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Address all correspondence to:

Doug Bouck, SLS (Ret.) - Editor
408 Broad Street #230
Regina, Saskatchewan S4R 1X3
Phone: 306-352-8999
Fax: 306-352-8366
e-mail: slsa@sasktel.net
web site: www.slsa.sk.ca

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Office hours are:
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Cover Story

G. A. "Gord" Webster, SLS, CLS, P. Surv. was elected Life Member #38 at the 99th annual meeting of the Saskatchewan Land Surveyors' Association on June 12, 2009 at Elkridge Resort near Waskesiu Lake. Biographical information and further details of the event can be found starting at page 46.

Also depicted on the cover are, from top to bottom:

		Commission #	Life Member #
W. T.	Thompson	013	01
J. L.	Doupe	021	02
R. C.	Laurie	012	03
A. C.	Garner	003	05
S.	Young	060	08
E. H.	Phillips	004	10
W. M.	Stewart	017	11
F. C.	Lamb	058	12
E. W.	Murray	029	13
O. W.	Martyn	044	14
S.	Harding	066	16

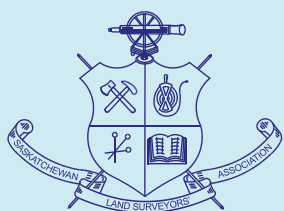
President's Message



Dave L. Gurnsey
SLS, P. Surv., CLS
President

Upcoming Events

- Sep. 9 - 11 AMLS AGM
Winnipeg, MB
- Sep. 25 - 27 OAGQ AGM
Mont-Tremblant, PQ
- Oct. 21 - 22 CIG AGM
Montreal, PQ
- Oct. 22 - 24 ANSLS AGM
Digby, NS
- Jan. 21 - 22 ANBLS AGM
- Feb. 17 - 19 AOLS AGM
Huntsville, ON
- Mar. 26 - 27 SLSA 100th Annual
AGM, Regina, SK
- Apr. 22 - 24 ALSA AGM
Jasper, AB



One hundred years. Our association has entered its one hundredth year and that brings on a time of reflection and looking ahead to the next one hundred years.

One hundred years ago, Saskatchewan was a prosperous, growing province and I'm sure that the future looked bright for the members of our newly minted Association. The economy and weather patterns got in the way of that prosperity and Saskatchewan, and its surveyors, went through some tough times. Now, we are at a time when, again, the future looks bright. Saskatchewan is growing once again and our economy is one of the most vibrant in Canada. We must be ready to meet all of the needs that this will bring in the future.

Our Association is strong. We have a number of members who are nearing the end of their careers but we also have a number of new surveyors and students ready to take up the challenge of serving the public of Saskatchewan and looking after the profession moving into the future. I am most impressed by the caliber of young surveyors that we have in Saskatchewan.

This year promises to be exciting as we look for ways to celebrate our history and promote our future by publicizing who we are today. We have many ideas, ranging from commemorating our past with an update to the surveyor's monument in Regina, to promoting our profession through billboards, to involving the younger generation in geocaching and orienteering. And our history book will provide a lasting legacy of our first one hundred years. Mike Waschuk is also working on establishing a permanent surveyor's museum in Saskatchewan which will hold many of the displays that Tom Crump had established in the Plains Museum. If you have other ideas to celebrate this milestone, please pass them on to me or Jill Burrige or Carl.

As part of the ongoing business of managing the profession, we continue to deal with a number of issues. Some of these are provincial, such as the weaknesses in the Cemeteries regulations, where we have initiated the appropriate discussions. Others are more national in scope, including harmonization of entry standards, the direction of the CCLS initiative on the future of the profession and the development of processes to accommodate the new labour mobility requirements. We hope to work with the other land survey associations across Canada to develop a truly national standard for land surveying.

We have started work on developing a new logo for the Saskatchewan Land Surveyors' Association, as directed by the membership at our annual general meeting in Elkridge. It is our plan to have use the new logo as we celebrate this year and to have it available to members for their use in promoting this milestone. Let's build our Association throughout the year and finalize it with a grand celebration in March in Regina.

Come celebrate with us. ☼



The 2009 "Presidential Hand Off" at Elkridge Resort, June 12
Namrata Shrivastava, Brenda Schwartz, Ravi Shrivastava, Dave Gurnsey



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Council Highlights



Carl Shiels, M. Sc., P. Eng.
Executive Director

2008/2009 - Meeting #7 May 1, 2009

AOLS AGM

- The presidents' forum focused on two major topics - the CCLS Future of the Profession Initiative and the approaches taken by the various associations to raise funds beyond membership fees.

ALSA AGM

- The ALSA celebrated their 100th annual meeting and the kick-off to their 100th year. The theme of the meeting was "Looking to the Future, Honouring the Past, Celebrating the Present."
- A mobile display has been developed for the centennial. Following its unveiling at the AGM, it will spend the year touring the province. The display highlights the activities and accomplishments of land surveyors past, present and future.

CCLS

- A new youth-based web site has been developed to introduce students to the surveying profession. It can be found at **www.setyourboundaries.ca**. It is now up to individual land survey associations to promote the web site through links on their own web sites and handouts at career fairs.
- **Professional Surveyors Canada (PSC)** is the name chosen for the prospective new national survey association. Discussions continue to centre around the governance model and questions such as, "Will membership by cadastral surveyors be mandatory?", "Will directors be elected by region or by jurisdiction?", "How will the association be funded?", "How will members of the expanded profession fit into the new association?", "Will a national publication replace individual association publications and, if not, will there be a dilution of advertising revenue?" All of these questions would need to be answered by the proposed January 1, 2010 time line. Members of council voiced their questions and concerns about the proposed governance model. CCLS representative Guy Craig agreed to raise those questions and concerns at the upcoming CCLS annual meeting.

Surveyors Educational Crate

- The blueprint for the crate has been completed and the balance of the contract paid out. Copies of the blueprint have been provided to all survey associations that contributed to its development. The next step will be to explore options for production of the crates. The objective is to have at least one prototype ready for the fall school year.

Riparian Rights of Accretion

- The SLSA was well represented at a meeting with the Deputy Minister of Agriculture to discuss SLSA concerns about the Department of Agriculture's policy toward loss and acquisition of land through erosion and accretion. The meeting was considered to be fruitful and further discussions are expected as the Department of Agriculture begins the process of re-writing the relevant legislation and regulations.

SLSA Representative to CBEPS

- Longtime WCBE/CBEPS representative, E. J. Desnoyers asked to be relieved of that responsibility so he could devote the time that will be required in his role as Chairman of the Board of Examiners for Saskatchewan Land Surveyors. Council agreed with Mr. Desnoyer's recommendation that one of the more recent members who has gone through the degree equivalency process in getting a commission, should be recruited.

2009 Professional Exams

- One candidate had completed all of the requirements of the Board of Examiners and was eligible to apply for a commission. Two others had successfully passed all of the written exams.

Resolutions for the 2009 AGM

- Amendments to the regulatory bylaws were approved for presentation to the membership at the 2009 AGM. The draft amendments had been reviewed and revised by the Board of Examiners. If approved by the membership, the amended bylaws would pave the way to implementing the new Labour Mobility requirements established by all provinces. Once the bylaw amendments have been adopted, the Board of Examiners will

proceed to develop the Rules and Syllabus, as well as the on-demand examinations.

New SLSIT Agreements

- Two new land surveyor in training agreements, between Eric Pellegrino and M. A. MacDonald, SLS, and between Jamie Lehmkühl and W. J. Peters, SLS, were approved.

New SLS Commission

- Land surveyor commission #300 was granted to Gerald Early Johnson of Swift Current, SK.

ACLS Status in Labour Mobility

- Discussions have been taking place between the ACLS and other associations regarding the labour mobility requirements for Canada Lands Surveyors. Additional details on the discussions would be forthcoming.

2010 Centennial Anniversary Planning

- P. M. Maloney has been appointed chairman of the 2010 convention committee. He is expected to establish a number of subcommittees to handle various aspects of planning for the association's centennial.
- The Lieutenant Governor has agreed to host the Thursday, March 25th reception at Government House and the premiere has been invited to be the keynote speaker at the president's banquet on the evening of Friday, March 26th.

Reserve Fund

- On the recommendation of the chairman of the finance committee, and in keeping with the policy adopted by the association at the 1996 Annual Meeting, the association's Reserve Fund was increased to \$113,000 by reallocating \$2,739 from the operating reserve. The adjustment was in response to the upward inflationary pressure on annual operating costs.

Centennial History Book

- The first round of revisions to the original draft have been coming in from the writer and the executive director will be doing up the 'camera ready' layouts at the SLSA office during the summer. This will save money and provide full control over the final product. Once the committee has approved the final copy and layouts for the book, the semi-final document will be distributed to council for approval before going to the printer. Chapter one of the book may be distributed to the members, and to other associations, as a 'teaser' prior to the book launch planned for the 2010 reception at Government House.

2008/2009 - Meeting #8 - June 10, 2009

ACLS AGM

- Highlights from the ACLS AGM included:
 - The ACLS have a new look for their web site.
 - They have also developed a special Geo-coin that will be placed in geocache sites as a way to promote the profession.
 - Mandatory continuing professional development is being considered.

CCLS

- The initial proposal for the governance model for Professional Surveyors Canada had received wide criticism so a revised model is being developed. There continues to be strong support for the concept of the new association but the January 1, 2010 time line for implementation will need to be moved back.
- The 2010 CCLS AGM will be held in conjunction with the SLSA Centennial Anniversary meeting in Regina.

New SLSIT/Student Agreements

- A new land surveyor in training agreement, between Kevin Way of Calgary and E. F. Twarowski SLS, was approved.
- A new student land surveyor agreement, between Brad Luey and T. R. Webb SLS, was approved.
- Transfer of supervision of Sureshkumar Rajakumar, SLSIT from R. D. Rosnes SLS to B. E. BurrIDGE SLS was approved.

Survey Law In Canada Book

- A contribution of \$3,000 was authorized toward development of a new Survey Law in Canada book by the Canadian Board of Examiners for Professional Surveyors. The contribution was conditional upon the SLSA being allowed to adapt any of the content in the book when developing a Survey Law in Saskatchewan book.

2009/2010 - Meeting #1 - June 13, 2009

I. W. Tweddell Memorial Scholarship

- Based on the recommendation of the P.R. Committee, the I. W. Tweddell Memorial Scholarship was awarded to Heather Maloney (Student L.S.) of Weyburn, SK.

Logo and Branding for SLSA Centennial

- A deadline of August 31 was set for completion of the tendering process for a new SLSA Logo and visual identity for the association. This was in response to a resolution that was passed at the 2009 AGM. ✨

Councillor's Corner



Lee Andersen
SLS, P. Surv., P. Eng, ALS
Councillor, Year 1

Out Of Adversity Comes Opportunity

How time flies when you are having fun. I am now into my second year on council and the experience has been great. I would strongly encourage anyone of our members to take a term as a councillor for our great association. The experience and friendships made is worth the time devoted. It looks like I drew the short straw at our council meeting right after the business meeting closed on Saturday because I have to write this article instead of kicking back at the lake and having a couple sodas. I have been thinking about what to write about for the last hour or so and then it hit me, why not say a few words about this year's AGM in Elk Ridge Resort.

What a breathtaking location for our 99th AGM, the hospitality, rooms, weather, food, Golf, and more Golf were awesome; Oh Ya, the meeting was good too. Carl mentioned that we had fifty two members turn out to this year's AGM which is really encouraging to see. One aspect that my wife and I are really enjoying is the number of new generation land surveyors and spouses that are turning out. We are really enjoying the visiting and relationships that are forming.

Some of the seasoned land surveyors talk about the good old days when the meetings were a little heated and had some controversy. Well the only way we can get there again is to get everyone involved in the discussions and open forum. The new wave of land surveyors need to speak their mind and not be afraid of controversy. It was encouraging to see many of the new wave of land surveyors participate in the discussions but I believe there were more that thought about speaking but pulled back. I know it can seem nerve racking to get up and speak to a room full of surveyors but we all have to overcome that fear and speak our mind and then maybe there will be a few more arguments and conflict.

Well I think summer might actually be here finally, so make sure you take the time to enjoy it because the work will always be there but summer has a tendency to disappear rather quickly.

p.s. Future Presidents of our association, I would strongly recommend continuing to find resort settings in our beautiful province to host our AGM.

Well I think I can finally head for the lake. ☼



Congratulations to **Heather M. Maloney** Winner of the 2009 **I. W. Tweddell Memorial Scholarship**

Heather will be entering her final year of the Bachelor of Technology in Geomatics Degree program at BCIT this fall. Her first two years of geomatics technology were taken at Southern Alberta Institute of Technology (SAIT) where she completed the diploma program with Honours, having achieved a 3.89 grade point average.

Having been immersed in the business of surveying throughout her life - her uncle (Jim Condon), father (Pat) and brother (Ryan), all hold SLS Commissions - it is not surprising that Heather recognized the career potential in the field of Geomatics.

In her application for the award Heather explained:

"I am proud to have been accepted into the Saskatchewan Land Surveyors Association as a Student Land Surveyor in November 2008 and hope to go on to obtain my commission as an SLS and practice in Saskatchewan."

Heather is just one more example of why the future looks so bright for the land survey profession in Saskatchewan. ☼

Create a Winning Workplace Culture

Reprinted from "action!" - The Saskatchewan Chamber of Commerce News Magazine - Volume 2 / Issue 3 / April 2009

Staff retention is a major objective for many companies in Saskatchewan. Training is very costly and time consuming, plus businesses that keep experienced people who know their product, can provide better service and strengthen customer loyalty.

The question is - how does your organization keep these key people?

Human Resources professionals agree that recruiting and retaining staff, often in competitive situations, requires going beyond basic employment elements such as pay benefits, and physical environment.

While these factors are vital, they alone are not sufficient to ensure that employees will remain motivated and committed to your organization over the long term. Other discretionary factors are needed to create a work environment where people feel they will succeed and enjoy job satisfaction.

Initiatives to help employees improve themselves are often welcomed in the workplace and can help employees feel valued and challenged. From an employer's perspective, initiatives along this line may include a tuition reimbursement for learning opportunities, or a leadership program.

