



SASKATCHEWAN LAND SURVEYORS' ASSOCIATION

Newsletter

President's Message to the Membership

by P. M. Maloney, SLS, P. Surv., President

As this is my first opportunity to address the membership since our AGM, I would like to thank everyone for the allowing me to serve as your President. I look forward to the upcoming year working both with Council and our administrative staff. A special thank you to Doug Bouck, Roy Pominville, and Mike Waschuk, who have completed their terms on Council. Their efforts and advice will be missed.

I would like to welcome Wayne Adams, Tom Sansom, and Bob Webster to Council. I am confident they will make significant contributions to the Association.

As I write this message, it is 34° and some people are complaining about the heat. It was only a few short months ago when the temperature was -34° and these same people vowed never to complain about the heat again.

Times, like the weather, are changing. Our Association will face many changes in the next year. This is our first year of operation under our new Act. The expanded survey profession will become a reality. The Admissions Board for Professional Surveyors has established a syllabus for the admission of members as Professional Surveyors. In keeping with the Resolution passed at our AGM, we have implemented the requirements to review and examine P.Surv. applications this fall. Anyone requiring information in regard to P.Surv. applications should contact the Association office.



Our new Act legislates mandatory continuing education. As professionals, we are obligated to stay abreast of new developments in our industry, whether it is technical, legislative, or administrative. It is up to each member to adopt his own program of continued education. As an Association, our Education Committee will host educational seminars this year, however continuing education does not have to be restricted to Association events. There are any number of programs available in communities throughout Saskatchewan. Attending courses or seminars,

speaking to groups about surveying, or authoring articles in industry-related journals are all forms of continuing education, and will qualify for PDC's.

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Council Highlights

by A. Carl Shiels, Executive Director



The Saskatchewan Land Surveyors Newsletter is published by the Saskatchewan Land Surveyors' Association for circulation to its members.

Deadlines for articles will be the last Friday in December, March, June and September.

The opinions of the contributing writers may not be consistent with those of the Council of the Saskatchewan Land Surveyors' Association. Articles may be reprinted with appropriate credit given to the authors.

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1996/97 Council

President	Pat M. Maloney
Vice President	Rob A. Webster
Past President	Max E. Putnam
Councillors	Rob J. Hillier
	Rob P. Pattison
	Wayne J. Adams
	Thomas W. Sansom

Executive Director	A. Carl Shiels
Executive Assistant	Candy Shiels
Editor	Doug A. Bouck

96/97 Meeting #9 - MAY 21, 1997

All members were present when the president opened the meeting with a report on his attendance at the annual meeting of the Alberta Land Surveyors' Association. Of special interest was the fact that a motion had been passed allowing non-residents to become Land Surveyors in Training in that province.

Information from other presidents included:

N.B. - Their sticker program funds their practice review program. However, there is concern about the reduction in the number of RPR's being requested due to the increased use of Title Insurance.

Man. - Is concerned about the loss of members in the next five years due to an aging membership.

B.C. - Is in the process of developing a new Manual of Good Practice.

Alta. - Estimate that there are approximately 100 articulated students 'in the system' in that province.

Ont. - Large real-estate development companies are lobbying the government to bring back the use of deferred monumentation.

- Looking at helping Ryerson Polytechnical Institute to upgrade their survey engineering program to fill the need created by the loss of the Survey Engineering program at Erindale College.

- Title Insurance is still an issue and the OLS are 'Beta testing' a new drive-by survey program as a means of providing a competitive service.

The president also reported on his attendance at the APEGS annual banquet. Much of the informal discussion centred around the new state of inter-profession cooperation.

Vice-President Maloney reported on his attendance at the annual meeting in St. John's Newfoundland. He noted that there were two main issues:

- Efforts were being made to resolve the difference between the two categories of members, that is practising and non-practising;

- Automatic life membership after thirty-five years of service is beginning to create a problem related to funding.

