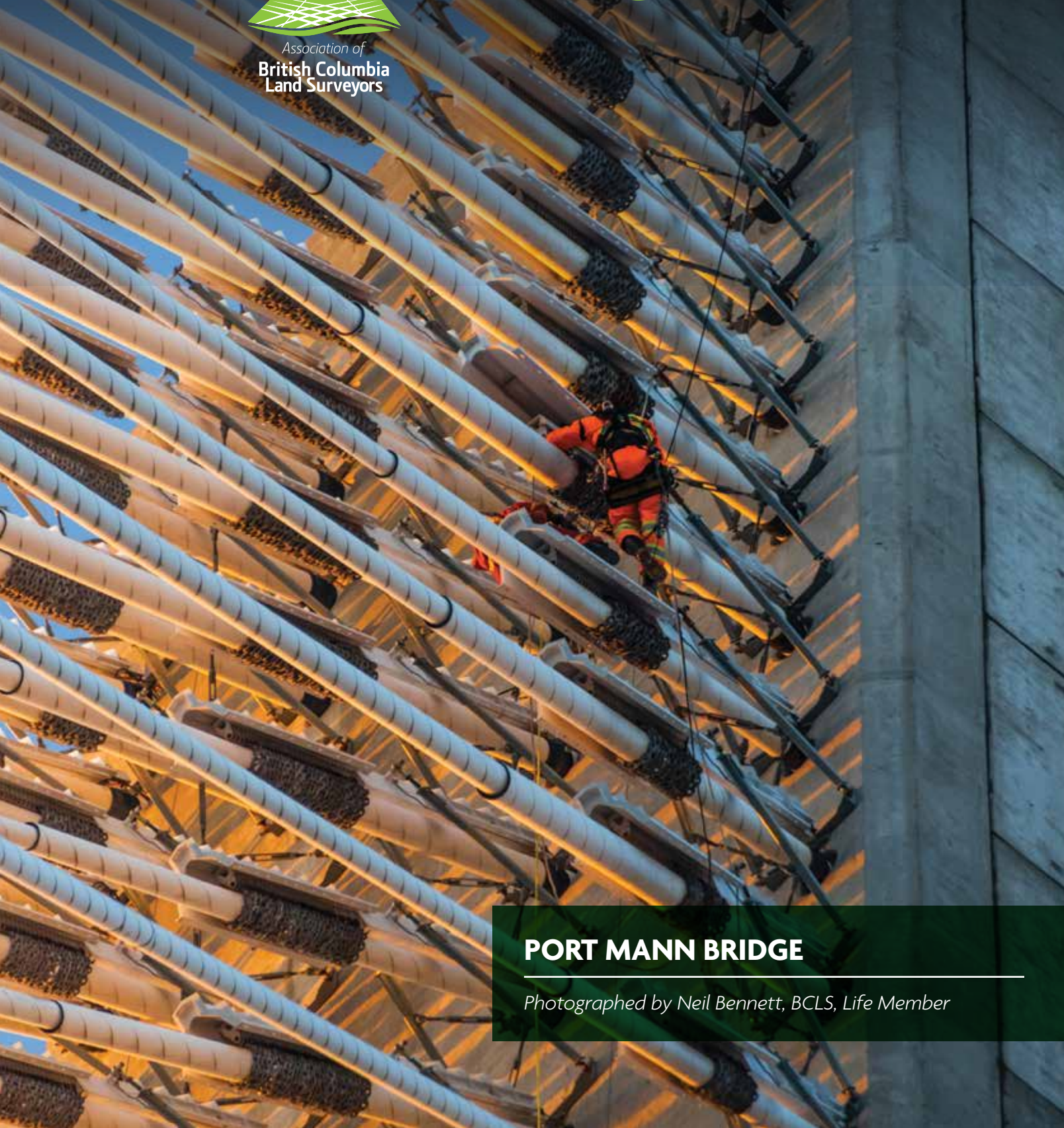


the Link MAGAZINE



Association of
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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 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.

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PUBLICATIONS MAIL AGREEMENT
NO. 41027533
RETURN UNDELIVERABLE CANADIAN
MAIL TO
ASSOCIATION OF BRITISH COLUMBIA
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Published by
Association of British Columbia Land Surveyors

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Design & Production
Holy Cow Communication Design Inc.

Printing
Digital Direct Printing

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

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From the **President**

Delegate Report

By Dave Rutherford, BCLS

Since my last report I have had the pleasure of attending the annual general meetings of the Association of New Brunswick Land Surveyors and the Association of BC Forest Professionals.

Association of New Brunswick Land Surveyors AGM

The Association of New Brunswick Land Surveyors (ANBLS) held their annual general meeting on January 21, 2022 as a day-long virtual event presided over by President Andre Boissonnault.

The meeting commenced at 9:00 am with the Rules of Order, the appointment of both a Parliamentarian and Sergeant-at-Arms and included the introduction of the council, Executive Director, life members and surveyors in training.

Following the introductions, three new surveyors took their oath and were sworn in before the membership. President Boissonnault then provided his President's report, followed by the adoption of the 2021 AGM minutes and Secretary-Treasurer-Registrar budget.

Up next was the Director of Surveys' report. The ANBLS plan database was recently moved from a CARIS GIS system to the Services New Brunswick (SNB) PLANET ARC GIS mapping system. This new platform will address

the projected increase in demand for online plans and plan registrations. According to Service New Brunswick staff, land registrations have increased from 80,924 in 2019 to 92,521 in 2021 and projected to be 112,000 in 2022.

The Director also spoke about a proposal to shift from the NAD 83 datum to NAFTR2022; however, with only one person dedicated to the maintenance of their provincial control network this could be a problem. A variety of transformation methodologies and their pros and cons were discussed and the membership has been asked to consider which one should eventually be used.

The current status of New Brunswick's HPN was discussed. Many of the HPN points are in disrepair and need fixing. Nova Scotia has had some success with an "Adopt a Monument" initiative. This type of program would require a change in legislation in New Brunswick. Another interesting discussion was the effect that 5G networks is having on GNSS work.

Committee reports followed the lunch break.

The Administrative Committee reported that the lease on the Association office space was coming up and should the Association contemplate a move? There was much COVID related discussion on this topic.

The Board of Examiners reported that the Association has six land surveyors in training, two Labor Mobility students and three new commissions.

The ANBLS Complaints Committee had nine complaints to investigate this year. Three were initiated in 2019, and five in 2020 and one case has since been closed. Another file may be closed when the appropriate documentation is received from the surveyor of record. The Committee required legal advice for many of the outstanding complaints to ensure that the Association is not subject to undue risk. The Committee has requested that Council appoint an investigator to assist with the complaint process. Most of the complaints are due to lack of communication between the surveyor and the client.

The Quality Assurance Manager sent out 20 requests for Systematic Plan File Reviews (SPFR) this year. The Association has a team of auditors to perform these reviews using a recently updated Quality Assessment Report

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which has resulted in lower review marks than previous years, most likely due to the category weighting that has been applied. Files graded at less than 50% will be referred to the Practice Review Committee. The major contributor to low marks were field notes and lack of measurement checks.

The Practice Review Committee presented Council with a proposed bylaw amendment to address the Association's responsibility to ensure PDF images of survey plans are submitted to the Land Registry through its modernized plan database application.

Over the past year, the Unauthorized Practice Committee has streamlined the procedure for reporting unauthorized practice cases by implementing a fillable form on the Association website which is then submitted to the ANBLS Registrar for consideration. The report is evaluated and, if required, sent for further investigation and ultimately a resolution.

Another bylaw amendment, that required a licensed land surveyor who is applying for a certificate of authorization for a partnership, association of persons, or corporation shall include an employee meeting a minimum requirement of three years of experience as a NBLS, was defeated.

President Boissonnault continues in his role for another year.

Association of BC Forest Professionals AGM

I represented the ABCLS at the Association of BC Forest Professionals (ABCPF) virtual annual general meeting on February 2, 2022. This was their first AGM under the *Professional Governance Act* (PGA).

ABCPF is one of the five professional regulatory organizations now operating fully under the PGA. Regulations to fully implement the PGA came into effect on February 5, 2021. At the same time, the *Foresters Act*, which governed the ABCFP since 1947, was repealed.