On the job stress can bring a toxic atmosphere into the workplace and hurt staff retention. If your company is frequently impacted by outside stressors, try to bring balance to the workplace.

Unique ideas such as bringing in a massage therapist on particularly hectic days can really show employees that your company understands what they are going through. Setting aside a tranquillity zone, a quiet room where employees can relieve stress, can also reduce stress and cut absenteeism.

People can become very comfortable in their work environment, and that comfort can lead to apathy. Encourage employees to question the status quo and really listen to the suggestions they put forward. Not only will this make employees feel that their contribution is valued and recognized, increasing

engagement, but it can also improve your business' operations.

While there are several ways to facilitate the creation of a positive workplace culture, the best way to preserve this culture is to maintain a core group of



employees who are positive and friendly. Attitude is contagious, and if the core group is positive, they can help influence other employees as they come into the company.

Employers have the ability to create a positive workplace culture that can improve staff retention. Instituting a few workplace changes can save your organization big money down the road - remember it is often the little things that make the difference. ✨

Ways to Create a Positive Workplace Culture

- Institute Regular Training Opportunities
- Acknowledge and Address Key Workplace Challenges
- Establish Open Communication
- Set Clear Goals
- Recognize and Reward Achievements



Historical Stories

By J. H. Webb, SLS (Life Member), ALS, MLS, CLS

Edward Stewart Turner

(1886 - 1972)

This story covers the memoirs of Edward Stewart Turner, written in 1964, and given to Mike Waschuk, S.L.S. in 2007 by Don Turner, of Owen Sound, Ontario. Don is E. S. Turner's son.

E. S. Turner grew up in Ontario and worked there at various survey and construction jobs, one being chainman on a survey party near Parry Sound, Ontario. One of his duties was to help take soundings through two and one half feet of ice on the Keg Inlet near the Pickeral River. This was done every fifty feet for five miles during the winter months and in severe conditions.

In 1906 Mr. Turner transferred to the C.P.O. railway as a chainman under Mr. S. Keemile.

"In making the transfer I travelled by foot some twelve miles across country by compass and hit the camp within a mile, right into the party cross sectioning the proposed new railway.

Their camps were in tents and they moved every two weeks. Beds were made of spruce boughs, about ten inches thick, and then blankets. Their heat was from collapsible sheet metal stoves and queen heaters with outside temperatures from freezing to minus 40 degrees Fahrenheit. There were twelve to fourteen men per crew. A crew consisted of chief, instrument man, draughtsman, a leveller, a topographer, two chainmen, three or four axemen, and sometimes a runner plus a cook and cookie.

To move camp:

". . . we would use toboggans or horse and travois. Where the country was very rough we moved our equipment to the tote roads by toboggan and tumplines to our heads."

I cannot imagine the strain on ones neck.

"In 1909, I went to Edmonton on a 'Home Seekers' excursion and looked for work with a land surveyor. I worked for a Mr. Fairchild - on a subdivision on the Thunderchild and Moosomin Indian Reserve near Delmas, Saskatchewan - as a chainman to learn the western system of subdividing the land into townships."

"I then worked for Mr. R.C. Laurie, D.L.S. out of Battleford to help subdivide six townships. This was about 125 miles North of the main C.N.R. from Winnipeg to Edmonton. This was in Townships 54, 55 and 56 West of the 3rd Meridian. I

went as Chief assistant in charge of the party and remained with Mr. Laurie until 1913.

Besides working on our field notes in the winter, we did local surveys around Battleford and draughting our survey plans. I even rented 4 acres of land which had a shack on it and planted a good potato crop until frost killed most of it on August 10th 1914.

The first World War broke out on August 4th, 1914 and Mr. R. C. Laurie enlisted in the army. He had been through the Riel Rebellion in 1885 as an officer of the Little Black Devils and also a major with the Strathcona Horse in the Boer war in South Africa.

Since Mr. Laurie had some surveys to finish up near Green Lake he asked me to finish the job, which I did. The final survey consisted of one and one half miles chaining, erecting some mounds and some observations which took us about 3 days. The trip was by one wagon and a sleigh with two teams of horses. It was a three day trip to the site, three days of work and three days back to Battleford. We were able to get one deer and some small game for our meat supply. I delivered the final survey notes to Mr. Laurie on Township 57, Range 12 West of the 3rd Meridian to him in England during the war.

In May 1915 (age 29) I enlisted as a private with the 53rd battalion and summered at Camp Hughes in tents, until the fall snow forced us into barracks in Winnipeg. There were some 18,000 troops in Winnipeg in 1915 - 1916. We went overseas in March 1916. Our group arrived on the Somme and attacked the Germans early in September 1916. In 36 hours we lost 500 men. I was granted a commission in 1917 and participated in the Passchendale campaign. In the spring of 1918 I got some shell gas and ended up in hospital and back to Canada in December 1918.

Of interest was the fact that the surveyors had to send each plot or homestead to the local Land titles Office. This plot consisted of the legal survey but other data such as type of vegetation, type of soil, any animals, streams, lakes, sloughs and if the land was flat or hilly etc.

After World War I, Mr. Turner married and they had three children. He worked for the Canadian Dredge and Dock Company to become the head-purchasing agent. He retired in 1963. ✪

An Ancestral Survey Plan

By W. W. Stockton, SLS, CLS, P. Surv.



Here is a survey plan I came across while researching family history. The plan was completed by William Enley for Susanna Stockton in 1709-10. The survey shows the division of family land between the six sons of Richard Stockton upon his death in 1709. The land includes the present site of the city of Princeton, New Jersey and the campus of Princeton University.

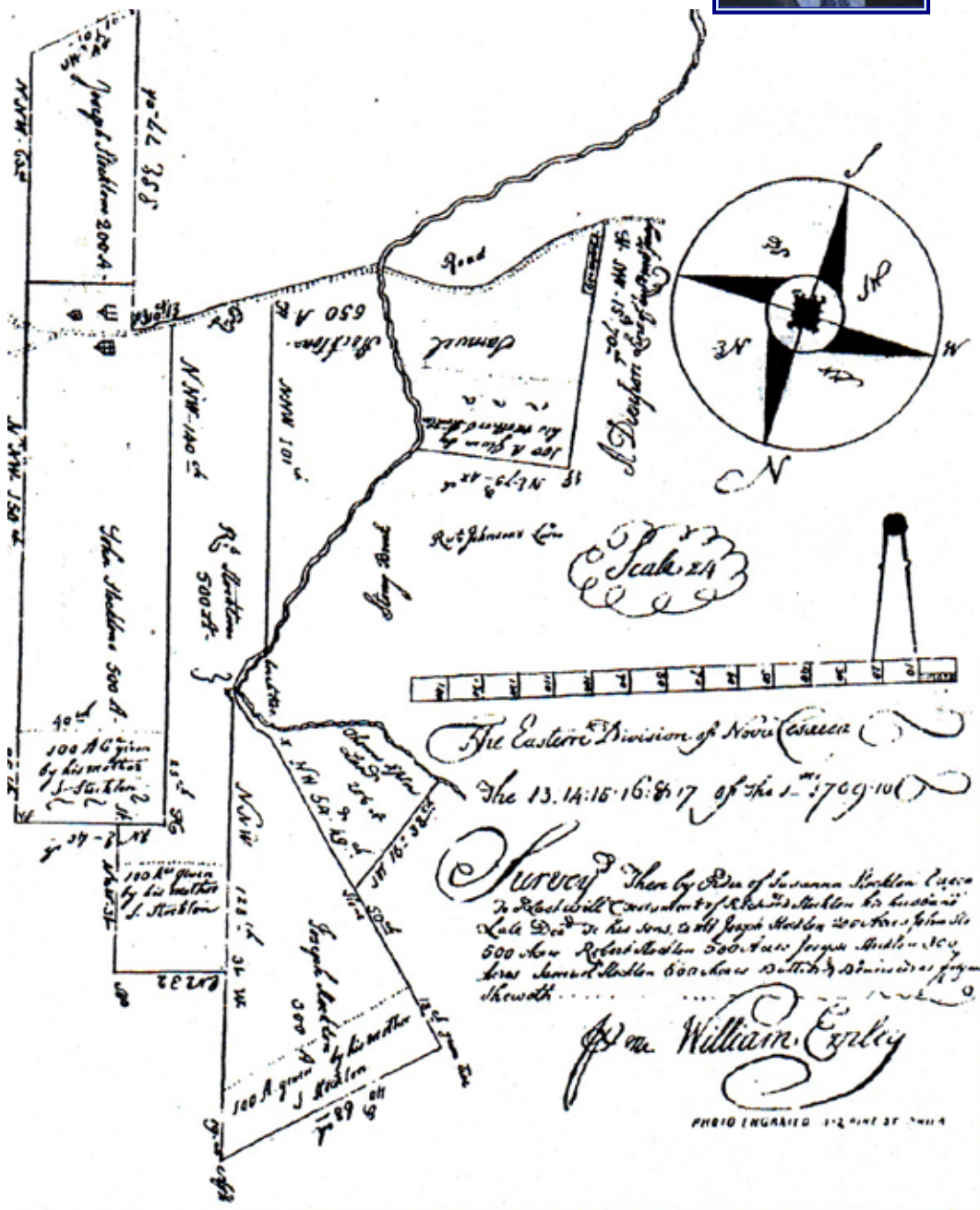
William Stockton who was born in 1901, is the last member of our branch of the family listed in the book. ☉

Our ancestor, Samuel Stockton, was given 650 acres which was divided through the middle by Stony Brook. Samuel's son Richard Witham Stockton was a Major in the British army at the time of the Revolutionary War and at the conclusion of the war, his land was seized by the newly formed government of the United States.

Richard Witham joined the United Empire Loyalists and fled the country settling in St. John, New Brunswick, then called Parr Town.

The most north-easterly 500 acres of the original property owned by Richard Stockton was inherited by John Stockton. John's son Richard was a prominent lawyer in New Jersey and a friend and colleague of several of the revolutionary leaders. At the conclusion of the war he was one of the signers of the Declaration of Independence as representative from New Jersey.

The survey plan appears in the book, "The Stockton family of New Jersey" which was published in 1911. My dad, George



SHOWING, BY HIS WILL, DIVISION OF THE ESTATE OF RICHARD STOCKTON, 2d

G. A. "Gord" Webster, SLS, P. Surv. - Our Newest Life Member

By A.C. Shiels, Executive Director

In a voice trembling with emotion, G. A. "Gord" Webster expressed his appreciation for the support his nomination for life membership received from those present at the 2009 annual meeting at Elkridge Resort on June 12 and 13. His election made Gord the thirty-eighth commissioned SLS to receive the honour since W. T. Thompson (commission #013) was granted the first life membership in 1922.

Gord was born in Davidson, Saskatchewan and raised on the family farm in the R.M. of Loreburn, near the village of Elbow - aptly named for a geographic feature of the South Saskatchewan River just west of the village. Gord's grandfather, Robert Webster, homesteaded on the NW Quarter of Section 30, Township 25, Range 4, West of the 3rd Meridian in 1905 and was granted title to the property on November 18, 1908.

Gord attended elementary school in Elbow but, as the wave of school consolidations swept across the province, his high school years were spent at Loreburn Central High where he graduated from grade twelve in 1966. Immediately upon graduation, he began working with his uncle R.A. "Al" Webster, SLS #131, Life Member #32; and Al's partner, J.H. Webb, SLS #096, Life Member #29, in the Saskatoon-based survey firm of Webb and Webster Ltd.

On November 11th, 1967 - a particularly easy date to remembers since it was Remembrance Day in Canada's centennial year - Gord married his high school sweetheart, Janice "Jan" Akre, from the community of Strongfield just north of Loreburn. Gord and Jan subsequently had two daughters, Jeralyn and Natelle.

By 1970, it had become clear to Gord that his future lay in the land survey profession and, on August 1 of that year, he signed "Articles of Pupil to Saskatchewan Land Surveyor" with his uncle Al. Six years later, on June 11, 1976, Gord was granted SLS Commission #221. On April 13, 1982, he was also granted CLS commission #1123. Following proclamation of the new Land Surveyors and Professional Surveyors Act on January 1, 1997, Gord rounded out his professional designations with Professional Surveyor Registration #049.

Throughout his thirty-three year career as a Saskatchewan land surveyor, Gord has been the consummate



Gord Webster, SLS, CLS, P. Surv.
SLSA Life Member #38

professional, contributing at least as much to the association and profession as he received in return. He served on council from 1969 to 1971 and was elected president of the SLSA in 1983. He also served on most association committees including Convention, Legislation, Discipline, Government Liaison, Land Surveyors Act, and Promotion.

Perhaps Gord's most distinguished role has been with the Canadian Council of Land Surveyors (CCLS) where he was instrumental in the success of the CCLS professional liability insurance committee (PLIC) and program - the flagship program of the CCLS. Gord joined the committee as chair in 1984 when he took on the role of CCLS Director for the SLSA, and has

been a member of the committee since that time including a second period as chairman from 2004 until the present - almost a quarter century of service!

Second only to his CCLS involvement was Gord's contribution to the Board of Examiners for Saskatchewan Land Surveyors. First appointed to the Board in 1998, Gord was a consistently a guiding influence in shaping the new board when passage of the new *Land Surveyors and Professional Surveyors Act* returned responsibility for professional examinations, from the University of Saskatchewan, to the SLSA. Gord stepped down from his position with the board nearly a decade later.

Gord's stature in the profession is well recognized, not only within the SLSA, but all across the country as he and Jan visited most other jurisdictions on a number of occasions.

MLA and well-known Alberta Land Surveyor, Ken Allred had this to say about Gord:

"Gordon Webster is, and has been, a bookend for the Saskatchewan Land Surveyors Association as well as the Canadian Council of Land Surveyors Professional Liability Insurance Committee and the Association of Canada Land Surveyors. Gord and his wife Jan (the other bookend) are consummate travellers, taking in land survey conventions and survey meetings and PLIC seminars from coast to coast."