The president asked for a brief report from M. A. Marien, chief organizer of the annual meeting. He reported that there were expected to be 148 registrants over-all with 116 attending the ice-breaker and 95 attending the opening breakfast. Eight exhibitors would also be in attendance. New features for this year's meeting included door prizes at each of the meals and events; use of a passport which would have to be signed by each exhibitor before an attendee would become eligible for the exhibitors' prize, and pre-printed tickets with the names of the attendees on each ticket to facilitate the draws for door prizes.

LAND Project

The President provided an update on the activities of the LAND Project Steering Committee. He explained that meetings had been held with J. B. Turnbull and staff at SaskGeomatics, and with some of the LAND Project managers. While a great deal of work remains to be done, a brief outline of the issues and proposed recommendations from the association would be circulated at the annual meeting for comment by the members.

SASTT Legislation

The president and executive director provided a brief update on meetings that had been held between the presidents and executive directors of SLSA, APEGS and SAA. Efforts to carry on further discussions with the government had been unsuccessful and there had been no amendments to the Bill before it received third reading. The efforts of the three associations were expected to continue with a view to having the legislation amended before it is proclaimed.

J. T. Skelton

Council reviewed the report of the Board of Examiners which indicated that J. T. Skelton had successfully completed his professional examinations. The executive director reported that all other requirements had been met. On that basis, Council granted J. T. Skelton Commission #278.

Complimentary Handbook

Council was advised that, in the past, newly commissioned members were given a complimentary handbook. However in many cases a handbook

would have been recently purchased by the student in order to prepare for the professional examinations. Council therefore revised the policy of the association to allow a credit to those new members who had recently purchased a copy of the SLSA handbook.

W. W. Stockton

Council received a letter from W. W. Stockton indicating that he had sold his practice to, and would subsequently be employed by, Stewart Engineering and Surveying Ltd., based in Calgary.

Professional Development Credits

Council learned of a member's request for PDC's for a course which he instructed. Council was asked for guidance in responding to such requests. Council agreed that the 'logging' of professional development credits was intended to be the responsibility of the individual members and that it is up to them to 'claim' the credits that they feel are appropriate for the activities in which they have been involved.

Committee Reports

Convention Committee: The president explained that he had made some adjustments to the format of the business portion of the 1997 annual meeting to reflect the requirements laid out in the bylaws and also to be more consistent with the standard 'rules' associated with such meetings.

Education Committee: Council accepted the letter of resignation from D. M. Williams as chairman of the Education Committee and asked that a letter of thanks be sent to Mr. Williams for his contribution to the association.

Council heard that a copy of the syllabus for examinations set by the Western Canadian Board of Examiners is available in the association office and is often distributed to those who request it. It was agreed that care should be taken to assure that the syllabus is current.

Practice Committee: Council received a copy of a letter from S. I. Hayward, Chairman of the Practice Committee, to Sask Energy and Mines. The letter explained that the Practice Committee would be examining a limited number of well-site plans to ensure compliance with the applicable bylaws. Sask Energy and Mines were asked to select a number of plans at random and to forward them to the Practice Committee via the association office.

Public Relations Committee: Council heard that developmental work on a GPS brochure and a general SLSA brochure was ongoing.

Board of Examiners: Council accepted a letter of resignation from M. J. Seis as a member of the Board of Examiners and asked that a letter be sent thanking him for his many years of service on the U. of S. and SLSA Boards of Examiners.

Admissions Board for Professional Examiners: Council expressed concern that the entrance requirements for Professional Surveyors be finalized at the earliest opportunity in order that recruiting can begin for new P. Surv. members.

The meeting adjourned at 4:30 p.m.

97/98 Meeting #1 - May 24, 1997

President P. M. Maloney convened the meeting at 2:30 p.m., with all members present. He noted that there were a number of matters that would need the attention of council and it was expected to be a very full year.

