

# the Link MAGAZINE



British Columbia  
Land Surveyors

**A VIEW FROM HIGH ABOVE  
OKANAGAN LAKE**





# SURVEY SOFTWARE EASY WORKFLOW

 **MicroSurvey®**

NEED WORLD CLASS SURVEYING  
TECHNOLOGY WITHIN YOUR EXISTING  
AUTODESK WORKFLOWS?

MicroSurvey STAR\*NET 10 adds powerful least squares adjustment workflows and is a compatible companion to Autodesk® software. inCAD 2021 adds land surveying tools to your existing Autodesk software as a plugin, and embeddedCAD 2021 is a built for purpose standalone AutoCAD® based package with perpetual licensing.

**CALL: (800) 668-3312**

## **Products:**

[microsurvey.com/starnet10](https://microsurvey.com/starnet10)

[microsurvey.com/emcad2021](https://microsurvey.com/emcad2021)

[microsurvey.com/incad2021](https://microsurvey.com/incad2021)

Established in 1977, *Link Magazine* is published three times a year by the Association of BC Land Surveyors. *Link Magazine* is available at [www.abcls.ca](http://www.abcls.ca) and is distributed worldwide to members, authors of record, advertisers, and other subscribers. It is also exchanged with land surveying associations and regulatory bodies across Canada and the United States.

Opinions expressed in *Link Magazine* do not necessarily represent those of the Association of BC Land Surveyors, its Board, or other members.

Submissions to *Link Magazine* must be made by email no later than March 1st, July 1st, and November 1st in MS Word format. By submitting material to *Link Magazine*, you grant the Association of BC Land Surveyors a royalty-free, worldwide license to publish the material; and you warrant that you have the authority to grant such rights and have obtained waivers of all associated moral rights. *Link Magazine* reserves the right to edit any material for accuracy, clarity, length, and conformity with our editorial guidelines, and is under no obligation to publish any or all submissions or any portion thereof. Publication takes place in April, August, and December.

Reprinting and copying of original *Link Magazine* articles is permitted. Please include a credit to both the author and *Link Magazine*. Articles reprinted from other publications may require permission from those publications.

For additional information or submissions, please contact the Association office:

301-2400 Bevan Ave  
Sidney, BC V8L 1W1  
Phone: (250) 655-7222  
Fax: (250) 655-7223  
Email: [lwatson@abcls.ca](mailto:lwatson@abcls.ca)

PUBLICATIONS MAIL AGREEMENT  
NO. 41027533  
RETURN UNDELIVERABLE CANADIAN  
MAIL TO  
ASSOCIATION OF BRITISH COLUMBIA  
LAND SURVEYORS  
301-2400 BEVAN AVENUE,  
SIDNEY, BC V8L 1W1  
E-MAIL: [office@abcls.ca](mailto:office@abcls.ca)

## TABLE OF CONTENTS

- 4 Board Member's Corner**  
Public Appointee's Perspective
- 7 Message from the President**  
Reflections on a Virtual Presidency
- 9 Message from the Chief Administrative Officer**  
The Social Media Minefield
- 10 2020 BCLS Golf Tournament**
- 11 Thank You**
- 13 Message from the Deputy Secretary**  
Elections
- 14 2020 BCIT Student Awards**
- 15 Message from the Surveyor General**  
Surveyor General's Report
- 18 From the Practice Advisory Department**  
Showing Charges Endorsed with "As to Part Formerly" on Survey Plans



Published by  
The Office of the Association  
of British Columbia Land Surveyors

Editor  
Kelly Stofer  
[kstofer@abcls.ca](mailto:kstofer@abcls.ca)

Advertising  
Lucy Watson  
[lwatson@abcls.ca](mailto:lwatson@abcls.ca)

Design & Production  
Holy Cow Communication Design Inc.

Printing  
Digital Direct Printing



- 21 Continuing Professional Development Committee**
- 22 An overview of the ABCLS Practice Advisory Program**
- 24 Strata Property Act Working Group Update**
- 25 Professional Reference Manual Committee Update**
- 27 When Should Regulators Enforce "Someone Else's Law"?**
- 30 Discipline Decisions**
- 35 Stanley Lyle Nickel**
- 41 John Motherwell, War Veteran and Author**





**Vancouver:**  
P: 604.214.9453  
F: 604.214.9455  
TF: 1.877.252.0070

**Calgary:**  
P: 403.252.0070  
F: 403.259.3992  
TF: 1.877.252.0070

**Edmonton:**  
P: 780.486.2111  
F: 780.486.2155  
TF: 1.877.252.0070



[www.spatialtechnologies.ca](http://www.spatialtechnologies.ca)

# Imagine the power of Visual Positioning

**Innovative GNSS RTK Rover with on-the-fly Visual Positioning.**

*Designed for surveying professionals to measure points which previously could not be measured with a GNSS rover easily and accurately.*

Now, you can quickly capture the site in images and measure points from them, either in the field or later in the office.

Sensor fusion of GNSS, IMU and a camera come together to create Visual Positioning technology, resulting in a GNSS RTK rover so powerful that it enables you to measure what you see. GS18 I has all the functionality of the Leica GS18 T: in addition to Visual Positioning, users can for example map points with either tilted or leveled pole.



The GS18 I receiver can collect images for positioning while moving around the job site and the image capture speed is optimized for normal walking pace.



## INNOVATIVE

It utilizes highly innovative Visual Positioning technology based on seamless integration of GNSS, IMU and a camera.

## FAST

Time spent on-site is reduced - once the site is captured, you can measure all detail whenever you want to.

## VERSATILE

The GS18 I gives you flexibility in the field, frees up equipment and crews, truly maximizes productivity, and increases profits.



**Survey grade accuracy with imaging power.**

when it has to be **right**

**Leica**  
Geosystems

## Mission

The Association of British Columbia Land Surveyors protects the public interest and the integrity of the survey systems in British Columbia by regulating and governing the practice of land surveying in the province.

## Vision

The Association of British Columbia Land Surveyors will fulfill its public trust as a progressive, accountable profession.

## Values

### We believe in:

- the importance of ensuring the quality of the survey structure and standards
- the ideals of being impartial and transparent
- upholding the professional competency of our members
- acting ethically and with integrity
- our reputation, history, legacy, and traditions

## Board of Management

### President

Shauna Goertzen, BCLS

### Past President

Chris Cryderman, BCLS

### Vice President

Dave Rutherford, BCLS

### Surveyor General

Cristin Schlossberger, BCLS

### Secretary

Kelly Stofer, BCLS

### Government Appointees

Abigail Fulton, LLB.

Neil Hain, LLB.

### Members at Large

Dan Machon, BCLS

Mark Mason, BCLS

Mike Thomson, BCLS

Dave Swaile, BCLS

### Public member on Complaint Inquiry Committee

Gord Griffiths, CPA, CA, A.C.C.

## BC Land Surveyors Foundation

Hans Troelsen, BCLS Life Member  
(Chair)

## Committees

### Board of Examiners

Joe Hadley, BCLS (Chair)

### Career Awareness Committee

Aaron Shufletoski, BCLS (Chair)

### Complaint Inquiry Committee

Scott Netherton, BCLS (Chair)

### Continuing Professional Development Committee

Mark Dailey, BCLS (Chair)

### External Relations Committee

Monty Brisson, BCLS (Chair)

### LTSA Liaison Committee

Gord Gamble, BCLS (Chair)

### Nominating Committee

Chris Cryderman, BCLS (Chair)

### Practice Advisory Panel

Minda Riley, BCLS (Chair)

### Professional Reference Manual Committee

Mathew Jaccard, BCLS (Chair)

### Survey Rules Committee

Shawn Klimchuk, BCLS (Chair)

## Staff

### Chief Administrative Officer and Secretary

Kelly Stofer, BCLS

### Deputy Secretary

Lesley Sick, ALS, P.Eng

### Sr. Practice Advisory Manager

Peter Goodier, BCLS

### Practice Advisory Manager

Nigel Hemingway, BCLS

### Practice Advisory Technician

Greg Bachelder

### Member & Student Services Coordinator

Lucy Watson

### Financial Administrator

Bonnie Kuyvenhoven

### Administrative Coordinator

Ellen Wilson



## Board Member's Corner

# Public Appointee's Perspective

By Abigail Fulton, LL.B.

There are several professions operating in British Columbia that the government has seen fit to regulate. It is really a badge of honour – a public acknowledgement that the occupation impacts a significant number of people directly and must, therefore, have some rigor around its practice. Very early on in the history of this province land surveying was identified as one of those professions.

Professional land surveyors not only provide services to clients, they play a key role in protecting the fabric of our towns and cities, and in the management of effective land use. They are critical to the success of construction projects, public infrastructure, and land ownership. Highly technical, yet requiring an ability to solve puzzles and decipher the historical boundaries and descriptions of real property, to the general public the land surveyor is both a scientist and an artist. The skill sets learned and practised are essential but somewhat incomprehensible to those of us on the outside looking in. It is appropriate, therefore, that there is an industry specific regulating body evaluating and overseeing the educational qualifications, experience and professional skills of each practising land surveyor. In this province the Association of BC Land Surveyors is the designated regulatory body. The

organization has been carrying on its duties for well over a century – in effect overseeing a self-regulation of the profession.

Professional self-regulation is not a new concept, however, increasingly it has become a topic of concern within government and in the public sphere. The primary concern is: are the best interests of the public being considered or are they falling to the wayside in an effort to promote and achieve the goals of the profession? The concern led the BC Government to commission a report in 2018 to review, among other topics, how best to ensure that self-regulating professional organizations in BC were employing best practices to protect the public interest. It was following the release of the report that the Professional Governance Act was enacted, and the Office of the Superintendent of Professional Governance created. The goal was to provide a consistent governance framework for self-regulating professions and more oversight of their activities.

While the regulatory bodies currently within the scope of this Act do not include the Association of BC Land Surveyors, it is certainly a strong indicator of the direction Government is taking with self-governing professional organizations and the

“

*It is appropriate, therefore, that there is an industry specific regulating body evaluating and overseeing the educational qualifications, experience and professional skills of each practising land surveyor.*

Association of BC Land Surveyors – sensibly – is paying close attention.

One of the cornerstones of oversight for self-regulating bodies is to ensure that the public is represented on the governing board of the organization. The ABCLS currently has two positions on the sitting board that are appointed by the government to meet this end. I am one of those appointments.

It is a privilege to sit on this board. It is well run and heavily populated with knowledgeable and impressive industry representatives. The appointment brings with it specific responsibilities. My main role on the board is to review decisions being made at the board table through a public lens to help ensure the best interests of the public are being considered.

So, what does that mean? The BC Government is clear in its directives to public appointees and five principles are clearly laid out:

1. Put the interests of citizens at the centre of decision making.

Which means to ask what is best for those who access the services of a professional land surveyor. How might BC's citizens be impacted by the decisions made by the ABCLS, and who has been consulted when important decisions impacting the public are made?

2. Behave with integrity, demonstrate strong commitment to ethical values and respect the rule of law.

Which suggests that when a decision is reached the interest of the public has been considered in a way that is fair

and aligned with the ABCLS mandate.

3. Ensure openness and respectful engagement with all citizens.

Does the public know what the ABCLS does, and why? Is the ABCLS as transparent as possible within the confines of existing information and privacy legislation?

4. Strive for outcomes that support healthy communities in British Columbia, including social, economic and environmental well-being.

Consider, how does the organization and the profession it is regulating impact the social, economic, and environmental well-being of BC citizens?

5. Implement actions to achieve the organization's mandate

For the public appointee, this includes an understanding of what government's priorities and expectations are within the larger framework and mandate of the ABCLS.

A year has passed since my initial appointment to the ABCLS Board and it is interesting for me to reflect on my experience to date with the board. It has been a busy year, with changes to staff occurring mid-stream and COVID-19 impacting everyone's lives and businesses for a significant portion of the time. Nevertheless I can say, without reservation, that the governing board of the ABCLS continues to meet its obligations to the general public. All decisions are carefully considered, with integrity, ethics and respect central to the results. I have yet to see an instance where the best interests of the public are

not integral to the policies established or regulations enforced. Overall, I feel confident in saying that the public are well served by the ABCLS and, as a self-regulating professional body, they are well positioned to continue protecting the public interest for yet another century! ❖

**“** I have yet to see an instance where the best interests of the public are not integral to the policies established or regulations enforced. **”**





# R12i GNSS Receiver

A new angle of productivity



The Trimble® R12i GNSS System expands the capabilities of the ground-breaking **Trimble ProPoint™ RTK positioning engine** allowing you to collect points accurately in tree canopy. With the new **Trimble TIP™ tilt compensation** you can measure and stake out points faster in challenging locations without leveling the survey pole. Get ready to get more done than you ever thought possible!