In helping to document Gord's contribution to the profession, CCLS Executive Director Sarah Cornett added the following:

“Gordon has contributed to the [CCLS professional liability] committee’s loss prevention program by writing material for various publications, lobbying for and providing leadership and material for seminar presentations, and facilitating the development of a risk management credit program for the Canadian surveying community. He has reviewed countless insurance claims on behalf of insured surveyors and argued for defense of even small claims by the insurer if the benefit of the individual surveyor or the profession was at stake.”

When asked for his comments, PLIC committee member Lester Berrigan with the Association of Nova Scotia Land Surveyors, added these words:

“I served on the committee with Gordon for five years. He has promoted all aspects of land surveying relating to standards, business practice and risk management across Canada. I have attended risk management seminars with Gordon in four provinces. Both he and his wife Jan have represented Saskatchewan and the PLIC committee far beyond the call of duty. In some provinces, he has stayed on after the seminars to meet with individual insured members, to help promote risk management. In other provinces, he and his wife Jan, have attended AGM at their own expense, always willing to discuss claims at any time.”

Lester’s words were echoed by another PLIC committee member and Nova Scotia land surveyor, Jim Gunn:

“I have known Gord and Jan Webster for about 20 years and I can say without hesitation that they truly represent the very best our profession has to offer. Gord has crisscrossed Canada countless times attending provincial meetings, representing his own province, the ACLS or the CCLS, or conducting liability insurance seminars for PLIC. Sometimes Gord and Jan just show up at provincial conferences for the simple pleasure of renewing friendships and spreading fellowship. Gord is a genuine professional and he and Jan are true ambassadors for our profession. My wife and I consider ourselves privileged to be numbered among their many friends.”

Perhaps the best indication of a person’s professionalism can be found in the words of professional colleagues who are also business competitors.

Don Franko of the survey firm George Nicholson Franko in Saskatoon, had this to say:

“Over the past thirty two years, Gord and I have been involved together in numerous major survey projects and also as personal friends. I must state that in all instances it has been a pleasure to have Gord as a team player. As is very evident from Gord’s list of involvements in the survey profession, he has given of his time and effort beyond any expectations. He

has worked diligently for our SLS Association; CLS Association, the CCLS and especially his involvement in the PLIC Committee from 1984 to the present. He was a council member of our Association within three years of receiving his commission and President within seven. Gord is a thinker as is evident by his participation in our annual general meetings and his presentations of new motions at those meetings.”

Jim Condon of the Condon Survey Group added his words:

I was chairman of the CCLS Professional Liability Committee when it was formed and Gord soon took a lead role in the program. Through many more years than I was involved, he steered the program through a number of trying situations, in order to keep it alive. Without Gord’s involvement, I can honestly say we would probably not have a CCLS Professional Liability Program today.



Jim Condon, SLS, P. Surv.
SLSA Life Member #37

Gord and Jan have been great ambassadors for our Association for many years, and are well-respected by members of all other Associations they have visited across North America.”

Wes Jamieson of Meridian Surveys Ltd. (formerly Tri-City Surveys) Saskatoon continued the praise:

“I have been fortunate to work with Gord on some joint venture projects, and sit with him at annual meetings and seminars. Donna [Wes’s wife] and I have also enjoyed our travels with Gord and Jan to Canadian Institute of Geomatics meetings and more recently to the Association of Canada Lands Surveyors annual meetings across Canada. Gord, through his work on the Professional Liability Insurance Committee and his numerous travels to other Association meetings, has come to know a lot of Land Surveyors across the country, or should I say a lot of surveyors know Gord. He is well respected for his work on the PLIC and is the backbone of the Committee. Gord, being very passionate in his promotion of the CCLS and the PLIC, has served as a great ambassador for the survey profession and for Saskatchewan.”



Wes Jamieson, SLS, CLS, P. Surv.

And Mike Waschuk of Meridian Surveys had this to say:

"When I first started to attend SLSA functions, I remember asking a colleague about the surveyor who was raising a point about something or other. I was told that it was Gord Webster. Webb & Webster were our competition so I recognized the name immediately. My colleague recalled Gord once advising him to dress more appropriately at SLSA meetings by pointing out that "surveyors have an image to uphold and that if you are going to be a professional, dress like one." Ever since that time I have admired the way Gord handles himself at functions of all kinds.



Mike Waschuk, SLS, P. Surv.

Gord is also an active participant in meetings. He doesn't just sit there, and he is not hesitant about making a point or asking a question.

Once I got to know Gord better, I found that I could always count on him for advice. If I was working on some type of project that was new to me, Gord was one of the people I would contact to discuss it. Without fail, Gord would help out in any way he could.

When I got involved with Council and eventually became President, I had the opportunity to travel to various provinces and attend their annual general meetings. Gord also attended some of the same meetings and I soon learned that he was well known, handled himself well and helped make a good showing for our association. At this point in time it would be difficult to find a person more deserving of life membership than Gordon Webster."

As the sun slowly set at Elkridge Resort on the evening of June 12, 2009, Gord was justifiably proud as he sat basking in the admiring glow of his family, friends, and professional colleagues, while gently holding the plaque containing the names of all those other Saskatchewan land surveyors who had been so honoured before him.

Congratulations, Gord! ✨



Background: Son-in-law Greg Tebay, granddaughters Madison, Jill, Laura, daughter Jeralyn, son-in-law Rob Clark, grandson Ashton, daughter Natelle, granddaughter Jessica
Foreground: Jan, Gord

Handling Customer Complaints

Reprinted courtesy of the Timmins Chamber of Commerce

(As seen in "action!" - The Saskatchewan Chamber of Commerce News Magazine - Volume 2 / Issue 3 / April 2009)

Customer complaints are an inevitable part of doing business; we all have them, we all hear them and we all work diligently to handle them.

However, customer complaints can also be costly. All of us have done it at one time or another; left a store or a service provider never to return again due to poor service.

While it is easy to view customer grievances in a negative light, if handled properly, they can provide a useful opportunity to increase customer loyalty and trust among your current and future clientele.

Here are some tips for how you can turn a customer's less-than-satisfactory experience into a win-win situation.

Have a complaint policy in place

Research has found that less than 5% of customers who experience dissatisfaction with a business will actually complain to the company. In fact, most displeased customers will simply take their business elsewhere.

While the absence of customer feedback may give the impression that the business is doing well and keeping its clients happy, it may quietly be losing customers.

To that end, it is paramount that your business has a proper complaint system in place. Your system should encourage both positive and negative customer feedback.

Implementing and promoting a corporate culture that encourages and welcomes customer feedback ensures that you are maximizing the opportunity to resolve issues and potentially turn complainants into advocates for your business.

Maintaining a suitably-organized complaint system can also give your business a competitive edge. It leads to less customer frustration and more opportunity for repeat business and improved customer loyalty.

Find out what your complainant wants & act quickly

To handle a complaint appropriately, find out what your customer wants. He or she may be looking for a refund, return, or clarification regarding a business policy. However, in many cases, a simple, sincere apology may be the best form of resolution.

Acknowledging that the customer has had a negative experience can go a long way. Customers will appreciate the fact that their grievance is understood and taken seriously. Dealing with complaints promptly demonstrates to your customers that their business is a priority.

Use a proactive approach

In addition to dealing with customer concerns quickly, letting your client know who will be managing their complaint and each step that person will take to resolve it builds customer confidence. Being accountable and keeping promises made to your customers will ensure your business is developing and maintaining a good reputation amongst its clients.

Documenting each step of the complaint process is also a helpful strategy - for your business, your customer and your future customers. Producing a detailed report regarding how a complaint was appropriately handled sets a precedent for future complaint management, resulting in quicker resolutions and, hopefully a more satisfied customer.

While all business owners, managers and front line staff strive to provide superb customer service, at times, miscommunication and negative experiences may take place. It is up to the business to ensure it does all it can to learn about any negative experiences and to work proactively to ensure that the issue at hand is resolved.

Furthermore, identifying and dealing with the cause of an original issue reduces the likelihood of the same complaint occurring again.

A lot can be said about a company that works to please its customers, and these customers are not shy to share their experiences with your other clientele (current and prospective). Ensure that your business is doing all it can to make sure that customers only have positive experiences to pass along.

And remember: customers often forget what was said and done in the long run but they don't forget how you made them feel. ⚙

Quick Tips for Addressing Customer Complaints:

- Maintain an Organized Complaint System
- Respond Quickly
- Listen to the Customer
- Keep Communication Open
- Document the Complaint Process and Result
- Stop Repeat Issues by Identifying and Dealing with the Cause.

APPORTIONMENT OF ACCRETIONS: A Study of Three Canadian Cases

By R. J. Stewart, B.Sc., O.L.S., C.L.S.

Reprinted from "Geomatica" - Volume 63, No. 1, 2009

It is not surprising that there have been relatively few Canadian cases dealing with apportionment of accretion. Until fairly recently, shore property owners have experienced few issues of significance in dealing with use and ownership claims affecting beaches in front of their respective properties. With increased property values and the demand for recreational space, we should expect to see more cases in the near future. Although there have been relatively few cases to date, the principles of accretion apportionment have been tested in Canada.

Fundamental Principles

Accretion is the gradual increase in dry land caused by the incremental addition of water or wind-borne alluvium to the shore, resulting in newly-made land over a sufficient period of time. The newly-made land takes on the same characteristics as the upland to which it is attached: in other words, the water boundary ambulates so as to increase the area of the upland parcel.¹ The opposite effect, of course, is erosion, where alluvium is slowly and imperceptibly taken away from a shore line, resulting in a smaller upland area. The lands inundated by erosion take on the characteristics of the bed of the adjoining water body.

It does not matter whether the changes occurred naturally or by deliberate action of man, unless the specific purpose of the human action was to cause the accretion.

Water boundaries of lakes also ambulate as a result of recession or inundation due to changing water levels; this is especially significant on the Great Lakes. An increase of upland parcel area resulting from recession is treated as equivalent to alluvial accretion; conversely, a decrease of area due to increased water levels is treated as equivalent to erosion.²

As noted above, accretions take on the legal characteristics associated with the upland that they attach to, including ownership rights. When significant accretion occurs in front of adjoining upland properties, the extended ownership rights exist across the accretion area (which necessarily means that there are existing boundaries dividing the extended parcels) but there has been no definition on the ground or in title

records as to the where the location of those boundaries are. Currently there are no statutory rules or guidelines directing how such lines should be laid out on the ground. Any positioning of those undefined boundaries must be based on two foundational principles: (a) equity (fairness); and (b) accretions belong to the parcels to which they attach. These principles are demonstrated below with the analysis of three court decisions.

There are different methods of division. For example, if the upland boundaries strike the shore at right angles and the accretion occurs in a regular and even manner, then a straight propagation of upland boundaries may be the most equitable method. In other situations the new lines could be drawn perpendicular to the line of shore, or perpendicular to the water's edge, in an approximation of following the attachment principle. There is no set or prescribed method for such divisions in statute or common law; however, case law provides some guidance in determining site-specific methods that satisfy the two basic principles.

Paul v. Bates³

A 1934 British Columbia case, *Paul v. Bates*, dealt with apportionment of accretion on a Vancouver Island sea coast. The boundary between the upland parcels owned by the parties (both parts of Lot 208), being on a bearing of 90°, struck the coast at an obtuse angle, as schematically shown in Figure 1. Significant accretion subsequently occurred in a northeast direction. The defendant, Bates,

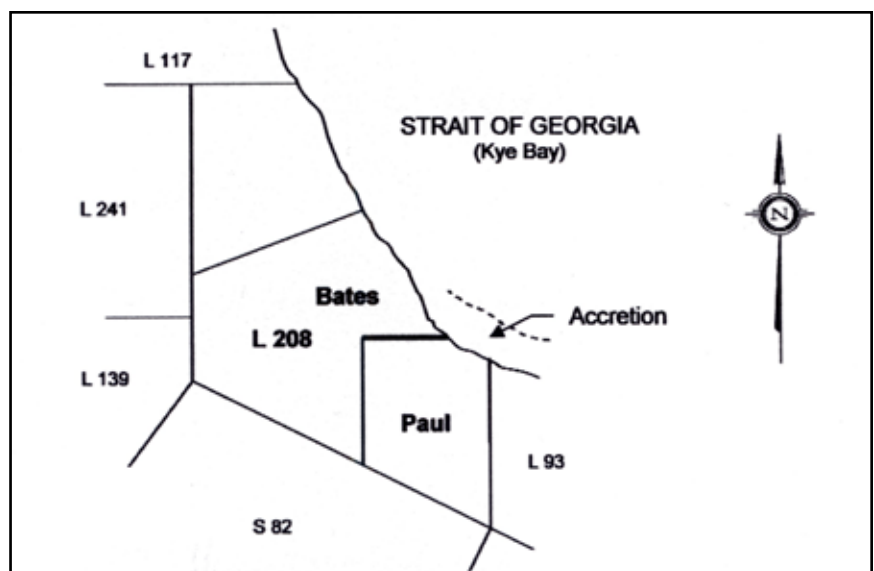


Figure 1 - Paul v. Bates

advocated a straight propagation of the upland boundary across the accretion, which would have cut off the plaintiff, Paul, from access to the Bay.

In this case, the court decided that the best way to position boundaries across the accretion was to draw a line parallel with the general direction of the coast line, excluding minor sinuosities, and draw the extended boundaries perpendicular to that line. The result was a significant bend in the boundary between the litigants' properties.

Andriet v. County of Strathcona No. 20⁴

A 2008 Court of Appeal decision in Alberta, *Andriet v. County of Strathcona No. 20*, dealt with the apportionment of accretion resulting from recession of the waters of Cooking Lake. There were several adjoining riparian parcels, as schematically illustrated in Figure 2, all fronting on a bay of the lake. The recession experienced was significant; the current water's edge is about 1,000 feet east of the former edge of the bay, as shown in Figure 2, virtually eliminating the bay and resulting in significantly less total water frontage.

