the learning required to ensure datasets are submitted without defects. We have prepared a document on "Defects in Survey Plan Datasets" - which is now posted to our website at: <https://ltsa.ca/sites/default/files/Common-Survey-Plan-Dataset-Defects.pdf>. The document relates to common defects in datasets and is very helpful.

The ParcelMap BC program is designed to have the ParcelMap BC Fabric Ops Team update the fabric with new registrations within two business days of registration. We will not be able to meet this desired turnaround time if we can't solve the delays and in particular the defects with Survey Plan Datasets.

## Organizational Changes

The LTSA has had a reasonably steady work force the last little while, at least in the period between the ABCLS AGM in April and now. The one significant change in the near future is the retirement, at the end of August, of the organization's Senior Executive Assistant, Linda Williamson. Over the years Linda has had much involvement with the various land surveyors. We will certainly miss Linda.

A focus for the Surveyor General Division will be in putting in place the required measures to ensure we can continue to effectively deliver services after Jeff Beddoes retires. I anticipate this will occur at or near the end of March, 2018. It will be a big change, but I feel confident Dave Swaile, Cristin Schlossberger, Peter Haas and Katie Hannah are up to the task.

Bert Hol and O'Brian Blackall continue as ABCLS nominees to the LTSA Board. The Board Chair, Geoff Plant's term came to an end on March 31, 2017. The Board has named a new Chair, Janice Comeau, a nominee of the Province. Janice was originally appointed to the LTSA Board in 2011. Scott Smythe a lawyer with McCarthy Tetrault, a nominee of the Law Society of BC, has taken Geoff Plant's seat on the Board. The first face to face meeting with Janice as Chair took place June 8 and 9, 2017. I should acknowledge and congratulate O'Brian who was appointed to an additional 3 year term for the period April 1, 2017 to March 31, 2020.

Our dedicated technical staff is fully engaged in day to day business, supporting First Nations Treaty Settlements, supporting the Provinces Crown Grant programs and offering support to the ParcelMap BC build where and when they can. Brian Greening continues his leadership of the ParcelMap BC project and team.

## LTSA 2016/2017 Year in Review

Our 2016/17 fiscal year came to an end March 31, 2017. While the land title office, in particular, had a very busy year, activity settled closer to statistical averages in two of the last three months.

In the Surveyor General Division for the 2016/17 fiscal year:

- 97 Crown grant requests were received, 7.8% above the 90 in fiscal 2015/16.
- 994 Crown land survey plans were received, 602 (37.7%) below the 1,596 in the full 2015/16 fiscal year. The number of Crown land survey plans received each month has been quite low for the last eight months. Probably no surprise for those who work in the oil patch.
- 361 statutory applications were processed, up 38 (11.8%) from the 323 in fiscal 2015/16.

The Surveyor General Division continues to see a heavy focus on First Nations treaty settlement matters in our daily business. The Province, Canada and First Nations all remain very active in moving forward with Incremental Treaty Agreements.

## Electronic Survey Plan System – Land Titles Update

For the full 2016/17 fiscal year the total number of plans deposited in the land title office was 10,273. This is 398 (3.7%) below the 10,671 in the full fiscal year 2015/16. Through the end of November we had been ahead of the previous year and started to see a slowdown in plan deposit activity.

- In the 2016/17 fiscal year 17 plans (0.17%) were received in mylar. Over half (nine) of these were received in July, an anomaly previously described. Only six plans were received in mylar over the last eight months of the fiscal year.

## ParcelMap BC Update

As of June 29, 2017 we have completed the initial build of a province wide fabric addressing our original goal of delivering a single, complete, trusted,



and sustainable map of all parcels with titles in the land title register and surveyed provincial Crown land parcels.

It is important to acknowledge that the fabric is far from perfect and we have an awful lot to do to bring it to the standard we wish to achieve.

Over the next six months we will concentrate on a number of fixes we are aware we need to make. We will spend effort sharpening our operations so that we can move much closer to the desired two day turnaround time. We have some items to deal with in regards to a datum shift between NAD83 and NAD83CSRS for a handful of municipalities. We will also build a plan to move forward with fabric improvements and to start to work with the Least Square Adjustment tools.

We have begun to compile a list of enhancements that we can make to the product we deliver. Two are scheduled to be released on July 16, 2017. Access to plan preview through the ParcelMap BC application and direct access to Miscellaneous Notes is scheduled to be enabled on July 16, 2017.

A number of land surveyors have asked about how they report problems, misrepresentations or errors in the fabric. As a result of how the fabric was built, relying on source data from various local governments and other disparate sources, there is a real probability that there are issues in the fabric. We want to hear from land surveyors when they find an issue.

Please contact **myLTSA Technical Support** as follows: Greater Vancouver area: 604-630-9630, press 2 or elsewhere in BC, Canada and the US: 1-877-577-LTSA (5872), press 2.

In a future set of enhancements we will look to build a “direct link” feedback

system for land surveyors. The reason it was not done earlier relates to discussions / technical issues on making it available only to land surveyors. We want feedback from land surveyors – so we are working on it. If a highly complex matter arises you may also reach out to Peter Haas directly.

As noted the fabric is a long way from perfect – now that the last increment is live we will, in the fall, start plotting how we can move down the road of improvements.

The LTSA continues working on the project to provide land title attribution (PID numbers) to between 17,000 and 18,000 Crown land right-of-way segments that did not have the attribution in the source data. This is additional scope, that the LTSA felt was important to PMBC users.

Our next technology release will go live on July 16, 2017 when we will be releasing a view only version of ParcelMap BC on our website, [LTSA.ca](http://LTSA.ca). Land surveyors will benefit by being able to have clients look at this version while discussing various aspects of projects over the phone.

As related earlier, land surveyors for the most part are doing a good job of ensuring that the obligation to submit Survey Plan Datasets is being met. We again, wish to remind all that one of the critical pieces is that the dataset must be submitted prior to the plan being fully accepted and registered by the Land Title Office, or confirmed by the Surveyor General.

I wish to express my thanks to the members of the Land Surveyors Advisory Task Force, who have contributed so much to the project and left us with a set of ideas and thoughts for future enhancements. Once we get into the fall, if we have resolved the

delayed and defected dataset submission issues, we will engage with the Land Surveyors Advisory Task Force on enhancement ideas.

One area we anticipate spending significant effort over the next year is government and utility adoption of the fabric. We will engage with land surveyors in local communities, where your support would be beneficial.

## Project ACE (Advanced Customer Enhancements)

Project ACE has three primary objectives:

- replace the ageing Electronic Filing System;
- improve services to stakeholders and customers using modern technology; and
- develop and implement a “people plan” for the future.

The basic electronic filing system (EFS) infrastructure is now 15 years old. In terms of technology 15 years makes it brittle and at risk of failure, meaning it is in need of replacement and upgrade.

Additionally, stakeholder feedback has noted that some of the .PDF forms are too technical and contain non-intuitive requirements. Customers have asked for a ‘wizard’ type of process that guides them step by step, with helpful hints at each stage. Customers have suggested that access to real time guides would be helpful to complete forms.

Project ACE is about making improvements such as these that directly benefit the customer. The changes the LTSA made through our 2009-2012 Business Transformation Initiative focused on internal systems and electronic filing that created many benefits for the LTSA. The main focus

of Project ACE is the external customer. I will have more information for land surveyors as part of the fall travelling Board Trip.

That being said the LTSA recently announced some of the early gains from the project. For example land title documents can now be accessed through Scan of Demand. These features allow you to acquire a copy of a document that only exists in microfilm or hardcopy.

## 6.0 Surveyor General Division – Upcoming or Recent Events

### LTSA Communications - myLTSA News

We have provided this reminder previously, and this will likely be the last time, however we note that the Land Title and Survey Authority of BC (LTSA) regularly communicates system updates and enhancements, along with land title and survey practice or policy updates, through its email newsletters. I strongly encourage land surveyors to ensure they subscribe to receive myLTSA System Update and other LTSA email newsletters through myLTSA.