Liaison

It was agreed that Council Liaison Members for the 1997/1998 council would be:

Education	-	T. W. Sansom
Public Relations	-	R. P. Pattison
Convention	-	P. M. Maloney
Finance	-	M. E. Putnam
Practice	-	R. J. Hillier
Nominating	-	M. E. Putnam

Motions from the Annual Meeting

W. M. Schwartz, Life Membership: Council noted that the members present at the Annual Meeting had supported the nomination of W. M. Schwartz as a life member. Council directed that the by-laws be amended to include W. M. Schwartz in the category of Life Member.

Guidelines for Survey Crews: Motion #1, as passed by the members present at the annual meeting, stated:

"Whereas the CCLS PLIC has indicated there may be a problem with the supervision of sur-

vey crews, be it resolved that the Council investigate the passage of a bylaw which could suggest guidelines for the proper supervision of survey crews."

It was agreed that this matter should be referred to the Practice Committee for study and recommendations. Council asked that the other provinces be contacted to determine whether any such provisions exist in their bylaws or manuals of good practice.

Entrance Examinations for Professional Surveyors: - Motion #2, as passed by the members at the annual meeting, stated:

"Be it resolved that the Council of this Association and the Admissions Board for Professional Surveyors put all examinations and other mechanisms in place to allow for a one-time fall sitting, in the fall of 1997, of the Admissions Examinations for Professional Surveyors such that successful Professional Surveyors are admitted to our Association in early 1998."

Council acknowledged the direction given by the motion and asked the ABPS to prepare a work plan and schedule which could be followed to reach the stated objective. It was also agreed that the new category of Professional Surveyor could be considered as the subject of the Councillor's corner column in the July issue of the SLSA Newsletter.

Liability Insurance for Life Members

In response to a question which had arisen at the annual meeting, council reviewed the requirements for liability insurance for Professional Surveyors who are also life members of the Association. It was agreed that the wording in the by-laws clearly states that both Saskatchewan Land Surveyors and Professional Surveyors are required to carry liability insurance if they practice **on a fee for service basis.**

The meeting adjourned at 4:30 p.m.

Experience
enables you to
recognize mistakes
when you make them again.

97/98 Meeting Number Two - June 16, 1997

President Maloney convened the meeting at 9:15 a.m., with all members present. He noted that the annual meeting of the PEI Association of Land Surveyors was being held on June 26 and 27 and that T. R. Webb would be representing the SLSA since he was also attending the CCLS annual meeting which was on the following weekend.

SASTT Legislation

Council received a letter from the Honourable Clay Serby, Minister responsible for Sask Property Management Corporation, indicating that he believed that there had been adequate opportunity for discussion of the SASTT legislation. Council found this response completely unacceptable and agreed to continue efforts to have the consequential amendment provisions dropped. Council also agreed to work with the APEGS and SAA in that regard.

Committee Workshop

Council briefly reviewed the work plans of the various committees. It was agreed that a number of suggestions would be forwarded to the committee chairmen in advance of a committee workshop to be held at 9:00 a.m., on September 15, prior to the next meeting of Council.

Upgrades to Office Equipment

Council approved a request for funds to upgrade the Association's computer to better handle the graphical information being included in the SLSA newsletter and other publications.

Lee Anders Andersen

Council learned that a WCBE certificate of completion had been received for Lee Anders Andersen, a Saskatchewan native and recent graduate of the Geomatics Engineering program at the University of Calgary.

RPR Data-Base

Council learned that the SLSA RPR data-base was now able to accommodate new RPR information and respond to member inquiries. He noted that much of the back-log of data that had not been entered by the CSO was still in hard-copy form but would be added as time permitted. Council

agreed that survey companies with a large number of RPR records to be added should be contacted to see if they would be prepared to assist in converting the information to electronic form.

CCLS Project - Provincial Acts and Related Documents

Council learned that a binder containing copies of all provincial acts, bylaws, manuals of good practice, etc., from other provinces had been received in the Association office. This was the culmination of a project undertaken by the CCLS.

ALSA Web Site

Council learned that a very attractive new web site was being developed by the Alberta Land Surveyors' Association and that there appeared to be a strong emphasis on information for students who might be considering a career in land surveying or geomatics.