The PGA is similar to the *Foresters Act* in that it also grants the ABCFP the privilege of self-regulation, although they do not have the same autonomy as their former self-regulation status. The Office of the Superintendent of Professional Governance now oversees the operation of all professions under the PGA, setting policy directives regulators must follow, and auditing against those policies and regulatory standards.

Under the PGA, the fundamentals for the forest profession remain the same. Existing reserved practice rights and reserved titles were continued. The transition required the adoption of new bylaws.

The PGA primarily impacts the way the ABCFP, as a regulatory body, undertakes its work. It also creates some limited, new obligations for forest professionals directly, including:

- a new Code of Ethical and Professional Conduct (Bylaw 9);
- statutory duty to report unsafe or harmful practices (PGA Section 58);

- mandatory continuing professional development (Bylaw 10);
- practice reviews that can lead to mandatory actions (Bylaw 11); and
- requirement to provide more information for a public online directory of forest professionals (Bylaw 13).

Source: Association of BC Forest Professionals website; About US; Governance; Professional Governance Act. abcfp.ca

Under the PGA, there is no requirement to approve AGM minutes, the annual report or the auditor's report. The ABCFP reported increased expenses for office rental and property taxes and a two times increase in the number of complaint inquiries resulting in the hiring of more staff. Governance costs decreased from 20% last year to 13% this year. Roughly 10% of this year's governance budget is attributed to PGA activities including CPD compliance, OSPG Meetings (15), new program policy development, practice audits (168 this year), complaints (17 this year, the highest ever) and two new committees. Under the PGA, ABCFP is allowed to make two transfers per year to their reserve fund.

ABCPF reports 5,499 registrants with 77.6% being male and 22.3% female. There will be a continued focus on ABCFP membership diversity.

Garnet Mierau, RPF takes on the role of ABCFP President. ❖



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From the **Incoming President**

The Year Ahead

By Dave Swaile, BCLS, CLS

I write this article at the very end of February, while looking forward to the first in-person AGM the ABCLS has had since March of 2019. How our world has changed since then, but I am eager to catch up with those who are making the journey to Kelowna. This feels like such a big shift back towards normal.

I am also excited about the year ahead, having the opportunity to serve as the President and hopefully take advantage of some travel to our sister land surveying organizations across the country to share information and learn more about the issues each of us is facing.

We've all read articles about "unprecedented times", and I'll try to refrain from using the term, but we've certainly undergone significant changes over the last two years. Many of these changes have occurred because of two things: reacting to the COVID-19 pandemic and evolving to meet the shifting expectations placed on self-governing professions.

The pandemic has brought changes to the way we work. Prior to March of 2020, my only real experience

with videoconferencing was patiently teaching my parents how to use Skype so that they could have video calls with their grandkids. Now, it's the default way of holding meetings, so much so that it seems rare to have a regular phone call with someone, preferring instead to use Teams so I have the option of "sharing my screen" as needed.

Our AGMs are evolving in a similar manner. We experienced two successive virtual AGMs in 2020 and 2021: while they were "efficient", I think most would agree they were not nearly as "engaging" as the ones we've grown accustomed to. However, with the offer of virtual attendance at CPD sessions, we have seen greater enrollment than ever before. Now, in 2022, we are hosting

The other big driver of change we're experiencing is the increased focus on how self-regulating professions fulfill their obligations to act in the public interest.

Those video conferencing platforms have become so commonplace, I suspect it will forever be a part of our work world, taking the place of many previous cab rides across town or plane trips to major centres to conduct business in person. I do, however, strongly believe that in-person meetings have a continuing important role to play, where collaboration and an open exchange of ideas is critical.

our first "hybrid" AGM, allowing a choice between in-person and virtual attendance, complete with support for voting and verbal contributions no matter where you're located. I'm expecting we'll find this to be a great format, but undoubtedly, we'll also learn some lessons as to how we can improve. And for me, the in-person experience at an AGM cannot be fully replicated in the digital realm, no matter how slick we become technologically.

From the Incoming President

The other big driver of change we're experiencing is the increased focus on how self-regulating professions fulfill their obligations to act in the public interest. We have seen a number of regulators across the country taken to task for placing the member ahead of the public; and of course, we've seen a number of professions in B.C. now operating under the structure set out by the *Professional Governance Act* and the Office of the Superintendent of Professional Governance (OSPG).

The Association's staff and board have been working very hard over the last number of years to navigate the changing landscape of professional regulation and are focussing on aligning with the OSPG's document, *Standards of Good Regulation*, and I definitely recommend that members give this a read. We have recently conducted a review to determine where we are compliant with the standards and where gaps exist; as a result of that work, this year's priorities include the development of strategies relating to diversity, equity and inclusion and to supporting the work of reconciliation with Indigenous Peoples.

I am proud of the many traditions the membership holds dear; in so many ways, these are the very things that make us such a strong, engaged, and progressive association, and nobody wants those great things to disappear – but today's environment tells us that in many cases, the regulator and its board cannot be the ones to deliver the non-regulatory items. We are clearly seeing that regulators are expected to be narrowly focussed on their regulatory duties, instead of providing things that would be better characterized as "member services".

This shift has the potential to be a huge opportunity for the membership to put themselves in the driver's seat and take on those non-regulatory items that are so important to us all. These items may include things as simple as arranging social events, or publishing articles that are of interest to land surveyors but fall outside the scope of the regulator (I commend some of the members in the Lower Mainland for having recently done just that); but there is so much

more we could do, if we step out from beneath the regulator's umbrella to see how blue the sky is.

Perhaps Professional Surveyors Canada can help build a vision for the non-regulatory items; or perhaps a shuffling and refocussing of the regional groups might be the right vehicle. I don't know the answer, but I am excited about the possibilities a shift in thinking might bring. ❖



"Actually I don't read much, they're just background for my video calls."



From the
Chief Administrative Officer

Terms of Self-Regulation

By Kelly Stofer, CAO

As we begin another year, I have been thinking about the execution of our strategic goal to align with evolving regulatory standards and deliver excellence in our governance and administration.

A governance review of the Law Society of British Columbia was recently conducted by Harry Cayton, an internationally recognized expert in professional regulation governance, who was given full access to Law Society documents and records, observed the proceedings of the annual general meeting, conducted over 30 interviews, and attended board and committee meetings. In his report, Cayton writes:

Understanding the roles of a professional regulator and of its governing body is an essential first step to effective governance. Many professional regulators in Canada have a dual mandate. If they are an 'association' of professionals as well as a 'regulator' of professionals they have two roles, one to promote the interests of the profession and one to promote the interests of service users. These two roles are frequently in conflict and when governance structures give dominance to the profession over the public then the interests of the profession take precedence. Some regulators such as the Law Society had a dual mandate in the

past and still have the residue of that in the way they have been reconfigured as a regulator.

On reading the report, I found that the Law Society and Association of BC Land Surveyors face some similar issues. I would encourage members to read the report, especially if they are wondering about recent changes in the way the Association conducts its business or reasons for aligning with evolving regulatory standards. It is often said that self-regulation is a privilege not a right, and Cayton points out that “the terms on which that privilege is granted are getting ever more demanding”.

What do increasingly demanding terms of self-regulation mean for small regulators like us, whose activities are mostly funded by just 340 practising members? From my perspective as CAO, it means having a laser focus on our strategic plan and measuring progress against the twenty *Standards of Good Regulation* published by the Office of the Superintendent of Professional Governance. I wrote about these standards previously in the April 2021 Link. They deal with transparency and accountability, setting standards of competence and conduct, education and continuing competence, registration, audit and practice reviews, and complaints and

discipline.

Achieving all twenty standards will require an emphasis on policy development, communication, decision making and review, seeking feedback, equity, diversity, and inclusivity (EDI), Indigenous reconciliation, self-evaluation, reporting, addressing risk to the public, continuing education objectives, credentialing pathways, quality assurance, and board, committee, and staff training. The board has discussed areas where we have gaps and recently determined that EDI and Indigenous reconciliation will be our two highest priorities in the near term.

Of course, more emphasis in some areas will mean less emphasis in others. We will need to consider whether there are non-essential activities that consume our limited resources and stand in the way of success. We are fortunate to have a solid foundation to work from and a long history of land surveyors supporting change in the public interest. The terms of self-regulation are demanding, but I know the profession can meet them. ❖



From the **Surveyor General**

Surveyor General's Report

ABCLS AGM 2022

By Cristin Schlossberger, BCLS

I'm happy to provide you with a report on the activities of the Land Title and Survey Authority of BC (LTSA) over the past year. This report will highlight organization updates, operational metrics, ParcelMap BC developments and other significant projects.