### Subscribe to LTSA e-Communications to stay informed about ParcelMap BC

Land surveyors are reminded to subscribe to the LTSA e-communications in order to stay informed about ParcelMap BC. Be the first to know about the availability of ParcelMap BC Search and other myLTSA enhancements by subscribing to receive myLTSA System Updates. Stay informed of land title legislative and practice changes from the Director of Land Titles by subscribing to Land Title Matters. The monthly E-Newsletter provides a summary of the latest news

at the LTSA. View instructions on how to subscribe, <https://help.ltsa.ca/myltsa-enterprise/set-email-communication-options>

### Approving Officers Workshop

On May 16, 2017 the Local Government Management Association hosted an Approving Officer's Workshop in Penticton. It was another valuable session and I was pleased that I was able to attend. The take away for me was a reminder that it is critical for land surveyors to have an effective working relationship with local government officials, including Approving Officers in the areas that they work. I do not think I can understate the value of land surveyors building these relationships.

### GeoBC and the Move to a New Vertical Datum CGVD2013

As many of you are aware GeoBC has been working with Geodetic Canada and other parties to prepare for a January 1, 2018 move of the vertical datum to CGVD2013 from the current CGVD28. GeoBC presented a plan at the ABCLS AGM in Victoria. In addition GeoBC have prepared a series of articles for the upcoming editions of the Link. We are hopeful the article will lay out what land surveyors can expect from the transition from CVD28 to CGVD2013. I would encourage all to stay engaged in this process.

### Boundary Commissioner

As many of you may remember, one of the roles I occupy is serving on the Alberta-BC Boundary Commission. A few thoughts:

Jay Sherwood has been working on a book, provisionally titled "Surveying the Great Divide", that recounts the stories of the Alberta – BC Boundary Surveys

of just over 100 years ago – the book is in its final stages before publication. I hope to have copies with me on the fall Board Trip.

The Boundary Commission has posted an opportunity to do some work on the Alberta-BC boundary on BC Bid. The work starts with an inspection survey on the vicinity of the Yellowhead Pass. Dave Swaile will coordinate this work.

### GPS Control Surveys

As part of our ParcelMap BC improvements, the LTSA has decided to proceed with 3 GPS Control surveys. The Integrated Survey Areas of Granisle, Elkford and Tumbler Ridge all have monuments that are considered "D" status meaning that their coordinates are below the required accuracy level for official Provincial use. As such, the coordinates of the ISA monuments in these three areas are not published in Mascot.

We would like to bring these areas up to a reasonable standard and we have issued an RFP looking for someone to conduct GPS surveys to allow the network to be adjusted and brought up to an appropriate standard. I expect these RFP's to be available on BC Bid in the next few weeks.

### Conclusion

In closing, I note that BC land surveyors continue to be very relevant in the growth and development of British Columbia, providing fundamental support to the economic and social fabric of the province through the diligent preparation of quality surveys. We thank you for your commitment to delivering a quality cadastre to the citizens of BC. ❖



A large, yellow and black rotary-wing drone is shown in flight against a blue sky with scattered white clouds. The drone is positioned in the upper half of the frame, flying over a dense green forest that covers a hill. The drone has a yellow body and black arms with propellers. A small, white, rectangular object is visible in the distance, perched on a hillside.

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# British Columbia Farm Museum Update



There are eight panels around the mezzanine floor railing showing aspects of pioneer farming and they asked that the first one show the land surveyors. This is a 4 x 8 foot panel painted by Darlene Meher MacDonald. She chose to represent the 49th parallel survey around the Moyie River area since she came from that part of British Columbia. She said she used some of her relatives for the faces of the people!

By Robert Allen  
*BCLS (Life Member), CLS (Retired)*

As readers of this fine magazine will remember, there have been a number of articles written in the past two years about the British Columbia Farm Museum in Fort Langley. Hilary Ruffini, one of the volunteers at the Museum, has been at the forefront of all the articles. The OIPs in conjunction with the Historical and Biographical Committee nominated Hilary for a Certificate of Appreciation and it was presented to her in 2016. Prior to awarding Hilary with the Certificate, she had singlehandedly put together a large Land Surveying display that covered the early years of Langley up to the early 1900's. Through it all, Hilary recognized the role that Land Surveyors

play in the surveying and mapping of the land for the orderly development of communities and farms.

This year, the Farm Museum has gone all out and had more than 30 new murals painted inside and outside the Museum and they were recently officially unveiled by the Deputy Premier, Rich Coleman along with some federal

and municipal representatives. In an email to me, Hilary says: "We wanted to acknowledge the surveyors importance again, so I've included a picture of the 40 foot run of panels where the surveyors are right at the beginning." She went on say: "One of the eight panels around the mezzanine railings again acknowledges the surveyors importance. This latter panel was painted by Darlene Meher-MacDonald as she liked the composition of the photo taken near the Moyie River during the survey of the 49th parallel."



This is a 40 foot history panel showing typical agricultural development in chronological order up to the 1960's. Land surveyors are right at the start at the bottom left of the mural.



Wayne Griffith said in a note to me: “That Hilary is a one-woman public relations committee for the land surveying community.” That comment goes for all the folks working and volunteering at the British Columbia Farm Museum. Thank you very much to all of them, but especially to Hilary Ruffini. ❖



Enlargement of the start of the history panel showing the land surveyors.

## Board of Management



Left to Right: Shauna Goertzen, Mike Thomson, Kelly Stofer, Chris Cryderman, Ron Johns, Brian Brown, David Rutherford, Mike Waberski, Michael Burian, Chad Rintoul, Roger Galibois

**A**t the Annual General Meeting in April in Victoria Brian Brown, BCLS #602 was elected President and Roger Galibois, BCLS #693 was elected Vice President. Elected for a two year term to serve as members at

large are Shauna Goertzen, BCLS #798 and David Rutherford, BCLS #738. Continuing on the Board for 2017 are Past President, Ron Johns, BCLS #602, members at large Chris Cryderman, BCLS #687 and Michael Waberski, BCLS #565, along with

our government appointed member, Michael Burian, the Surveyor General of BC, Mike Thomson, BCLS #634 and the Association Secretary, Kelly Stofer, BCLS #782. ❖



George Miller (far right) submitting his last plan to the Deputy Surveyor Generals in May 2011. David Swaile (left) Kelly Stofer (centre)

## George Blair Miller,

BCLS #383 and Life Member #58

By Robert Allen

*BCLS (Life Member), CLS (Retired)*

George has been described many times as one of those larger-than-life personalities. His infectious laugh preceded him into every room he ever entered. He was a friend to all and offered a helping hand to anyone who needed one.

George was born on May 22, 1932 in New Westminster, BC, and passed away on March 1, 2017 in his newly adopted community of Shirley, BC, near Sooke. He graduated from Cobble Hill School in 1950. It was only a two-room school and George pointed out that three other Land Surveyors had also attended that same school but at different years.

They were John Motherwell, BCLS #315, John Matthews, BCLS #356, and Doug Alexander, BCLS #404. Quite an accomplishment for such a small school. George became BCLS #383 on April 23, 1958 after articling to Arthur Frank Swannell, BCLS #288, from 1953 to 1955. In 2010, George was named as Sooke's Citizen of the Year.

Gordon Gamble, BCLS #706, CLS, wrote an excellent article about George after an interview with him. See the December 2010 issue of *The Link*. I will try not to duplicate any of that information here so please go back and read it.

I had the privilege of serving on the ABCLS Board of Management with George for three years and he was never one to hold back with any advice on any matter we were discussing. One 'George' story that I have that might have a common thread through a lot of 'George' stories is about one of our trips back to the Lower Mainland after a Board trip to Victoria. George was catching a ride back with me and he said: "I have to stop at the Waddling Dog Hotel". I thought: "Okay, maybe he has to relieve himself of some fluids". Wrong! He went in and soon came back out with a case of beer. He soon opened a couple of beers and we



had a toast to a good meeting we had just finished. By the time we reached Tsawwassen, a few more beers had been emptied. I dropped George off at his home and he left me with the remainder of the case and I headed off to Horseshoe Bay to catch the ferry home to Sechelt.

George articulated four BC Land Surveyors and two of them (Rick Clendenning, BCLS #518 and Rick Hargaves, BCLS #537) wrote memoirs about George and they follow.

---

## George Miller – A One of a Kind Bench Mark.

By Rick Clendenning, BCLS, CLS.

I articulated to George in the late 1960's when he was Chief Surveyor at the District of North Vancouver. He told me at the time that he would be tougher on me than the other employees which turned out to be true. This was actually a blessing as I learned so much from George, especially on how to be efficient, and use his mottos, "the easiest way is always the best way" and "busy boys are happy boys..."