City of Regina Planning Division - Request re: Bare Land Condominium Plans

Council reviewed a request from the City of Regina for revisions to the standard to which Bare Land Condominium Plans were prepared. This matter was referred to the RPR Committee for review and recommendations.

D. P. Konrad, SLS, MP

Council was advised that, following D. P. Konrad's election to the House of Commons as the Reform Party member from Prince Albert, a letter of congratulations had been sent to him on behalf of Council and the Association.

Committee Reports

Education Committee: Council appointed D. A. Bouck to fill the vacant position as chairman of the Education Committee.

Public Relations Committee: Council heard verbal reports on progress in the preparation of two new pamphlets for this year.

Board of Examiners: Council appointed B. G. Clark to fill the vacant position on the Board of Examiners.

ABPS: Council endorsed and refined the rules and schedule of activities for the examination of applicants for membership as Professional Surveyors. (See notice on page 691).

The meeting adjourned at 4:30 p.m.

Councillor's Report



by Robert P. Pattison, SLS, P. Surv.

Spring has come and gone and summer is now upon us. The annual meeting was another great success thanks to the hard working members of the convention committee. Now that the days are becoming shorter again we quickly realize that fall is not far away and with fall comes the first ever examinations for admission into our association as a Professional Surveyor.

A lot of hard work and long hours has gone into the development of our new Act and the integrated survey profession and I am sure that everyone is looking forward to the long anticipated introduction of new members into our association in other than the traditional areas of expertise. I am sure that these new members will contribute a great deal to our association and I only hope that our association has enough to offer them to make joining attractive.

As you may be aware, a motion was passed at this year's annual meeting that Council and the Admissions Board for Professional Surveyors put all examinations and other mechanisms in place to allow for a one-time only fall sitting of the admissions Examinations for Professional Surveyors.

Who is eligible to apply?

Anyone who has successfully completed a Baccalaureate degree in Surveying, Photogrammetry, Geodesy, Hydrography or Geomatics and who has the required work experience is eligible to apply. The work experience must include at least 220 days, 110 of which must be practical experience in the categories of practice being applied for and under the direct supervision of a Professional Surveyor or another suitably qualified professional.

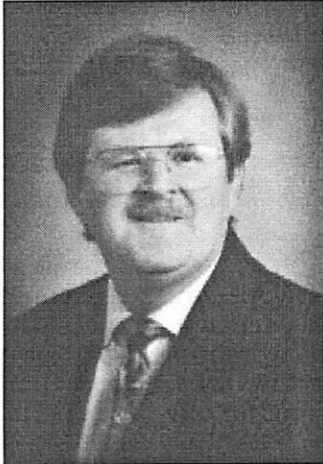
A person who wishes to apply must submit their Form U as outlined in our Bylaws together with support documents to the association office by August 15, 1997 to be considered for the fall examinations. Due to the relatively short time frame copies of support documents will be accepted for the August 15 submission but the originals must be provided before the September 15 council meeting. The Admissions Board for Professional Surveyors will complete an assessment of the applicant's submission and report their findings to council at the September 15 council meeting. If the applicant is found to be qualified, the Executive Director will issue a Notice of Acceptance advising the applicant that they are eligible to write the Professional Examinations scheduled for November 10, 1997.

This fall the examination will consist of an oral exam, a paper and one written examination on the *Land Surveyors and Professional Surveyors Act and Bylaws*. The written exam will be a one hour exam and will require a passing grade of 70%. The paper, of approximately ten pages, should illustrate the applicant's expertise in the area of practice being applied for and must be submitted at least fifteen days prior to the date set for the written examination. This will allow the Admissions Board enough time to review the paper which may be discussed during the oral exam which will be scheduled for the same day as the written examination. The oral exam will be approximately one half hour in 'gruelation' and may cover among other things, the applicant's paper, the *Land Surveyors and Professional Surveyors Act and Bylaws*, and the applicant's work experience.

All applicants will be notified in mid December whether or not they have passed the Professional Examinations and if successful will be eligible to submit their Oath of Office Form A(1) with the applicable fees and will be issued a certificate of registration and annual license effective January 1, 1998.