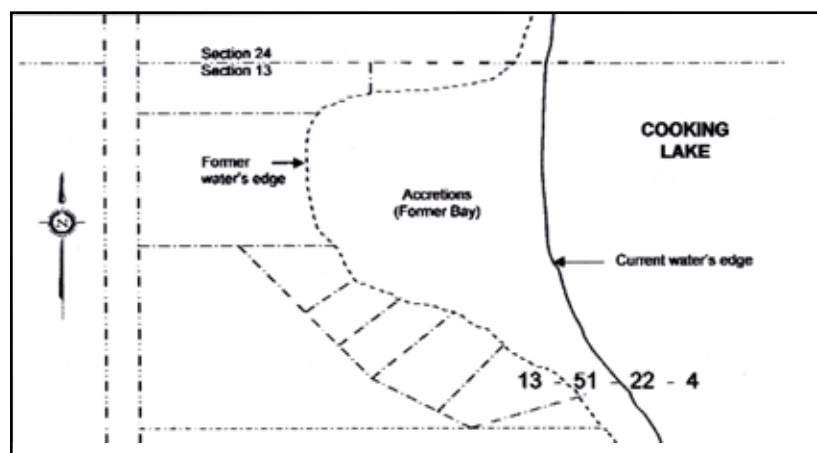


Figure 2 - *Andriet v. County of Stratcona No. 20*

The Court of Appeal panel of three judges unanimously decided that each of the riparian owners should have frontage on the current water's edge proportionate to the former frontage. In this case, the court did not draw the lines across the accretion or order a particular method of division: instead, the court directed the parties to work out the positioning of boundaries themselves, keeping in mind the basic equitable principles, and to jointly retain and instruct a surveyor to prepare the necessary registerable survey plan.

In this case, the court based its decision partially on the principle that a riparian owner continues to have a right of access to the water in the event of slow and imperceptible accretion.⁵ However a question arises that is not dealt with in the *Andriet* decision: is the right of access absolute? In other words, does the right of access necessarily mean that a riparian owner will always own lands bounded by

the water? Or are there circumstances where the right to access can be lost?

Certainly in Alberta the right is limited by the restrictions imposed by *Pin v. Red Deer (City)*⁶ and *Johnson v. Alberta*⁷, both of which were discussed in the *Andriet* reasons. Essentially, those decisions direct that the right to ownership of accretions is bounded by Alberta Township Survey System lines where certificates of title are limited by statutory boundaries of townships, sections, quarter sections and legal subdivisions, as set out in sections 18 to 28 of the *Alberta Surreys Act*, R.S.A. 2000, c. S-26. This is an anomaly to the common law doctrine of accretion, arising at least partially from statutory imposition of the Dominion Lands Survey System grid. But there are other circumstances where purely common law principles apply to restrict and even eliminate the principle of riparian ownership of accretions.

Queen's County v. Cooper⁸

In 1946, the Supreme Court of Canada addressed a situation in New Brunswick on the St. John River where alluvial accretions had built up between a mainland riparian property and an island to an extent that the island was effectively joined to the mainland. All that remained to evidence the former location of a separating channel was a swale, as schematically set out in Figure 3.

In spite of the low value of the disputed land, the matter was considered by the Supreme Court of Canada as a test case for similar circumstances that were known to exist at that time. In fact, there are many similar situations currently existing that require common law guidance for solution.

Cooper, as owner of a parcel on the mainland, claimed ownership of accretions such that his property continued to be bounded by the edge of the river. The claim was made on the basis that an owner of property adjoining a water body has a riparian right of access to the water.

The five-judge panel of the Supreme Court of Canada unanimously decided that Cooper could claim ownership of accretions only to the swale and, therefore, no longer owned land adjoining the St. John River.

The rationale of the court is practical and logical. The riparian right of access is not the foundation of the doctrine of accretion. Rand J. (at page 589) set out the true foundational principle by quoting Smith, L.J. in *Hindson v. Ashby*⁹:

The whole doctrine of accretion is based upon the theory that from day to day, week to week and month to month, a man cannot see where his old

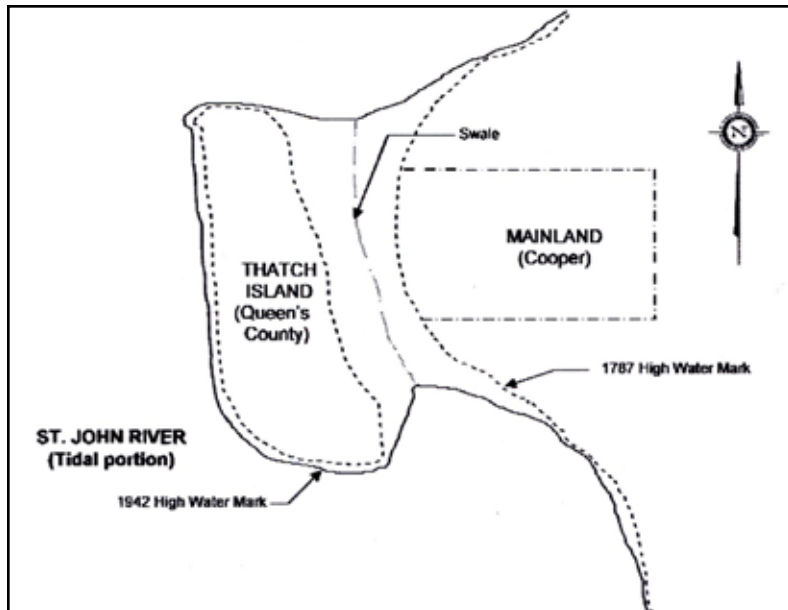


Figure 3

line of boundary was by reason of the gradual and imperceptible accretion of alluvium to his land.⁹

After further reasoning, at page 590 Rand J. stated that he was

unable to accept the view that the right of access is the consideration underlying [the doctrine of] accretion ... (and) to extend its application to land formed quite otherwise than by accretion vis a vis the riparian owner is, in the law as laid down for centuries, quite out of the question ... [the notion that] on such a ground, a court should forcibly re-allocate ownership, with all its possibilities of areas and values, is a proposition supported neither by authority nor principle.⁹

In other words, accretion attaching to an island, being property of the owner of the island, cannot suddenly change to property of a riparian mainland owner the moment that the separating channel disappears through build up of alluvium. The riparian right of access cannot override the property right to ownership of accretion.

Kerwin J. (at page 595) wrote that “once the advantage of being washed by the water is put an end to by an act of nature, the right of access disappears.” Estey J. (at page 601) stated the principle thus:

The ... riparian owner's rights are subject to the changes effected by nature. So long and to the extent that nature continues the riparian owner as such, he enjoys riparian rights, but nature or the act of any person in the exercise of his rights may from time to time alter or even destroy those of a riparian owner.

The relative positions of the appellant [Queen's County] and the respondent [Cooper] have been determined by nature. The appellant here has been fortunate, the respondent unfortunate.

Concluding Remarks

The survey of natural boundaries, and the requisite demonstration on resulting plans, has always been a challenge for land surveyors. Not only must the evidence on the ground be considered, but topographic features and changes need to be assessed in light of natural or artificial causes. As *Queen's County*⁸ illustrates, the impact of nature can also remove a waterfront owner's enjoyment of riparian rights.

Surveyors have a tendency to think in two-dimensional models, but topographic features and changes almost always require elevations for explanation. It is the surveyor's responsibility to acquire all necessary information to develop rationale supporting boundary decisions.

Many questions remain for further study and judicial decision. For example, this paper has discussed implications associated with accretion. The corollary question involving slow and imperceptible erosion remains; that is, will long standing contact with water caused by nature bestow riparian rights on an otherwise non-riparian parcel?¹⁰ While a rationale can be developed based on current cases, it will be interesting to see further development of the common law when specific scenarios are tried. ☼

References:

- 1 *Entitlement to ownership of accretion is a property right. Several cases confirm this principle. For example (among many), Clarke v. Edmonton (City), (1928) 1 W.W.R. 553, [1928] 2 D.L.R. 154, 23 Alta. L.R. 233; reversed, [1930] S.C.R. 137, [1929] 4 D.L.R. 1010; Chuckry v. R., [1972] 3 W.W.R. 561, 27 D.L.R. (3d) 164, 2 L.C.R. 2; reversed, [1973] S.C.R. 694, [1973] 5 W.W.R. 339, 35 D.L.R. (3d) 607, 4 L.C.R. 61; Eliason v. Alberta (Registrar. North Alberta Registration District), [1980] 6 W.W.R. 361, 15 R.P.R. 232, (sub nom. Re Eliason and Reg. Northern Alta. Land Registration Dist.) 115 D.L.R. (3d) 360 (Alta. Q.B.)*
- 2 *Canadian Encyclopedic Digest, Title 19, Boundaries and Surveys (3d), Carswell, s. 57.*
- 3 *Paul v. Bates. (1934) 48 B.C.R. 473.*
- 4 *Andriet v. County of Strathcona No. 20, [2005] A.J. No. 1617, 2005 ABQB 848, 144 A.C.W.S. (3d) 569; reversed, [2008] A.J. No. 258, 2008 ABCA 27, [2008] 5 W.W.R. 590, 86 Alta. L.R. (4th) 113, 433 A.R. 329, 64 R.P.R. (4th) 188, 164 A.C.W.S. (3d) 706, 2008 CarswellAlta 74.*
- 5 *Andriet, supra, paragraphs 36 and 37. citing Paul. supra and Brown v. Speckels. (1908) 18 Haw. 91 (S.C.); affirmed on other grounds (1909) 212 U.M. 208 (U.S.S.C.)*
- 6 *Pin v. Red Deer (City), 1998 ABQB 724, 230 A.R. 396; affirmed 2000 ABCA 281, 271 A.R. 160.*
- 7 *Johnson E Athena, 2001 ABQB 642, 292 A.R. 263; affirmed 2005 ABCA 10, 361 A.R. 277; leave to appeal to S.C.C. refused, [2005] 1 S.C.R. xi.*
- 8 *Municipality of Queen's County v. Cooper, [1946] S.C.R. 584, reversing [1946] 1 D.L.R. 248, 18 M.P.R. 317 (N.B.C.A.). (The Supreme Court of New Brunswick, Appeal Division, reversed the unreported trial decision of Richards J., which the Supreme Court of Canada restored.)*
- 9 *Hindson v. Ashby, [1896] 2 Ch. 1. reversing [1896] 1 Ch. 78 (reversed on the facts).*
- 10 *This is a question quite apart from the issue of the effect of erosion on fixed boundaries, a matter which was dealt with in the trial decision of Volcanic Oil and Gas Co. v. Chaplin (1912), 27 O.L.R. 34, 6 D.L.R. 284 (H.C.); affirmed (1912), 27 O.L.R. 484, 10 D.L.R. 200 (Gen. Div.); reversed upon the facts (1914), 31 O.L.R., 6 O.W.N. 334, 19 D.L.R. 442 (C.A.); leave to appeal to P.C. refused, S.C.C., Fitzpatrick C.I.C., Dec. 20, 1915 (unreported).*

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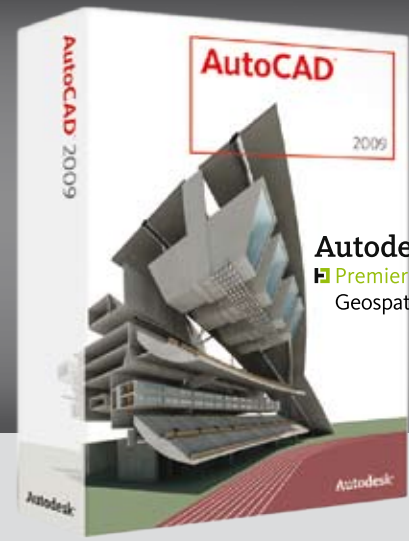
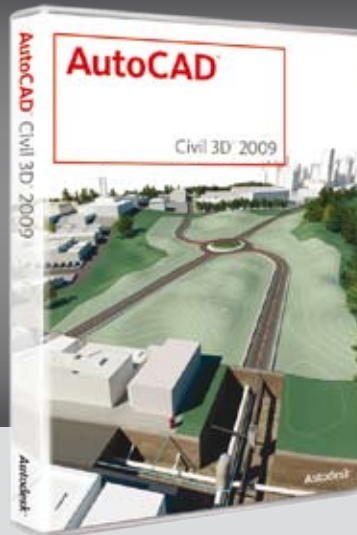
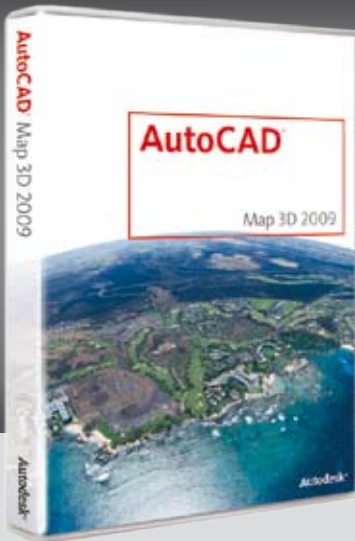
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High Definition Surveying - The Last Land Surveying Technology

By Armando Dupont

Reprinted from "Utah Foresights" Vol. 42 - Spring, 2009

High Definition Survey (HDS) is becoming a requisite industry standard for land surveying projects. Historically, the costs involved with these surveys were very high, limiting its use to only larger projects. But today, advancements in technology have made high definition surveys a viable option for land projects of all sizes. HDS allows land surveyors to acquire vast amounts of data positions quickly.

High-Definition Land Surveying (Laser Scanning), also known as 313 Laser Scanning, is a terrestrial laser-imaging system that creates highly accurate three-dimensional images of land objects, for use in standard computer-aided design software packages. This powerful technology not only allows performing traditional land surveying services more quickly and accurately, but also opens up new ways of providing value to our clients. It provides accurate 3D as-built drawings that can save countless hours and money for design projects.

3D High-Definition Surveying or High Definition Laser Scanning is capable of solving even the most complex of land surveying and engineering problems. This state of the art technology allows for accurate measurements from places that were previously impossible or too dangerous to measure. The high definition scan and digital photo images that are produced provide a greater level of confidence in the accuracy and comprehensiveness of a project. This data can produce measurements and imagery that will absolutely amaze people. By starting with superior field measurements, clients can expect a superior design and the risk of design error is dramatically reduced. HDS or 3D laser scanning survey provides an unobtrusive method to obtain highly accurate as-built information of any indoor or outdoor man-made or natural structure quickly and efficiently, under any lighting conditions and regardless of site Conditions, often in as little as a few hours.