Organization Updates

I continue to be supported by Dave Swaile, Katie Hannah and Chris Sakundiak in Operations and both Peter Haas and Tobin Pope in Policy. Thank you to the full Surveyor General team, including the technologists and records staff for your ongoing support of the land surveyor community.

Over much of the year, most LTSA staff members have worked remotely due to the pandemic. At the end of summer 2021 the LTSA introduced an optional hybrid work model where many staff now work in the office a minimum of two days a week and work remotely the remainder of the time. We will continue to adjust as needed during the pandemic, but the hybrid work model will persist post-pandemic. In fall 2021 we also re-opened LTSA front counters to visits by the public, by appointment only.

We have a retirement and a few promotions to announce for our land title colleagues. Dave Whittet is retiring this spring following a long career with land titles, most recently as Deputy Registrar in the Kamloops Land Title Office

(LTO). Val Cole has taken on the position of Deputy Administrator, Land Owner Transparency Registry (LOTR) Services following her years of experience as Deputy Registrar in the Victoria LTO. To fill the vacant positions, Lindsay Bealle and



Kamloops Office – Exterior: 'New Kamloops Office Location'

Chris Smith have been promoted to the positions of Deputy Registrar, working from the Kamloops and New Westminster offices.

The Kamloops office move is now complete, with the team moving from the Courthouse location to a centrally-located, modern workspace in downtown Kamloops. The Kamloops and Nelson land title records have been relocated to the Victoria vault. Significant work has been undertaken to pro-actively scan the bound volumes and Running Number Series records. The remaining hard-copy records can be accessed through Scan on Demand services. In addition to these digitization projects, the ongoing conservation of survey plans and field notes continues.

The project to convert Absolute Fee Book (AFB) records to indefeasible interests has been completed for all Land Districts. A small number (282) of AFB records will remain unconverted due to the challenges of describing remaining lands; such as the

remaining AFB title for the E&N Lands on Vancouver Island. We are working on digitizing land title microfilm records. The digitization is complete for the Prince Rupert and Prince George Land Title Districts and the team will be working on Victoria Land Title District microfilm reels next.

The Historic Records Advisory Committee continues to advise LTSA on conservation of, and accessibility to, all historic records, with a focus on records of significance to First Nations research. In addition, LTSA is working with partners to initiate the development of a comprehensive research guide to records of significance to Indigenous Peoples, which will provide a description and location of historical records of Indigenous interests including records from LTSA and other related organizations.

I would like to recognize ABCLS nominees Bronwyn Denton and BJ Houghton for their continued contributions serving on the LTSA

Board of Directors. Thank you also to Diane Friedman for her leadership as Board Chair; Diane was appointed to the LTSA Board in 2010 and has served for 12 years, the longest of any Director to date. Diane will continue to serve as Board Chair until the end of March 2022, when her maximum terms served will be reached, and a new Board Chair will be announced at the end of March.

Operations

This past year has remained very busy for the LTSA, with land title staff working several overtime shifts throughout the year to stay on top of transaction volumes. All LTSA operational turn-around targets have been met through the first three quarters of the year and throughout this time we've maintained myLTSA system availability at 99.9%. In addition, the ParcelMap BC team has continued to remain under their target of two business days for processing of datasets, currently at 0.9 business days.

The transaction volumes and revenues in the last year were significantly above our long-term trends. Volumes and revenues have now begun to decrease, but are still well above historical norms. Quarter 1 volumes and revenue were the highest recorded since the LTSA was established in 2005.

For Surveyor General operations, we've had relatively consistent volumes of both survey plans and applications throughout the year with an average of 180 plans and 82 applications each quarter. For land title operations, the number of survey plans was highest in the first quarter with 2,556 plans received and then the last two quarters were a little lower with an average of 2,360 plans.



Kamloops Office – Front Counter: 'Kamloops Office Front Counter'

From the Surveyor General

Surveyor General operations staff continue to support the survey of lands associated with various First Nation agreements with the issuance of survey instructions and review of final plans. We anticipate that the quantity of surveys will increase with the Province's commitment to reconciliation and steps to create multi-year survey strategies.

In the past fiscal year three surveys were undertaken in support of the BC/Alberta Boundary Commission. This included two inspection surveys including a total of 21 survey monuments at North Fork Pass and Tonquin Pass and the restoration of 35 monuments at Tent Mountain/Crowsnest Pass. The next Commission

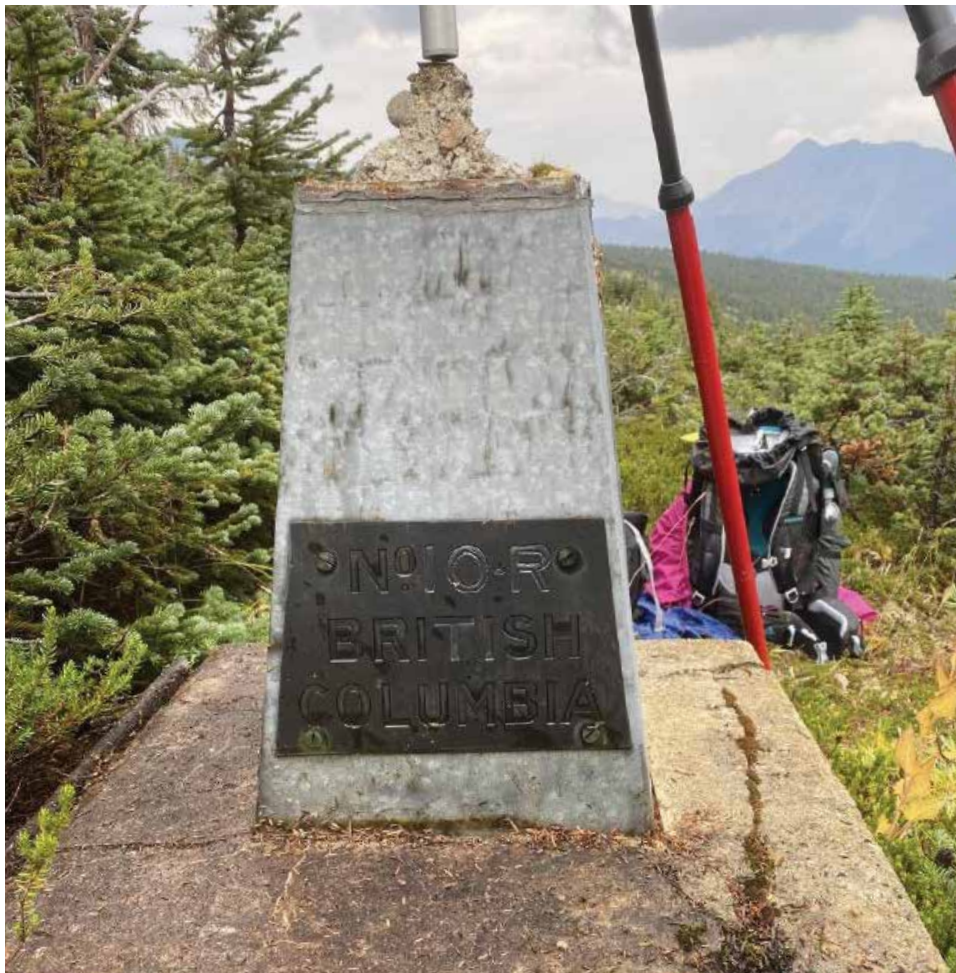
meeting is scheduled for April and we will determine survey activities for this next year.

The transition to Web Filing continued for the land title applications with the retirement of PDF versions of Forms A, B, and C in September. In November enhancements were made to Web Filing validation and ongoing improvements to the system will continue to be made over the coming months. The only remaining land title PDF forms are those that are plan related, which will be addressed as part of Survey Plan Services modernization; more on this later.

The LTSA also converted the Land Title Practice Manual to a free

publication online. In collaboration with Continuing Legal Education Society, customers can now access this resource to better understand what's required for applications under the *Land Title Act* in Volume 1, and annotated sections from over 20 other relevant statutes and regulations affecting land titles in Volumes 2 and 3. This resource is available at <https://ltpm.ltsa.ca>.