When I was preparing to write the field exam, George said I had to be able to take three sun shots in a couple of minutes, and when calculating, remember the eight digits at one glance from the Peters book of tables, as I cranked numbers into the Facit adding machine. I then practiced taking sun shots every morning before work and had soon mastered his three shot criteria. He showed me how to take a sun shot on a cloudy day when the sun was barely visible by holding my field book behind the transit eyepiece (yes, no total stations or GPS

then) and focusing the sun and cross hairs on the paper. This actually helped me pass the field test at the Colwood Racetrack as I was the only one to get the sun shot. My fellow candidates were not impressed!

When George left the District of North Van to strike out on his own I stayed there and he let me continue my articles until he discharged me after the required three years of articleship. A year or so later I decided that being a municipal employee was not for me and George helped me to get hired on with Vern Goudal and Walter Frith in Port Coquitlam where I stayed until I passed my exams in 1975. My years with George, Vern and Walter had given me the confidence to start my own practice.

George was affectionately known by some of his employees as "George Bench Mark" (his initials being GBM) and as I look back, he was indeed a Bench Mark. His ethics and survey methods were second to none and he was always on the leading edge. One example in the 1970's was by doing photogrammetry using two cameras on tripods to create stereo images.

George always had a great story or joke to tell which was accompanied by his infectious laugh - George will be missed by all who had the privilege of working with him.

---

## George Miller, A Most Interesting Land Surveyor

By Rick Hargaves, BCLS (Life Member)

George Miller, BCLS, Life Member was a brilliant man with a larger than life personality. When he walked into a room and started to talk, people listened. While it was always clear

that George had a firm grip on the science and technical aspects of land surveying, he also had a keen sense for the art of profession.

Despite the fact that I articulated to George for a relatively short period of time (May to December 1973), he had an enormous influence on my career. It took several years for me to realize the full value of everything he taught me.

George was always able to come up with clever solutions to difficult scenarios. He was a fast thinker so much so that at times his mind raced ahead of his speech.

George taught me how to search for the remains of old wooden survey posts through almost an archaeological process that was simply amazing. His theory of "when in doubt – dig" is some of the best advice any land surveyor could follow.

George also taught me that my best friend would always be my fellow land surveyor. At the time, being a young buck, I thought he was nuts. But over time I realized that no truer words could be spoken about our profession.

George was always researching and implementing new land surveying methods and technology. After reading about some terrestrial photogrammetry practices being used in California, in 1973 he acquired a Wild P32 Photo Theodolite. No doubt this was the first of its kind in British Columbia and perhaps Canada.

In the fall of 1973, George, Mort Nelson from BCIT and myself went on a field trip to photograph the pit at Brenda Mines. Mort brought his big old Zeiss Land Camera and we brought the brand new sleek Wild P32. We packed up all our survey gear



in an old station wagon and hit the road. George insisted that we stop and pick up a couple of cases of beer along the way. As we headed up the Hope Princeton highway we got to a location where George pointed out a cut line going over a mountain ahead of us. He then pronounced that it was a part of the Canada/US boundary. Having been into the beer already, I thought about what he said and then for some reason I said two words; B... S.... Immediately, George slammed on the brakes and we came to a screeching halt in the middle of the highway. He then slammed it in reverse and backed up to the spot where the highway lined up with the cut line. He jumped out of the car, retrieved his compass from our gear and took a bearing on the cut line. He then replaced his compass, got into the car while grumbling some unrepeatable words, put it in drive and floored it with the tires just smokin'. To say George was an interesting character would be a gross understatement.

From time to time, George would call me at home to discuss a brilliant idea about some project we were working on. These calls would usually be at odd hours like early on a Sunday morning and they would always commence the same way; "Hello knave, this is your Master...."

George was a very loyal colleague and would always stand up for fellow land surveyors. For example, when I announced my retirement as Surveyor General in 2007, I got a call from George inquiring why I was leaving. In particular, he wanted to know if I was being forced out. He said if so, he would round up a bunch of land surveyors, march down to the legislature and start a war. While this was not the case, it was pretty clear that George had my back.



George Miller

Without a doubt, George was the most interesting land surveyor I have ever met. And more importantly, he was a great person who was ahead of his time, brilliant beyond belief, humble and kind. I feel so fortunate to have

been able to work with and learn from the great George Blair Miller, BCLS, Life Member. ❖

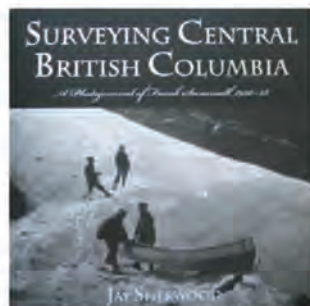


## FINANCIAL CONTRIBUTIONS TO THE BC LAND SURVEYORS FOUNDATION

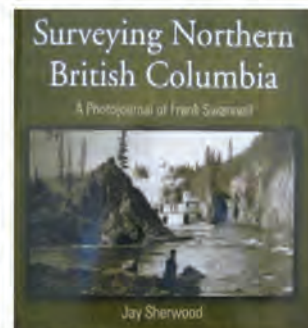
The two primary objectives of the BC Land Surveyors Foundation are to:

- create and maintain a library that houses historical and current reference material related to the surveying industry in British Columbia; and
- financially assist students who wish to pursue careers in surveying by providing scholarships and bursaries.

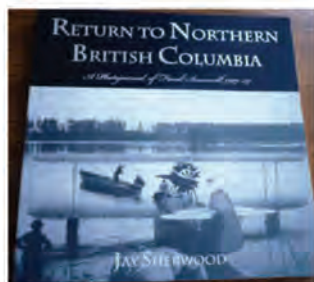
The Foundation has a number of books for sale - consider purchasing them for members of your staff, local schools, or libraries. They will make a wonderful gift and at the same time, your contributions will help support the Foundation. The following books are available from the ABCLS office:



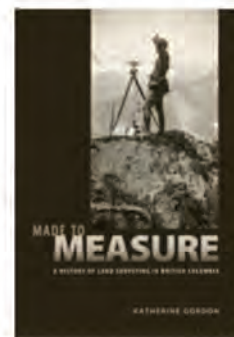
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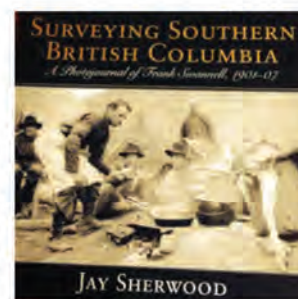
**Return to Northern British Columbia**  
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Author: Jay Sherwood



**Made to Measure**  
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Author: Katherine Gordon



**Furrows in the Sky**  
The Adventures of Gerry Andrews  
\$21.00 (taxes included, shipping extra)  
Author: Jay Sherwood



**Surveying Southern British Columbia**  
\$42.00 (taxes included, shipping extra)  
Author: Jay Sherwood

Additional information on these books can be found on the [Foundation/Books for Sale](#) page of the ABCLS website.