High Definition Land Surveying: How Does It Work?

High-Definition Surveying or 3D laser scanning survey is an innovative tool that simply put, takes the guess work out of obtaining as-built documentation. High Definition Survey is the ability to gather data faster and at a high level of accuracy from a safe distance on objects that were previously considered unattainable or inaccessible by conventional methods. The data is acquired by a small laser beam that sweeps across a specific object and picks up millions of points with XYZ values. The accumulation of these points, form a point cloud, which can be viewed and navigated like a 3D image. Information from the scanner can be easily converted to AutoCAD MicroStation, and many other formats.

A high definition scan can be utilized for many different purposes. If one has the need for complex measurements in any type of land project, a high definition scan may be able to help. Please feel free to contact a specialist in high definition scanning for more information or a demonstration. ⚙

Armando Dupont, a professional land surveyor, started his career in surveying in 1977 and has extensive experience in managing personnel and projects. Mr. Dupont founded Calvada Surveying, Inc. in 1989 and is a licensed professional Land Surveyor in the State of California. As an elite land surveying firm, Calvada Surveying, Inc. offers professional land surveying services, including ALTA Surveys, ACSM Surveys and 3D High Definition Land Surveying (High Definition Laser Scanning) services throughout the Western United States. They are one of the best land surveyors for the real estate, development, engineering, environmental, and telecommunications industries.

The benefits of utilizing High-Definition Surveying or 3D laser scanning:

- Provides more accurate and more detailed as-built drawings over information obtained from manual measurements and outdated or incomplete previous As-Built Drawings
- Accurate as-built drawings translate directly into reduced project costs through the reduction of construction reworks and construction delays
- Prevents schedule delays by reducing data collection time for obtaining as-built information
- Safer data capture - all information can be captured safely from the ground without the need for safety harnesses
- Eliminates costly "return visits" to a project site
- Reduces facility downtime as a result of the unobtrusive data capture and reduced field construction time
- The rapid collection of detailed, accurate 3D data, of an entire scene
- Extra visual confidence in data
- Use of scanned data for future needs, without going back to the site
- Higher accuracy
- Higher confidence in the results
- Improved safety during data capture
- Lower costs

IN DEFENSE OF GEO-BROWSERS, CARTOGRAPHY AND GISCIENCE

By Robert van Wyngaarden, Golder Associates

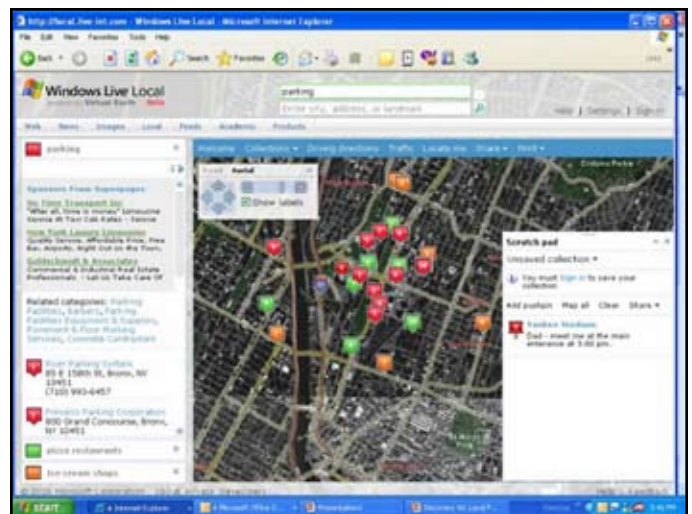
Reprinted from "Geomatica" - Volume 63, No. 1, 2009

Quite a lot of negative commentary in the news and blogosphere in the past year concerns the quality of data that is contained in geo-browsing software (such as Google Earth, Microsoft Virtual Earth, NASA World Wind and ESRI ArcGIS Explorer), along with issues of confidentiality and privacy. Many of these comments — in my mind anyway — are characteristic of a backlash which, while good in the sense of fostering discussion, are based on a lack of understanding by the general public who are consumers of these products and the data they present. Moreover, these comments deal with the not-so-obvious concepts of our geographic model of capturing and rendering a four-dimensional world into a digital construct - the world of geographers and GIScientists.

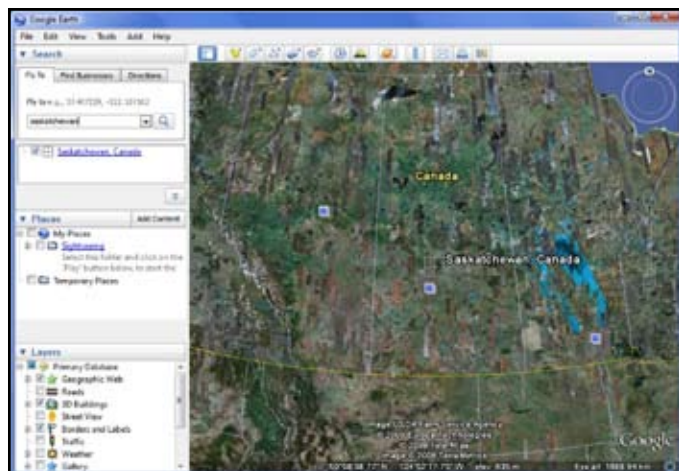
Geo-browsers are a marvel of technological development for synthesizing and presenting vast amounts of imagery and map data through an easy-to-use interface. Moreover, geobrowsers have completely revolutionized the awareness of geography and mapping for the general public in a way that never would have been possible within the geomatics community alone. This could only have happened due to the efforts of large global companies such as Google and Microsoft. No question that they have recognized the significant business opportunity in leveraging the geographic dimension in the search and browser businesses, but we cannot forget their huge contribution.

Much of the criticism on the data side of geo-browsers comes from a stated accuracy concern. An article in the UK newspaper The Independent from August 29, 2008 describes

how historical features such as churches, cathedrals, battlefields and the like are not being captured in on-line maps that focus on driving direction. The president of the revered British Cartographic Society goes further in stating that “corporate cartographers are demolishing thousands of years of history, not to mention Britain’s geography, at a stroke, by not including them on the maps.” There is further criticism that “the public need to know that what they’re getting on Google is not accurate and isn’t up to date.”



MicroSoft Virtual Earth - <http://www.microsoft.com/maps/>



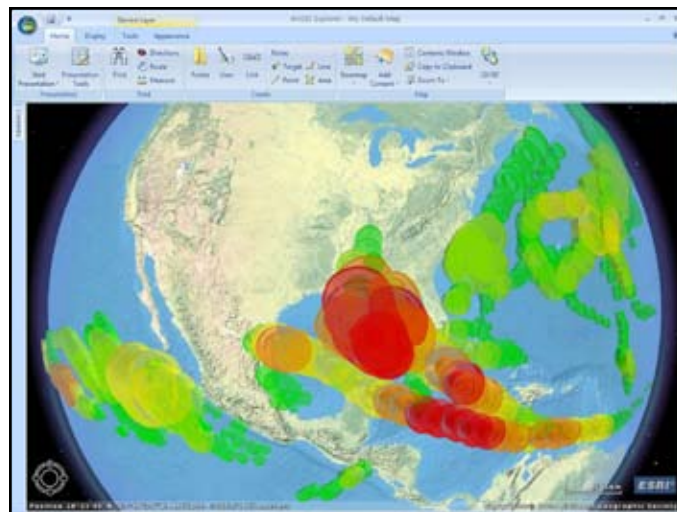
Google Earth - <http://earth.google.com/>

GIS - and now geo-browsers - demolishing cartography is not a new notion. In the start of my career in the GIS industry, I attended a workshop in Ottawa in 1988 that was hosted by a cartographic association. The workshop focused quite extensively on the threats that GIS presented to traditional cartography and map making. At that time the issue centered on GIS vendors not having made much progress in developing proper tools to allow cartographers to apply their skills and knowledge to make maps. Since those pre-GUI days, GIS software developers have indeed listened to the cartography community and provided extensive tools and wizards to prepare cartographic-quality maps. Many venerable cartographic organizations now use GIS in a completely digital map production process. The threat of GIS to cartography did not arise. Cartographers and their skills are just as relevant and needed today.

The key to the issue of these kinds of criticisms concerning data inaccuracy in geo-browsers lies in the way that we

model and capture data of the earth inside geo-browsers, as well as the many aspects of dealing with geo-spatial data in a digital format. GIScientists and geomatics professionals are trained, educated and aware of errors in geographic data. We have a good understanding of how error is introduced in all stages of the GIS and remote sensing process. As we in the geomatics community know, error starts in primary field data collection, remote sensing data interpretation and in capturing or converting existing maps. Overlay operations also generate error by combining thematic GIS layers together. Mash-ups through geobrowsers provide a whole new level of complication in bringing data together (i.e., thematic cartographic overlay) in a form that was not likely conceived by the original data producers. Lastly, map output results in error being presented in screen images or map products.

The imagery that we see in Google Earth is also subject to many different kinds of obvious and not-so-obvious error. Remote sensing professionals know that error is introduced when image and sensor bands are combined and enhanced, along with completeness and consistency, projection and geo-referencing. What may look like a patch-work image in Google Earth is in fact a combination of some or all of these types of errors. Geo-browsers view the world as a sphere.



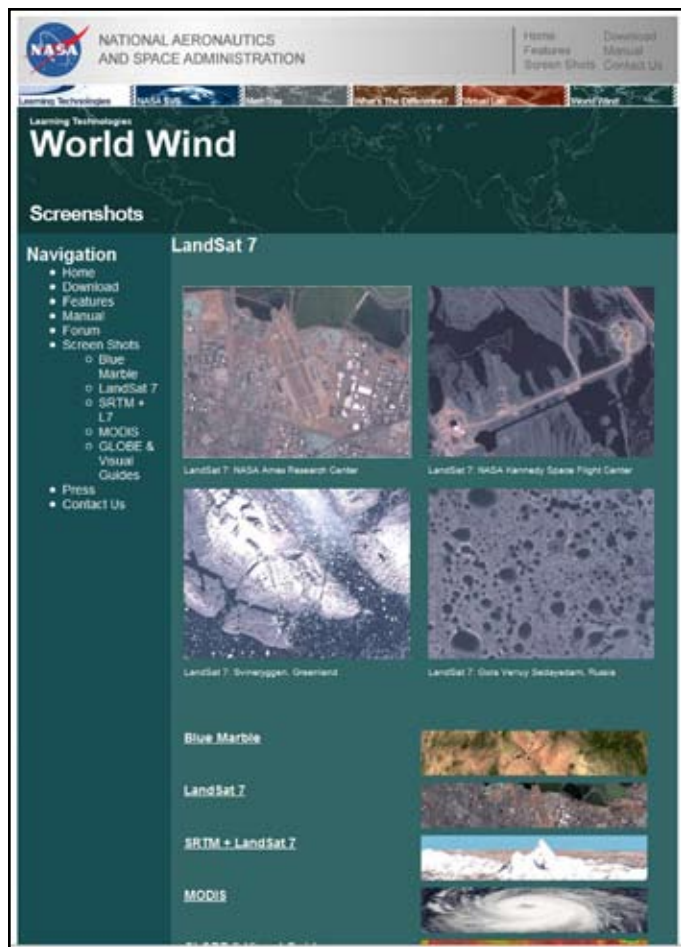
ESRI ArcGIS Explorer - <http://www.esri.com/>

Would the general public know or appreciate any of these issues or the implications?

The geo-browser community has chosen a model for how they represent the earth in their browser-based products. They have made conscious decisions that they need certain data layers represented in their model of the earth for their own applications. These happen to most commonly centre on street network mapping for the purposes of driving directions. These maps/models in their current form cannot be all things to all people nor contain all possible thematic layers of interest. But this is not to say that our world of geo-browser maps will not expand or change in the future to suit the many communities or group interests.

As I commented earlier, public opinion and criticism is good when it comes to the large multi-national companies that support the continued development of the geo-browsers, since significant issues of privacy and confidentiality exist that need to be expressed. However, we must not let the criticism constrain the significant developments that are happening in expanding and extending the reach and sophistication of the geo-browser tools. For example, a new application (i.e., Google gadget) called Google Latitude has been launched this past month that allows you to map your location and the location of your “friends” on your mobile phone. Clearly there are potential privacy concerns with this type of application, but we need to make sure that these developments continue.

So is there a new role for GIScience to take on in all of this debate? We could assist in educating the public about the strengths and limitations of geo-browsers. I suggest that it is worth the effort. The geo-browser community has done an incredible job of making a significant portion of the world’s population more geographically aware. At the same time it has helped the GIScience community solidify its place in the geomatics community and participate in the geo-browser domain through education about the fundamentals of geography and geo-spatial information in a digital world. ⚙



NASA World Wind - <http://worldwind.arc.nasa.gov/>

Easements and Their Complications

by Don Duffy, BCLS, Victoria, BC

Reprinted from "The Link" - April 2009

Easements, which in British Columbia are fairly simple in their legal implications, are a surprisingly frequent source of legal disputes between the dominant tenement, or beneficiary of the easement, and the servient tenement, or owner of the land against which the easement is registered.

I have noticed this in the many searches that I make of the Courts database, in looking for cases of specific interest to surveyors. Most of the easement cases that I see are of not much interest, as they rarely establish new precedents or involve survey issues.

Under our version of the Torrens System, long term easements must be registered to have any effect. This requirement is quite different from the situation in Common Law or "Registry" jurisdictions, which, at least until recently, included most provinces in Eastern Canada and most states in the United States. In these jurisdictions, easement rights can (or could, until recently), be established through long periods of use. In California, for example, a prescriptive easement for access can be acquired through five years or more of open and noticeable use. Prescriptive easements for building or fence encroachments may also be acquired after five or more years of occupation and will then run for the life of the structure.