**Contact a sales representative  
to book a demo today!**

**Easy to use, easy to buy.  
Learn more at [cansel.ca/R12i](https://cansel.ca/R12i)**







Message from the **President**

## Reflections on a Virtual Presidency

*By Shauna Goertzen, BCLS  
President*

**I**t is hard to believe that December has arrived and I am three months away from the end of my Presidential year. Although restrictions have been lifted, slightly, my observation is that we have begun to operate in silos. I see this increasingly at work, in social circles and with the ABCLS. It is possible that COVID-19 has just magnified this phenomenon, which existed previously. Many of us have experienced increased pressures during this time; having to care for elderly parents, having to home-school children or having to deal with larger workloads due to layoffs or hiring freezes. It is only natural that as demands on our time and energy increase, our capacity to be involved in extra activity decreases.

Fellowship within the ABCLS develops as a result of personal interactions on committees, at meetings and during social events. Prior to COVID-19, opportunities existed to play a round of golf or have dinner with friends and other members not frequently seen. Although video technology affords us the ability to continue some of these activities, I believe it is more difficult to build new relationships through virtual means. I have never been a fan of FaceTime or Skype and have not grown fonder of video conferences. I would much rather meet and speak to people face to face. Perhaps this is a result of the times in which I grew up before the internet and cell phones. It is possible the generations who have grown up with these technologies do not share my feelings.

This year's fall Regional Group meetings were held virtually with the "Travelling Board" in attendance. A benefit of the virtual meetings was an increase in member attendance, as

everyone had the ability to participate from the comfort of their own home or office. The experience of "presenting" to the membership through my laptop left me feeling less than satisfied. Although virtual meeting platforms have the functionality to "raise your hand" and to pose questions through the "chat box", some meetings were over very quickly and lacked in-depth discussions. I could not help but wonder if this would have been the case had the meetings been in person.

In a typical year, the President participates in eight Presidents' Forums between March and December. A Presidents' Forum is an event where the Presidents of all Canadian land surveying associations meet to discuss common issues and topics of interest and to share experiences. Topics discussed have included; how to deal with COVID-19, what discipline processes look like and instituting mandatory CPD programs. Only two virtual forums have been held this year.

This might be due to busy schedules, more pressing needs, and challenges with holding virtual AGMs.

The benefit-cost ratio of the President travelling across Canada has been questioned in the past. Speaking as a President who has been unable to travel and meet with sister associations in person, I believe the benefits definitely outweigh the costs. In 2020, interactions with other associations have been impacted negatively due to the virtual nature of the meetings. While there has been cost savings, the lack of travel has, in my opinion, resulted in some detachment between the associations at the President's level. Not only have these professional connections been somewhat lessened, but also those personal friendships developed through in-person meetings.

Networks and relationships are important in every aspect of our personal and professional lives. Our interactions are so important to our sense of community and fellowship. I was recently reminiscing with friends about memorable moments at previous AGMs and shared some laughs. Also, I had the opportunity to speak with members who are outside my normal communication circle and spent some time catching up on their news. Even though things are difficult

now, I encourage you to maintain relationships such as these. I strongly encourage you to reach out to others through a text, email, or call. Send a gif, meme, or a video to bring a smile or to make someone laugh. Let people know you are thinking of them. I eagerly await the day when we can gather as a community once again.

Our Association is heavily dependent on volunteers and this need remains unaffected during COVID-19. It has been suggested that members are feeling overextended and do not feel able to participate. Some feel they do not have anything to contribute. Others questions whether they have

enough experience to participate in committees. There is a feeling that committee work will take many hours. Early in my career I had some of these same misgivings but learned that committees and working groups are a great place to contribute to the ABCLS. Our membership is comprised of people at all stages of their careers, in all corners of the province and in all types of business structures. Everyone has something to contribute. If you are interested in serving on a committee or working group, but are having doubts, reach out to a member of a committee to discuss your hesitation or to confirm the time commitment required.

March 2021 will mark the end of my sixth year of Board involvement. I have enjoyed the experience and would like to thank the membership for allowing me the opportunity to sit at the Board table, where I have made lasting friendships, learned about governance, and been involved in challenging debate. I look forward to my remaining three months as President and to supporting the Board and Dave Rutherford in my year as Past President. I strongly encourage you to support our Association by considering running for a position on the Board in the future.

Until we meet again. ❖

# ASTTBC TECHNOLOGY PROFESSIONALS

Professional Registration can take your career to new heights!

[ASTTBC.org](https://ASTTBC.org)



Photo courtesy of Hydrologica  
Environmental Consulting Group Ltd.





Message from the **Chief  
Administrative Officer**

## The Social Media Minefield

By Kelly Stofer, BCLS  
Chief Administrative Officer

It was about this time last year when (now former) Houston Rockets general manager Daryl Morey took to Twitter in support of the Hong Kong protests: “Fight for Freedom. Stand with Hong Kong”. As you might expect, Beijing took issue with the comments. So did the NBA, at least initially, issuing what amounted to an apology. The tweet obviously affected the league’s business interests in China where there are over 600 million NBA fans.

At the same time, the NBA appeared to support Mr. Morey’s right to freedom of expression. Except Rockets ownership seemed to distance itself from Mr. Morey. Adding to the confusion, Morey removed his tweet, which then drew further criticism from politicians and others. In November, Mr. Morey stepped down as general manager of the Rockets. I don’t know if the Twitter incident was a factor, but it does seem likely.

In the United States, where Mr. Morey is from, the First Amendment to the Constitution guarantees free speech. But that doesn’t mean things can’t go wrong. In China, there is no guaranteed freedom of expression. Between business and geopolitics, the kerfuffle over the tweet was entirely predictable.

Here in Canada, the Charter of Rights and Freedoms is clear that everyone has *freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication*. Free speech is a democratic principle extending back to the ancient Greeks in the fifth century B.C.

This brings us to a less predictable social media incident recently in the news much closer to home. In 2016, a Saskatchewan nurse was found guilty of professional misconduct by the Saskatchewan Registered Nurses Association for taking to Facebook and Twitter a year earlier to criticize the healthcare service received by her grandfather in long term care. The nurses at that facility complained, and the regulator’s discipline committee decided the posts brought the profession into disrepute and violated its social media policy.

The nurse appealed the discipline committee’s decision to the Court of Queen’s Bench, but the court found no reason to interfere with the decision.

The Saskatchewan Court of Appeal heard the matter in 2019 and found otherwise. This October, it issued a decision to set aside the discipline committee’s finding of professional misconduct. The appeal court considered questions at the intersection of professional regulation, a professional’s private life, and the

Charter’s guarantee of freedom of expression. Among the appeal court’s several findings was that the discipline committee unjustifiably infringed on the nurse’s right to freedom of expression.

In its decision, the appeal court remarked:

... Indeed, the right to criticize public services is an essential aspect of the “linchpin” connection between freedom of expression and democracy. In Canada, public healthcare is both a source of pride and a political preoccupation. It is a frequent subject of public discourse, engaging the political class, journalists, medical professionals, academics, and the general public. *Criticism of the healthcare system is manifestly in the public interest. Such criticism, even by those delivering those services, does not necessarily undermine public confidence in healthcare workers or the healthcare system. Indeed, it can enhance confidence by demonstrating that those with the greatest knowledge of this massive and opaque system, and who have the ability to effect change, are both prepared and permitted to speak and pursue positive change.* In any event, the fact that public confidence in aspects of the healthcare system may suffer as a result of fair criticism can itself result in positive change. Such is the messy business of democracy. (emphasis added)

The discipline committee felt the nurse should have gone through proper channels with her concerns and filed her own formal complaint. The appeal court rejected that argument as it would deny registered nurses “... the right to choose their means of communication and audience. It would effectively prevent them from using their unique knowledge and

## Message from the Chief Administrative Officer

professional credibility to publicly advance important issues relating to long-term care”.

The appeal court decision tells us to consider contextual matters, including factors like whether a professional identifies themselves as such, the extent of any professional connection, whether criticism relates to services provided to the professional or their family or friends, the truth or fairness of any criticism, the extent of publication and the size and nature of the audience, whether the expression is intended to contribute to social or political discourse about an important issue, and the nature and scope of any damage to the profession and public interest.

I don't think the Saskatchewan appeal court is saying it is okay to criticize other members of your profession on social media, but rather that there are lots of issues to consider. And this matter may not be over. It is possible the regulator could attempt to appeal the decision to the Supreme Court of Canada.

Use of social media platforms like Facebook, Instagram, Twitter, YouTube is commonplace. Twitter's recent quarterly report shows that it has over 186 million daily active users. Land surveyors use social media to communicate with friends, followers, and others about professional matters. I presume many of these communications are in the public domain, where things can get complicated. Land surveyors active

on social media might want to review the Saskatchewan case and consider policies for social media use by themselves or within their firms.

What about the ABCLS Twitter account? To be honest, the social media landscape makes me a little nervous. Posts, by their very nature, encourage comments. And while most comments are likely to be innocuous or even helpful, entering the public arena creates the risk of comments that are misleading, false, or intended to damage the reputation of the ABCLS. Nevertheless, as part of a communication plan to be developed next year, I expect to be more active in announcing events, appointments, opportunities, results, and other important regulatory matters. ❖

# 2020 BCLS Golf Tournament

By Marissa Moore, BCLS

The 7<sup>th</sup> Annual BCLS Golf Tournament was held on September 18, 2020 at Bighorn Golf Club in Kamloops.

Although space was limited due to COVID-19, the tournament was a huge success! There were 40 people in attendance for the event which raised over \$3,000 for the BC Land Surveyors Foundation. Over the past seven years the event has raised over \$34,000!

I would like to thank each and every participant, along with our generous sponsors! The date and place for the 2021 event has not been set yet but stay tuned for further information. ❖



Richard Redfern, BCLS







# Thank You

*By Connie Fair  
President & CEO,  
Land Title and Survey Authority of British Columbia*

**T**his Fall, I announced my intention to retire after serving five years as CEO of the Land Title and Survey Authority of British Columbia (LTSA) and previously as CEO at BC Assessment for almost a decade. The decision was a tough one but it also feels like the right time for me to start the next stage of my life and spend more time with family and my already-retired husband.

The last five years have been an exciting time for the LTSA and I am very proud of what we have accomplished. My overarching goal has been to create a customer-centric, digital-forward organization that provides British Columbians with certainty and confidence in our land-related registries, systems and information. We adapted as a business to embrace innovation and change which meant a significant investment by everyone involved, starting with strong customer relationships and a deep understanding of what our customers need to run their business and serve their clients. Thank you for collaborating with us to continually develop innovative solutions in the public interest.

ParcelMap BC is one such collaboration which provides a unified view of all titled and Crown land parcels across BC, and the contributions of land surveyors to its ongoing improvement is what makes it a success. By submitting your datasets prior to plan registration, you are helping ensure everyone benefits from a comprehensive and accurate

fabric in as timely a way as possible. Thank you for your diligence. We also continue to invest in new datasets, such as the 30,000 road parcels with active PIDs that form the Titled Roads Project. Together, we are ensuring ParcelMap BC remains a robust tool for governments and property professionals throughout our province.

Web Filing is part of another multi-year initiative to maintain the integrity and accuracy of our land-related systems while improving customer ease and efficiency. To prepare for the upcoming phase of the project known as Survey Plan Services Modernization, we consulted with land surveyors and used your feedback to update the design of the plan submission process. As a result, survey plans, datasets and other associated data will soon shift to be assembled in the surveyor's workspace in myLTSA. We are confident you will find the filing experience to be much improved.

Perhaps the least anticipated event of my career has been the remarkable changes created by the current COVID-19 pandemic. While there

has been short-term uncertainty, the path forward has always been clear – we will continually leverage digital innovations to provide the flexibility and automation needed to weather any storm. We also have an opportunity to re-evaluate long-held business assumptions and imagine new possibilities. There are seismic changes occurring in many industries with compressed timeframes of days or weeks when previously they would have taken years to evolve. It is exciting to consider the possibilities ahead as technological advances help to make services more accessible to everyone.

I am leaving the LTSA in the strong hands of a supportive and knowledgeable Board of Directors and a very capable senior leadership team, guided by a sound strategy that is centered on customers. Thank you for your support over the past five years – I know land surveyors and the LTSA will continue to collaborate in the best interests of all British Columbians and I will be watching eagerly to see what's next. ❖

EDITORS NOTE: The LTSA has since announced Al-Karim Kara as its next President and CEO effective December 7, 2020 with Connie Fair's retirement confirmed for December 11, 2020.