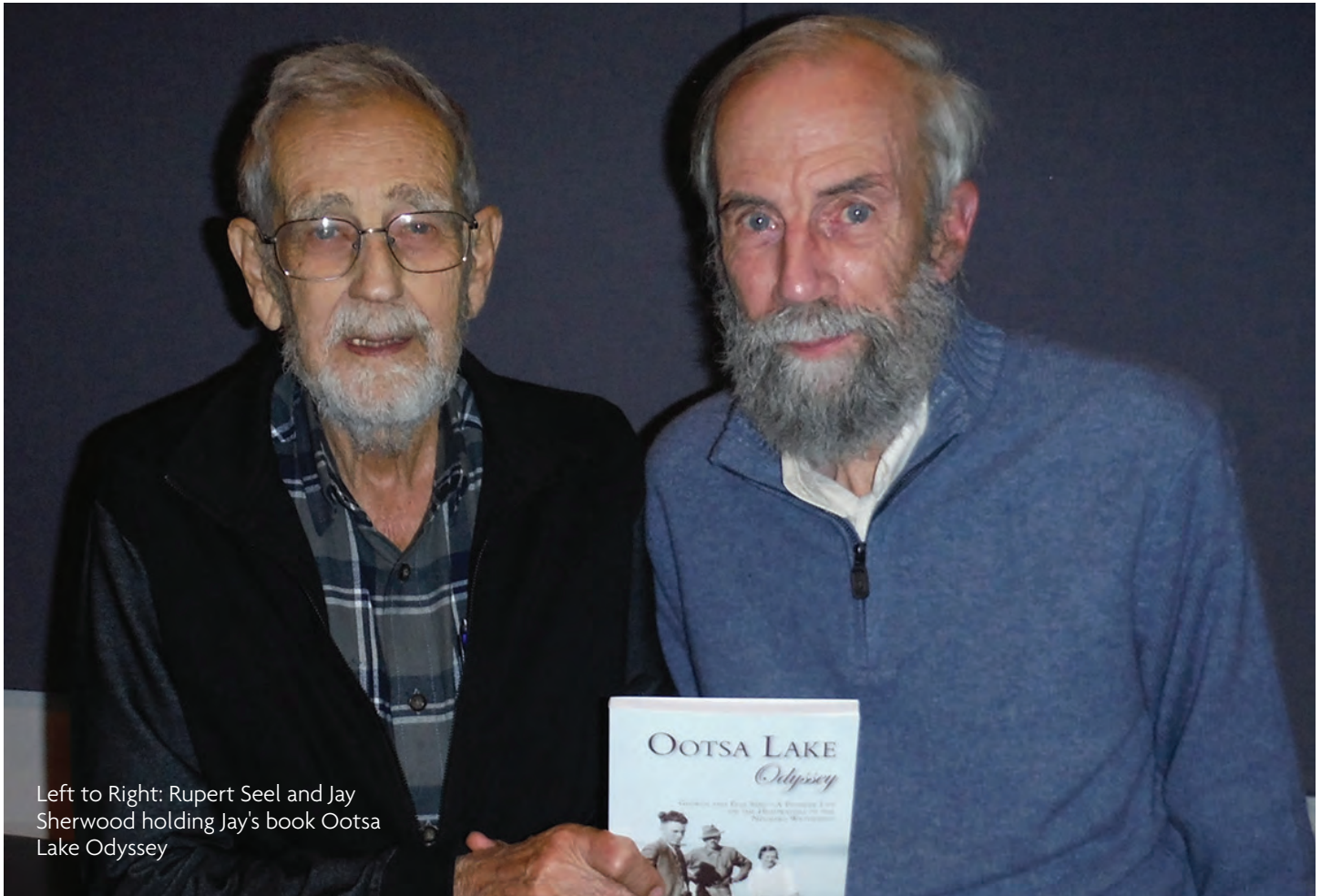
The BCLS Foundation Trustees would like to invite all land surveyors to help support these worthy causes through financial contributions. If you are interested and willing to donate, you may contribute by cheque or credit card. You might also like to consider leaving a **Legacy Donation** through your will to contribute to existing scholarships - or to establish a new scholarship in your name. You can do this by stating in your will that the bequest should be made to: *The BC Land Surveyors Foundation, Suite 301-2400 Bevan Avenue, Sidney, BC V8L 1W1*

Donations by credit card can be given by calling our Association office: 250-655-7222.

All cheques should be made payable to the BC Land Surveyors Foundation and mailed to the Association office. Please provide your name(s) and mailing address so a receipt can be forwarded to you.

***Our thanks to you for helping to ensure the future of the  
land surveying profession.***





Left to Right: Rupert Seel and Jay Sherwood holding Jay's book Ootsa Lake Odyssey

## Rupert Seel Obituary

By Robert Allen BCLS (Life Member), CLS (Retired)

*"The following is an obituary for Rupert Seel. Rupert wasn't a BCLS but he worked for McElhanney for many years and he was well known though the Land Surveying fraternity. The Ootsa Lake Odyssey book was about Rupert's family with numerous references to Rupert as well."*

Rupert Seel was born in New Hazelton BC on December 22, 1928. Growing up on Ootsa Lake, he learned from his father George how to hunt, trap and prospect. His mother Else documented their pioneer life, and her writings and photos continue to this day to inspire others.

*Ootsa Lake Odyssey* recently published, made Rupert proud (thank you, Jay Sherwood). Hired in 1951 by the surveying company McElhanney,

he was employed to ferry workers and supplies for the Kemano power generation project. It was reported that he "could tough it out in any situation and thought little of walking into Kemano from Ootsa Lake, winter or summer". As the company grew he had opportunities to work all over the world and continued with McElhanney for over 40 years.

Upon his "retirement" Rupert pursued his passions: firewood (never

enough), gardening and mineral exploration, living up to the name "the man who never tires" given to him by a Nigerian co-worker. Rupert passed on in Vancouver on June 27, 2017 and is lovingly remembered by his children: Erika, Vernon (Mei Ying), Sybil, grandchildren Matthew, Cameron, Emma and Shaw-Ern. He is predeceased by his wife Winifred, sister Gloria Reed, son-in-law Mark and friend Grace Blackwell. He will be missed by Winnie's and Gloria's families as well as many friends whom he cherished. A Celebration of Rupert's life will be held at his Sechelt house on August 12. ❖





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# May I help?

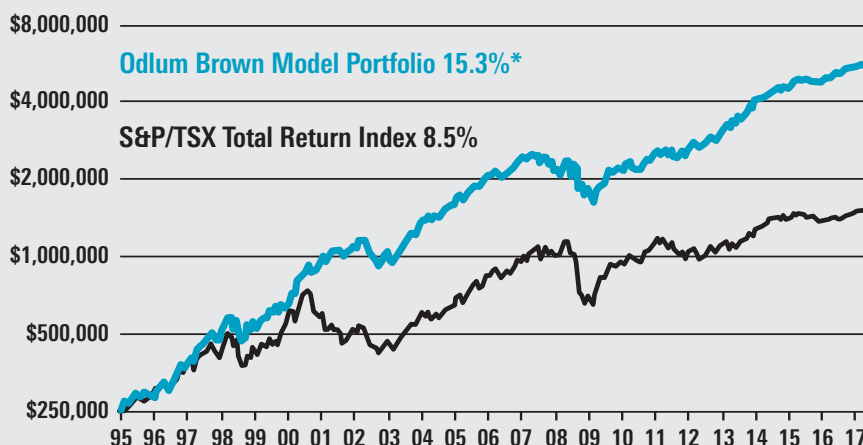
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### Compound Annual Returns (Including reinvested dividends, as of June 15, 2017) <sup>1</sup>

	YTD	1 YEAR	3 YEAR	5 YEAR	10 YEAR	20 YEAR	INCEPTION <sup>2</sup>
<b>Odlum Brown Model Portfolio <sup>3</sup></b>	<b>4.7%</b>	<b>18.2%</b>	<b>11.7%</b>	<b>17.5%</b>	<b>9.3%</b>	<b>13.9%</b>	<b>15.3%</b>
<b>S&amp;P/TSX Total Return Index</b>	<b>0.4%</b>	<b>12.0%</b>	<b>3.4%</b>	<b>8.9%</b>	<b>3.7%</b>	<b>6.8%</b>	<b>8.5%</b>
<b>S&amp;P 500 Total Return Index (\$CDN)</b>	<b>8.4%</b>	<b>23.2%</b>	<b>17.9%</b>	<b>21.2%</b>	<b>9.4%</b>	<b>6.9%</b>	<b>9.6%</b>

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<sup>1</sup> Except for YTD Period. <sup>2</sup> December 15, 1994. <sup>3</sup> The Odlum Brown Model Portfolio was established by the Research Department in December 1994, with a hypothetical investment of \$250,000. These are gross figures before fees. Past performance is not indicative of future performance. Trades are made using the closing price on the day a change is announced. \*Compound annual returns are from inception December 15, 1994 to June 15, 2017. Member-Canadian Investor Protection Fund



## New Commissions



Left to Right: Roger Galibois, David Sereda, Jonathan Austin



David Sereda on top of Blizzard Mountain near Trail BC

### David Sereda, BCLS #978

David Sereda was commissioned on June 13, 2017 in Penticton. He was born and grew up in Calgary. The appeal of working outdoors, the technical components and the opportunity for adventure are a few of the reasons David chose to become a land surveyor. David would like to thank Jonathan Austin for his broad knowledge base and

experience in helping him through the articling process. He would also like to thank the McElhanney Penticton office and his wife, Spring and two boys, Nash & Liam, for their ongoing support. David is an avid Tele-Mark skier and enjoys mountain biking, camping and any sport and activity that his two boys are involved in.