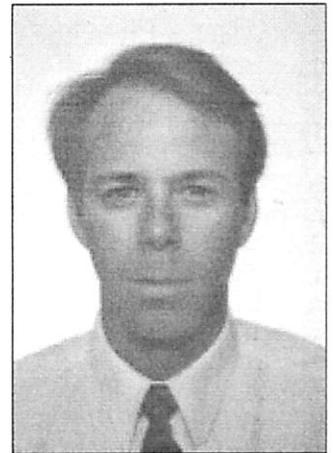
I would like to wish all the applicants good luck and I am looking forward to welcoming all of them into our association at our next annual meeting. ♣

New Commissions



R. Dale Rosnes, SLS, P. Surv.

On the 15th of January, 1997, Mr. R. Dale Rosnes was granted Commission # 277. Mr. Rosnes was born on July 28, 1956, in Medicine Hat, Alberta. He attended SIAST Palliser Institute (formerly STI) and the University of Calgary. His degrees and certifications include a Surveying and Engineering Diploma in 1978 from SIAST, and a Bachelor of Science Degree in Survey Engineering in 1992 from the U of C. As Draftsperson II, he has been employed by SaskGeomatics, formerly known as Central Survey and Mapping Agency, since December 1995. He has served as party chief in Saskatchewan and Alberta since 1978, for various survey firms.



Jeffrey T. Skelton, SLS, P. Eng.

On May 21, 1997, Mr. Jeffrey T. Skelton was granted Commission # 278. Mr. Skelton was born on August 1, 1967, in Regina, Saskatchewan. He attended SIAST Palliser Institute (formerly STI), and the University of New Brunswick. His degrees and certifications include a Diploma in Survey Engineering Technology, and a Bachelor of Science in Survey Engineering. He is also a member of the Association of Professional Engineers and Geoscientists of Saskatchewan. ✦



A Big *Thank You!* ...

... goes to Cherise Gosselin with Focus Surveys in Regina. Cherise was the first to submit all historical RPR data on a compatible spreadsheet file (Quatro) for the SLSA RPR database. Since then she has been submitting regular monthly data, via e-mail, in a format that takes less than two minutes to add to the file! This dramatically reduces the amount of work required by the staff at the SLSA office in administering the RPR database.

A History of the Grid Road Legal Survey Program in Saskatchewan

the following is a report written by J. C. Traynor, SLS, CLS, P. Eng., as seen in the SLS Journal, June, 1983

During 1955, the Municipal Road Assistance Authority was established. The purpose of the Authority was to assist the Rural Municipalities to establish and construct a municipal road network to provide all weather roads for the use of the rural population.

It was decided that the construction should take place in a 100 ft. right-of-way and that a legal survey would be required to properly dedicate the widened right-of-way as a public roadway, to properly establish the new legal boundary between the private land and the new roadway and to ensure the preservation of the township survey system.

It was also accepted that payment for this legal survey would be a provincial responsibility and that the carrying out of the legal survey and registration of the plan of survey would be the responsibility of the Survey Branch of the Department of Highways who administer all public roadways on behalf of the government.

As the program was first established it was anticipated it would be for a 10 year period with 1000 miles of road constructed each year. As you are aware the program has already lasted over 25 years and doesn't show signs of being completed yet.

The major decision faced by the Surveys Branch in 1955 was how was this large survey commitment to be successfully carried out. There ap-

peared to be two alternatives - one, to expand the survey force of the department to meet the need and, two, to have the work done by the private survey profession. It was soon accepted that the second alternative would be the best one to adopt.

Discussions were commenced with the private survey profession. During these discussions it was pointed out that this program would be ongoing, for at least 10 years, that work would be

...how was this large survey
commitment to be
successfully carried out...

provided in areas of the province, where possible, where surveyors were already operating and each year work in the same area would be provided. It was also felt that this program would provide a base load of work that the surveyor would be able to count on each year and so should provide some stability of operations and should permit better utilization of staff.