## British Columbia Land Surveyors

*The Association of BC Land Surveyors is sponsoring a  
"Virtual Meet the Students Night"  
for all BCIT Geomatics Students and  
BC Land Surveyors.*

*Let's keep our annual tradition  
by connecting with students  
virtually this year!*

*This is a great opportunity  
to promote the profession of  
land surveying as a career!*

*Tell them about the career  
opportunities on our website:  
**[www.abcls.ca](http://www.abcls.ca)***

# MEET THE STUDENTS

When:  
**Friday,  
January 29, 2021**  
Event runs from 5:30 pm to 7:00 pm

Where:  
**Virtual Event with  
BCIT**



Latitude: **N49° 15' 4.9478"** | Longitude: **W123° 0' 4.3478"**







Message from the  
**Deputy Secretary**

## Elections

*By Lesley Anne Sick, ALS, P.Eng.  
Deputy Secretary*

**W**ith the 2021 AGM just around the corner, it is that time of year again where the Nominating Committee is ringing phones and knocking on doors looking for a slate of qualified candidates for the upcoming Board of Management elections. Many of you would have come across the recruitment advertisements in the ABCLS email notices. Some of you may have been contacted directly by a member of the Nominating Committee during their recruiting process.

Before I get too far here, I want to thank all those who have agreed to put their name forward as a candidate for a Board position in the upcoming 2021 spring elections. It is people like yourselves that enable our members to exercise their right to vote and fill the vacant Board of Management positions.

If you were to look at the election history of the Association, there has been a noticeable trending declining interest of members to run for Board positions. This is not specific to British Columbia. This trend can be seen across the provinces in a multitude of professional self-governing organizations.

Looking back to 1905 when the Association was first sanctioned under the Land Surveyors Act and in the early years of the ABCLS, you will find a time where each Board position would have had a relatively long list of candidates. There was a distinct honour being voted into such positions.

Members would come from all corners of the province to cast their vote.

Each individual vote representing a voice.

One of the most important things in any democracy is the right to vote. If we look at Canada, for example, in the early days only a select group of privileged men could vote. Now, it is a fundamental right for all Canadians 18 years of age or older.

When the Association was created, we were provided the privilege of self-regulation. We were provided the privilege, not the right, and in conjunction with that privilege came the creation of the Board of Management and our privilege to self-govern our own profession whether it be licensing, professional standards, or discipline.

Over time, we have seen numerous changes.

I still believe those voted onto the Board today see it as an honour

and take pride in their ability to contribute to the overall leadership of the Association. As an Association, we are now planning our first digital AGM that will bring along online voting capacity. We are still exercising our right to vote and have a say in the future direction and governance of our Association.

The Nominating Committee always manages to find a full slate of candidates to run for election albeit having a declining number of candidates, and in some cases, we end up with an uncontested election for certain positions.

This has me asking the question, will volunteer interests of the members further decline over time?

If so, where does that put us as a self-regulating body if we cannot fill a slate of candidates for an election?

When we look at trends in regulatory governance, one of the biggest fundamental risks is the inability to govern; the inability to fill critical Board positions. Without the leadership of the Board of Management, we truly lose our overall ability to self-govern and regulate our profession.

If this is something we value and want to protect, then we need to fully support the model by being actively involved, in one form or another. Simply stated, the ABCLS needs involvement and leadership to function.

I often hear members say that they are not ready to run, or they feel they do not have enough experience.

## Message from the Deputy Secretary

We live in a changing world and more than ever, it is critical for the ABCLS to remain current and continually evolving. We need diversity on the Board. This does not just mean diversity in age, ethnicity, and gender, although equally important, but we really need diversity in competencies, philosophies, and life experience.

To collectively make the best decisions reflecting the real world, the Board needs a multitude of perspectives, wide range experience and healthy debate.

Great ideas come from disruption of the status quo.

Each member has something to offer and the outcome we hope through the voting process is that we end up with a balanced and diverse Board. For this reason, it is important for those who have unsuccessfully put their names forward in the past to run again. The make up and balance of the Board changes year to year. If you are not the best fit to balance out the Board today, you will be tomorrow.

The success of the Association relies on the commitment and involvement of its members whether on the Board of Management or any of the various committees. This is something we want to protect.

You all have plenty of time now to start thinking a year ahead on whether you will put your name forward for a Board position. In the meantime, I look forward to the upcoming spring elections and our second virtual AGM. ❖

# 2020 BCIT Student Awards

Thanks to the BC Land Surveyors Foundation and its generous donors, BCIT was able to recognize the achievements of the following talented students, celebrating their hard work and accomplishments in their education:

Award Name	Name	Program	Amount
The BCLS Foundation Gerry Andrews Memorial Award	Eshaya Minchin	Geomatics Engineering Technology	\$2,500
The BCLS Foundation Ray Chapman Memorial Award	Aaron Rooke	Bachelor of Science in Geomatics	\$2,500
The BCLS Foundation W.N. Papove Sr. Memorial Award	Sabrina Winkler	Geomatics Engineering Technology	\$2,500
The BCLS Foundation G.M. Thomson Citizenship Award	Gabriel Lechner-Ling	Geomatics Engineering Technology	\$2,500
The BCLS Foundation Kenneth K. Wong Memorial Land Surveying Scholarship	Kasra Filsoof	Geomatics Engineering Technology	\$2,500
The BCLS Foundation Women in Geomatics Award	Lauren Antonovitch	Geomatics Engineering Technology	\$2,500





Message from the **Surveyor General**

## Surveyor General's Report

*By Cristin Schlossberger, BCLS  
Surveyor General of British Columbia*

The following report provides an update on activities at the LTSA for the first two quarters of the fiscal year.

### Organization

**D**ue to COVID-19 the front counters remain temporarily closed to protect staff and customers. Staff are working a mix of in-the-office and remotely and we have the capability to quickly transition back to full remote work if needed.

In August of this year, Gregory Steves joined the LTSA as VP of Policy and Legal Services. Gregory has spent over 20 years working with the BC Public Service and most recently he was the ADM of the Office of Housing and Construction Standards.

This past summer, Connie Fair announced her intent to retire from her position as CEO. The job competition for the CEO position is currently underway and Connie will be staying until the position is filled.

There have been no changes in the Surveyor General professional team. Peter Haas and Tobin Pope support me in Policy and Legal Services. Dave Swaile leads the operations team which includes Katie Hannah and Chris Sakundiak.

The regulations for the Land Owner Transparency Act (LOTA) were passed on September 20 bringing the registry into effect as of November 30. There shouldn't be direct implications for land surveyors, however you should be

aware that your clients may need to file transparency reports with certain land title transactions.

The LTSA and the Province have completed the 5-year review of the Operating Agreement and the results are posted to the LTSA's website. Every five years the LTSA and the Province conduct a performance review in relation to obligations outlined in the Operating Agreement. Both parties fulfilled their obligations with the LTSA exceeding performance targets. One area identified for improvement in the review was communication between the parties and there will be work focused on that going forward.

### Customer Operations

The first quarter of this fiscal year saw a 9% decrease in plans received by the Land Title Offices compared with the same period last year (Q1). There was no change from the previous quarter (Q4). In the second quarter they received 2,265 plans which is a 4% decrease over the same period last year (Q2) and an increase of 7% over the previous quarter (Q1).

The volume of survey plans submitted to the Surveyor General in the first quarter was 73% lower than the same time period last year (Q1) and 60% lower than the previous quarter (Q4).

In the second quarter we received 152 plans which is a 25% decrease compared with the same period last year and an increase of 81% over the previous quarter (Q1). The volume of survey plans received by the Surveyor General remains lower than historic numbers, primarily due to a reduction in oil and gas related plans.

We remained under mandated turnaround times for all operational items. The ParcelMap BC year to date turnaround time is currently at 1.0 days for 'plan events'. Thank you to everyone for being diligent in ensuring that your datasets are submitted prior to plan registration so that we can update the fabric as soon as possible.

### Historical Record Conservation

To date, 80% of the land titles bound volume series has been digitized and once the Kamloops and Nelson Land Title Districts volumes are scanned virtually 100% of the bound volume series will be available digitally. Examples of bound volumes include the Absolute Fee Books and Charge Books.

Bound paper volumes from the Kamloops office have been temporarily moved to Victoria for digitization. Then once the scanning is complete the records will be returned to Kamloops. In the interim the records are available

through Scan on Demand request. Once the scanning is complete, the digital images will be made available for download through LTSA's DocuWare Image Delivery System which is available on computers in each LTSA office.

The Historical Records Advisory Committee was formed last year in order to advise the LTSA on records that would be most valuable to First Nations for research purposes. This feedback is being considered in prioritizing records conservation. The stakeholders represented on this committee will likely change over time as the focus shifts.

### Committees and Outreach

The LTSA AGM, Board and Stakeholder Advisory Committee meetings were held on September 23. We welcomed Kelly Stofer as a SAC member for the ABCLS.

The Land Surveyors Advisory Task Force met in April, July and October; with a primary focus on PMBC topics. I would like to thank the task force for all of your feedback on the survey plan services modernization design work as well as other projects.

The focus of the Canadian Council on Geomatics Cadastral Forum this year has been a comparative analysis of land administration systems across Canada.

The BC/Alberta Boundary Commission has two contracts underway, one for the inspection of monuments and another for monument restoration. We are experimenting with a different method of monument restoration which uses a pre-fabricated sleeve over top of

the existing monument. Our aim is to retain the integrity of the original monuments.

### ParcelMap BC

To date, 59 organizations have formally adopted ParcelMap BC, including 52 municipalities. We are very happy with the level of adoption over the past year and the adoption working group continues to work on identifying and resolving any blockers to adoption. It seems that the primary issue remains change management for the municipalities that haven't adopted.

So far this year, 28 large scale spatial improvements have been completed. The team continues to put resources in this area of continual improvement. The LTSA website has spatial improvement and adoption reporting dashboards that are updated monthly.

The PMBC team is working on a Titled Roads Project to integrate road parcels with active PIDS. These parcels had been excluded from the initial PMBC build. The team has integrated approximately 7,200 parcels out of approximately 30,000.

The team recently sought feedback from the Land Surveyors Advisory Task Force on amendments to the guidelines for dataset survey limits. These guidelines have now been published. Large survey limit boundaries are less useful for users of PMBC, particularly as a greater number of survey limits are visible and overlapping, so we are recommending that the limits exclude distant control monuments.

Beyond survey plan datasets, there is an ability to provide additional cadastral

ties to PMBC to spatially improve the fabric. There are guidelines for the submission of these cadastral ties on the website and the PMBC team is interested in hearing from land surveyors if they have local control that they would like to contribute to help spatially improve PMBC.

### Web Filing

A Web Filing release was successfully deployed on June 15, which allowed for the majority of Surveyor General applications to be submitted through the Web Filing platform. This was also the final release of Land Title web filing forms. This is all with the exception of plan related forms, which I will touch on in a moment.

A short transition period was provided before we retired the related Surveyor General PDF forms on July 31. Now all applicable Surveyor General submissions must be made through Web Filing.

The CLRS Form (Crown Land Registry Plan), SPC Form (Land Title Plan) and DSPL Form (Application to Deposit Land Title Plan) are not part of Web Filing at this time, and continue to remain filed in the traditional PDF Form method. These submissions are part of the Survey Plan Services Modernization project.

The business design for Survey Plan Services Modernization has been completed for stage 1 of the project; which involves the assembly, validation and submission of all statutory plans and associated data to the Crown Land Registry and the Land Title Offices. Planning is underway to complete the technical design and build of the digital plan repository and web filing



for plans. I will update land surveyors as I have more information available.

### Integrated Survey Area (ISA) Program Review

The LTSA sought stakeholder feedback on the ISA program last year. This feedback generally concluded that many municipalities still value the ISAs and would support revitalization of the program. We are now trying to determine what revitalization might look like.

A focus group of land surveyors met twice in September to provide additional feedback on the existing ISA program and areas for improvement. We also recently met with GeoBC to discuss stakeholder feedback.

Generally we are finding that land surveyors who work in ISAs that are maintained with monuments in safe accessible locations find the program beneficial. If we are to revitalize the ISA program then it is clear that there needs to be improvement on the understanding of all parties in their responsibilities.

A reminder to land surveyors that there is a requirement to report damaged or destroyed ISA monuments. This includes monuments that are found to be out of position. The control monument reports are submitted through Mascot. This information is critical to have a good picture of the quality of monuments in the ISA areas.

### Post-Quake Boundary Restoration

At present there are no plans in place in BC to address the rebuilding of the legal survey fabric after a deformation event.

A significant deformation event will likely damage the legal survey fabric and a plan is needed to ensure that the fabric can be mended in a way that reduces boundary disputes and uncertainty.

Good lessons have been learned from other jurisdictions, notably New Zealand, which provides guidance on how to re-establish the size, shape and location of parcels of land after an earthquake. One important lesson learned is the value of having appropriate statute and regulation,

### Message from the Surveyor General

and an action plan, in place prior to an earthquake occurring, rather than simply reacting after.