The Land Owner Transparency Registry (LOTR) search function was launched in April 2021. The deadline for filing transparency reports by pre-existing owners had originally been set by the Province as November 30, 2021, however, that has been extended to November 30, 2022.



Boundary 4: 'Monument 10R Tonquin Pass Inspection'

ParcelMap BC

I mentioned previously that turn-around times for ParcelMap BC remain at less than one day. The team has handled significant volumes over the past year, while continuing with spatial improvements and also tackling a number of projects to enhance the fabric. In addition, we've continued to focus on adoption efforts with municipal governments, utilities and other entities.

In December 2021, the BC Oil and Gas Commission announced that they had transitioned to ParcelMap BC and encouraged the use of ParcelMap BC by their customers and other organizations to support consistent language and communication around land ownership and parcel descriptions in communications and applications to the Commission.

We continue to grow the adopter community as we near the end of year

three of the strategic plan for adoption of ParcelMap BC, with a focus on large municipalities and utilities as well as Integrated Cadastral Fabric (ICF) retirement. Workshops continue to be held to assist municipalities with planning their transition to ParcelMap BC and making the most of data. As we transition to a new phase in these efforts, we will now focus on customer-driven product initiatives, which is expected to drive value for customers and additional adoption.

Current ParcelMap BC related projects, primarily based on customer requested product enhancement and data improvement efforts, include:

- **Interest Parcel Historical Back-Capture Pilot:** We've been working with the City of Kamloops to intake their spatial representation

of interest parcels, which were not part of the original build of ParcelMap BC, so that they have a more complete integrated dataset to work with that supports their needs in their adoption of ParcelMap BC. The work from this pilot is helping define a program that could be adopted by other municipalities and will be discussed with the stakeholder community at an upcoming workshop in April 2022.

- **Targeted Spatial Improvements:** The ParcelMap BC Operations team targets delivery of spatial improvements for 1-2 areas of interest each month. Areas of interest are prioritized to address those areas of the parcel fabric most in need of improvement. The spatial improvement app, available

through the LTSA website, provides transparency and insight into spatial improvement planning and a view of the assessed accuracy of the parcel fabric. Over the past year, we've prioritized a number of spatial improvement target areas based on collaboration with municipalities. Approximately 1,000 square kilometres of the Province is spatially improved each month.

- **Adding Vertical Benchmarks to Control Points:** We will be importing vertical benchmark control points into the fabric that are currently excluded. This is anticipated to be completed in spring 2022.
- **Active Titled Road Parcels Project:** The team continues to work on integrating titles that



Boundary 5: 'Monument 4R Tonquin Pass Inspection'

were not included in the initial build because they were tagged as road. The project started with a total of approximately 33,000 titles and the project is 75% complete. The titles within the City of Vancouver have all been integrated and the progress has now slowed as other areas of the province are more challenging; this slow-down was expected. The project will be complete at the end of the next fiscal year. Recently we've been engaging with the Land Surveyors Advisory Task Force to discuss potential changes to the parcel class for the titled roads, to provide more clarity to end users. Land surveyors should be aware that ParcelMap BC will do its best to assess and sort parcel class for these titled roads based on internally vetted rules, but it's still up to land surveyors to do adequate research to determine if the roads have been legally dedicated or not. Parcels that appear to be road but are not actually dedicated may create barriers for subdivision and would need to be dealt with.

- **Historic Highways Records Mapping:** The team has been engaged with the Ministry of Transportation and Infrastructure (MoTI) on a project to map historic highway records, largely around gazetted, but unsurveyed, highways. This initiative serves a couple of needs: Primarily, to support MoTI's Property Information Management System (PIMS) project, building a comprehensive resource of mapped shapes aligned with ParcelMap BC as a new data layer for MoTI, linked with the defining highway records;

Secondly, incrementally enhancing ParcelMap BC by capturing those highways, that meet criteria, directly in the survey fabric. This is a significant multi-year project constituting over fifteen thousand records.

Survey Plan Services and myLTSA Platform for Land Surveyors

The LTSA is in the process of building a myLTSA platform for land surveyors that will focus on the services that land surveyors use the most. This will be built in an iterative approach taking into consideration customer feedback. The Land Surveyors Advisory Task Force has been engaged with this modernization project and in the fall of 2021 workshops were held with land surveyors and legal professionals.

The land surveyors' platform will include a dashboard with quick links to items such as:

- Starting a new plan assembly or submission
- Recent survey plan interactions
- Notifications
- ParcelMap BC Search Services
- Plan number request/management.

The most significant change in myLTSA for land surveyors will be the introduction of enhanced survey plan services. This includes the ability to assemble, validate, confirm and certify survey plans and dataset submissions for both land title and Surveyor General submissions. This will be a Web Filing experience that is focused on the needs of the land surveyor and addresses customer feedback.

The objectives of the first step of the project will be to modernize and streamline the way survey plans are

assembled by land surveyors and how plans, related forms and datasets are submitted to the LTSA. This is planned to be released in two significant phases, with the first being available in the fall of 2022.

The first phase will include the surveyor's dashboard and workspace, streamline plan and dataset assembly and introduce web form assembly for land title and Surveyor General submissions. The second phase will include modernization of the forms and improved submission workflow.

In the workspace, you will be able to use web form entry to populate information into the standard submission forms (such as SPC, DSPL or CLRS forms) instead of using offline PDF forms. Initially the system will still create completed PDF forms for myLTSA submission. In the future submission will be made directly from the workspace or handed off to a third party through the workspace. Key benefits to note include:

- Dashboard and workspace will track statuses and allow land surveyors and delegates to keep their own and their organizations' projects grouped together to help with file management.
- Land surveyors will share a link to the current plan version in the workspace instead of emailing the plan image to third parties for review or submission. The intent is to reduce the potential for the incorrect version of the plan being sent to approving authorities or to the LTSA.
- The dataset will be linked to the plan image however you will retain the ability to only correct one or the other if needed.
- The DSPL form will be populated

by information from the land surveyor, which should reduce errors on the form resulting in submission defects.

- The land surveyor will identify the signatures that will be required on the DSPL that correspond with notations on the plan. For example, if it's identified that the plan is a block outline survey, the Surveyor General's certification will be added to the DSPL. This should reduce occurrences of forms being submitted without required signatures.
- We will be working towards moving the plan certification form to the plan image and eliminating the SPC and CLRS forms.

Thank you to the land surveyors that participated in our consultation workshop this past fall; the feedback has helped inform the development. There will be additional consultation and communication before the new services are introduced this fall, and we will provide additional information as we get closer to the first release. Land surveyors will initially be able to continue using existing PDF forms throughout a transition period but I would encourage you to try the new services when they become available.

Plan Preview

Plan preview as it currently exists was originally developed and built in about 2011. The original goal was to provide a verification mechanism to allow customers to ensure that the correct plan had been located prior to plan purchase and retrieval. This was a direct result of requests from land surveyors, through LTSA's Land Surveyors Advisory Task Force (LSATF), to have a way to review a

plan image prior to purchasing. This provides an easy way to ensure that the right prefix and suffix were added to the plan number in the search, so that the correct plan was obtained.

This feature was extended into ParcelMap BC Search Services menu options in 2017, again as requested by the land surveyor community as an important enhancement item to assist in research in an efficient graphical manner, instead of the text based plan search in myLTSA search services.

The technology for plan preview needs to be updated and we will be making some changes to address a few challenges that have arisen over the past few years. One of those challenges is mis-use of the service from some customers who have obtained copies of plans without ever purchasing any or very few plans from the LTSA. This mis-use will be addressed in a way that should not affect most land surveyors, although you will likely see some changes to the watermark and printing/saving functionality.

We have had several conversations with the LSATF on this topic and they have provided us with a really good overview of how they use the plan preview service. We are proceeding with ensuring that land surveyors can continue to access and utilize the service to assist with preliminary research. Excessive use of plan preview, without purchasing plans, will be flagged and investigated.

Please remember that, as the watermark states, plan previews are not to be printed and are not for official use. These plan previews should never form part of a statutory application or used for any other official purpose.