After meetings had been held with the surveyors in private practice they were requested to advise the Department whether or not they were prepared to do this type of work and to submit their proposed fees for such work. Once all the submissions had been received they were considered and a proposed schedule of fees was established.

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NSPS, Inc. Resolution on Survey Affidavits

by John Kohl, RLS, reprinted with the permission of the author.

The following Resolution was found on the web at <http://www.lsrp.com/nspres.html>. It appears as if our neighbours to the south are taking action to inform land owners of the perils of not having a survey done when purchasing property. --The Editor



Whereas, it has come to the attention of the membership of the National Society of Professional Surveyors that a trend is developing throughout the nation whereby Lenders, Title Companies and Realtors are abandoning the long established practice of ordering a survey at the time of real estate sales or mortgage transactions: and

Whereas, in lieu of a new survey, some of the above listed entities are requiring an affidavit from a previous homeowner as to the facts shown on an old survey; and

Whereas, in light of the many survey related problems that may develop over time, particularly with respect to residential property, the Society believes that it represents unsound business practice to request that anyone other than a licensed professional land surveyor sign such affidavits as are described in the preceding paragraph; and

Whereas, our Society members are now being approached by the recipients of these affidavits and/or outdated or altered survey map/plats; and

Whereas, these recipients have questions, concerns, misunderstandings and misgivings as to their property lines and as to whether the original surveyor may be liable for problems now in existence; and

Whereas, residential property owners in general often times express their disbelief upon learning that they have no title insurance coverage for survey matters, and that the original surveyor is insulated from liability upon the expiration of the statute of limitations or because the survey was not issued in their behalf or because the drawing has been altered; and

Whereas, it is the belief of the Society that such matters are not being adequately disclosed to the residential home buyer and the interest of the residential home buyer are not being sufficiently protected; and

Whereas, it is the opinion of our Board of Directors that such practices as are summarized in the foregoing preambles are detrimental and will result in financial loss to a considerable number of those members of the public who, without the benefit of a survey, will be purchasing residential property and putting it up as collateral without any reliable information as to encroachments, overlaps, boundary line disputes and other matters that might be disclosed by an accurate survey of the property by a licensed surveyor.

Be It Therefore Resolved by a vote of the Board of Directors of the National Society of Professional Surveyors that the general public be made aware of the pitfalls that they may encounter as a result of not insisting that a survey of the property be made by a licensed surveyor and furnished to them as a condition precedent to closing.

Be It Further Resolved that this organization is on record as strongly condemning and resisting the practice of eliciting affidavits from sellers of property as to matters of survey...and the practice of distributing and using altered or outdated survey map/plat for transactions other than for which they were prepared.

ADOPTED NSPS BOARD OF DIRECTORS - APRIL 23, 1996

NOTE: There are many terminologies and procedures for the licensed land surveyors' professional work product. These variations are typically dictated by state Land Surveyor Boards or state statute. As used herein, the word "survey" refers to the professional work product(s) dictated and/or approved in any particular state.

The above information was supplied to LSRP by John Kohl, RLS. ♣

 An Alberta Land Surveyors' Association Conference

high on energy  **GIS/GPS '97**
global innovative solutions

Conference and Exposition • October 1-4, 1997 • Calgary, Alberta, Canada

News Release

GIS & GPS Conference and exposition participants signing up for fall event

With still four months left before the Alberta Land Surveyors' Association hosts **high on energy GIS & GPS global innovative solutions 1997** in Calgary October 1-4, only 35 exposition booth spaces are left to be sold and over 100 people have registered for the conference.

"We're extremely pleased with the positive response we are receiving from industry and government on our initiative," says ALSA President Stan Longson. "We have been able to assemble a terrific group of international speakers that will provide our delegates with hands-on exposure to the latest uses of Global Information Systems (GIS) and Global Positioning Systems (GPS) in the three conference streams sectors of energy, forestry and municipal government."