Cam Henry, Ryan Delaurier, Roger Galibois, Colin Ferguson

### Ryan Delaurier, BCLS #979

Ryan was commissioned in Kelowna on June 16, 2017. Ryan chose to become a land surveyor because of the diversity of work, the need to stay current and involved, and the ever changing technology. Ryan is also a licensed land surveyor

in Alberta. He would like to thank his wife Farrah and son Tanner, along with Cam Henry and Colin Ferguson. When Ryan is not land surveying he enjoys camping, golf and hunting.

# 40 YEAR PINS



Robert Allen #487



Neil Bennett #527



Bill Chapman #526



Doug Dodge #545



Peter Gordon #560



Rick Hargraves #537



Ken Kyler #524



David Morton #455



Richard Redfern #525



Patrick Ringwood #491



Chuck Salmon #535



George Smythies #550



Peter Thomson #472



Hans Troelsen #551



Tom Tryon #556



Richard Wey #559

This year, the Board of Management approved the creation of a new lapel pin to recognize members with 40 or more years of service. These members have undoubtedly made a significant contribution to the profession and the survey fabric of our province. At the 2017 AGM in Victoria the following members were recognized.



# 25 YEAR PINS



Stephen Campbell #712



Peter Gordon #560



Dave Hardwicke #727



Martin Harrichhausen #723



David Harris #719



Walter Johnson #726



Ian Lloyd #716



Robert Neels #715



Bob Petersen #679



Mike Shaw #691



Ian Zacharias #725





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# Unlikely Coincidences

By Robert Allen, BCLS (Life Member)  
CLS (retired)

In October 2016, I received an email from a fellow in Ireland by the name of Turtle Bunbury - no direct relationship to Paul Bunbury that I am aware of. Turtle had found my old email address on an older version of the online BCLS Nominal Roll and he was looking for some information on his grandmother's uncle, Edward Pomeroy Colley, PLS #67. As I only check my old email address once a month or so, I was a bit behind in replying to him. From 1905 to 1911, Edward Colley surveyed a number of District Lots near Francois Lake and Ootsa Lake which are both south of Burns Lake and access into that area at that time was generally through Bella Coola. Colley travelled back and forth across the Atlantic near yearly and was on the fatal voyage of the Titanic when he lost his life on his 37th birthday.

At the same time as my email correspondence with Turtle, Jay Sherwood had just received his latest book, *Ootsa Lake Odyssey: George and Else Seel – A Pioneer Life on the Headwaters of the Nechako Watershed*, from the printers. (See the April 2017 issue of *The Link* for a book review of that book.) Turtle had prepared a biography of Colley and he sent it to me with the promise of very limited

distribution as there was more he wanted to add to it. I am hoping to be able to re-print it in an upcoming issue of *The Link*. With Jay's most recent knowledge of the Ootsa Lake area where Colley had worked, I knew that he would be most interested in reading what Turtle had put together and so I provided a copy to him with the promise not to distribute it to anyone else.

Jay then became another resource person for Turtle and provided more information about Colley and some of his assistants. I had already sent Turtle a scanned version of the write-up about Colley that is in the ABCLS book *Early Land Surveyors of British Columbia* and Jay found more information in various archives, including the one in the UBC Library in the Irving K. Barber Learning Centre. In there, he found a book self-published by Alexander Gillespie, BCLS #13. Gillespie was born in 1890 and died in 1948 and his book is called *Journey Through Life, Biography of Alexander Gillespie* and on pages 48 to 53, Gillespie describes his 1907 summer working experiences with Colley. The Archives allows one to photograph pages from the book and Jay did so for the pages for the 1907 season. I read those few pages

and was so interested in Gillespie's story that I, too, went out to the UBC Library and took photos of each page in the book so I could read it in full.

*Turtle had prepared a biography of Colley and he sent it to me with the promise of very limited distribution as there was more he wanted to add to it. I am hoping to be able to re-print it in an upcoming issue of The Link.*

So, from an innocent email from someone looking for information about a long-lost relative, I eventually got onto Gillespie's book and read through all of it. Gillespie was a jack of all trades before and after becoming a land surveyor. Throughout all of this, I also found out that Turtle is a writer and has published a number of books including one titled *1847 – A Chronicle of Genius, Generosity, & Savagery*. From what I read about it on the internet, it sounded very interesting and so I ordered a copy of it. The book lists many significant events that happened in 1847 and it was quite a remarkable year! For instance: the house that Turtle lives in was built in 1847; his first harmonica was made by a firm that started in 1847 and is the oldest harmonica manufacturer still in existence; the song, *Oh! Susanna*, was published in 1847 (and in the box, a copy of the music for this song accompanied Turtle's harmonica); Daniel Massey of Massey Ferguson tractor fame built the first thrasher in Ontario in 1847; John Palliser of the famed British North American

*Jay then became another resource person for Turtle and provided more information about Colley and some of his assistants. I had already sent Turtle a scanned version of the write-up about Colley that is in the ABCLS book Early Land Surveyors of British Columbia and Jay found more information in various archives, including the one in the UBC Library in the Irving K. Barber Learning Centre.*



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Exploring Expedition, commonly called the Palliser Expedition (1857 - 1860) met Tom Thumb and P.T. Barnum on the passenger ship, Cambria, while crossing the Atlantic to the USA; Brigham Young and his Mormon followers first got sight of the great Salt Lake in Utah and set up their colony; the London Zoological Gardens opened to show off various animals from around the world and because the name, Zoological, was too long, it was shortened to Zoo, the term we use today; and the United States issued its first postage stamp. Those are just a few of the examples of the happenings in 1847 that Turtle wrote about.

While 1847 wasn't terribly significant in my time (I'm old but not that old!), March 3rd or 03-03 was a little more so. On March 3, 1963, I went with the Courtenay Towhees Boys Basketball Team to the BC Boys High School Basketball Association Championships in Vancouver at UBC Memorial Gym. On March 3, 1964, I was supposed to go with the Courtenay Towhees to the same Championships but as I was being presented with the Student of the Month award, I didn't get to go (and I missed out on that fun road trip). I forget the year but on a March 3rd, I bought a new pick up and if I cheat a little bit and double the 03-03, I get 06-06 and that was the day and month of my first surveying job in 1966. I remember there were other events happening on 03-03 but I forget exactly what they were. As

Turtle pointed out to me, there was one significant happening on March 3, 1847 – Sir Alexander Graham Bell was born. So maybe I have a connection (March 3) with the telephone!

There was, however, one significant event in my family that took place in 1847. My mother's maiden name was Guthrie and my great, great grandfather on my mother's side was Thomas Guthrie ( b. 12 July 1803, d. 24 February 1873 ). Many of the Guthrie family members were Church Ministers and Thomas was no exception. In 1847, he started the first Ragged Boys' School in Edinburgh for the education of neglected children. To this date, they are still known as "Dr. Guthrie's Industrial Schools". He was an outstanding orator and well known as a Preacher and Philanthropist. Much has been written about him and a statue of him still stands to this day on Princess Street in Edinburgh. Also see the Wikipedia article about him at: [https://en.wikipedia.org/wiki/Thomas\\_Guthrie](https://en.wikipedia.org/wiki/Thomas_Guthrie)

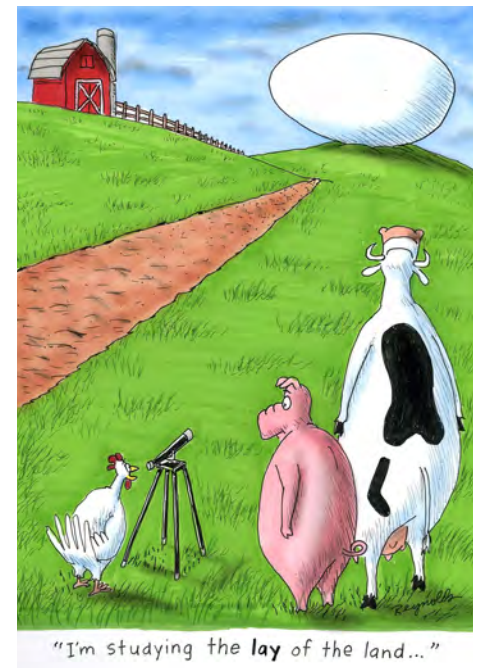
I thought that that might be the end of my connection to 1847 but during our correspondence, Turtle wrote back and said: "You mention my grandmother Noreen Colley, niece of poor Edward Pomeroy Colley. She went on to marry Gilbert Butler, my grandfather. Gilbert's older brother Hubert Butler was a celebrated essayist in Ireland. He married Peggy Guthrie who was, needless to say, a great-granddaughter of your Thomas Guthrie. Her brother

Tyrone Guthrie was a well-known theatre director in Britain, Ireland, the US and indeed Canada where he produced the Romance of Canada series of plays aired on the Canadian Broadcasting Corporation radio network. Hubert and Peggy's grandson Tom Crampton is one of my best pals. So, how's about that! My only question mark over your account is that I thought the Ragged Boys' Schools were started before 1844 rather than 1847 ... although Guthrie did publish his 'Plea for Ragged Schools' in 1847."