We contracted the preparation of two papers from Dr. Brian Ballantyne. These papers provide lessons learned from other jurisdictions, fundamentals for post-quake parcel fabric restoration and an action plan of tasks for BC.

Using the principles outlined in Dr. Ballantyne's papers, my team is preparing a handbook that will be a living document that can be adjusted as consultation occurs and as laws, regulations, and systems change over time. The handbook will include tasks to be completed pre-quake, which we are working on now, and those to be completed in the months and years after a significant event.

We will be seeking feedback from land surveyors and you can expect to hear more from me as this project progresses.

In closing, thank you to everyone for your continued contributions to the quality and integrity of BC's legal survey fabric. ❖

### December 31 deadline

Members must report continuing professional development for the current cycle before December 31 in accordance with part 19 of the Bylaws or their right to practice may be revoked.

If you have not yet reported CPD, please do so at:  
<http://www.geoed.ca/bc-login/>

### December 31 deadline

Members who have not filed an insurance declaration during the current year must do so before December 31 in accordance with part 9 of the Bylaws.

### January 1 deadline

Members wishing to transfer to the nonpractising or retired roster must submit a status change application to the Secretary before January 1 in accordance with part 7 of the Bylaws.



# Showing Charges Endorsed with “As to Part Formerly” on Survey Plans

By Peter Goodier, BCLS  
Sr. Practice Advisory Manager

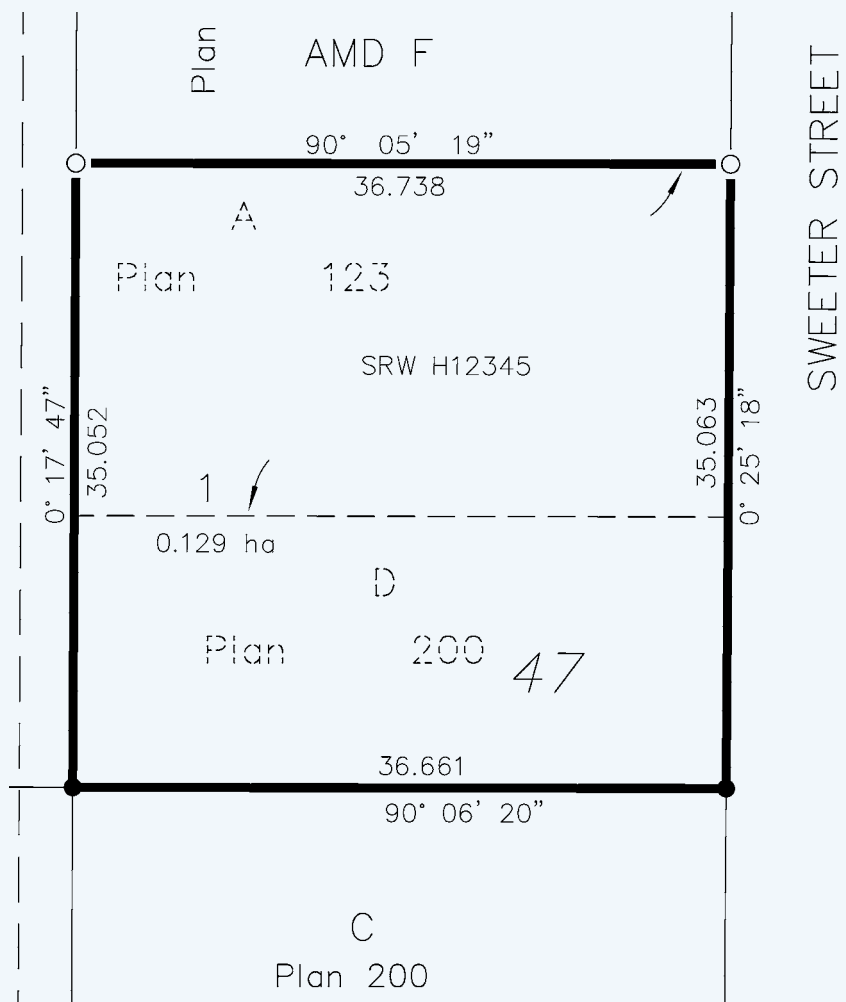
One of the more common plan defects encountered at the Land Title Office relates to the requirement that plans creating title (for example reference plans, subdivision plans and strata plans) must depict the boundaries of active charges. This includes charge boundaries that are not defined by a charge plan. The failure to depict these charge boundaries can result in a plan defect. This was addressed by the LTSA Liaison Committee on May 21, 2015.

In an effort to bring more awareness to this issue, an excerpt from the May 2015 meeting minutes is copied below (note that the excerpt references the GSIR – this rule has been replaced by Survey and Plan Rule 3-7(5)):

*Item 2015-04: Tim Jowett provided a detailed report on the most common survey plan defect issues as follows:*

*b) Subdivision or reference plans that create fee simple title must show with broken lines the boundaries of existing rights-of-way, easements and covenants, that are associated with an active charge, pursuant to GSIR 3- 4(1)(k) and (l). This GSIR also implies charges are to be shown in broken lines that do not encumber the entire lands, but are not defined*

## EXAMPLE 1



## EXAMPLE 2

STATUTORY RIGHT OF WAY  
 H12345                      YY-MM-DD                      HH/MM  
 REGISTERED OWNER OF CHARGE:  
 BRITISH COLUMBIA HYDRO AND POWER AUTHORITY  
 H12345  
 REMARKS: AS TO PART FORMERLY LOT A PLAN 123

*by a plan. Specifically, those charges endorsed with “as to part formerly...” in the charge remarks on title. In this circumstance the pertinent charge number would appear within the broken lines, as opposed to referring to a plan number. The depiction of these charge boundaries is crucial for land title examiners as it provides the examiner the ability to determine what new parcels are subject to the charges. This matter led to additional discussions re: charges that have multiple spatial effects i.e. ancillary rights, blanket charges, etc. Further discussions in complex spatial 3D interest may require cross-sections, case by case matters.*

NOTE: LTSA Liaison Committee meeting minutes can be found on the ABCLS website (Members/ Committees and groups/ Committees/ LTSA Liaison Committee minutes)

Example 1 of how to show active charges on “Parts Formerly”:

A blanket Statutory Right of Way charge H12345 is registered against all of Lot A Plan 123. Lot A is later consolidated with neighboring Lot D Plan 200, by way of reference plan, resulting in a new title raised for Lot 1. If SRW H12345 is not discharged nor

extended over the entire consolidated lot, then the charge **will be active only on a portion of** the newly created Lot 1.

It is a requirement that the charge boundaries (the part formerly Lot A Plan 123) be shown in broken lines and the pertinent charge number be shown within the broken lines (see the example plan image). This is analogous to depicting the boundaries of an SRW plan in broken lines.

Consequently, as with any charge that encumbers less than all of the lands, the charge remarks on title need to reference the area of the lands charged. Since there isn't a statutory right of way plan that defines the area of the lands charged, the charge remarks are updated by the land title examiner to provide a description of the lands charged as follows; “As to part formerly Lot A, Plan 123”.

In example 1, the charge appears on the title for the newly created Lot 1 as in example 2.

As noted in the May 21, 2015 LTSA Liaison Committee minutes, the **depiction of these charge boundaries is a survey requirement** and is crucial

for land title examiners as it provides the examiner the ability to determine what new parcels are subject to the charges.

Charges which apply to “as part formerly” also affect strata plans. This item was discussed by the LTSA Liaison Committee on January 9, 2020 (Item 2020-01), and these minutes are recommended reading for land surveyors who carry out *Strata Property Act* work.

In some cases, these types of defects can be avoided if irrelevant charges are discharged from title prior to consolidation or stratification. Land surveyors usually do not control these processes, however they can provide input and make suggestions to lawyers and clients early in the project cycle.

As a reminder the LTSA Liaison Committee minutes contain a wealth of information related to plan registration matters. An index of the minutes in PDF format can be found in the LTSA Liaison Committee area of the ABCLS website. Subjecting the index to a PDF word search (using the “Find” function) is an effective way to find topics of interest in the index. ❖



**WWW.**

# **BATTERYREVIVAL** **.com**

*Send your batteries to the  
company Land Surveyors have  
come to trust since 1994*

## **Battery Re-celling:**

**Total-Stations,  
Radios,  
Drills, etc.**



## **Data Cable Repairs**



## **Bar Finder Repairs**

[www.magnetic-locator-repair.com](http://www.magnetic-locator-repair.com)  
[www.batteryrevival.com](http://www.batteryrevival.com)

**(416) 823-0489 (talk or text)**

**Dias & Dias Electronics**

**1992 Davebrook Rd, Mississauga, ON, L5J 3M5**

# Continuing Professional Development Committee

By Mark Dailey, BCLS

Chair, Continuing Professional Development Committee

2020 has been an extraordinarily difficult year thus far, and it has presented the CPD Committee with many challenges as we endeavour to fulfil our mandate of providing the ABCLS membership with relevant and quality continuing professional development opportunities.

Among the challenges faced this year were the cancellation of the Vancouver AGM and CPD days in March, and the recent disappointing, but prudent, Board of Management decision to cancel the in-person CPD program and AGM scheduled for March 2021 in Harrison Hot Springs.

The summer and fall are typically the busiest time of the year for the committee as we plan and organize the CPD sessions for the following year's AGM. While the challenges we have faced this year have not been easy, we have learned to adapt and we are looking forward to next year's AGM in which all the CPD sessions will be presented live in a web-based environment – a first for the Association of BC Land Surveyors.

Over the past several months the AGM working group has been hard at work contacting and speaking with potential presenters, and at the time of writing this article we are in the final stages of confirming both the presenters and schedule for the CPD sessions next March. As always, we have attempted to put together an event that includes a wide variety of topics that we hope will

be of interest to everyone who will be attending.

In addition to the usual keynote address, there will be other sessions including an overview of recent legislative and regulatory changes involving the Agricultural Land Commission Act, how to implement remotely piloted aerial systems (i.e. UAVs or drones) into your practice, buried facilities, road safety, community planning and more. One of the highlights will be an interactive forum involving the participation of several provincial and municipal approving officers.

For land surveyors in training, there will be several sessions offered covering successful field project submissions, professional exams, defining interests in land, and Land Act surveys.

I am also pleased to report that despite the numerous postponements and cancellations of CPD events this year, the Getting It Right BC (GIRBC) Fundamentals workshop made a return and was held over several mornings during mid-November.

The GIRBC Fundamentals workshop has been refreshed for 2020 and designed for presentation in a virtual environment. Despite the move to the new online format, the workshop is still as immersive and interactive as the traditional in-person model that we have come to know and enjoy over the years.

All sessions from this year's CPD days are available on GeoEd for members who are looking to top up their CPD hours before the end of the year. All registered participants have previously been provided with a special code to access all the videos, and they are available to everyone else for a fee. GeoEd is a valuable and convenient online resource with a variety of material from Canadian land surveying regulators as well as private and public education providers from across the country.

Except for the Northern BCLS Regional Group, all the regional groups are currently represented on the CPD committee, and we would like to add a member from the north in 2021. If you are interested in serving on the committee then please contact the ABCLS office, or me, for more information.

I would like to take this opportunity to thank my CPD Committee colleagues and the continued support we receive from the ABCLS office. Without their hard work and dedication, the CPD Program would not be what it is, and I am incredibly grateful to be able to work alongside such a talented group of professionals.

Finally, I would like to wish everyone the best of the holiday season and a happy, healthy, and prosperous 2021. ❖

# An overview of the ABCLS Practice Advisory Program

By the Practice Advisory Panel

For most ABCLS Members, the Practice Advisory Program (the “Program”) only comes to mind when an email lands in their inbox with their yearly plan review attached. Members comment that the review process is a positive and educational experience, providing an opportunity to incorporate the feedback given and to make suggested changes as part of their professional duty to produce high quality survey plans.

Recently there has been much discussion about the Professional Governance Act in BC, and how it may affect the ABCLS and its members. In 2020 the ABCLS began work on a strategic plan for the next 3 years, with proposed goals to *Maintain Professional Competency, Foster New Entrants, Protect Public Trust, and Ensure Continued Regulatory Excellence*. This article provides an overview of the purpose, objectives, and outcomes of the Program within that context.

The Program has been in place for about 15 years. Its mandate is to review the survey practices of land surveyors practising before the public, to promote professional competency and accountability. The purpose of the Program, which is set out in the *Practice Advisory Program Manual*, is to ensure members are:

- (a) compliant with statutes, regulations and the Survey and Plan Rules when conducting surveys and preparing statutory plans;
- (b) compliant with the ABCLS Bylaws and Code of Ethics; and

- (c) maintaining the survey fabric with a focus on protection of the public.