Integrated Survey Area (ISA) Program Review

The review of the Integrated Survey Area (ISA) program is complete and we are undertaking actions to revitalize the program. Following stakeholder consultation it was determined that there was still significant support for the program and support for revitalizing it. The Surveyor General is responsible for creating, amending or annulling ISAs, publishing ISA monument values and setting ISA survey requirements. Additional responsibilities related to ISAs lie with GeoBC and the ISA municipalities.

In the spring of 2021 we updated the graphical depiction of all ISA boundaries and set ParcelMap BC Search Services as the official source for boundaries. All PDF maps have been superseded. We also sent out information packages to ISA municipalities that provide information about the program and asked the municipalities to either commit to fulfilling certain responsibilities in maintaining the ISAs or to indicate that they no longer wished to remain as an ISA.

The commitments include:

- maintaining an adequate density of control monuments in their ISA (an adequate density is considered 500m-1km in urban areas and up to 2km in more rural areas);
- taking steps to protect control monuments from unnecessary damage or destruction due to development activities; and
- maintaining an accurate inventory of control monuments and reporting changes in monument condition to GeoBC.

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The deadline for response has recently passed and we have responses from approximately 75% of municipalities and are following up with others. Almost all responses have indicated a commitment to fulfilling responsibilities to maintain their ISAs.

First Nations National Land Registry

The LTSA is supporting the Lands Advisory Board (LAB) to establish a First Nations National Land Registry. The vision for the land registry is to establish a shared, comprehensive, trusted, sustainable, and First Nations governed land registry for lands governed under a Land Code or self-government arrangement. The registry would be a new modern register operated by Framework Agreement First Nations, replacing the current register, which is operated by Indigenous Services Canada. The service delivery partners would include LAB's First Nations Land Management Resource Centre for registry training services, NRCan Surveyor General Branch for Canada Lands Survey records and plans, and LTSA for registry technical build and support.

This past year has involved stakeholder consultation and development of a proposal for stakeholder approval and funding. The results were presented at the LAB Annual General Meeting in December 2021 and a resolution was passed by First Nations to support the registry proposal in principle. The project team is continuing the planning and design work this year.

Disaster Recovery

This has been a challenging year across BC with hazardous weather events, including the wildfires and flooding. I anticipate that there will be a number of land surveyors engaged with determining boundary locations for affected land owners, whether it's related to rivers that suddenly changed course or surveys in support of rebuilding efforts for those affected by fires.

Following the devastating Lytton fire, and prior to subsequent clean-up activities, a survey was undertaken to tie in and flag existing survey evidence and set control around the community. A posting plan is now filed in the LTO showing all evidence found. These efforts are intended to assist with re-establishing boundaries for rebuilding the community. Following the Fort McMurray fire in 2018, it was found that a lot of survey evidence was destroyed, not by the fire, but by the subsequent clean-up activities, which made the re-establishment of boundaries more challenging and increased the chance of boundary disputes. We are learning from that experience and will continue to learn from the Lytton experience. We will work with Emergency Management BC to highlight the risk to the cadastre in these situations and the importance of protecting boundary evidence to support recovery.

Last year at this time we started consultation with land surveyors on establishing a post-quake plan for restoring boundaries after a significant earthquake. We are learning from experiences in other jurisdictions that a major earthquake is likely to move boundary evidence, often in a non-

linear manner. In order to support economic recovery after an earthquake, land surveyors will need to be provided with direction for resolving boundaries post-quake.

We are working on creating a handbook that will be used to guide the Surveyor General on what actions need to be taken in different stages post-quake. This will include actions such as:

- gathering information (from land surveyors, municipalities, imagery, etc.) to determine the geographical extent of affected parcels and the significance of the disturbances;
- working with GeoBC on tasks related to the Provincial Control Network;
- working with ABCLS and the Director of Land Titles on survey and plan rules;
- setting out survey requirements for the re-establishment of boundaries; and
- general communication with affected parties (municipalities, land surveyors, land owners etc.).

We anticipate that the focused work on this project will continue over the 2022/23 fiscal year, and will then transition into maintaining the handbook to keep it current. We will continue to engage with land surveyors and other stakeholders.

Thank you to the Land Surveyors Advisory Task Force for your feedback on project development as well as land surveyors who have participated on specific working groups. In addition, thank you to all land surveyors for your continued diligence in supporting a high quality survey fabric throughout BC. ❖

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Board Member's Corner

A Change of Perspective

By Aaron Shufletoski, BCLS

I entered a new epoch of my career recently. It is comforting in the beginning of our careers when we know nothing, and understand that we have so much to learn, until slowly and gradually we become comfortable with our experience and knowledgeable in our specific areas. I thought that's where I was, but then one day I realized that I was one step beyond that, at the point when you realize that you don't know as much as you thought you did. It is both at one time disconcerting, but also familiar and if you like learning – a great place to be.

Coming into the career through a family business, the Association has always felt like the extended family, and thanks to the hard work of historians like the late Robert Allen, you can really get to know those in the past. And with our annual general meetings occurring more frequently than my own family reunions, it stands to reason that I see more of my associates than my second cousins. I have tried to be active with the Association since I first decided to become a land surveyor, and through my participation I believe it is clear to see my enjoyment. Through the Career Awareness Committee, I was able to impress and educate young students about the profession, and

hopefully save a few from a life of GIS or programming. Being on the Board of Examiners gave me great insight into the Acts and Rules which helps immensely in my own career and being on the Buried Facilities Working Group taught me exactly how small of a fish you can be in a large pond when trying to influence federal legislation. Being included on the Strategic Plan was a great experience in learning how to determine what is important. This is where I started to feel pretty confident in knowing how the Association functioned and its purpose.

When I received a phone call from the past-president to ask if I was interested to let my name stand for election to the board, I was honestly not very interested. I had served on boards before, and even participated in an election as a candidate for school board trustee (coming in last out of 19 others). I felt I was serving the Association well, and really didn't think it would be worth my time to sit in meetings and ... do whatever the board did. Luckily the past-president, and another board member who was stepping down, were able to be candid with me that the time commitment was indeed manageable, and, if I was to look closely at the Professional Governance Act, very important.

A year on the board has been enough to awaken me to the fact that there is a lot more to learn about the Association and its purpose and role. It is easy enough to say that there is a difference between regulator and advocate, but until I was involved in real discussions with decisions to be made, I can't say I really understood the subtleties and nuance, or the real importance of the difference. There is so much that I learned only by being on the board and working with the brilliance of our public members. It is something that I would encourage everyone that has any interest in seeing the profession of land surveying thrive, and the Association continue to be one of the most progressive and organized self-regulated professions, to strongly consider being proactive and volunteer rather than wait to be called upon. The small investment of time (much less than being a committee chair or examiner) is paid back threefold with the experience gained, the duty served and pleasure of working with our fantastic Association staff. For yes, while we may seem like a big family, there is more importantly a responsibility to the public and cadastre that we must all attend to. ❖



Social Responsibility at the Land Title and Survey Authority of British Columbia

By Al-Karim Kara

President & CEO Land Title and Survey Authority of BC

The Land Title and Survey Authority of British Columbia (LTSA) has a long-standing commitment to our core values, which operate as pillars of our business and help us support our customers, stakeholders and employees. Our four corporate values of accountability, integrity, respect and improvement set the foundation for our interactions with each other and our community, and guide the organization as we navigate business decisions.

Alongside our ongoing commitment to our values, LTSA is making a renewed and conscious effort to incorporate social responsibility into our business objectives and daily operations. We need to be aware of the effect our organization's work has on all aspects of society including economic, social, and environmental impacts. Addressing these systematic societal issues is important to both government



and business communities, and is also the right thing to do. Our work in land systems is intrinsically tied to more than just the bottom line, and there are implications for the people and communities that are affected by the systems we operate and maintain.

Take, for example, the damage caused by discriminating covenants on certain land title records that once restricted

the use of the land based on race. Much work has been done at LTSA over the years to identify and clearly indicate on these records that the clauses are invalid, and we support efforts to find and modify any that still remain. This is not work that is achieved overnight but is the result of measured, methodical effort. We know, too, there is other valuable information in the historic records we hold that

can help inform change. We know some records in LTSA's care contain information important to First Nations researchers, and we are working with partners to create a comprehensive guide to historic records of significance to Indigenous Peoples. We are also working with the Lands Advisory Board to develop a First Nations national land registry. These are examples of the incremental efforts

that LTSA is making to better address systemic social issues and, long term, make an impactful difference in the communities where we work and live.