I'm not sure who was more surprised about the two of us being related, him or me! I will check into the 1844/1847 dates when I have an opportunity and look back on the family tree to see our connection there as well.

More about Turtle Bunbury and his various books can be found at his website:

<http://www.turtlebunbury.com/index.html> ❖



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## Arthur Holland, BCLS, Photo Scanning Project

By Robert Allen, *BCLS (Life Member),  
CLS (retired)*



### Map Showing the Extent of Holland's 1913 Survey

In 2014, Jay Sherwood was contacted by the Northern British Columbia Archives (NBCA) in the Geoffrey R. Weller Library at the University of Northern British Columbia (UNBC) regarding a possible purchase of a collection of about 750 photographs that had been taken by Arthur Holland, BCLS #14, mostly during his field seasons while working in the Central Interior and Cariboo, which is the area covered by the Archives. These photographs were in a private collection but Jay did some research in the LTSA archives and provided the context for the photos in the album and the NBCA then decided to purchase them.

The NBCA relies on public donations for their major projects and Jay thought this might be of interest to the Historical and Biographical

Committee. In Holland's 1913 season, he had been hired by the Provincial Government to survey part of the 55th parallel of latitude south of Moricetown, BC. Because of the historical significance of this survey, and the fact that it was so well documented by both photographs and reports to the Office of the Surveyor General, the Historical and Biographical Committee decided that it would be an excellent idea to have all the photographs scanned and placed on the UNBC website. This all costs money of course, and so the Historical and Biographical Committee is now raising the funds for this project.

Jay went on to note that from 1909 to 1911 Holland mainly surveyed for a land company associated with the Grand Trunk Railway. In the fall of 1910 he surveyed in an area northeast

of Prince George. Jay wasn't sure of the exact location or why he was there, but he notes there are some interesting photographs. In 1911, he surveyed in and around Fort Fraser and in 1912 he was in the Cariboo. He took several photos but unfortunately they are small and many are unlabeled. In 1914 and 1915 Holland surveyed east of Prince George and there are some newspaper articles about his work there. Jay goes on to say: "The 1913 photos and survey are definitely the highlight of Holland's early career and would make a great re-photography project." The Committee's plan is to get the photographs scanned and onto the UNBC website. The re-photography project sounds very interesting as well but will have to wait for a different time. Holland's biography in the 1955 AGM minutes says: "His report on the 55th parallel both east and west from the Bulkley Valley in 1913 is an epic pioneer survey and the difficulties of packhorse transportation." Of a local interest to me, is Plan (VAP) 1938 in Sechelt as it was surveyed by Arthur Holland in 1909.

After a few phone calls with Ramona Rose who is the Head of Archives and Special Collections at the NBCA, the project started to look feasible. Ms. Rose estimated the cost to complete this project to be approximately \$3000 and Shauna Goertzen, BCLS, in Prince George volunteered to spearhead this project. Shauna took it to a meeting of Northern BC Regional Group and quickly got commitments of \$1300 from the Northern Group, individual land surveyors, and surveying firms, including McElhanney – Prince

George; McElhanney – Kitimat; the Northern BC Regional Group; Scott Pengelly, BCLS; and WSP Surveys. Underhill & Underhill in memory of Ivan Royan, BCLS; Land Title and Survey Authority; Bill Chapman BCLS; Robert Allen, BCLS; and Vector Geomatics Land Surveying Ltd. The OIP Group put in \$240 by passing the hat at one of their luncheons.

Anyone or any firm donating \$150 or more will have their names listed on the front page of the website for the photographs. The more money one donates, the higher up the page one's name will be. As well as the listing of your name, a tax receipt will also be issued. So, anyone wishing to participate in this very worthwhile project, please contact Shauna with your commitment. She can be reached at sgoertzen@mcelhanney.com and then she will send you the details on how to participate.

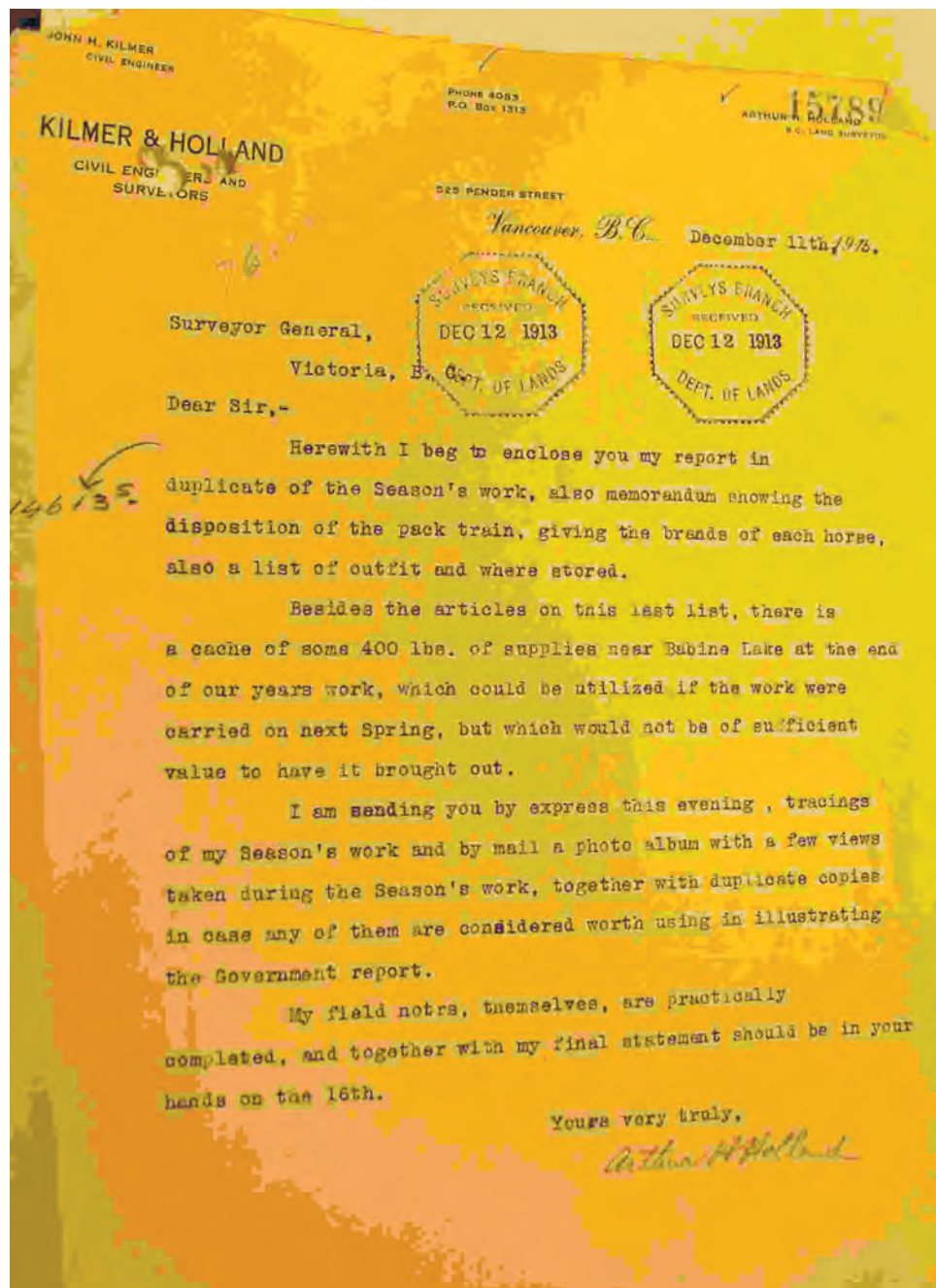
Robert Allen, BCLS (Life Member), CLS (retired)  
Chair, Historical and Biographical Committee  
Sechelt, BC  
July 14, 2017.