The Practice Advisory Panel (the “Panel”) is responsible to provide leadership and Program oversight, as well as support and guidance for the Practice Advisory Department (the “Department”). The primary responsibility of the Department is to conduct plan and practice reviews with an emphasis on professional development. The Department also advises and contributes to ABCLS committees and maintains professional practice resources, including educational and informational materials that promote professional survey standards and competency.

---

*The primary responsibility of the Department is to conduct plan and practice reviews with an emphasis on professional development.*

---

The Department undertakes at least one plan or practice review for each

land surveyor practising before the public each calendar year.

Plan Reviews are based on information shown on the face of a statutory plan. The Department researches and thoughtfully chooses plans that may provide insight into a member’s boundary re-establishment methods and typical scope of practice. Strata plans are a current focus for the Department.

Practice Reviews are a deeper dive into a member’s practice, typically involving multiple plans as well as reviewing quality control procedures, field notes and calculation methods. A practice review includes a field inspection and an interview with the member. Since practice reviews are more demanding, they are reserved for members considered to benefit the most, using criteria identified in policy, such as review history, geographic or professional isolation, level of experience, high plan volume, or not actively and regularly participating in ABCLS activities.

Approximately 85% of all reviews are positive – an indication that most practising land surveyors are typically producing high quality statutory plans. However, each year there are a few reviews that uncover some of the following issues:

- an unacceptably high number of deficiencies (i.e. numerous inconsistencies or errors on one plan)



- breaches of the Survey and Plan Rules or governing statutes and regulations
- insufficient ties to survey evidence impacting boundary re-establishment
- significant plan errors that negatively affect the survey fabric and/or public interest.

Reviews with any of the above issues will usually result in the member having to undertake corrective actions, such as statutory declarations or the filing of a new plan to supersede the plan containing an error. The Department works closely with these members, providing focused professional development to ensure the issues are addressed and resolved.

---

*Approximately 85% of all reviews are positive – an indication that most practising land surveyors are typically producing high quality statutory plans.*

---

The Panel has developed protocols for reviews resulting in significant concerns due to repetitive quality control issues and/or repetitive

contravention of statutes, regulations or the Survey and Plan Rules. The Department refers these types of reviews to the Panel for further adjudication and communication with the member to reinforce the need for improvement. The Panel could also refer a matter to the Complaint Inquiry Committee (the “CIC”) pursuant to ABCLS Bylaw 17.5:

*“The Practice Advisory Panel may refer to the Complaint Inquiry Committee any matter giving the Practice Advisory Panel reasonable cause to believe that a Member has engaged in unprofessional conduct or has otherwise breached the Act or any other statute or regulation governing the profession of land surveying, these bylaws, the Survey Rules or generally accepted standards of the practice of land surveying.”*

Referrals to the CIC are not made lightly by the Panel. The four to five-member panel carefully weighs the information provided, as well as the member’s review history, any previous correspondence between the member and the Panel, as well as the severity of the issue before determining the appropriate actions to be taken.

Generally, a referral to the CIC is made

as a last resort – when educational interventions are not resulting in marked improvement. As a self-governing regulator, the ABCLS is required to ensure members are meeting the required standards of care and professionalism when carrying out their duties before the public.

Many land surveyors own and operate their own survey firms, or work in smaller groups throughout the various regions of BC. The daily challenges of meeting client demands and managing staff may be in the forefront; however, it is important to always keep in mind the ethical duty and professional responsibility all land surveyors have in any work undertaken and the associated plans produced.

The Program has proven to be effective in protecting the public interest and survey fabric by supporting and educating members, and ensuring they meet their professional duty to comply with the Act, other statutes and regulations, the Survey and Plan Rules, and generally accepted standards of practice. Through the Program, the ABCLS is able to demonstrate that land surveyors are provided with educational opportunities, held accountable, and consistently produce high quality statutory survey plans. ❖

---

## January 31 deadline

The annual membership fee must be paid on or before January 31 in accordance with section 49 of the Land Surveyors Act.

## Attention Committee Chairs

Committee chairs are requested to submit their annual reports for the prior year before January 15 so that they may be included in the AGM materials.

# Strata Property Act Working Group Update

By Emily Freeman, BCLS

Chair, Strata Property Act Working Group

When I was asked to prepare a report on the activities of the Strata Property Act Working Group (SPAWG), I decided to start from the beginning to highlight the long tenure and contributions of the SPAWG.

The SPAWG was originally formed in 2005 and was tasked to address two matters:

The first matter was Section 68 of the Strata Property Act (SPA) – Strata Lot Boundaries, and whether a strata lot boundary could be located somewhere other than the midpoint, or centerline, of a wall, floor, or ceiling? There were differences of opinion amongst land surveyors and a legal opinion was obtained. The opinion clarified that there is a provision under the SPA for the strata lot boundary to be somewhere other than the midpoint of a wall, floor or ceiling.

The second matter was the minimum physical definition required for limited common property areas. No resolution was achieved; however, it was proposed to add some guidance on this matter in the Manual of Standard Practice, now known as the Professional Reference Manual (PRM).

Since 2005, the SPAWG has been active on and off again reporting on various strata issues and proposed changes to the SPA. In late 2014, I became Chair of the SPAWG that was now under the direction of the External Relations Committee and tasked to

“review and propose changes to the Strata Property Act in partnership with other stakeholders”. At that time Dave Parkin, BCLS, (at the City of Vancouver) was actively consulting with British Columbia Law Institute (BCLI) on their Strata Property Law Project. While the SPAWG provided support to Dave on this project, it also focused on those things that would bring about improvement in the strata plans land surveyors prepare. Since 2015, through monthly meetings, the SPAWG has worked on and contributed to Survey Rule changes, additions to the PRM, and recommendations for electronic checklists and sample plans. Meetings were also used to discuss any practice related issues that were brought to the SPAWG as well as to review any relevant court or tribunal decisions.

In 2017, another legal opinion was obtained; this time in response to the so-called “hybrid strata plan” issue. A hybrid strata plan is a practice where large yard areas that are external to a building are designated as parts of the strata lots on a building strata plan with no defined vertical limits. The question asked was whether these plans were in fact bare land strata plans that should be approved as such. In response to the legal opinion, and the trend for strata lot boundaries to be located somewhere other than the default centerline of a wall, SPAWG worked with the Practice Advisory Department to develop a new survey rule. The new survey rule

requires all strata lot boundaries to be unambiguously defined horizontally and vertically on a building strata plan.

Last year, concerns were raised about the requirement in the Land Title Practice Manual for an amended sheet to be a complete reproduction of the original sheet. This requirement clearly benefits the end user of a strata plan, as they will not have to look through multiple sheets to understand a floor. Questions were raised such as the liability the land surveyor may incur when reproducing information that may not be their own and may not be checked or verified, albeit outside of the bold outline, and should a disclaimer be used. A legal opinion was obtained and shared with ABCLS members and the LTSA. This matter remains unresolved; however, the SPAWG continues to work towards a solution.

This year, the SPAWG began a review of Part 15 of the SPA – *Strata Plan Amendment and Amalgamation*. Some amendments can get quite complex as they require multiple plans done under different sections of Part 15. What appears to be lacking is a clear and consistent approach to these complex amendments. The SPAWG will prepare a report on strata plan amendments that addresses the steps required to amend a strata plan including any potential changes to Part 15, the requirement to reproduce the entire amended sheet and the related legal opinion, the public interest, and any other recommendations moving forward.

# Professional Reference Manual Committee Update

By Mathew Jaccard, BCLS Chair, Professional Reference Manual Committee

Additionally, the SPAWG will monitor for any changes in legislation resulting from the BCLI Strata Property Law (Phase 2) Project. The project, which spanned from July 2013 to June 2019, produced several reports and many recommendations for the next generation of the SPA and its regulations. All reports are available on BCLI's website.

Consisting of a diverse group of BC land surveyors, every discussion and recommendation made by the SPAWG is well thought out and done from the perspective of what is in the public interest. Our motivation is to maintain excellence in strata plans, and always consider the impacts on future owners. Let us know if you encounter an interesting strata problem. The SPAWG is always interested in hearing about these problems and providing our thoughts. Please be reminded that if you come across a difficult strata problem that requires immediate attention, you can contact those members who volunteer for the ABCLS mentor program.

In acknowledgment of the SPAWG's long tenure and ongoing need for work in this area, there have been discussions to transition toward a committee. Either way, the SPAWG looks forward to what the New Year will bring. ❖

On behalf of the Professional Reference Manual (PRM) Committee, I hope everyone connected to the Association of BC Land Surveyors is safe and well. 2020 has brought many challenges, but our profession has been doing its part to perform duties in a safe manner while also providing a necessary service to the public and the cadastre.

For those who do not know me, my name is Mathew Jaccard. I am fortunate to be the Chair of a valuable committee of the ABCLS – the PRM Committee. When I first took on the role of Chair, I was still a land surveyor in training, but I have since received my commission as a BC land surveyor. While working for TRUE Land Surveying in Kamloops with Scott Rhodes and Marissa Moore, I realized just how important it is to be an active member of the ABCLS, as both Scott and Marissa are involved in different committees. It is a privilege to be a member of a self-governed profession and I cannot stress enough the importance of members getting involved.

The PRM is a source of information that all BC land surveyors have referenced at some point in their careers. It is full of valuable information and examples that relate directly to day to day work. It is a great cross reference to the Survey and Plan Rules and is often referenced in disciplinary decisions.

The committee carefully reviews each chapter of the PRM to make sure all information is accurate. Our profession is always changing due

to new legislation and technological advancements, and this makes it necessary to review the PRM frequently.

The PRM Committee is close to submitting a final copy of PRM *Chapter 7 – Field Work* to the Board for review and approval. In addition we submitted new terms of reference and revisions to PRM Committee policy and procedure that were approved by the Board. One member of the committee is currently editing some areas of *Chapter 6 – Documentation and Office Records*, and we will soon begin work on *Chapter 8 – Principles of Boundary Surveys*.

I am fortunate to be on a committee with members who have a tremendous amount of experience in the profession of land surveying and the affairs of the ABCLS. When I first joined the committee, it was a bit overwhelming how in depth some of the conversations would go, but over time I have come to realize the necessity of being thorough.

It is a privilege to serve as the Chair of the Professional Reference Manual Committee. I am fortunate to work with so many great members and I look forward to working through more chapters to come. I encourage all land surveyors in training and new BC land surveyors to get involved with a committee. It is an invaluable opportunity for younger members to learn from some members that have seen and done it all and are more than happy to pass down their expertise and understanding. ❖





**D W Technologies Ltd.**



Toll Free:

**1.888.881.8883**

**Tel: 604.205.6928**

**dwtech.ca**

#103-2323 Boundary Road

Vancouver, B.C.

V5M 4V8

**SurveySite.ca**



# When Should Regulators Enforce “Someone Else’s Law”?

by Erica Richler

June 2020 - No. 247

Reprinted with permission from Grey Areas newsletter published by Steinecke Maciura LeBlanc.

Practitioners are expected to obey the law. Especially laws that apply to their practice or reflect on their integrity. However, a recurring issue arises as to how involved regulators should become in enforcing the laws of other entities (e.g., government, other regulatory bodies). Typically, they enforce their own laws.

The issue is simple where the primary enforcement body makes a finding about conduct that is clearly improper for a member of the profession. But what about situations where someone is attempting to involve the regulator rather than the primary enforcement body? This could occur for various reasons including: a lower cost to the complainant, a desire to avoid having to gather the evidence, the promise of a ready appeal mechanism or the goal of causing damage to the livelihood of the practitioner.

Regulators could be asked to enforce “someone else’s law” in many circumstances:

1. An upset client complains that a practitioner breached their privacy by disclosing sensitive personal information about them, despite the fact that the Information and Privacy Commissioner is the principal enforcement body.

2. An employee of a practitioner asserts that the practitioner harassed them based on gender and race despite the availability of remedies through the Human Rights Tribunal.
3. A third party insurer reports that a practitioner gave in-person treatments during the pandemic for routine matters despite the emergency order to close establishments for everything but urgent care.

It is fairly clear that the regulator generally need not await the outcome of the primary enforcement body: *Berge v College of Audiologists and Speech-Language Pathologists of Ontario*, 2016 ONSC 7034, <http://canlii.ca/t/gvtpb>; *Dufault v British Columbia College of Teachers*, 2002 BCSC 618, <http://canlii.ca/t/4vzn>. Even where an argument could be made that the regulator has no jurisdiction to enforce the statute (e.g., a federal offence provision), the conduct will often have aspects of integrity or ethical implications that make it relevant to the practice of the profession: *Law Society of Saskatchewan v Abrametz*, 2016 SKQB 320, <<http://canlii.ca/t/gv5r4>>.