While valuable initiatives like these are occurring across a number of projects at LTSA, steps are being taken over the next year to build a formal Environmental, Social and Governance (ESG) framework that more clearly aligns LTSA's activities and reporting in these areas. For the first time, the 2022/23 to 2024/25 LTSA business plan includes an outline of ESG activities, and with guidance from the Board of Directors we will be working to further incorporate ESG into LTSA's mission, vision and values. This work will help keep us accountable in our actions to address social issues and build continual improvements into our business initiatives – ultimately, providing more value to our customers and stakeholders.

As part of our ESG framework, we'll be developing a Diversity, Equality and Inclusivity (DE&I) approach over the coming months, to be implemented in fiscal 2023. This work will help our organization further define a culture and work environment that considers the unique attributes of our colleagues and organization. I'm excited that this work is underway and looking forward to building a strong DE&I approach that everyone at LTSA is committed to upholding.

LTSA is also committed to aligning with government toward full adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Over the coming year, LTSA will complete development of an Indigenous Reconciliation Strategy with the intent of establishing a meaningful framework for how LTSA can conduct its business in the spirit of UNDRIP and the Truth and Reconciliation Commission's Calls to

Action. This important work will take time to complete and will be done in collaboration with stakeholders from First Nations organizations; I'm gratified that these efforts are underway and dedicated to ensuring we make positive change for the future.

So often, the results of a corporate environment are expressed primarily in numbers – revenues, returns, and valuations. Just as important in our business are the people – our employees, our customers and our community. It's about people connecting together to imagine new possibilities and build better things – things like a better real property system – which contribute to a better society and a better quality of life. The work that we undertake may not always immediately reflect in the corporate numbers, but will help us build a strong, resilient society, which we can all feel proud to achieve. ❖

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We need to be aware of the effect our organization's work has on all aspects of society including economic, social, and environmental impacts. Addressing these systematic societal issues is important to both government and business communities, and is also the right thing to do.

Career Awareness Committee Update

By Patrick Randall, BCLS
Chair, Career Awareness Committee

For those who do not know, or may need a refresher, the Career Awareness Committee (CAC) is composed of members of the ABCLS appointed by the Board of Management. The CAC's mandate is in connection with an ABCLS goal to *foster new entrants*, which includes a strategy to increase awareness of land surveying as a career. The committee has several duties and responsibilities including hosting the BCIT "Meet the Students Night" event and exploring other opportunities to promote the profession.

In fall 2021 the CAC started planning the BCIT Meet the Students Night for January 28, 2022 at the BCIT campus in Burnaby. However, due to the restrictions imposed in December, we shifted to a virtual event. Losing an opportunity to sit down with other land surveyors, and students who will one day hopefully be part of the profession, was unfortunate, but we tried to make the best of the situation. The night consisted of land surveyors and students joining in on a Zoom meeting, kicked off with a presentation by Harinder Badial, BCLS discussing his path from post-secondary school to becoming the Survey Manager for the City of Surrey. After Harry's presentation was complete, the attendees split into four separate groups that cycled through four break-out rooms. Break-out rooms were

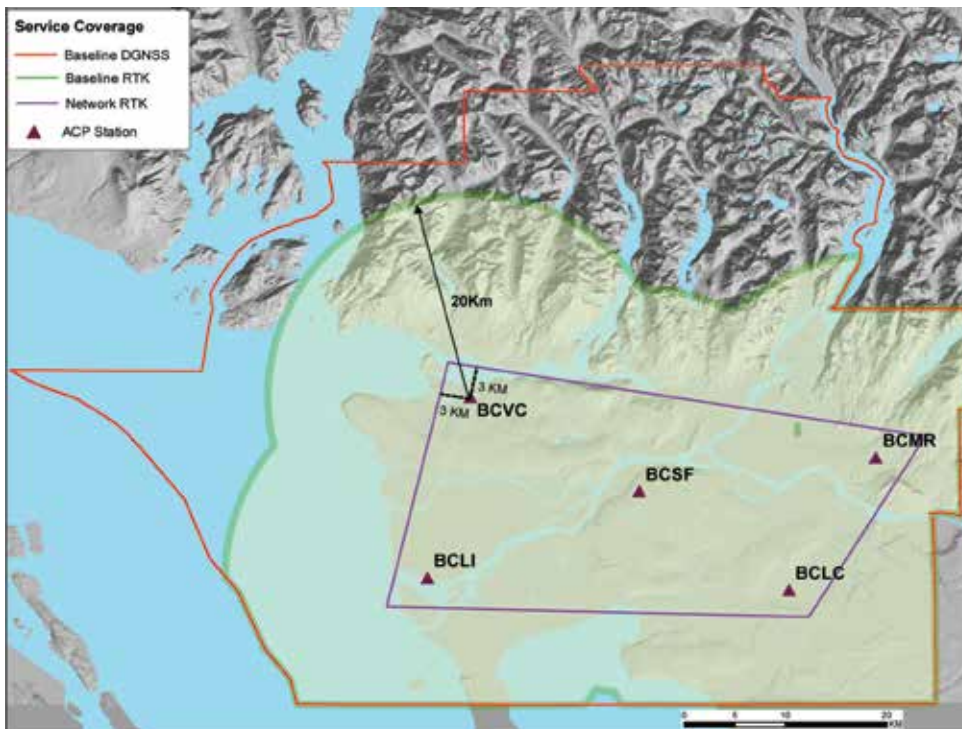
hosted by Gurpreet Kooner & Andrew Jenkins, Thomas Dunkley, Jen Ashton, and myself, with each room discussing the merits of living and working in the Lower Mainland, Kamloops/Kelowna, the Kootenays and Northern B.C. respectively. After the breakout rooms, there was trivia based on the presentations with numerous prizes for the students. Once the allotted meeting time was complete, attendees were free stay on the meeting and talk openly – several land surveyors and students stayed and talked about schooling or work for at least an hour. I would like to thank everyone who attended, presented, and organized the event. We really hope that next year the BCIT Meet the Student Night returns to being a physical event!

One of the opportunities that the CAC is currently working on to promote the profession is a partnership with BCIT and Scouts Canada – STEM Activities. The partnership potentially consists of BCIT supplying survey equipment and the CAC providing BCLS volunteers to lead survey activities this spring. The intent is to hold a half-day camp that provides some firsthand experience and exposure to a career in geomatics for those aged 10 to 14. Completing the half-day camp should allow the participants to obtain their PAB – Scouts Engineering/Cub Science Badge while also highlighting a possible education and career path.

There have been several cancellations and changes to events already this year, but the CAC is still trying to do as much as possible to raise awareness of the profession. If you have ideas for us to consider or you would like to volunteer for events (a great way to earn CPD credit hours), please send a note to Ellen Wilson at the ABCLS office. ❖

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Professional Reference Manual Committee Update

By Mathew Jaccard, BCLS
Chair, Professional Reference Manual Committee

On behalf of the Professional Reference Manual (PRM) Committee, I hope everyone connected to the Association of BC Land Surveyors is safe and well. 2021 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.

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 by the Practice Advisory Department (PAD). 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 has had a very busy 2021. Chapter 7 – Field Work, has been completed by the committee. The chapter was sent out for review to members back in May of 2021. The Board subsequently requested the PRM Committee to

review Practice Advisory 2010-01 to see if it was applicable and to see if it could have a place in Chapter 7. The PRM Committee took on the task and provided an opinion on how Practice Advisory 2010-01 could be modified and presented in the manual. In addition, the Board further asked that the hazards presented to land surveyors by underground facilities be added to Chapter 7. The PRM Committee completed both tasks which went out for member review towards the end of 2021. There was some feedback from the members, and at the time of this article, the Board has approved new guidance for working near underground facilities and continues to discuss boundary marking practices and Practice Advisory 2010-01.

The PRM Committee also completed Chapter 6 – Documentation and Office Records. The final edits are underway and the updated chapter will be sent out for member review in early 2022.

The PRM Committee, with the assistance of the LTSA, also rewrote Chapter 14 - Electronic Plans filed with the Land Title & Survey Authority, to reflect recent changes in document filing. This chapter will be included in the next update to the manual.

Lastly, the PRM Committee, through a contractor, is completing a refresh of the entire PRM. This will give the manual a new modern look and will also include minor housekeeping edits throughout the document.