### Typical Letter from Arthur Holland to the Office of the Surveyor General

Dear Sir,

Herewith I beg to enclose you my report in duplicate of the Season's work, also memorandum showing the disposition of the pack train, giving the brands of each horse, also a list of outfit and where stored.

Besides the articles on this last list, there is a cache of some 400 lbs. of supplies near Babine Lake at the end of our years work, which could be utilized if the work



Arthur Holland's letter

were carried on next Spring, but which would not be of sufficient value to have it brought out.

I am sending you by express this evening, tracings of my Season's work and by mail a photo album with a few views taken during the Season's work, together with duplicate copies in case any of them are considered worth using in illustrating the Government report.

My field Notrs\*, themselves are practically completed, and together with my final statement should be in your hands on the 16th.

Yours very truly,  
Arthur H Holland ❖

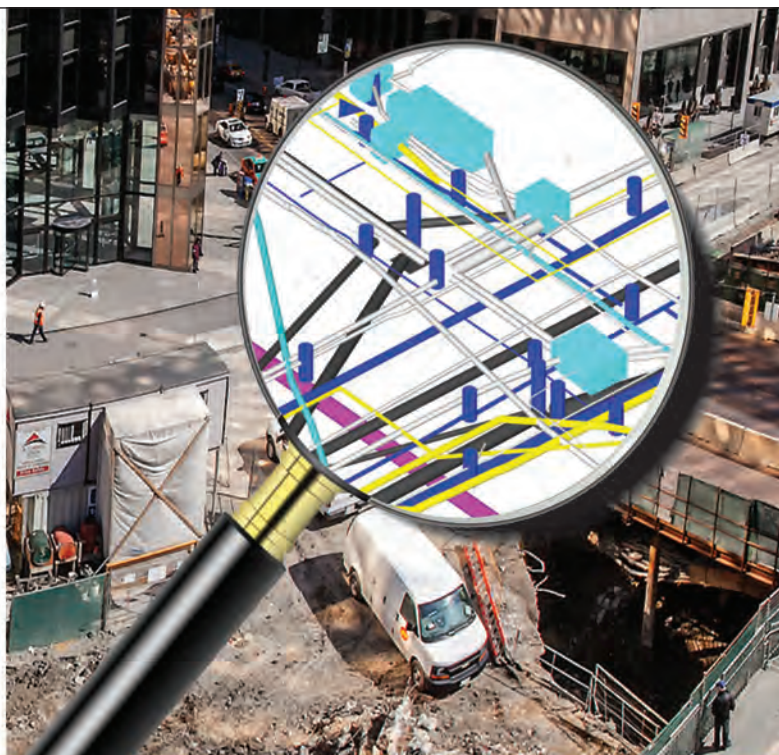
\* Typo in actual letter





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# Understanding The Difference Between Reference Plans and Posting Plans

By Peter Goodier, Assistant Manager, Practice Advisory Department

**A**t the 2017 Annual General Meeting, the Practice Advisory Department delivered a short presentation on the differences between reference plans and posting plans.

The purpose of this article is to document that discussion for the further consideration of BC land surveyors. The central message of this paper is that land surveyors should carefully consider the type of plan they produce when re-posting a parcel. Sometimes a posting plan is a suitable product, and sometimes a reference plan is more appropriate; which type of plan chosen should be decided on a case-by-case basis giving consideration to the intent of the provisions for posting plans and reference plans within the Land Title Act. Indeed, central to this conversation is the primary objective of the land title system - which is to provide confidence of ownership for land owners, lenders, prospective purchasers, and others with an interest in the land.

## Posting Plans versus Reference Plans - What the legislation tells us

Section 68 of the Land Title Act (copied below) provides for posting plans. Subsections (1), (3) and (4) are integral to this discussion, and are underlined for emphasis.

### Posting plan

68 (1) If an angle of a parcel is redefined on the ground by a post or monument, or if an angle or a parcel described by

- (a) metes and bounds,
- (b) an abbreviated description, or
- (c) an explanatory plan,

is defined on the ground by a post or monument, the redefinition or definition must be

- (d) made by a British Columbia land surveyor, and

- (e) shown on a posting plan.

(2) The surveyor referred to in subsection (1) must certify the posting plan as correct and file it in the Land Title Office within two months after the completion of the redefinition or definition.

(3) On receiving a posting plan, the registrar must

- (a) assign a serial number to the plan, and
- (b) make a note of the number in the register.

(4) The acceptance by the registrar of a posting plan for filing is not a determination by the registrar as to the location of the boundaries of the parcel posted.

(5) A posting plan must comply with the rules respecting surveys and plans made under section 385 (5) for the purposes of this section.

(6) This section does not apply to a posting plan filed under section 69.

While posting plans are required to be filed in the Land Title Office, they are not reviewed and they do not re-establish boundaries. Posting plans are filed in the Land Title Office in order to create a public record of the survey evidence set.

Section 100 of the Land Title Act (copied below) provides for reference plans;

100 (1) The registrar may accept

- (a) a reference plan without an accompanying description, if a resurvey or survey of an existing parcel is made for the purpose of re-establishing the boundaries of the parcel in accordance with the registered title, and

- (b) despite section 158 (1), a reference or an explanatory plan without an accompanying description, if a new parcel is created by the consolidation of adjoining surveyed parcels.

So, the legislation is clear. The Registrar may accept a reference plan for the re-establishment of boundaries in accordance with the registered title, and he may accept a posting plan when an angle of a parcel is defined or redefined.



## Who makes boundaries?

Land surveyors mark boundaries, and may propose boundaries – but boundaries are actually made by land owners. With regard to reference plans, consider Section 103 of the Land Title Act;

### Execution of plan by owner

103 Unless the application of this section is dispensed with by the registrar, a reference or an explanatory plan must be

- (a) signed by each owner of the land dealt with by the plan, and
- (b) witnessed in the same manner as is required by section 72 (2).

It follows that the consent of the land owners is a requirement for reference plans. The Registrar also plays a role in boundary creation (more on this in the next section).

Consent is a requirement for a conclusive boundary – the registered owners who are affected by the survey plan must sign the plan to show that they accept the boundary.

So, a question to ask yourself as a land surveyor each time you are faced with the choice between preparing a reference plan or a posting plan is: do the circumstances surrounding the survey argue in favour of obtaining owner consent and submitting the plan for review by the LTSA (i.e. a reference plan)? Or, is the situation so straightforward that it may be satisfactory to proceed without owner consent and LTSA review (i.e. a posting plan)?

## Who reviews your plan?

As previously mentioned, posting plans receive no review – they are simply filed. However, reference plans

are subject to review by the Registrar. The review will be focussed on matters of title - for example - a check will be made as to whether the plan description matches the registered title. In addition, some limited checks on survey measurements will be conducted, in accordance with Section 105 of the Land Title Act (copied below);

### Power of registrar if measurements on plans conflict

105 (1) The registrar may

- (a) refuse to accept a plan tendered for deposit, the measurements of which do not correspond with the measurements shown on a plan already on deposit covering all or part of the same land or having a common boundary with the plan being tendered,
- (b) refer a plan to the Surveyor General for the Surveyor General's report, or
- (c) order
  - (i) a new survey, or
  - (ii) that all other necessary steps be taken to ascertain the true measurements.

(2) This section does not apply to a posting plan.

If the Registrar is concerned that a reference plan does not conform to existing records, he may refer it to the Surveyor General or ask for the signatures of affected parties.

If the plan is acceptable to the Registrar, it will be registered. Upon registration, the parcel will be given a new legal description in accordance with the survey plan, and the extent of the parcel will be governed by the monuments shown on the reference plan.

## Re-posting a corner or Re-establishing a Boundary?

As noted earlier, a reference plan is used for boundary re-establishment, and a posting plan is used when an angle of a parcel is defined or redefined on the ground.