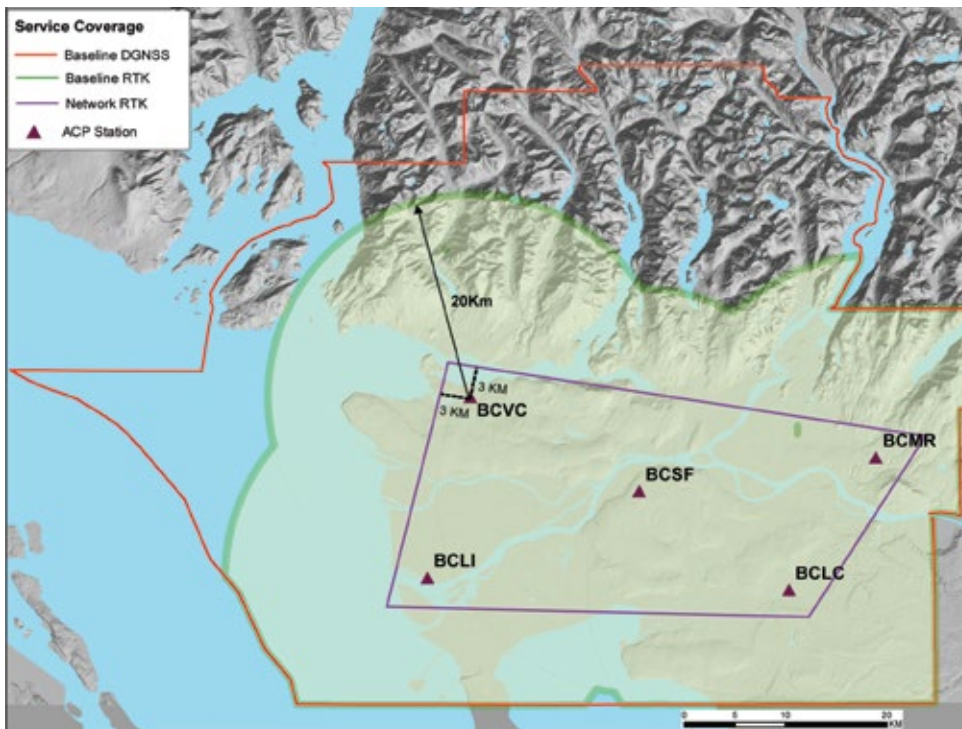
There are a number of arguments supporting the involvement of

regulators in the enforcement of “someone else’s law”, including:

1. Often the conduct is quite relevant to the suitability of the practitioner to be a member of the profession. The reputation and credibility of the profession would be damaged if no action were taken. For example, respect for women, children, people with disabilities and for Indigenous peoples, racialized or religious groups is essential to the effectiveness of the profession and the regulator should act even if there is another available enforcement mechanism.
2. Regulators need to be “good citizens” and should be part of the solution for significant societal issues. For example, during the pandemic, leaving enforcement of physical distancing measures solely to the police is insufficient and often counter-productive. All societal organizations need to help communicate (and, in some cases, even help enforce) the nature and rationale for the provisions.
3. Regulators which routinely refer conduct concerns to other enforcement bodies become irrelevant. Who needs a regulator who ducks responsibility for

# GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) SERVICE

THE MODERNIZED METRO VANCOUVER GNSS SERVICE NOW OFFERS GPS, GLONASS, GALILEO AND BEIDOU REAL-TIME CORRECTION SERVICES



BC Land Surveyors using these integrated ACPs will comply with the Survey and Plan Rules, as established by the Association of BC Land Surveyors (ABCLS), for georeferencing or integrating legal surveys within the region.

*GNSS service area coverage  
(Note: the ability to access the system is subject to the availability of wireless coverage)*

**ACCURATE • INTEGRATED • ALWAYS ON**

## FOR MORE INFORMATION

**Metro Vancouver Information Centre:**  
604-432-6200  
(Monday to Friday from 8:00 am to 4:30 pm)

**Email:**  
[gnss\\_subscription@metrovancover.org](mailto:gnss_subscription@metrovancover.org)

## VISIT US ONLINE

For more information related to this regional geospatial infrastructure, please go to [www.metrovancover.org/gnss](http://www.metrovancover.org/gnss)

**metrovancover**  
SERVICES AND SOLUTIONS FOR A LIVABLE REGION





behaviour by their members because someone else can also deal with it?

4. Regulators often are obligated by their enabling statutes to process complaints and concerns. Exceptions are often limited (e.g., where a complaint is frivolous or vexatious). Members of the public who have a concern often choose to approach the regulator because they do not wish to pursue other options. For example, some people deliberately bring sexual abuse concerns to a regulator rather than the police because they may wish to avoid participating in the criminal justice system.

Of course there are countervailing considerations as well, including:

1. For some matters, regulators of professions may not be best suited to enforce the requirements. The primary enforcement body may have special investigative powers (e.g., to require the employer of the practitioner to provide information), added expertise (e.g., workplace safety, employment relations) and extra enforcement options (e.g., immediate compliance orders) that the regulator may not possess.
2. The issue may be of marginal relevance to the practice of the profession or public confidence in the regulator. It may even distract the regulator from its core mandate. For example, is it appropriate for a regulator to expend resources on investigating and dealing with a practitioner who has had several by-law infractions because their loud dog

has bothered the practitioner’s neighbours? The concern may be legitimate, especially to the neighbours, but the regulator’s involvement may not be warranted.

3. The issue may involve delicate judgment calls or interpretation questions that are best left to the primary enforcement body, otherwise, inconsistent results may occur. For example, regulators may not be the best option for interpreting a client’s entitlement to a benefit or funding under a specialized social assistance program.
4. In some, usually rare, cases the person raising the issue is unhappy with the decision of the primary enforcement body and is searching for another enforcement body hoping for a different outcome. Similarly, a party to a dispute, for example, in an employment setting, may wish to involve the regulator in a dispute in order to put pressure on the other party or as a means for obtaining evidence for their case.

Given these competing considerations, regulators should carefully consider when it should get involved in enforcing “someone else’s law”. A principled approach should facilitate a consistent, public interest and practical approach to such complaints and concerns. Those principles might involve the following:

- (a) As a starting point, processing those concerns where the regulator is obliged to do so under the terms of its enabling statute.

- (b) Where the regulator has discretion, lean towards taking action on concerns that impact public safety, reflect on the integrity or ethics of the practitioner, or otherwise fit within the public interest mandate of the regulator.
- (c) In appropriate cases where the regulator has discretion, providing information about their options to the person raising the concern without actively discouraging the individual from using the regulator’s process. Many regulators are already doing this where it appears that the complainant is under the misapprehension that the regulator can award monetary damages.
- (d) Where the regulator has discretion, lean towards declining to take action on the concerns where there is a compelling reason for not doing so, such as where the regulator cannot deal with the issue effectively, where the concern has little impact on the suitability of the practitioner, or where it would be an abuse of process to deal with the concern.

A thoughtful approach to this issue will help protect the public and enhance the relevance and reputation of the regulator without imposing an undue burden on practitioners or the regulator itself. ❖

**IN THE MATTER OF THE  
LAND SURVEYORS ACT, R.S.B.C 1996, c. 248, as amended  
PURSUANT TO SECTIONS 60, 61, 62, 63 AND 64 OF THE LAND SURVEYORS ACT,  
and the BYLAWS OF THE ASSOCIATION OF BRITISH COLUMBIA LAND SURVEYORS**

*Re: Thomas Hoyt, British Columbia Land Surveyor*

Date & Place of Hearing Sidney, British Columbia, Video-conference, 7 July, 2020

Board Disciplinary Panel Chair – David Rutherford, Cristin Schlossberger, Abigail Fulton, Dan Machon, David Swaile

Representing the Association of British Columbia Land Surveyors Scott Netherton for the Complaint Inquiry Committee

**DECISION OF THE BOARD OF MANAGEMENT**

ISSUED 24 JULY 2020

1. Each year, since 2011, Mr. Hoyt has been the subject of a conditional practice review or a conditional plan review. Conditional reviews in 2015 and 2016 were referred to the Practice Advisory Panel and in 2016 Mr. Hoyt was disciplined by the Board.
  2. The summons by which this hearing is convened arises out of a 2019 conditional practice review and includes thirty separate allegations that Mr. Hoyt has either breached Bylaw 14.1(b), 14.1(c), or otherwise engaged in conduct that is unprofessional.
  3. On referring this matter to the Complaint Inquiry Committee, the Practice Advisory Panel expressed serious concern both with Mr. Hoyt's practice and his inability to address habitual practice deficiencies.
  4. Mr. Hoyt acknowledges, and the Board finds that these failures amount to both breaches of Bylaw 14.1(b) and 14.1(c)(i) and unprofessional conduct.
  5. Mr. Hoyt has voluntarily ceased the practice of land surveying. Had Mr. Hoyt not ceased practicing, this Panel would have accepted the recommendation of the Complaint Inquiry Committee, suspending Mr. Hoyt's right to practice until such time that he successfully completed a professional examination and a professional assessment interview, according to Board Policy 6.11, parts 8.3(a)(ii) and (iii) of the Bylaws, and part 8.3(b) of the Bylaws, and thereafter requiring Mr. Hoyt to submit to frequent plan or practice reviews.
  6. The Panel is satisfied that potential ongoing risk to the cadastre has been mitigated and the public interest protected, as Mr. Hoyt is no longer practicing.
  7. While it would be permissible for the Panel to levy a fine, the abrupt and somewhat ignominious end to Mr. Hoyt's career should instead serve as a deterrent.
  8. The Panel will take steps to ensure that:
    - (a) Mr. Hoyt does not attempt to re-enter the practice of land surveying in British Columbia and
    - (b) Costs associated with this hearing are recovered.
- DISPOSITION**
9. Accordingly:
    - (a) Mr. Hoyt is hereby censured, according to Sections 60(1) and 60(2) of the *Land Surveyors Act*;
    - (b) Mr. Hoyt's right to apply for re-instatement as a practicing land surveyor is suspended, permanently, according to section 60(2) of the *Land Surveyors Act*;
    - (c) Mr. Hoyt must pay the costs of this inquiry within

thirty (30) days following receipt of a certificate from the Secretary.

Dated at Coquitlam, British Columbia, this 24th day of July 2020.

10. Notwithstanding the fact that he is no longer a practicing land surveyor, Mr. Hoyt is reminded of his responsibility to maintain adequate professional liability insurance for the period in which he was engaged in the practice of land surveying.
11. Notice of this decision will be published in the Gazette, and a full copy posted to the Association's website.

**THE BOARD OF MANAGEMENT OF THE  
ASSOCIATION OF BRITISH COLUMBIA LAND  
SURVEYORS**

**DAVID RUTHERFORD, BCLS  
VICE PRESIDENT**

---

**IN THE MATTER OF THE  
LAND SURVEYORS ACT, R.S.B.C 1996, c. 248, as amended  
PURSUANT TO SECTIONS 60, 61, 62, 63 AND 64 OF THE LAND SURVEYORS ACT,  
and the BYLAWS OF THE ASSOCIATION OF BRITISH COLUMBIA LAND SURVEYORS**

*Re: Ying (James) Cheng, British Columbia Land Surveyor*

Date & Place of Hearing	Sidney, British Columbia, Video-conference, 12 June, 2020
Board Disciplinary Panel	Chair – Chris Cryderman, Cristin Schlossberger, Abigail Fulton, Mark Mason, David Swaile
Representing the Association of British Columbia Land Surveyors	Scott Netherton for the Complaint Inquiry Committee

**DECISION OF THE BOARD OF MANAGEMENT**

ISSUED JULY 24, 2020

1. Acting on a referral from the Practice Advisory Panel, the Association's Complaint Inquiry Committee advances a complaint to the Board asserting a series of breaches, by Mr. Cheng, of Bylaws 14.1(b) and 14.1(c)(i).

the Association's obligation to protect the public interest.
2. In turn, Mr. Cheng admits all, but one of the eighteen bylaw infractions described in the summons issued on 15 November 2019. This Panel is prepared to accept that the remaining item, also an allegation that Mr. Cheng failed to follow practices outlined in chapter 8 of the Professional Reference Manual, may not be sufficiently supported by the evidence. That specific item is therefore dismissed.
3. Convened by video conference, the purpose of this hearing is to determine an appropriate penalty, having regard to Mr. Cheng's previous disciplinary history and
4. Noting that this is Mr. Cheng's third appearance before the Board, this Panel must consider whether the public interest demands something more than the resolution proposed by the Complaint Inquiry Committee and Mr. Cheng, involving censure, fine, compulsory plan reviews, and continuing education.
5. Mr. Cheng's various admitted transgressions may be summarized as follows:
  - (a) Firstly, Mr. Cheng failed to file posting plans EPP89846, EPP89847, EPP89409, EPP89419 within the time specified under section 68(2) of the *Land Title Act*.