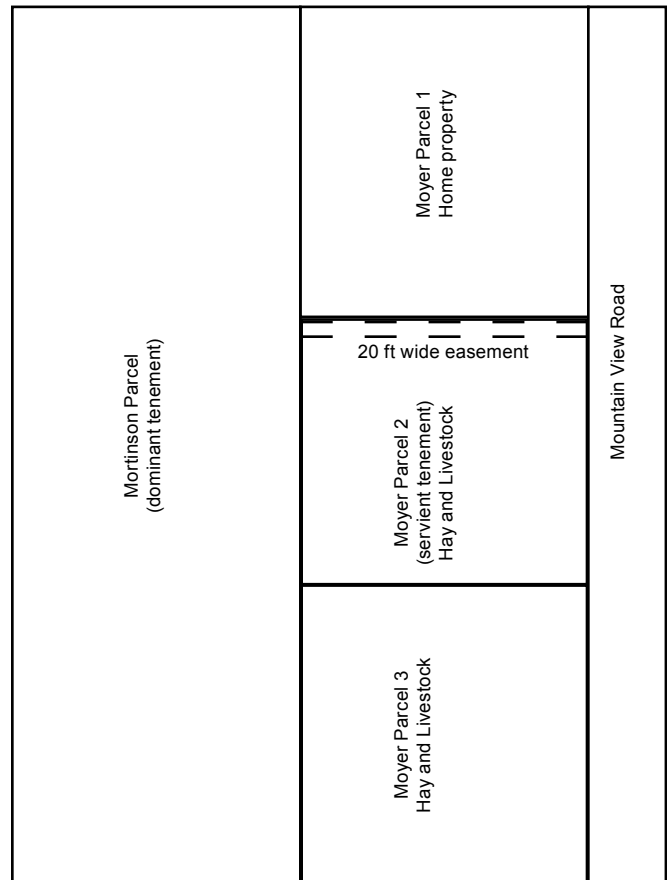
Since prescriptive easements will not show up in title searches and new owners may be taken by surprise, easement rights are a much more frequent source of litigation in these jurisdictions than in British Columbia.

In our province, misunderstandings between neighbours regarding access easements are the most common problems. Although parcels which lack legal access to a public road are quite unusual, it is not uncommon to find a parcel which has legal access, but where this access is quite difficult to construct. In these circumstances, physical access by means of an easement through an adjacent parcel can be a very practical solution. In some cases, it may make sense for two adjacent parcels to share an access, with the road and, possibly, parking area, located on one parcel and owners of the adjacent parcel having a registered easement over all or part of the same area.

These arrangements can lead to misunderstandings and litigation over time, particularly if there are changes in ownership.

Moyer v. Mortensen, 2008 BCSC 485, is an example of a somewhat different and unusual situation, where the Mortensens, as owners of the dominant tenement, were led to believe that they had exclusive use of the land covered by the easement.

The Moyers own three adjacent parcels which front on Mountain View Road, which runs in a roughly north-south direction along the east boundaries of the parcels. Their house and farmyard are located on the northerly parcel (the home property) and they use the other two parcels to grow hay and graze livestock. The Mortensen parcel adjoins all three Moyer parcels on the west and does not have access to the public road.



Schematic Drawing - Not to Scale - For Illustration Purposes Only

In 1960, the then owner of the southerly two Moyer parcels granted a twenty foot access easement along his north boundary to the then owner of the Mortensen parcel.

The Moyers purchased the home property in March of 1975 and the other two parcels in September of 1975. The Mortensons bought their property in 1994 and have lived on it since 2002. The easement, of course, ran with the land and the Mortensons have used it for access since buying the property.

As the easement runs adjacent to the south boundary of the Moyer home property, it is necessary for the Moyers to cross and re-cross it whenever they go from their home and farmyard to their hayfields and pastures, unless they travel out to the public road, down the road and back again.

In 2005, a dispute between the parties began. The adult son of the Moyers apparently behaved in a manner which the Mortensons viewed as threatening to the safety of themselves and their children. When they complained of this behaviour to the RCMP, the officers declined to become involved in the matter, but also, to quote Mr. Justice Parret, offered "bad advice on how to deal with what they asserted to be a civil dispute".

According to the Reasons for Judgement, the Mortensons then proceeded to dig up the culvert and ditch the laneway which led across their easement from the Moyers' home property to their hayfields and pastures. They also fenced part of the easement and placed fence posts in the lane-way, with the intent of preventing the Moyers from crossing the easement.

To again quote Mr. Justice Parrett:

"At the heart of the present issue is the apparent assertion by the defendants that they have either an exclusive right to use the right-of-way easement or a separate and substantive right to fence that allows them to fence the boundaries of the easement effectively at their sole discretion."

"The resolution of the present application is clear; for this agreement creates a right-of-way easement. It is not and cannot possibly be construed as constituting a grant of title."

"As a result, there are, after the grant of easement, two sets of rights that co-exist over the easement property - those limited rights afforded to the dominant tenement and the remaining rights of the property owner who can assert his remaining rights over the easement to the extent that they do not derogate from or interfere with the rights granted under the easement."

The judge goes on to quote from a number of cases from various Canadian courts, all of which support his decision that the beneficiary of an access easement cannot claim an exclusive right to use the land covered by the easement. ✪

Gotta Love this Lawyer

As most of you receiving this know, New Orleans residents are challenged often with the task of tracing home titles back, potentially hundreds of years. With a community rich with history stretching back over two centuries, houses have been passed along through generations of family, making it quite difficult to establish ownership. Here's a great letter an attorney wrote to the FHA on behalf of a client that was absolutely priceless!! This is one lawyer you gotta love!! It's too good not to share!

A New Orleans lawyer sought an FHA loan for a client. He was told the loan would be granted, if he could prove satisfactory title to a parcel of property being offered as collateral. The title to the property dated back to 1803, which took the lawyer three months to track down. After sending the information to the FHA, he received the following reply (actual letter):

'Upon review of your letter adjoining your client's loan application, we note that the request is supported by an Abstract of Title. While we compliment the able manner in which you have prepared and presented the application, we must point out that you have only cleared title to the proposed collateral property back to 1803. Before final approval can be accorded, it will be necessary to clear the title back to its origin.'

Annoyed, the lawyer responded as follows (actual letter):

'Your letter regarding title in Case No. 189156 has been received. I note that you wish to have title extended further than the 194 years covered by the present application. I was unaware that any educated person in this country, particularly those working in the property area, would not know that Louisiana was purchased, by the U.S., from France in 1803, the year of origin identified in our application. For the edification of uninformed FHA bureaucrats, the title to the land prior to U.S. ownership was obtained from France, which had acquired it by Right of Conquest from Spain. The land came into the possession of Spain by Right of Discovery made in the year 1492 by a sea captain named, Christopher Columbus, who had been granted the privilege of seeking a new route to India by the Spanish monarch, Isabella. The good queen, Isabella, being a pious woman and almost as careful about titles as the FHA, took the precaution of securing the blessing of the Pope before she sold her jewels to finance Columbus' expedition.

Now the Pope, as I'm sure you may know, is the emissary of Jesus Christ, the Son of God, and God, it is commonly accepted, created this world. Therefore, I believe it is safe to presume that God also made that part of the world called Louisiana. God, therefore, would be the owner of origin and His origins date back, to before the beginning of time, the world as we know it AND the FHA.

I hope you find God's original claim to be satisfactory. Now, may we please have our loan?'

The loan was approved.

This item appears on at least 95 different web sites.
The original author is apparently unknown.

A QUESTION AND ANSWER SESSION WITH JEFF LUCAS

Reprinted from "The 49th Parallel", Volume 31, Issue 2 - May 2009

Jeff Lucas is a professional land surveyor with over 30 years of experience, and a licensed attorney. He writes a monthly column for P.O.B. magazine and has for the last four years. He has earned the respect of his fellow professionals through his many years of intensive and diligent study of the legal process for resolving property boundary issues, conflicts and disputes in our country, with a special focus on the role of the professional land surveyor in that process. In this interview he answers questions, posed by RPLS.com contributor Brian Portwood, relating to the legal foundation upon which his view of the land surveyor's role in society is based, and encourages surveyors to remain open to learning what the law has to say and how it can be applied in everyday practice.

Q: Does confidentiality in the surveyor-client relationship allow the surveyor to justify refraining from contact with others, whose rights may be impacted by the survey, in the pursuit of evidence?

There is no such thing as surveyor-client privilege of confidentiality. That doesn't mean that client confidences should not be honored. In most cases they can be without difficulty.

A: There is no such thing as surveyor-client privilege of confidentiality. That doesn't mean that client confidences should not be honored. In most cases they can be without difficulty. If client confidences will compromise a well reasoned opinion of survey, (here's a novel idea) you may need to fire your client. Attorneys do it all of the time when their clients ignore their counsel or otherwise attempt to hamstring their best efforts. I have been told "Jeff, I tried to get my client to listen to me, but he said just stake my deed." There is nothing wrong (unless you are somehow contractually bound) with firing your client if he/she doesn't listen to your good counsel. You can lead the horse to water but you can't make him drink, so to speak. In other cases, you may just have to "be a man and take a stand."

Q: So a client could not legitimately claim that the surveyor had committed a betrayal of the client's trust, if the surveyor were to communicate with one or more adjoining property owners in the search for evidence?

A: Surveyors need to know their state's ethics rules with regard to client confidentiality. Generally, they tend to say "knowingly reveal client confidences". If you're working for the Defense Department you have probably signed a confidentiality agreement. If you're working

for Ma' Kettle, unless she has specifically asked you not to discuss the survey with anyone, then talking to neighbors in the pursuit of evidence is prudent investigation. The very best practice, of course, is to let others do the talking. Surveyors should be good listeners not talkers.

Q: Where a client purports to place stipulations or limitations on the evidence to be used by the surveyor in doing the survey, can the surveyor agree or acquiesce to such a request, and justify the results on the basis that they are "doing only what the client asked for," or does this constitute a compromise of professional integrity on the part of the surveyor?

A: There are, in my opinion, "other" reasons for conducting a survey. I'm working on a boundary dispute case right now where I have asked a surveyor to survey exactly what was in a prior deed, even though what was in the prior deed was not what was conveyed. This is perfectly legitimate. The surveyor has to be careful, however, in what he claims that the survey represents. This is not a boundary survey of the property lines (which is what the vast majority of surveys for private individuals are): this is more in tune with a forensic survey. In our jurisdiction this is going to be labeled a "Specific Purpose Survey" and the specific purpose will be explained on the survey so that no one is misled as to the purpose of the survey.

Q: The surveyor duty bound, by the mandate to perform with a professional level of diligence, to seek out, recognize and consider all available evidence, including evidence extrinsic to the deeds involved, and if so, where in the law do we find this most clearly expressed?

The standard of care for all professionals is what a reasonably prudent professional would do under like or similar circumstances.

A: The standard of care for all professionals is what a reasonably prudent professional would do under like or similar circumstances. This is "common law" doctrine and has been well developed in American jurisprudence. Check any "Pattern Jury Instructions" and this is what

you will find. Your “technical standards” will be a part of what a reasonably prudent professional would do, but no set of technical standards can layout and explain good judgment. However, if we are not professionals, if we are mere technicians then the standard will be lower. What a reasonably prudent surveyor will do in any situation will depend on the circumstances. In the great majority of cases (at least by my experience), there is little trouble between the written document compared to what is found in the field. Of course there is always some amount of conflict in every case. And it appears that some surveyors resolve these minor conflicts by driving a new iron in the ground. One great advantage that we have over the judge, and the attorney, is that we are not limited in the amount or character of the evidence that we can consider when conducting a boundary survey. This is, however, a double edged sword. Not all evidence is good evidence and, therefore, not all evidence will be admissible in court. Gathering, evaluating, and weighing evidence is a skill that has to be honed through experience and practice; and just as important is knowing when the process can stop. Who is in a better position to determine what and where the boundary line is, a judge sitting on the bench, an attorney sitting in his office, or the surveyor in the field weighing the evidence in his hands?

Q: Young people entering the land surveying profession today are subject to training that is primarily focused on the mastery of technology and less focused on the discovery and consideration of evidence, logically leading to a perception of the surveyor principally as data gatherer, rather than decision maker. In view of this, can surveyors now or in the future be realistically expected, much less required or obligated, to take on responsibilities beyond mere “measurement and depiction”?

Young people entering the land surveying profession today are subject to training that is primarily focused on the mastery of technology and less focused on the discovery and consideration of evidence, logically leading to a perception of the surveyor principally as data gatherer, rather than decision maker.

A: I’ll answer that by referring to Brown’s definition of a professional (I’m paraphrasing). Brown says that the difference between a mere technician and the

professional is that the technician deals with “things.” In contrast, the professional deals not only with “things,” but with the “people,” the “situation,” and the “ideas.”

“Measurement and depiction” strike me as “things.” The things we deal with are deeds, measurements, monuments, fences, etc. - all of the things that make up the “facts” in the case. Facts are things. Highly trained technicians can deal with these things. In a boundary dispute case the “people” are your client, all of the adjoining, and any other involved third parties. The “situation” is a boundary dispute. The “ideas” are the law and possible resolutions to the situation. It concerns me that a large segment of our profession wants to operate like technicians: that our education, as you have pointed out, tends to focus on “things”: and that the most important work we do, dealing with people’s property, is so misunderstood.

. . . the difference between a mere technician and the professional is that the technician deals with “things.” In contrast, the professional deals not only with “things,” but with the “people,” the “situation,” and the “ideas.”

If we are not willing to operate at the professional level, then the only alternative is to recognize that we are mere technicians and cease with the charade. Maybe this is the direction we are heading in, I do not know. I am doing what I can do to turn the tide, but I do not have everyone’s ear and many who do hear me disagree with my views. That’s fine, we can disagree, but if the vast majority of surveyors see our role as “measurement and depiction” then we will be relegated to this technical work and society will move on without professional land surveyors.

If we are not willing to operate at the professional level, then the only alternative is to recognize that we are mere technicians and cease with the charade.

Q: Is there an implicit ethical burden upon the boundary surveyor to fill a role in our society, beyond the making and recording of measurements, by helping to preclude or prevent useless and futile litigation?