Conference delegates wishing to receive a general primer on GIS and GPS technologies are encouraged to register for the full day pre-conference workshop on October 1 for either "An Introduction to GIS" or "An Introduction to GPS".

Keynote speakers for the conference include: Robert McDowell, VP, Enterprise Business Relationships, Microsoft Corporation; Robert W. Foster, VP, International Federation of Surveyors (FIG) and Dr. Marc Denis Everell, Assistant Deputy Minister, Earth Sciences Sector, Natural Resources Canada.

Adds Conference Chairman Barry Fleece: "Our conference and exposition continues to attract significant interest from each of the three sectors. Also, by holding this first joint international GIS and GPS event in Calgary, our province's energy companies are able to send their employees to this event at a very economical rate. With the substantial activity presently underway in Alberta's oil patch, GIS and GPS usage in the industry is increasing rapidly".

Complete details on **high on energy GIS & GPS global innovative solutions 1997** can be found on the Internet at <http://www.rosec.com>

For further information, contact:

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Ph: (403) 451-5670

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Barry Fleece

Conference Chairman

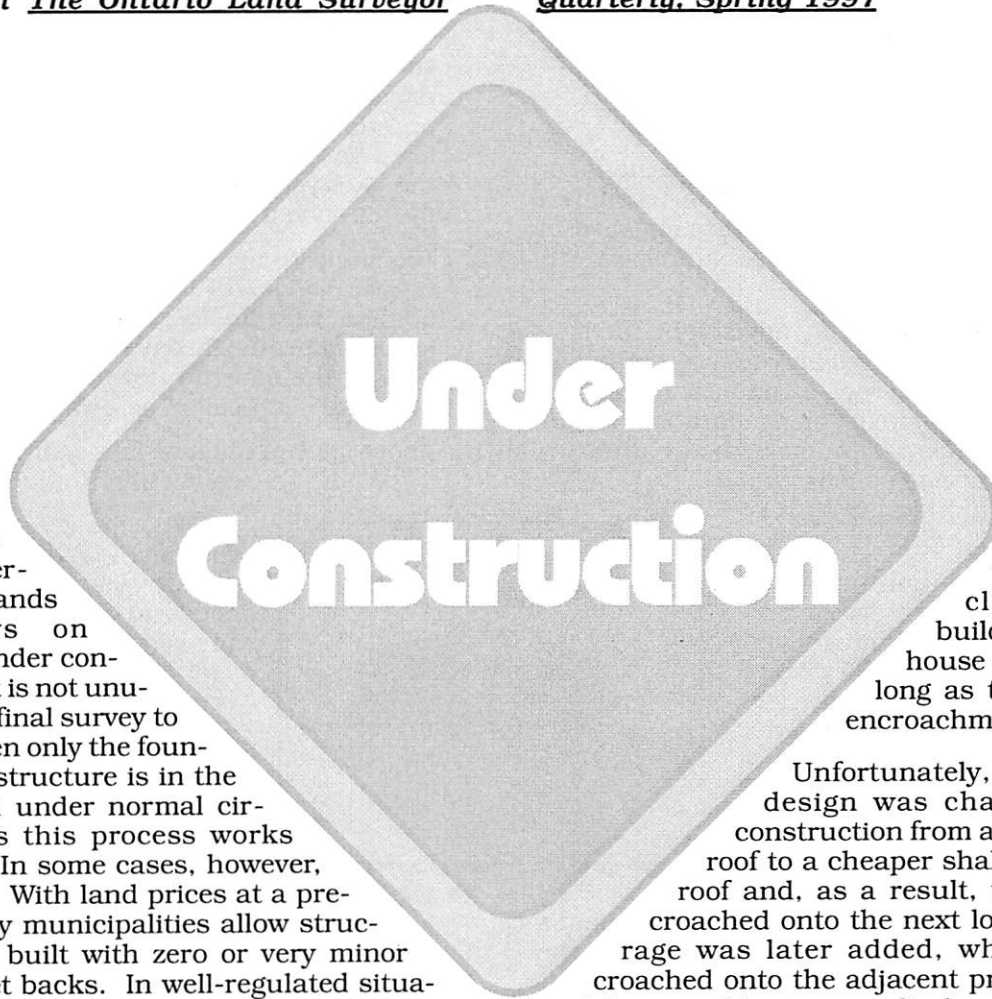
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Fax: (403) 272-7367

Under Construction

by John Breese, Senior Vice-President and Partner of F. C. Maltman and Company Limited.