- (b) Secondly, with respect to Posting Plan EPP91468, Mr. Cheng:
- (i) mislabeled the length of the north boundary of Lot 1, District Lot 91, Group 1 New Westminster District, Plan EPP66294 by approximately 0.6 metres.
  - (ii) failed to tie the “nearest two accessible, undisturbed control monuments” or otherwise report damage to or the destruction of those monuments, as required by Survey and Plan Rule 2-3.
  - (iii) failed to indicate the UTM Zone, as required by Survey and Plan Rule 3-5(2)(a).
  - (iv) failed to include statements concerning georeferencing and absolute accuracy achieved for georeferenced points required under Survey and Plan Rules 3-5(3) and 3-11(5);
  - (v) failed to show, using “not found” or “NF”, monuments that could not be located, as required by Survey and Plan Rule 3-8(4); and
  - (vi) failed to follow practices outlined in chapter 8 of the Professional Reference Manual by accepting lead plugs as evidence of lot corners without indicating their origin, indicating an unknown origin, or otherwise placing clarifying notes.
- (c) Thirdly, concerning Strata Plan EPS5828, Mr. Cheng:
- (i) failed to tie the “nearest two accessible, undisturbed control monuments” or otherwise report damage to or the destruction of those monuments, as required by Survey and Plan Rule 2-3.
  - (ii) failed to indicate the UTM Zone, as required by Survey and Plan Rule 3-5(2)(a);
  - (iii) failed to include the statement concerning georeferencing required by Survey and Plan Rules 3-5(3).
  - (iv) incorrectly noted the width and height of sheets 2 through 4 in the statement required under Survey and Plan Rule 3-4(4).
  - (v) failed to indicate the “perimeter of floor below” on the floor plan of the second floor, contrary to section 14.4(1)(g) of the *Strata Property Regulation*.
  - (vi) failed to identify strata lot boundaries of strata lots and the extent of limited common property in the manner required by Survey and Plan Rule 7-5(3); and
  - (vii) designated areas of the subject parcel as “yard” without indicating whether these areas were part of the common property or limited common property, contrary to Survey and Plan Rule 7-7(2)(b).
6. Despite his admissions of guilt, Mr. Cheng appears reluctant to accept responsibility for his missteps. He attributes late-filed posting plans to a bustling practice in which he is both surveyor and one-man-crew and argues that changes now made to his practice will prevent future delays. He also says that errors identified by the Practice Advisory Department in Plans EPP91468 and EPS5828 are little more than technical oversights, and he challenges this Panel to show why his methodologies are wrong.
7. In response to queries from this Panel, Mr. Cheng says that the penalties proposed are more than sufficient to address current bylaw infractions. He rejects the possibility of a Board imposed practice supervision or mentoring and says that such a response is neither warranted nor reasonable in cases where errors identified do not impact the cadastre. Mr. Cheng argues that the Board’s 2017 peer mentoring order was unhelpful – in his view, at least, but as a concession is prepared to accept Practice Advisory Department plan reviews in higher frequency.

8. Mr. Cheng has the potential to be a capable land surveyor. However, as noted in the 2017 disciplinary matter, his submissions to this Panel belie a “less than complete understanding of the obligation imposed on a British Columbia Land Surveyor to be thoughtful, careful, and meticulous when undertaking work that might impact the cadastre.”
9. This Panel accepts that recent changes in his practice may resolve Mr. Cheng’s section 68 compliance issues, but finds that the volume of technical deficiencies, similar to those described in his 2016 and 2017 discipline matters, make compulsory supervision and mentoring inevitable, if Mr. Cheng is to continue practicing.

### DISPOSITION

10. Accordingly, the Panel makes the following order:

- (a) Mr. Cheng will be censured, according to Section 60(1) of the *Land Surveyors Act*.
- (b) Mr. Cheng must pay a fine of \$4,000.00, according to section 60(1)(c) of the *Land Surveyors Act*, to be delivered to the Association within thirty (30) days from the date on which he receives a copy of this decision.
- (c) at his expense and according to section 60(1)(d) of the *Land Surveyors Act*, Mr. Cheng must participate in a peer review and mentoring program, on the following terms:
  - (i) the peer will be a British Columbia Land Surveyor selected by the Association’s Secretary in consultation with Mr. Cheng and approved by the Board,
  - (ii) the peer will be authorized to review all aspects of Mr. Cheng’s practice including, without limitation, Mr. Cheng’s records, systems, office procedures, and attention to the interests of his clients and protection of the cadastre, and for that purpose, the peer will have the same authority and right of review as the Association’s Practice Advisory

Department under Bylaw 17.4(a), but without any restriction imposed by Bylaw 17.4(c),

- (iii) on completion of the review, the peer will prepare and submit a report (the “Report”) to the Association’s Secretary, outlining recommendations, if any, concerning Mr. Cheng’s practice, with a focus on quality assurance in service of the public interest,
- (iv) the peer will review the Report with Mr. Cheng and, for six (6) months thereafter will provide Mr. Cheng with advice and guidance as the peer considers appropriate concerning the implementation of any recommendations included in the Report, and
- (v) the peer will be at liberty to seek further direction from the Board in the event of any dispute concerning the peer mentoring program.
- (d) Mr. Cheng must pay the costs of this inquiry within thirty (30) days following receipt of a certificate from the Secretary.

11. This is Mr. Cheng’s third appearance before the Board. A fourth may result in significant disruption to Mr. Cheng’s right to engage in the practice of land surveying. It is in Mr. Cheng’s best interests to actively engage in the process this Panel has outlined above; the Board may well treat any failure to do so as unprofessional conduct.

12. A copy of this decision will be published on the Association website.

Dated at Burnaby, British Columbia, this 24th day of July 2020.

**BY THE BOARD OF MANAGEMENT OF THE  
ASSOCIATION OF BRITISH COLUMBIA LAND SURVEYORS**

**CHRIS CRYDERMAN, BCLS  
PAST PRESIDENT**



22373 St. Anne  
Avenue, Maple Ridge  
V2X 2E7

## ***Serving the BCLS community!***



Traffic Management servicing  
the Fraser Valley and Lower  
Mainland from Chilliwack to  
West Vancouver & Richmond!

WCTS was founded with the  
land surveying community in  
mind; offering preferred rates  
and fixed fee quotes to better  
serve your clients! Available for  
short-term and short-notice  
work.

**Request a quote or a rate  
sheet today!**

westcoasttrafficsystems.ca | 604-343-2390  
westcoasttrafficsystems@gmail.com





# Stanley Lyle Nickel

BCLS #665

*By Robert Allen, BCLS Life Member*

Stanley Lyle Nickel, BCLS #665, passed away on November 23, 2019 at Cascades Hospice in Chilliwack after a struggle with complications of diabetes. He was born in Chilliwack on August 31, 1951 to Alvin (deceased) and Florence Nickel and was the oldest of five children.

Stan began his surveying career with the Department of Highways, working in their Construction Survey Branch and then with McElhanney from 1970 to 1984 doing legal surveys, topographical surveys, and some overseas work. On May 23, 1980, Stan entered articles under Jerry Ward, BCLS #511, and received his commission on September 20, 1985. Shortly afterwards, he opened his own office in Chilliwack as Stan Nickel Land Surveying and ran a successful business until his retirement in 2011.

Stan articulated Robert Neels, BCLS #715 and Spencer Hagen, BCLS #915. He was awarded the Association's Lifetime

Achievement Award in 2015 and he was extremely proud of that award which he hung on his wall wherever he was living. Stan's studies never stopped and he became Canada Lands Surveyor #1408 on April 25, 1991 and he continued with his self-study education on numerous other subjects.

Stan is remembered with love by Helen, son Eric (Peggy), daughter Christel, son Sheldon, and his beloved grandchildren, Hailey, Bowden, Tyson, and Ryder, and his mother, Florence as well as his brothers Robin, Lynn (Elaine); sisters Diane, Dalcyce (Murray); brother-in-law Henry; as well as his nieces and nephews, extended family, and many cherished friends including many British Columbia Land Surveyors.

Stan and I were both going through health issues at the same time. We talked on the phone about once a week and he often told me how proud he was of his family, especially his

grandchildren. He always enjoyed their hockey games and speaking to the team members at their games.

My first connection with Stan was in April 1985 when the Board members interviewed all those students writing their professional exams. I had only been on the Board for three months, so this was all new to me. Of all those that we interviewed over the years, Stan is the one that I remember the most. He was so positive and upbeat and he told a story of climbing up a hill with a shovel in hand and told to 'dig here' and he did and there was the iron post they were looking for. It was like magic and he was hooked; he wanted to become a Land Surveyor, and he did!

A few years later Stan was on the Business Practices Committee and the Committee had come up with information they wanted presented to all the groups around the province and Stan went to each regional group meeting from Prince George, to



**QUALITY SURVEY MARKERS**

**and MONUMENTATION**

**CELEBRATING**

**60 YEARS**

**OF DEDICATED SERVICE**

**& SUPPORT TO THE**

**LAND SURVEYORS OF BRITISH COLUMBIA**

**IF YOU NEED TO MAKE A MARK**

**WE HAVE THE MARKER**

**VIEW OUR PRODUCTS ONLINE**

**[www.harringtonindustries.com](http://www.harringtonindustries.com)**

Phone : 604-823-0073

[harringtons604@gmail.com](mailto:harringtons604@gmail.com)

7531 Cannor Rd. Chilliwack BC V2R 0B6

Cranbrook, to Kamloops, to Vancouver and to Nanaimo; all on his motorcycle to make the presentation and to make sure everyone got the same information – that was dedication!

I forget the year, but it was in the early 1990s that Stan and I organized a CLS seminar and among other things, Stan arranged for the use of the Seabird Island Band Hall. While still working, I don't think Stan missed any Annual General Meetings or Lower Mainland Group Meetings and he always provided good input at each meeting. Once the OIP lunches started, Stan was there as well. He, like the rest of us, enjoyed those social gatherings – they weren't always work. Stan was very involved with the Chilliwack Rotary Club and served that Club in many capacities. He talked to me about his involvement with them nearly every time we talked.

About ten years ago, I pulled into McDonalds in Hope, and I just happened to park beside Stan's truck. I looked for him inside, but he wasn't there, so I grabbed my lunch and went back to my truck and there was Stan sitting on his tailgate waiting for me to come out. I sat on my tailgate and we soon solved all the problems of the world. A chance meeting but a good one to get caught up without a bunch of others around to worry about.

Another group that Stan was very proud of was the Surveyors on Bikes (SOB). Stan was a charter member of that Group and it has members from across Western Canada and into the United States as well. They get together at least once a year as a group and ride to a location with a surveying history and while Stan couldn't ride for the last few years, he liked to be involved

in the organization of the rides if he could. Stan also joined the local Harley Owners Group (HOG) and organized a Motorbike Inter Club Fellowship with Rotary.

Stan dedicated his working career to advancing surveying practices and his chosen profession. As noted above, he started surveying as early as 18 years old before accepting a more permanent role with McElhanney at age 19. His

interest and dedication to learning the practice resulted in his selection for "two tours" in Saudi Arabia to survey the country's telecommunications project. He was also trained for the very early use of GPS technology for a mapping project in Indonesia and he was selected for a Northwest Territories large mineral claim survey.

Stan formed his own surveying practice in Chilliwack in the fall of





# When you go aloft, be sure you're carrying the right insurance.

## Aviation Insurance Designed Exclusively for Land Surveyors

Gallagher Surveyors Plan provides coverage customized for drones, hull and aviation liability, non-owned aircraft liability and digital cameras used for surveying.