A: I have been telling seminar participants for a couple of years now that they can become qualified to be certified mediators and get their names put on the State Bar list of approved mediators. Even without going that far, a little mediation training would do surveyors a lot of good. We are usually on the front lines when it comes to the boundary dispute.

Q: We have all been trained, at a minimum, that it is the most fundamental function of the retracement surveyor to “follow the footsteps of the original surveyor” and to make our decisions based upon “the best available evidence.” Does this language justify the rejection of evidence of any earlier retracement survey, by the current retracing surveyor?

A: You quote two of our so-called “rules of surveying.” Our rules of surveying are only good rules if they follow the law and equity. If they are contrary to the law and equity, the courts will not honor them and neither should we. This requires knowledge of the law and of the principles of equity, not just rules of surveying. It’s important to keep in mind that the winner in civil court will be the side that produces the preponderance of the accepted evidence that leads to the facts in the case. In rough terms, this is simply more and better evidence as to the true location of the boundary line than the other side. Technically speaking, best available evidence can only be original evidence. However, in the surveying context I have never seen it interpreted that way.

Q: From your extensive observation of our court decisions, in cases where there is an absence of original evidence, does it appear that secondary physical evidence, such as that resulting from earlier retracement surveys has value, or is the surveyor to ignore such secondary physical evidence, where it varies from calls of record, and restore the boundary through a strict, technically based, literal application of the calls of the written record?

Surveyors love to say that we never know what the judge is going to do. The fact is they do the same thing, over and over again.

A: Surveyors love to say that we never know what the judge is going to do. The fact is they do the same thing, over and over again. When the ambiguities in the deed, or those that are revealed as a result of field survey, render the deed moot (i.e. the deed no longer contains the intent of the parties), the first thing the court does is look to collateral evidence. They look to the

subsequent acts of the parties (what did they do after the conveyance); they look to fences and other indications of possession; and they take testimony as to the history of the boundaries—they have to. This is now where intent will be found because the deed is simply a piece of paper. If all of this fails, they turn to their “rules of construction.” This is a last resort. This is the basic problem I see with “strict” and “literal” interpretation of deeds: Based on what? If the deeds are clear and unambiguous (both on paper and in the field), then all surveyors (theoretically) will be in the same exact location and we have no controversy. Now, if ambiguities are present, especially in the field, then one surveyor’s idea of strict interpretation of the deed will depend on the evidence he found, the measurements he took, and his evaluation of these matters. Of course, testimony of locals is not necessary for a strict interpretation of a deed, so that evidence will be ignored. Now this first surveyor’s idea of strict interpretation of the deed is not going to match the next surveyor’s idea of strict interpretation (and possibly doesn’t match earlier strict interpretations of the deed), because it can’t. If it did, then there are no ambiguities and no controversy. So in essence, what we have, by strict adherence to a deed in the face of ambiguities, is one surveyor’s interpretation of that deed, among two, three, four or more, possible interpretations of the deed. They can’t all be right. And they won’t all be right when it goes to court. There is only one boundary line between two coterminous landowners: It is what it is and it is where it is.

There is only one boundary line between two coterminous landowners: It is what it is and it is where it is.

Q: It is generally acknowledged nationwide that the number of licensed professional land surveyors is steadily decreasing, and is already insufficient to meet the demand in some areas of the country. Furthermore, the number of young people entering the land surveying profession appears to be entirely insufficient to meet the anticipated future demand. If a high burden of education and knowledge, specifically relevant to boundary law, is in fact necessary, in order for an individual to become qualified to perform land survey work, might this burden not have a severely adverse effect on the number of licensees available to carry the profession into the future?

A: I once heard a seminar presenter say that he wished he was the only surveyor in his state, that way he could charge whatever he wanted. The problem is if he ends up being the last surveyor in his state, that means the

state will have found a way to function without him. As I write this, there is legislation in Alabama to create a “rural surveyor.” The perception is that there aren’t enough surveyors to survey property and/or surveys cost too much. The rural surveyor would be a dumb-down license requirement that would allow for more surveyors. You see? It’s already happening.

We’ve done a sorry job of educating the public about the importance of this work, and to a certain extent, educating ourselves about the importance of this work.

We all know that there is not much money in boundary surveying. You will make much more doing construction staking or other development work (machine control, and readily available digital imagery and contour data aside, for the moment). But there is not any more important work that we do. That’s because when we deal with property boundaries we are dealing with people, their wealth, and their lives. We’ve done a sorry job of educating the public about the importance of this work, and to a certain extent, educating ourselves about the importance of this work. The modern day boundary

surveyor is more likely to start a boundary dispute than he is to resolve one. The general public sees us as problem finders, not problem solvers. And this does not bode well for the future of surveying. This is a problem that must be solved if we are to survive as a profession.

Many people come up to me during the breaks and after my seminars and say: “Jeff, I’m going to turn in my survey license after what I heard you say.” That, of course, would be the wrong course of action. We need more surveyors, not fewer. I offer solutions and I write about solutions, but I often feel like John the Baptist, crying in the wilderness. Again, and I can’t emphasize this enough, we are stuck in a 40 year old mind set and every time new opportunities come along to expand the profession, we step back and let someone else handle it. Then we go off to our meetings and conventions lamenting our demise. Finally, a high burden of education didn’t stop the medical profession, the legal profession, or almost any other profession you want to name. It’s time for us to step up and do what it takes to advance the profession, on all fronts. You will be hearing more from me on this subject. Stay tuned. ☼

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The Misunderstood Builders Lien

By Norm Strue and Chris Hirst

Reprinted from "Innovation" - July/August 2008 pp. 29-30 - As seen in "The Link", April 2009

* (the official publication of the Association of Professional Engineers and Geoscientists of British Columbia)

The subject of Builders Liens is much discussed, but little understood. Industry participants with considerable experience often still misunderstand many of the central rights and remedies provided by the legislation.

The following is intended as a primer (or reminder) of some of the fundamental concepts of the Builders Lien Act, particularly as those concepts pertain to engineers.

What is a lien?

A lien is a simple and cost effective tool for securing the recovery of unpaid contract amounts owed to construction industry participants.

A lien is intended to give those who have assisted in the improvement of land an interest in that land or the improvement until such time as they are paid. Section 2 of the Builders Lien Act provides a lien for contractors, subcontractors, and workers for the price of the work and material to the extent that the price remains unpaid, on the owner's interest in the land, the improvement, and the material itself placed on the land.

A lien holder obtains a right to have a specific interest in the land sold and to be paid from the proceeds of such sale.

In the absence of that secured claim against the land and improvement, a lien claimant would be left with nothing more than its contractual claims.

Another type of lien, peculiar to British Columbia, is the holdback lien (also known as a Shimco Lien) which gives the lien holder a right to be paid from any holdback funds held on the project.

Can engineers file liens?

At one time, the lien rights of consultants and other design professionals were extremely limited.

That changed in 1998 when the old Builders Lien Act was replaced with the current Act. Today, a consultant who can satisfy the following criteria may file a lien:

1. the consultant must be a contractor or a subcontractor;
2. the consultant must perform or provide work; and
3. the work must be done in relation to an improvement.

The definitions of "contractor" and "subcontractor" found in the Act clearly indicate that a consultant who is engaged by an owner is a contractor and that a consultant engaged

by a general contractor, or by someone who is not an owner, is a subcontractor.

Significantly, however, a sub-consultant has no lien rights. Accordingly, if a consultant has been engaged by another engineer or architect to provide services with respect to a project that sub-consultant is not entitled to a lien.

What can be liened?

"Land" and "improvements" are central concepts in the Act and generally speaking any land or any interest in land (e.g. a leasehold interest) that is registered at the Land Titles Office can be liened. In addition, holdback funds can be liened.

Land and improvements that cannot be liened include federal land and federal undertakings as well as highways.

When must a lien be filed?

The key time period to keep in mind with respect to filing a land lien is 45 days. A lien must be filed prior to 45 days from the:

1. issuance of a certificate of completion for the contract claimed under;
2. completion, termination, or abandonment of the head contract, if there is a head contract;
3. completion or abandonment of the improvement, if there is no head contract; or
4. the first sale or occupancy of a strata lot.

A failure to file a land lien within the requisite 45 day period of time will result in the absolute cancellation of that lien.

There is no equivalent time period for holdback liens. However, the holdback must still be in existence for the holdback lien to have any effect. Once the holdback is paid, generally 55 days after completion, your ability to file a holdback lien will have ended.

How to file a lien

To make a claim of lien against the land a lien claimant must complete a simple document called a "Claim of Lien" which then must be filed at the Land Title Office. It is important to note that when completing this document you must be absolutely precise with respect to the name of the owner, the contracting parties, and the description of the title to the land that you intend to lien, or the lien may be found to be invalid.

There are no formal requirements with respect to making a lien against the holdback. The most common method of making such a claim is to notify the owner in writing of the claim of lien against the holdback and/or commencing an action with respect to the holdback.

So you have a lien: how do you get paid?

A lien must be proved in the Supreme Court of British Columbia. Accordingly, to enforce the lien, an action must be commenced. As with the lien itself there are time limits here that a lien claimant must be aware of. A lien action must be commenced within a year of filing the lien or within 21 days of a demand being made by the Owner of the lands that a lien claimant commence its action.

To protect your claim, a lien claimant must also file a document known as Certificate of Pending Litigation (CPL) with the Land Title Office.

A failure to commence your action within time or to file a CPL will result in the absolute cancellation of the land lien.

How to improve your chances of getting paid in the first place

Of course, it is far preferable to simply be paid for your work in the first place rather than worry about the intricacies of the Lien Act and any associated litigation costs. While sometimes you couldn't have done anything differently, you should always make sure that you have a clear written contract, that you bill regularly in accordance with that contract, and that you stay on top of your accounts receivable. While your work is still in progress, you obviously have more ability to leverage payment from your client than when you are complete and the client has your Schedule C or equivalent in hand. ☺

More 2009 AGM Highlights



Following an emotion filled speech in which he acknowledged all those who helped him achieve his goal, Gerald E. Johnson - SLS Commission #300 - posed with his fiancée, Shayna Verhelst, and his brand new commission certificate, on June 12 at Elkridge Resort near Waskesiu.



For the fourth time in the past eleven years, Bob Webster (above left) won the men's championship in the Murray Skelton Memorial Golf Tournament. The ladies championship went to Heather Kuntz (above right) who also won in 2005.

Other Golf Winners

- Donna Jamieson Ladies Second Low Gross
- Brad Luey Men's Second Flight (Polar Bear Trophy)
- Sel Sanderson Men's Third Flight (CCLS Trophy)
- Robert King Men's Longest Drive (Plum Bob Trophy)
- Robert King Callaway Champion (Old Plum Bob Trophy)

Congratulations to 25 Year Pin Recipients

- Jim Boyd (Commission #251)
- Bill Soroski (Commission #254)
- Kevin Beatty (Commission #255)
- Guy Craig (Commission #256)
- Jim Clarke (Commission #259)

Standing Committee Chairmen for 2009 - 2010

- Pat Maloney Convention
- Jade McLeod Education
- Ravi Shrivastava Finance
- Barry Clark Practice
- Jill BurrIDGE Public Relations

Who is This New (ALSA) Director of Practice Review?

By: Chris C. Everett, ALS (Ret.), BCLS, CLS, SLS (Ret.)

Reprinted from "ALS News" - March 2009

Introduction

As many of you will know by now I became the fourth Director of Practice Review beginning in February 2009. I consider it an honour and a privilege to have been appointed to serve the Association in this capacity. An honour because practice review in Alberta is so highly regarded among our sister associations throughout Canada, yet at the same time humbled by the responsibility to the Board, to the membership and to the citizens of this province.

The Job Description

The task assigned to me by the Association's Practice Review Board is primarily to undertake internal audits and to support the required steps that the Board has to take in order to complete Phase 3 of the Systematic Practice Review. Phase 3 of the program is in its sixth year and it needs to be finished.

I see the task much like a boundary survey where the thin line between two neighbours cannot be arbitrarily adjusted to suit one or other of the parties. The line must be run in accordance with the provisions of the acts and regulations and the boundary defined with full knowledge of these rules and without prejudice or favour. Practice review will demand no less. Words like consistency and fairness also spring to mind and, as the Director, I will do my very best to live up to your expectations and to adhere to these principles.

It's quite the challenge...

This job really is challenging I will be following the footsteps of Inspector Bill Wolley-Dod and Directors, Al Nelson, Lyall Pratt, Fred Cheng and Don George—all long-time giants of this Association. What a line up! Fortunately, for me, the job has been made a lot easier because these gentlemen have done such sterling spadework in the past. The existing review process is well developed and well documented. There are checklists and policies in place that have been established and approved by the Board. The recent survey conducted among the membership indicated a general satisfaction with the process, as it presently exists so my initial plan will be simply to conduct business as usual.



I know there has been some concern and uncertainty about the program as the director's position has been vacant for some time. Hopefully, with your indulgence. I will quickly overcome the learning curve and the program will be underway and in full swing by the spring.

About Myself

I am married to Christine and have three children, all grown up. My wife Christine is a GIS technologist at the City of Nanaimo Engineering Dept.

My two girls live in France and my son, with two grandchildren, lives in Texas. They are all teachers! Mark is a professor in geophysics at A & M University near Houston, Hazel is the department head in computer science at the University of Nancy and Dawn teaches at the Berlitz School of Languages in Paris.

Born in England, my career in surveying and mapping began with enrollment in the Army Apprentices College in Harrogate Yorkshire. This was a three-year survey program similar in content to the surveying programs at SAIT or NAIT. The main difference was that tuition was free! The only catch being that the student fees consisted of a commitment to serve twelve years of service in one of the surveying engineering regiments of the British Army. Free indeed!

After graduation from Harrogate I survived compulsory boot camp and general military engineering (civil) courses, followed by field time as a survey assistant in the Middle East.

I came back from Iraq and was sent to the Royal School of Military Survey for a two-year program in geodesy and photogrammetry. Some teaching time and field surveys with several Royal Engineers Survey Regiments, kept me busy until I arrived in Canada on exchange to the Canadian Survey Engineers based in Ottawa.