Of course, the devil is in the details. The question will arise - if a surveyor is replacing several corners of a parcel, should the surveyor re-post the corners or re-establish the boundaries? The answer depends on the circumstances.

Consider the case where a surveyor has been requested to post a parcel and;

- The parent plan is very old, or
- There are very few or no original monuments in place, or
- There are boundary discrepancies between the new survey and the parent plan, or
- There is a potential boundary dispute.

Any of these factors may suggest a degree of doubt in the location of the original boundaries, and therefore a reference plan would be appropriate. Preparing a posting plan where there is some uncertainty in the location of the original corners is probably not consistent with the intent of the Land Title Act.

Producing a reference plan when appropriate, results in boundaries that are accepted by the affected owners and by the Registrar. This contributes to confidence in ownership - which is the primary concern of our land title system. ❖

## 113th Annual General Meeting and Continuing Professional Development Days

*On behalf of President Brian Brown, we would like to invite you to attend the ABCLS Continuing Professional Development Days (March 14 and 15) and the 113th AGM (March 15 and 16) at the Whistler Convention Centre. This is your opportunity to attend some really great CPD events, be informed, and participate in decision making at the annual general meeting and join with others in celebrating the accomplishments of land surveyors and students in the past year.*



Editorial credit: / Shutterstock.com

### CONTINUING PROFESSIONAL DEVELOPMENT

The CPD Committee is hard at work planning seminars and presentations for the Continuing Professional Development Days!

Registration information will be forwarded by email early in 2018 and will also be posted on our website <https://www.abcls.ca/>



## Whistler - March 14 to 16, 2018

### Whistler Convention Centre



#### Aava Whistler

If you wish to reserve your accommodations, the Aava Whistler is set up and ready to accept your call. The room rates begin at \$219/night. You must specify the event name: Association of BC Land Surveyors to access negotiated rates. Guests can make reservations by any of the following means:

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Group Name: BC Land Surveyors



#### Crystal Lodge

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Toll Free Number 1-800-667-3363



#### Listel Hotel

A limited block of rooms requiring a minimum 3 night stay from March 14-17 have been made available at the rate of \$339/night. This rate is available until January 28, 2018, subject to availability. Please call 1-800-663-5472 to reserve quoting Association of BC Land Surveyors as the group reference and confirmation #371400.

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# Land Act Right of Way Titles

## Titles Based upon Statutory Right of Way Plans over Untitled Crown Land

By Cristin Schlossberger, *BCLS*  
Deputy Surveyor General

**A**t the 2017 AGM in Victoria I presented on the topic of Land Act Right of Way Titles (SRW Titles). The Surveyor General Division receives questions related to these titles and I find that it isn't generally well understood what the origin of these titles are and thus how they should be dealt with.

### So, what is a SRW title?

A SRW title is a title created over untitle Crown Land in order for a statutory right of way charge to be registered. These titles are raised

British Columbia" in the register as the fee simple owner of the land covered by the grant.

Where the grantee of the right of way referred to in subsection (1) applies for registration of his title to the right of way, the registrar shall, on compliance with the Act, register the title to the right of way by endorsing a memorandum of it on the register.

When the Land Title Office receives a SRW plan over untitle Crown lands, they treat the plan as a general filing according to the practice described

The Land Title Examiner will create a legal description and PID that will be used for the title. This legal description includes a reference to the land district involved as well as to the plan number, such as:

That part of Unsurveyed Crown Land, Peace River District shown on Plan EPP1234

Or, if the lands being dealt with are within surveyed, but untitle Crown land, the description may be more like:

That Part of District Lot 100, Peace River District shown on Plan EPP1234.

Or, if the different areas from an SRW plan are dealt with individually the resulting legal descriptions will follow one of the following formats:

That part of Unsurveyed Crown Land within Peace River District shown as Area 1 on Plan EPP1234.

That part of Unsurveyed Crown Land, Peace River District having an area of 20 square metres shown on Plan EPP1234.

### Plan Preparation and Survey Requirements

Whether you are preparing a Land Act plan or a Land Title Act plan which crosses a portion or all of a SRW Title, the extent of the SRW plan referred to in the title should be shown on your new plan as you would show any other SRW plan; that is, as dashed lines. Also, if your boundary under survey crosses the SRW plan referred to in the



View of the mighty Peace River, northeastern British Columbia

under Section 24 of the Land Title Act Regulations (BC Reg. 334/79) which reads:

Where a right of way is granted over Crown land under section 40 of the Land Act, the registrar shall, on receiving the grant, enter "Her Majesty the Queen in right of the Province of

in Practice Bulletin 01-11. Then, once the SRW charge document has been filed (which may come many months, or even several years, after the filing of the plan), they raise title to the land defined by the SRW plan in the name of the Crown, pursuant to Section 24 of BC Reg. 334/79, in order to register title to the charge.

title, the posting requirements are the same as set out in the General Survey Instruction Rules for the crossing of any SRW.

If a new parcel being defined by a Survey Plan under the Land Act is Crown granted, the grant will make reference to the charge so that when the Land Title Office raises a new title for the granted land, the new title will be subject to, and consequently endorsed with the charge from the SRW Title, and the SRW Title will be extinguished for the portion of the SRW that falls within the lands now granted. The result of this extinguishment is that the legal description on the SRW title is updated to note the exception. For example, if the granted lands are defined as District Lot 5678, the SRW Title's legal description is updated as follows:

That part of Unsurveyed Crown Land, Peace River District shown on Plan EPP1234 except part in District Lot 5678.

As SRW Titles are raised to register title to the SRW charges over land defined on SRW plans, you may find that there are overlapping SRW Titles in an area where SRW plans cross each other, and this is not a concern from the land surveyor's perspective. If the lands are Crown granted in the future, these multiple SRW charges will be referenced in the Crown grant document and then endorsed on to the title of the granted lands, and the SRW Titles will be extinguished or amended as appropriate.

### Tips for identifying SRW Titles

The simplest way to identify a SRW Title is by looking at the combination of the owner name and the description of the land. If the owner name is

"Her Majesty the Queen in right of the Province of British Columbia" or a variant implying the Provincial Crown; the legal description refers to "as shown on plan" or a variant in language referring to a SRW plan; and there is a SRW charge listed on the title that corresponds with that SRW

*As SRW Titles are raised to register title to the SRW charges over land defined on SRW plans, you may find that there are overlapping SRW Titles in an area where SRW plans cross each other, and this is not a concern from the land surveyor's perspective.*

plan, then it's almost certain that it is a SRW Title. The "From Title" field may also make reference to "s. 24 BC Reg. 334/79".

Practices varied in the past and some legal descriptions don't refer to a SRW plan. In order to be certain that these are in fact SRW Titles, you need to look at the root of the title to ensure that the title wasn't raised by another mechanism, such as a Crown grant or Dominion Patent. If the title was raised by another mechanism it must be treated as any other indefeasible title.

### Searching for SRW Plans and SRW Titles over untitled Crown Land

The following are methods to search for SRW plan images and SRW Titles in myLTSA.

In order to obtain the plan image of a SRW plan over untitled Crown land, if you know the SRW Plan number you can simply search in myLTSA search services by the plan number.

In order to obtain the SRW Title related to a SRW Plan over unsurveyed Crown land, you can search for the title in myLTSA search service under

Short Legal Description, Subdivided, and enter the SRW Plan number under 'Plan'.

In order to obtain the SRW Title related to a SRW Plan over untitled, but surveyed, Crown land, you can search for the title in myLTSA search

service under Short Legal Description, Unsubdivided, and enter the underlying parcel information, such as Land District and District Lot.

If you do not know the SRW Plan number and the SRW Plan runs through Unsurveyed Crown Land there is no simple mechanism within myLTSA search services to find the plan. I would recommend utilizing ParcelMap BC to search in the area of interest for any SRW plans. If the SRW is unmapped, you may want to try utilizing the OGC's online services by downloading the survey\_plan.csv spreadsheet and searching.

### More help

Please visit the LTSA website for further practice information. You may find the following documents helpful:

Land Title Practice Bulletin 01-11 - Statutory Right of Way Plans and Form C Applications for Statutory Right of Way over Untitled Crown Land

Land Title Practice Note PN 06-10 – Standardized Legal Descriptions ❖



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