The PRM Committee currently consists of nine members and one PAD staff member. The diversity in experience and geography is a key contributor to the success of the committee. All members of the committee provide input which results in really engaging conversations regarding the various topics presented in the manual. It is imperative that everyone takes part in the discussions as the manual serves as a key source of information for land surveyors.

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. ❖

New Land Surveyors



April Larocque, BCLS# 1040

April Larocque was commissioned on December 13, 2021, by Dave Swaile, BCLS in Victoria. She was born in Kapuskasing, Ontario and grew up in Hinton, Alberta. In April's opinion, land surveying is one of the most unique and important professions in B.C. She would like to take this opportunity to thank James Worton and Alan Powell for donating endless hours to her learning and their patience; Glen Mitchell, for introducing her to land surveying and making her fall in love with it; and her wife, Amanda, for being supportive through the many years of studying. When April isn't working, she enjoys weightlifting, Taekwondo, cooking, and hiking with her dogs and wife. She is looking forward to meeting her fellow land surveyors at the 2022 AGM.



James Cashman, BCLS# 1041

James Cashman was commissioned on December 13, 2021, by Dave Rutherford, BCLS in Burnaby. He was born and raised in Sydney, Australia. Finding a career that combined his love of math and working outdoors was a challenge for James. He was introduced to land surveying when he decided to go travelling and along the way he met numerous land surveyors. James would like to thank his principal, Chris El-Araj. He will forever be grateful to all the land surveyors at Underhill & Underhill whose doors were always open, and for the endless information and guidance they offered. Thanks also to his family and friends and especially his wife, Amanda. Their love and support were invaluable. Music is an important part of James' life, whether listening or playing. His love of snowboarding and travelling brought him to Canada.



Nazanin Abdolghaderibookani, BCLS# 1042

Naz was commissioned on December 14, 2021, in North Vancouver by Mike Thomson, BCLS. She was born and raised in Tehran, Iran, where she was a professional engineer, and moved to Canada in 2015. Using math, geometry, technology, and problem solving are things Naz enjoys, so land surveying seemed like a perfect fit as a career. Naz would like to thank Pat Korabek for being a prominent mentor and the Bennett team for all their support, especially John Franko, Tyson Cotnam and Aaron Creamer. She would also like to thank her husband Ali for his endless encouragement and support. When she is not working, Naz enjoys hiking, running, biking, and spending time with her family and friends.



Anderson Zhou, BCLS# 1043

Anderson Zhou was commissioned on December 14, 2021 in North Vancouver by Mike Thomson, BCLS. He was born and raised in Hubei Province, China and immigrated to Canada in 2009. He likes surveying because it combines applying survey technology and problem solving, based on survey principles. Anderson would like to thank his principals, Muliawan Koesoema and Gordon Yu. Also, Louis Ngan, Eugene Wong, Anna Niraz, Aaron Creamer, Haemee Lee and Robert Adriaensen. Thanks also to his family for their support. He likes to read, hike with his daughter, and cook at home when he is not working.

New Land Surveyors



Garth Wade, BCLS# 1044

Garth Wade was commissioned on December 17, 2021, in Burnaby by Dave Rutherford, BCLS. He was born in Maple Ridge and raised in both Mission and Maple Ridge. He chose land surveying as a profession because of its connection between history, technology, mathematics, and the natural environment. Garth would like to thank Stan Wade for his continued professional guidance, as well as his grandfather, Jack Wade, for leading them into a truly rewarding profession. He would also like to thank his partner, Christie Gibson, their three children (Emily, Jack, and Max) and his fellow colleagues for all their assistance and patience in reaching this goal. When he is not surveying, Garth enjoys studying music, skateboarding, snowboarding, and everything else in between.



Tanya Khan, BCLS# 1045

Tanya Khan was commissioned on December 17, 2021, in Burnaby by Dave Rutherford, BCLS. She was born and spent her early childhood in Ottawa before moving to Surrey when she was 13 years old. Tanya took a chance on land surveying as her chosen profession. Having interests in both history and physics, being good at math, and loving all things outdoors has made it a perfect fit for her! She would like to thank her husband Zain and their two sons, Preston, and Rylan for supporting her and pushing her through. Pursuing her commission and raising a young family has been incredibly challenging, and she couldn't have done it without their cheers of support. Thanks to Emily Freeman for inspiring her to become a land surveyor and for always being there to answer tough questions. And lastly, a huge thanks to both Stan and Garth Wade for mentoring and guiding her through the many obstacles of becoming a land surveyor. Tanya will be eternally grateful to them for sharing their immense wisdom. When she is not working, Tanya enjoys travelling with her family, hiking, reading, and hitting the hills in the winter.



Zeb Maloney, BCLS# 1046

Zeb Maloney was commissioned on December 20, 2021, in Prince George by Shauna Goertzen, BCLS. He was born and raised in Prince George. He chose land surveying as a career because of his love for the outdoors, problem solving, and his interest in the history of land settlement and development. Zeb would like to thank his principals Mark Cahill and Andrew McFarlane. Thanks also to Sim Porcellato, Bronwyn Denton, Bill Powley, and Jerry Mullin for the major impact they have all had in his development as a land surveyor, as well as his wife Jena, family, and friends for their support. When Zeb is not working, he enjoys camping, fishing, kayaking, and cooking. Zeb and Jena welcomed their first child, Quinton, in September 2021.

New Land Surveyors



Curtis Van Hove, BCLS# 1047

Curtis Van Hove was commissioned on December 22, 2021, in Surrey by Dave Rutherford, BCLS. He was born and raised in Surrey. He initially pursued land surveying as a career because of the mix of the outdoors and mathematics. However, the contribution to society that land surveyors provide is something that has kept him engaged. Curtis would like to thank his principal, Eugene Wong, for being a great mentor who shows unquestionable integrity in his practice. Also, thanks to all the staff at H.Y. and Associates Land Surveying Ltd. When he is not at work, Curtis likes to keep moving. He is happy playing soccer, hockey, hunting, fishing and hiking.



Marc Wallace, BCLS# 1048

Marc Wallace was commissioned on December 22, 2021, in Surrey by Dave Rutherford, BCLS. He was born in Glasgow, Scotland and grew up in both Scotland and Jeddah, Saudi Arabia before moving to Vancouver during his elementary school years. When Marc was younger, he and his family would fly standby between London and Vancouver and on occasion the only seat available was the jump seat. He has a passion for flying and his dad is a retired aeronautics engineer. He describes himself as a meticulous person, naturally drawn to a profession like land surveying. The history of the land, the precision and the community all culminated in a fascination that he is proud to dedicate his career to. Marc would like to thank his principal, Warren Barnard, as well as past and present co-workers in helping him become a professional. Thanks to his wife for pushing him to achieve his career goals and his family and friends for their continuous support. Weekly walks in the watershed with his black lab, Laika, playing guitar, and spending time with friends and family are ways that Marc enjoys his time away from surveying.



Spencer Kristensen, BCLS# 1049

Spencer Kristensen was commissioned on December 22, 2021, in Surrey by Dave Rutherford, BCLS. He was born and raised in Langley. Land surveying as a career appealed to Spencer because of the unique combination of working with numbers, drafting, and getting outdoors. Spencer would like to thank his principal, Gurpreet Kooner. Thanks also to Harinder Badial and Monty Brisson, and his parents Gordon and Kathy. Golfing, hockey and spending time with friends and family are ways Spencer enjoys his time away from surveying.

Is Irremediable Becoming the New Ungovernable?

by Natasha Danson
March 2021 - No. 254

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published by Steinecke Maciura LeBlanc.

A practitioner's past history can have a significant impact on subsequent disciplinary sanctions. Previously, a practitioner with a significant past history was labeled "ungovernable". It appears that term is being replaced with the less loaded term of "irremediable".

In *Hanson v. College of Physicians and Surgeons of Ontario*, 2021 ONSC 513 (CanLII), <https://canlii.ca/t/jct84> the practitioner admitted engaging in three types of professional misconduct:

1. Being found guilty of an offence for billing for services unsupported by records;
2. Failing to meet the standards of practice with respect to patient assessment and treatment as well as record keeping, and demonstrating a lack of knowledge and judgment; and
3. Permitting a vaccine to be administered by a staff person and then engaging in a lengthy cover up to mislead the regulator, including by preparing a false record and encouraging a staff person to take responsibility for it.