In the two years, the Military Survey Establishment (MSE) assigned me to field parties undertaking control survey projects in support of the Federal 1:50,000 mapping project throughout Western Canada and the Northwest Territories. Almost on the first day, I became enamoured by the vastness of Canada and the land waiting to be explored and mapped.

To me, at the age of thirty, it was a surveyor's dream. So, as I had just about finished my twelve-year commitment, I decided to abandon my military career.

I was offered the opportunity to take up articles in Saskatchewan towards a Dominion Land Surveyor's Commission under the then Controller of Surveys, Mr. A.I. Bereskin DLS, SLS. I grabbed the chance and eventually obtained my DLS in 1969. It would be remiss of me not to express my appreciation for the additional help and encouragement I received from Bill Schwartz, Dan Babiuk and Marinus Van Leiburg during my articles. Two years later I was commissioned in Saskatchewan, then Alberta and much later in British Columbia.

I served as a member on the Saskatchewan Land Surveyors' Association Council, served on many committees and, in particular, spent about nine years on the Board of Examiners. I was also appointed to the original advisory board to the University of Calgary's embryonic survey engineering program. I served as President of the Saskatchewan Land Surveyors Association in 1979.

During the twenty years I spent in the township system on the prairies, I covered most of Saskatchewan and some parts of Southern Alberta; all of this in private practice. I also managed to shoehorn time at the University of Regina for a diploma in business administration and time at a flying club to complete a commercial pilot rating for aerial photography.

In 1992, I landed in British Columbia and, after a short time with another survey company, opened my own private practice, which I am closing in order to respond to this challenge.

“Getting to Know You”

In the capacity of Director of Practice Review, I will get a chance to reconnect with old surveyor friends from years gone by and, hopefully, get to meet and know many new ones. I look forward to this with relish. I hope I get a chance to meet you all.

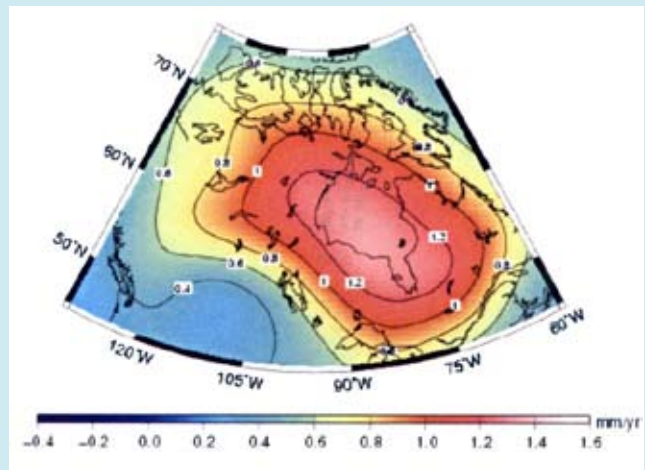
Before I finish, it occurs to me, that in addition to the common interests always found among members of the same profession, land surveyors share a particular bond. As we carry out our surveys daily, we absolutely have to depend on the evidence and monuments recorded and placed by the “old-timers” who have gone before. Today, we land surveyors are creating a trail of evidence for those who will also follow. And, like today's practitioners, those who follow will have to depend on the work of what they will then call “old-timers” (that's us). I see the practice review function as a vehicle that helps to ensure this bond of trust is maintained so that future surveyors and the public whom they serve can rightly depend on the integrity and accuracy of the cadastre in Alberta. ☼

Towards a Geoid-Based Vertical Datum for Canada

by Dr. Michael Sideris (Earth Observation)

Reprinted from U. of C. “Geomatics News” - Volume 6, Issue 2 - Winter 2009

Elena Rangelova, a PhD student under the supervision of Dr. M. G. Sideris and currently a Post Doctoral Fellow under the supervision of Drs. J.W. Kim and M.G. Sideris, studied the feasibility of using a dynamic geoid as the vertical datum for orthometric heights in the context of a combined adjustment of ellipsoidal, orthometric, and geoid heights in Canada. Using the most recent and accurate height data at GPS-on-benchmark points, the effect of incorporating the dynamic vertical reference surface for orthometric heights was assessed. It was shown that the dynamic vertical datum requires accuracy of 1.0 - 1.5 cm for all three height components, and that the orthometric heights appear to be the limiting factor. By analyzing data from permanent GPS stations, absolute gravimetry and the GRACE dedicated gravity satellite mission, it was found that, for cm-level accuracy, the geoid-based vertical reference surface needs to be corrected for secular geodynamic effects (primarily due to post-glacial rebound, PGR) after 8 - 10 years from the reference epoch. Vertical crustal motion, which is typical an order of magnitude larger than the geoid rate of 1.5 - 1.8 mm/year (see figure) causes significant systematic discrepancies among the three height types; therefore, ellipsoidal and orthometric heights need to be corrected every 2 years in areas of significant PGR effects, like around the Hudson Bay.



This work, which was supported by NSERC and GEOIDE NCE grants to Dr. M.G. Sideris, is very timely, given the plans of both the Geodetic Survey Division, NRCAN, and the US National Geodetic Survey to implement geoid-based vertical datums by 2010 and 2018, respectively. Spirit leveling will then be replaced by geoid and GPS heights in both countries and the vertical datum will be defined by a precise static geoid at an initial epoch accompanied by a model for its temporal variations. ☼

Insurance Advisory Tips for Members. So . . . who's got the insurance claims?

By Rudy Mak, O.L.S., O.L.I.P. on behalf of the (AOLS) Insurance Advisory Committee

Reprinted from "Ontario Professional Surveyor", Volume 52, No. 2 - Spring 2009

This is my fifth year on the AOLS Insurance Advisory Committee, and that makes me the current Chair of the committee. We normally have three meetings a year to review potential claims, and one meeting to analyse the year's data, review the insurer's terms for the following year, and discuss at length the formulas and methods of how the premiums are determined. The current method that we use to determine premiums was developed probably 15 years ago and is based on a cost per firm plus an additional cost per surveyor in that firm. Other surcharges are based on volume in excess of a minimum and a surcharge for the more risky construction work. There is no direct impact on the basic premium for each firm's experience. Therefore, when there is a paid claim, the insured firm must repay 12% of the claim over six or twelve years as a surcharge depending on the size of the claim. The results of every premium review in the past five years, with input from new committee members each year, confirms that the current method of assessing premiums is the most fair and correct way.

An argument is often made that medium sized firms with two or three OLSs believe they make fewer errors than sole practitioners. The statistics however, do not support that assumption, and in fact, the highest dollar value in claims comes from this group of firms with 2 or 3 OLSs.

With three meetings per year where an average of 35 potential claims per meeting are reviewed, I have seen the details of over 500 potential claims during my tenure. Too many potential claims risk loss of coverage because of late reporting.

Our policy rules require that the insured must quickly report any potential claim, so, the best policy is to report on the first tangible evidence of a possible problem. There is no downside to reporting a potential claim. It will not impact on your premium and it could very well make the difference in addressing an issue

early to mitigate costs, determine responsibility and encourage reasonable settlement.

There are a lot of misconceptions about errors and who makes them and why. The statistics show consistently that construction layout errors result in 60% to 70% of all claims, so I will address this first. The Number 1 error that is on every docket is incorrect elevations - for a house, condo, or engineering work, etc. By far, this is the leading cause of claims. Many claims result from the survey crew using a bench mark they assume to be a good site bench mark or the failure to confirm a bench mark elevation by closing to an independent bench mark. Some calculate a wrong height of instrument, some misinterpret drawings and set wrong elevations, many calculate the cut wrong and so forth.

The statistics show consistently that construction layout errors result in 60% to 70% of all claims . . . the Number 1 error is incorrect elevations - for a house, condo, or engineering work, etc.

Another common mistake is the use of fire hydrants as bench marks only to discover later that all the fire hydrants had been raised by the same amount with an equal sized spacer. Site bench marks set by others may not be geodetic and some surveyors bring in geodetic and don't check the engineering site bench mark. They all have one thing in common. A little checking would have prevented the error. If you remember nothing else about this article, remember that your future could be a thousand times brighter if you establish an absolute rigid policy of at least one INDEPENDENT check each and every time you carry elevations; not two hydrants, not two control points set at the same time; and then ask your self, does it make sense compared to the site bench mark and engineering drawings? Record the results on field

notes, not just in the data collector, so the crew and the office staff can see the check. A significant error, or even no error at all, but no proof of your steps, can take you through years of stressful litigation.

What we wonder at the committee meetings is why there are firms that keep making the same error over and over again causing our policy to pay out on claims that could have been prevented.

The second most common construction mistake is layout error.

The second most common construction mistake is layout error and again, sometimes it is misinterpretation of drawings. If an architect's digital drawing has 197 layers and if he or she has got information mixed throughout the file, the surveyor should request a clean digital file from the architect that clearly shows what is needed. Keep a copy of what you are supplied. Make checks in the calculations and clearly communicate to the client what you are providing. Then ensure that your crew does all those checks that you require them to. You may have told them a hundred times to check, but, it's raining, and cold and there are eight more to do before the end of the day so, the check is not done. Then the day's field work is not checked by the office staff, and 45 days later the building is up but calculations show an encroachment, the crew checks and finally confirms that original error. The surveyor tells the client not to worry, he or she will get a minor variance, but, 6 weeks later, just before the hearing, the building department finds out the house is seven feet from the neighbour's house instead of eight and there are 6 windows on that side of the house. That's when the surveyor decides to call the insurer.

Had that error been discovered earlier, the almost standard process is to take the foundation out and do it again. Time required is about a week and the cost is about \$15,000. The compound effect of an additional 45 days may have resulted in \$40,000 in damages. The third mistake of allowing construction to be completed and believing a minor variance would solve the problem creates a \$200,000 problem and the surveyor may

not be covered by insurance at all since the issue was not reported when it was first discovered.

With respect to cadastral surveys, the most common error is inadequate research, which results in boundaries being re-established incorrectly. Another problem easily solved by doing what we're supposed to do anyway. There is no next "common" type of error but lots of unique and very interesting ones. Caution and checking is always the key, but sometimes, no matter how good or thorough one is, a situation pops up. That is why we have such insurance to protect our clients and ourselves. As a professional, your first course of action is to immediately investigate and communicate. Call Maltmans and let them guide you from there. That's why we have them. Never try to resolve an issue on your own unless you're prepared to forgo your insurance.

With respect to cadastral surveys, the most common error is inadequate research, which results in boundaries being re-established incorrectly. Another problem easily solved by doing what we're supposed to do anyway.

The Insurance Advisory Committee has to be one of the most interesting and rewarding committees within our association. Through the lessons learned, I have changed many of my own practices and through the history of claims I know that there are firms out there that need to think about these basics and institute change themselves. ☺



SAFETY SENSE

By Jeff Adair, ALS

Reprinted from "ALS News" - March 2009

It is hard to imagine how quickly the prosperous times in Alberta have turned around. Volumes of work have decreased (as is evident by lower iron post sales), some major projects have been put on hold, and others have been cancelled outright due to the tumultuous economic times we are facing. Clearly this is a dramatic change from the days of record oil and gas prices, land developers awash with investment capital, and Albertans eager to spend their hard earned money. During those times of prosperity, long days in the office and many hours in the field were standard for land surveyors.

As we attempt to navigate through these uncertain times, the expectations we place on ourselves and on our staff, particularly field staff, will certainly not diminish. They will still be asked to work as efficiently as they can, often for weeks in a row, in all kinds of weather, and in all kinds of locations. It's a tough job, and managing field staff can be tough too, especially if they fall behind schedule. Often it's nobody's fault that an estimated five day job is now approaching seven days, for example. But it's tempting to ask the field staff to work a little later, or to finish up that job and travel to the next job later that night. These pressures will only increase as clients become more aware of their costs and as we try to accommodate their wishes. These situations, while advantageous to the client, have to be evaluated very carefully.

First of all, we have to consider the safety and well-being of our field staff. It's commendable to want to "go the extra mile." That's often what it takes, but not at the expense of worker safety. Things like weather and highway conditions, the complexity of the task to be performed, and staff training and experience all have to be considered.

One more thing to be considered, however, is the hours of work. In Alberta, Section 16 of the Employment Standards Code clearly lays out the maximum number of hours to be worked in one day.

16(1) An employee's hours of work must be confined within a period of 12 consecutive hours in any one work day unless:

a) an accident occurs, urgent work is necessary to a plant or machinery or other unforeseeable or unpreventable circumstances occur, or

b) the Director issues a permit authorizing extended hours of work.

There are exemptions to this section of legislation, and some of those exemptions can be found in the *Employment Standards Regulation*. In Section 2 of this legislation it lists a number of occupations such as salesmen, realtors, land agents, and film and TV extras that are exempt from the hours of work legislation. Land surveying is not one of them.

Furthermore, a number of industries are given special provisions within the regulations. Some industries, like the well servicing industry for example, are exempted from the hours of work legislation altogether. Land surveying is given a number of special provisions which are found in Division 2, Miscellaneous Services (Sections 18 through 21). The provisions granted to land surveying regard the payment of overtime hours, and again does not exempt land surveying from the hours of work legislation. Clearly, a twelve-hour day is the maximum that staff engaged in the task of land surveying can work.

What are the consequences of not abiding by this legislation? Section 128 of the Act prohibits employers from requiring employees to work in excess of twelve hours per day. Furthermore, in the case of a corporation as the employer, Section 131 also states that:

131 When a corporation commits an offence under this Act, every director or officer of the corporation who directed, authorized, assented to, permitted, participated in or acquiesced in the offence is guilty of the offence, whether or not the corporation has been prosecuted or convicted.

Fines for being guilty of an offence can be up to \$50,000 in the case of an individual and up to \$100,000 in the case of a corporation.

Finally, I'm not writing this to simply show some legislation and the legal consequences of not abiding by it. I would rather that our members used this legislation as a tool to promote worker safety and well being, not only within our industry, but to our clients as well. This legislation allows staff the opportunity to rest (physically and mentally) from their daily duties, and that is a huge factor towards ensuring everybody goes home safely at the end of each day. ☺



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