Gallagher Surveyors Plan provides cost effective insurance products designed exclusively for ABCLS members, including;

- Professional liability
- Insurance protection for retirement
- UAV insurance
- Business coverage

**Any challenge. Any risk.  
Anywhere in the world.**

For more information please contact:

Mark Sampson, Senior Vice President, Commercial Insurance  
800.267.6670 ext. 2631 | [mark\\_sampson@ajg.com](mailto:mark_sampson@ajg.com)

**[ajgcanada.com](http://ajgcanada.com)**



**Gallagher**

Insurance | Risk Management | Consulting

1985 shortly after becoming a British Columbia Land Surveyor, and he ran that practice until his retirement in 2011. His enjoyment of the profession was recognized in discussions with friends and family in which he often shared the following *“How lucky was I to happen upon a job that truly fascinated and entertained me?”*

During his career, Stan proudly participated in many groups and had many accomplishments, including:

- Association of BC Land Surveyors:
  - published business practices bulletins
  - supported the creation of the Practice Advisory Department
  - member of Practice Standards Committee, Chair of the Business Practices Committee, member of the Practice Advisory Panel
  - received the G.S. Andrews Award for lifetime achievement and outstanding service to his profession in 2015
- Association of Canada Land

Surveyors:

- Chair of the Aboriginal Liaison Committee
- Regional coordinator for BC
- Chilliwack and District Home Builders Association:
  - served as Secretary, board member, Vice President, and in 1992/93 became the first non-builder President
  - won the Gold Georgie Award presented by the BC Minister of Housing and the Maple Leaf Award (for outstanding non builder member) for developing the Modified Approvals Process Agreement with District of Chilliwack and New Home Warranty Program
- Rotary – Chaired and Vice Chaired various committees

With Stan’s passing, his family sought to have his legacy memorialized by having his final resting place registered as a “monument”, complete with latitude, longitude and elevation. With the help and support of his friends and colleagues, including

Harrington Industries who supplied the survey monument, Jamie Enders, BCLS, and Bert Hol, BCLS, CLS, a survey monument bearing his name and British Columbia Land Surveyor number (665) and his Canada Lands Surveyor number (1408) has been installed in his headstone and its location has now been surveyed and registered in the Land Title Office.

The family can now hear their Dad laughing with delight with the knowledge that his monument could now serve as a “turning point” in a legal survey. The family would like to thank everyone for all their love and support with the note that it truly helps heal the heart and also with all the support for the vision for their Dad’s legacy to the surveying community!

Stanley Lyle Nickel will be sadly missed by all of us. May you rest in peace my good friend. ❖





SOKKIA

# YOU GIVE THE FULL MEASURE. SO DO WE.

Brandt delivers the entire range of Sokkia Fusion Technology. Complete with a total station, GNSS receiver, field computer, and data software, this lineup automates your dataflow, delivering more precise results, faster. Each product is also optimized for working in dense areas, so you can finish the toughest surveying jobs with ease. And as the exclusive Canadian dealer for Sokkia products, Brandt's nationwide network gives you seamless access to this equipment and 24/7/365 support, anywhere in Canada. **That's Powerful Value. Delivered.**

brandt.ca | 1-888-227-2638

 **Brandt**



# John Motherwell, War Veteran and Author

By Pat Ellis

*Reprinted with permission from the Whitehorse Star and author Pat Ellis.*

**T**his is the 75th anniversary of the ending of the Second World War.

Victory in Europe fell on May 8, and victory in Japan, Aug. 15, which followed with the dropping of the two atomic bombs, on Japan, Aug. 6 and 9.

During the war, Whitehorse became a centre of two enormous wartime projects: building the Alaska Highway and the Canol pipeline and refinery. After the war, the primitive highway was inherited by the Canadian government.

For many years, the Canadian Army was involved in maintaining and upgrading the highway using a large civilian workforce. The prosperous little town quickly went on to become the capital of Yukon in 1953.



*PREPARED FOR ACTION – John Motherwell is seen in his parachute at High River in October 1944.*

The anniversary of this momentous victory for Canada and the Allies is somewhat overshadowed by the world pandemic. The number of veterans is dwindling.

Fortunately, I was able to contact a Dominion Land Surveyor living in Victoria, with interesting connections with the North.

I first met John Motherwell in Victoria after buying his book, *Gold Rush Steamboats* (published in 2012), in the Royal BC Museum, a few years ago.

I soon learned that he had spent almost two years in the Royal Canadian Air Force during the war, and also worked on the Alaska Highway while attending university.

Upon earning his commission as Dominion Land Surveyor, he lived in Whitehorse for a year in 1956, running his own business.

He did surveys at Pelly River, Keno City and a lot of repostings and subdivisions around Whitehorse, and worked in Atlin, Teslin, Upper Liard and Watson Lake.

There, he met William D. MacBride of the White Pass and Yukon Route. The latter ignited his interest in the little known Bennett Lake and Klondyke Navigation Company, one of the pioneer steamboat companies, predating the WP & YR.



*A CAMP SCENE – This photo of the Marsh lake camp was taken in August 1949.*



*SHOVEL-READY – John Motherwell is shown with his shovel at McClintock River in August 1949.*

This turned into a wonderful project of many years, and of actually finding the location of the old shipyard on Bennett Lake.

This ship building company was the dream of Francis M. Rattenbury, the famous architect who designed the Parliament building in Victoria.

He possessed the foresight and capability to promote the company and to have the small sternwheel river steamboats: Ora, Flora and Nora, built at a remote shipyard on Lake Bennett.



TOPCON

# QUICK ON THE DRAW.

**Speed up your construction process with Topcon's GTL-1000 total robotic station — the fastest-working model in its class.** This innovative tool acts as a laser scanner and total robotic station, giving you quick layouts and scans with just one device. And, its scan density is optimized to speed up software processing, enabling it to take full-dome scans and provide images in seconds. After the scan is complete, the point cloud is instantly registered and accurately matched to BIM coordinates, giving you superior precision with unmatched efficiency.

Best of all, these instruments are backed by Brandt; the best-trained and most committed 24/7 after-sales support team in the business. **That's Powerful Value. Delivered.**

brandt.ca | 1-888-227-2638

**Brandt**



During the Gold Rush, for a few short years, Bennett, B.C. was the centre of activity, connecting the Gold Rush trail from Skagway to Canyon City, near Miles Canyon, and Dawson City.

The first vessel arrived in Dawson on June 27, 1898. Motherwell's 280-page book contains some remarkable photos gleaned from his years of tracking down families connected with the Bennett Lake and Klondyke Navigation Company.

Having an admiration for Francis Rattenbury, he came upon his lonely grave a few years ago in Bournemouth, England, without a headstone.

He rectified that by generously placing a handsome gravestone with an etched drawing of the B.C. parliament buildings in 2007.

Now in his 90s, Motherwell has had a long career and still has a surveying office in Victoria.

When asked about his time during the war in the RCAF, Motherwell produced

a 12-page detailed document gleaned from his wartime service record from October 1943 to June 1945.

This gives a snapshot of the high standard training recruits were put through to become pilots.

Many Commonwealth airmen also participated in the training stations in Canada.

Recalling that after graduating from high school, he, as well as many students, drifted into the services, eager to serve.

At that time, little news had appeared about the atrocities the Nazis were perpetrating in Europe, but there was awareness of the attacks upon Britain and the middle east.

Motherwell joined the RCAF as an aircrew trainee in Victoria on Oct. 7, 1943 and reported to Manning Pool at Edmonton, a basic training centre, and was immersed in rigid discipline.

Mention is made of a rambunctious

detachment of the Royal Australian Air Force going through training who upset the disciplinary staff by using a fire axe to cut down the ensign mast, and were generally opposed to any discipline.

Motherwell finished basic training in time for Christmas leave and home to the family farm.

He was posted to many training centres for a few months across Canada, first to Gimli, Manitoba for general duties, Initial Training School, Edmonton for technical instruction in flying duties, elementary Flying School at High River, Alta., hoping to become a pilot.

Eighty-one trainees started out on the Cornell, a fixed-wing aircraft, and were put through intense training in advanced stalls, spin recovery and turns. They were prohibited from getting much above 8,000 feet at High River.

A military route between Great Falls, Montana and Edmonton was usually occupied by the USAF fighter P-38 aircraft being delivered to Soviet pilots at Nome, Alaska, displaying the Russian red star.

After final examination in airmanship navigation, aircraft recognition, signals and armament, his result was an 86 per cent average, but he had failed armaments. Only three out of the class qualified to continue.

The option was to continue with the RCAF or to transfer to the army.

Motherwell chose to take training as a flight engineer, training with the Halifax bombers and Hurricanes fighters.



AT SWIFT RIVER – John Motherwell (far left) and his mates are seen outside the barracks at Swift River in May 1949.



## Choice Survey & Construction Supplies Ltd

Western Canada's Premier Carlson Dealer



Edmonton Showroom  
#100, 17823 - 106th Ave NW  
780.489.1776

[www.choicesurvey.ca](http://www.choicesurvey.ca)  
[sales@choicesurvey.ca](mailto:sales@choicesurvey.ca)

Calgary Showroom  
#3, 6325 - 11th St SE  
587.390.0575

The tied-down Hurricanes were excellent for training flight engineer students because they had one Merlin engine, which simplified the business of starting and shutting down.

Motherwell graduated with high marks and qualified as a pilot officer. They were expected to be sent on operations in Europe or Australia, but the war ended with the dropping of the two Atomic bombs on Japan.

Released from the forces on June 10, 1945, at Jericho Beach, Vancouver, Motherwell retained his connection with the RCAF as a reserve officer for 10 years.

He had a good war experience, having learned so much in a short time. He enrolled at UBC and spent five years taking engineering; the tuition and living allowance were covered by the Department of Veterans Affairs for three years.

In March 1949, as he was finishing his third year at UBC, Motherwell happened to see a report in the paper that the Canadian army, through the NWHS, intended to build a road from Jakes Corner to Atlin, B.C., and needed heavy equipment operators. He applied and was accepted and flew in a North Star airliner from Vancouver to Whitehorse.

The town, as he recalled, was a hodgepodge of old U.S. army buildings, the remains of the Canol refinery, riverboats and shacks.

He was assigned to the Swift River camp at Mile 733 and also the Marsh Lake camp.

Bunking down in various leftover barracks was the usual

accommodation. He remembers Chester Campion as being a fine boss and friend.

At the Marsh Lake camp, only an hour's drive from Whitehorse, a few of the truck drivers commuted from homes in Whiskey Flats.

One Sunday, coming to pick up some of them, they tracked down one busy at the Ace-Away Game.

Popular at the time in old Whitehorse, it was located in a room on Main Street, and ran continuously day and night.

A circular table was in the centre, with the players seated around the cards, dice and stacks of bills. Each vacated seat was immediately taken up.

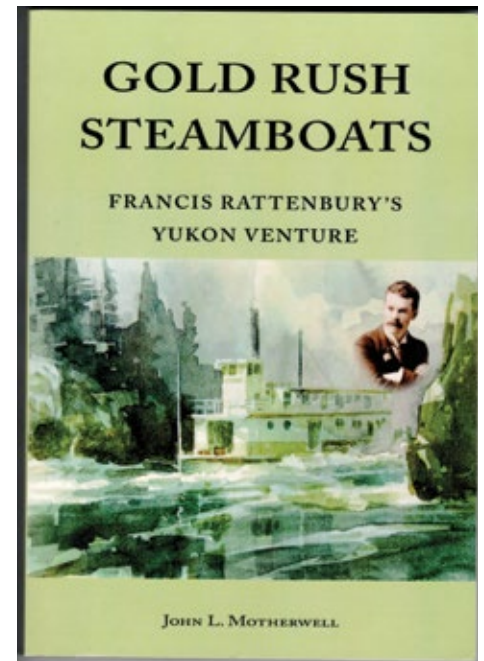
Motherwell returned to UBC in the fall, and this experience attracted him to the North. In 1950, he graduated with a bachelors degree in civil engineering.

Discovering an interest in surveying led to work in the field and eventually to a commission as a Dominion Land Surveyor, as well as a BCLS (British Columbia Land Surveyor).

His first job was surveying the original townsite of the Cassiar Asbestos Mines.

Later came several years of off-and-on contracts working for the corporation, notably Clinton Creek in 1963, where he found the remains of the wreckage of an old dredge on the Forty Mile River.

It seemed to comprise two hulls, which he thought fit the newspaper description of the end of the two Bennett Lake and Klondyke Navigation Company boats.



*INTRIGUING TALES – John Motherwell had his book, Gold Rush Steamboats, published in 2012.*

During this time, Motherwell had the opportunity to visit Dawson City, at that time struggling to bring life back as a tourist attraction.

Today, Motherwell is busy working out several ideas for new books, one on the history of the Cassiar Asbestos mine, and another on the Yukon Flyer Line, a competitor of the BLKN.

His full and productive life is an inspiration to all!

Motherwell's Gold Rush Steamboats book can be ordered from the author by email: [john\\_motherwell@telus.net](mailto:john_motherwell@telus.net) (Victoria).

*Pat Ellis is a longtime Whitehorse resident and historian. ❖*

116th (2021)

# Annual General Meeting & Continuing Professional Development



Professional Development March 10th & March 11th  
Annual General Meeting March 12th

**D**ue to the COVID-19 pandemic the 2021 AGM and CPD Program will be held in a virtual format over a 3-day period. Two days of professional development seminars, including a stream for land surveyors in training, will be held on **March 10 and 11**, followed by the annual general meeting on **March 12**.

The AGM is an opportunity for members to hear from the Board and senior staff on the activities of the ABCLS, its strategy, and financial position. It also provides an opportunity for land surveyors to participate in self-governance by voting on motions affecting the bylaws.

Online registration for the CPD Program will open in January.

**Stay tuned and save the dates!**