The discipline panel revoked the practitioner's registration. The Court upheld that outcome despite the fact that the

practitioner had, since the alleged conduct, successfully completed a course of clinical remediation and mentorship resulting in a report that the practitioner "was a skilled physician, his charting consistently met the standard of care, he did not expose his patients to danger and did not lack judgment or knowledge." If these were the only facts, a sanction of revocation would be difficult to justify.

However, the practitioner had an extensive prior history going back almost twenty years. The Court summarized the prior history as follows:

... [the] disciplinary history encompassed two prior Discipline Committee hearings and 11 decisions of the ICRC or Complaints Committee which resulted in the Appellant:

1. Being suspended from practice in 2001 for six months, reduced by three months upon completion of an ethics course;
2. Receiving two reprimands;
3. Being cautioned five times;
4. Being counseled once;
5. Being referred to the Quality Assurance Committee to address clinical issues and poor records;

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6. Being required to take numerous educational courses concerning clinical issues, record keeping and ethics;
7. Undergoing clinical supervision and/or re-assessment of his practice on three separate occasions; and
8. Entering into three separate undertakings with the College concerning his practice and health.

The concerns involved numerous examples of unethical conduct, including misleading other health care practitioners and the regulator, clinical concerns, and record keeping lapses.

In addressing the standard of review, the Court applied the case of *Mitelman v. College of Veterinarians of Ontario*, 2020 ONSC 3039 (CanLII), <https://canlii.ca/t/j883c> to conclude that the test was whether the sanction was clearly unfit or contained errors in principle.

The Court held that in finding that the practitioner was irremediable, it was appropriate for the discipline panel to consider his entire disciplinary history. The Court said “when considering penalty, the Committee was entitled to consider the whole of the Appellant’s disciplinary record, including conduct which occurred after the conduct that led to the misconduct in issue”. The Court said:

The Committee’s decision that the Appellant was irremediable was based on its consideration of the Appellant’s lengthy disciplinary record, that he already had several opportunities at rehabilitation, without success and that his improvements were not sustained over time. In reaching that conclusion the Committee considered both the 2018-2019 clinical assessment and the subsequent reassessment. The Committee made no error in principle.

The Court also found that the practitioner’s history of mental illness and substance abuse did not establish a basis for a sanction less than revocation:

While there was evidence before the Committee of the Appellant’s diagnosis of substance use and bipolar disorders and that he had been subject to health monitoring since 2019, there was no evidence or submissions made to the Committee that the Appellant’s mental health or the treatment of his disorders in any way contributed to the misconduct in issue.

In the absence of such evidence or submissions, the Committee did not err in not considering those issues as mitigating factors. There must be some connection in the evidence between the health issue and the misconduct in question before the matter can be considered in respect of penalty.

In addition, the Court noted that the practitioner’s compliance with three previous undertakings did not detract from the finding that he was irremediable. The Court accepted the panel’s observation, borrowed from another case, that while the practitioner had “responded to the direction of the College in the sense that he completed the educational courses required of him, attended cautions, and worked under supervision, the Committee finds that they have had little or no impact and that he had made few of the fundamental changes necessary.”

The Court concluded that the revocation was proportional both in the sense that it was appropriate for the finding made and in that it was consistent with prior similar cases:

Given the evidence before the Committee together with its findings, I do not consider the penalty imposed on the Appellant of revocation was disproportionate. The misconduct in question involved clinical matters, record keeping, as well as integrity and dishonesty issues. In light of the serious, repetitive nature of the Appellant’s misconduct, the lengthy history of disciplinary matters and the fact that the Appellant had not benefitted from repeated efforts at rehabilitation, the Committee’s conclusion that rehabilitation was not a factor supports a penalty of revocation having regard to the principles in play, protection of the public, general deterrence and public confidence in the regulation of the profession.

The penalty proposed by the Appellant of a 12-month suspension followed by supervision and reassessment does not meet those principles.

Finally, while no two cases are alike, the penalty of revocation is consistent with the misconduct in the cases of revocation the Committee considered, [citations omitted]. Revocation is not limited to matters of incompetence or breach of an undertaking.

This case shows that a finding that a practitioner is irremediable, similar to the more traditional finding that a practitioner is ungovernable, justifies a sanction of revocation. ❖

**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: Christopher de Haan, British Columbia Land Surveyor

Date & Place of Hearing

June 10, 2021, Sidney, British Columbia

**DECISION OF THE BOARD OF MANAGEMENT
ISSUED JULY 8, 2021**

1. The Complaint Inquiry Committee brings this matter to the Panel following a referral from the Practice Advisory Panel.
2. Mr. de Haan has practiced as a British Columbia Land Surveyor since receiving his commission in 2004.
3. As part of Conditional Practice Review Reports issued on July 31, 2020, and October 21, 2020, the Practice Advisory Department identified several errors in Strata Plan EPS5461 (Phase 6) and Strata Plan EPS6257.
4. These errors include but are not limited to incorrect plan statements, dimension errors, and the failure to add sufficient information to each plan to locate limited common property boundaries. Strata Plan EPS6257 alone included approximately twenty closed figures lacking dimensions and angular information sufficient to calculate acceptable closures.
5. Mr. de Haan acknowledges the issues identified by the Practice Advisory Department. He agrees that errors in Strata Plan EPS5461 (Phase 6) and Strata Plan EPS6257, while not posing a risk to the general public, constitute breaches of Bylaw 14.1(b) and 14.1(c).
6. Mr. de Haan also accepts that his failure to respond to correspondence from the Practice Advisory Department amounts to unprofessional conduct.
7. Mr. de Haan attributes these failings, in part, to ongoing health concerns and personal matters for which he is seeking treatment.

DISPOSITION

8. This Panel is concerned by what the Practice Advisory Department identifies as a deterioration in the quality of Mr. de Haan's practice but accepts that the origins of his difficulties are not purely practice-related. At the same time, there is no previous discipline history, the strata plan items identified above have now been resolved, and the public has not suffered harm.
9. For these reasons, the Panel concludes that the public interest is best served, not by a period of suspension but by the establishment of a mechanism promoting support and oversight of Mr. de Haan's practice.
10. Accordingly, the Panel makes the following orders:
 - (a) Mr. de Haan will pay a fine of \$1,500.00, according to Section 60(1)(c) of the *Land Surveyors Act*, to be remitted to the Association within thirty (30) days from the date on which he receives a copy of this decision.
 - (b) At his cost, and according to Section 60(1)(d) of the *Land Surveyors Act*, Mr. de Haan will participate in a peer review and mentoring program on the following terms:
 - (i) *the peer must be a British Columbia Land Surveyor approved by the Board and selected by Mr. de Haan in consultation with the Association's Secretary;*

- (ii) *for twelve (12) months following their appointment (the “Mentoring Period”), the peer will provide Mr. de Haan with such advice and guidance as the peer considers appropriate and necessary;*
- (iii) *at the end of the Mentoring Period, the peer will prepare and submit a report (the “Report”) to the Association’s Secretary, outlining recommendations, if any, concerning Mr. de Haan’s practice, with a focus on quality assurance in service of the public interest;*
- (iv) *the peer will be at liberty to seek further direction from the Board in the event of a dispute concerning the peer mentoring program;*
- (v) *the Board will convene to consider the Report and, where necessary, take any further action that may be warranted.*

- (c) Finally, Mr. de Haan must pay the costs of this inquiry within thirty (30) days following receipt of a certificate of costs from the Secretary.

11. A copy of this decision will be published on the Association’s website. Any required entries and Gazette publication of the circumstances of this matter, the admissions, and the disposition will be made according to Section 65 of the *Land Surveyors Act*.

Dated at Sidney, British Columbia, this 8th day of July 2021.

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

**DAVE RUTHERFORD, BCLS
PRESIDENT**

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Presented by:

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- defines criteria for registration as a BC land surveyor,
- provides guidance to members through a Code of Ethics, Survey & Plan Rules, the Professional Reference Manual, and a practice advisory program,
- requires BC land surveyors to participate in a mandatory continuing professional development program,
- selects active BC land surveyors to participate in plan or practice reviews,
- maintains a public register with information about individuals registered with the ABCLS, and
- investigates complaints about members through a process that is transparent, objective, and fair.



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