As seen in The Ontario Land Surveyor Quarterly, Spring 1997



Each year surveyors routinely perform thousands of surveys on buildings under construction. It is not unusual for the final survey to be done when only the foundation of a structure is in the ground and under normal circumstances this process works fairly well. In some cases, however, it does not. With land prices at a premium, many municipalities allow structures to be built with zero or very minor side yard set backs. In well-regulated situations, this is usually not a problem. However, in times of cut backs and in areas where inspections are more limited, a surveyor has to be careful how structures are identified on the survey, so that someone relying on the survey in a future conveyance is not misled. If a survey is done and the structure is under construction, it should be clearly identified as "under construction."

A surveyor should never describe a structure so as to imply that the survey was done after the building was finished if, in fact, it was not. For example, we had a situation where a surveyor noted on his survey that a particular building was a one story aluminum and brick house. This particular house was on a narrow lot, with a one-foot

side yard. The builder was given clearance to build a particular house on this lot as long as there were no encroachments.

Unfortunately, the roof line design was changed during construction from a steep pitched roof to a cheaper shallower pitched roof and, as a result, the eaves encroached onto the next lot. Also, a garage was later added, which also encroached onto the adjacent property. None of these problems were disclosed to the purchaser by the builder, who went bankrupt shortly afterward.

The purchaser relied on the survey done at the foundation stage and was unaware of the problems until he tried to sell the house a few years later and a new survey revealed the problems. The new purchaser refused to complete the sale and the original purchaser had to incur considerable expense to correct the problem. The owner sued the surveyor on the basis that his survey implied that it had been done after completion of the house and not during construction. Had the surveyor properly labelled this building as being "under construction," he could have avoided this claim. ✱

The Surveyor in Court

by Eugene C. Taggart, Attorney At Law, as seen in the *Wisconsin Professional Surveyor*, December, 1996. as seen in *The Link*, April, 1997, Volume 19, No. 5

Some Things You Must Do as an Expert Witness

1. You must take the role of the professional or expert witness seriously. The courtroom is a place in which practical men are engaged in serious work, and your role of an expert witness is important.
2. You must insist on being advised by the lawyer for the party by whom you are retained of what to expect on cross-examination, and you have the right to insist on preparation of your testimony in consultation with the attorney for the party who calls you as a witness understand all of the issue.
3. You must be thorough as is reasonably necessary in preparing for your testimony and exhibits, for example, if you are going to testify, make sure you personally go on the property; also, make sure your exhibits and surveys are correct, and free of typographical errors.
4. You must inform the attorney for the party who calls you of all unfavourable information to his client's case developed by your work as well as the favourable information.
5. You must answer all questions honestly and frankly and you must not display any embarrassment or reluctance to answer, which might tend to discredit your testimony.
6. You must be willing to disagree with so-called authorities if you are convinced that they are wrong, and you must remember that contrary opinions of authorities will not necessarily discredit you on the witness stand.
7. You must remember to be courteous no matter what the provocation, and particularly is this true when you are under cross examination.
8. You must pause briefly before answering a question, taking a moment for deliberation, making



sure you understand the lawyer's question and remembering always that this does not indicate uncertainty or embarrassment - also pause before answering questions on cross-examination - this gives your side's lawyer a chance to object to the question if necessary.

9. You must remember that there may be others who will testify who will disagree with your opinion, that this is not unusual among professional people, because obviously, the lawyers in the case do not agree or you would not have been called as a witness.
10. Above all, you must be fair, polite, firm in your conviction, and impartial.

11. You must remember that you have a right to explain or qualify your answer, if that be necessary to give a truthful answer.

Some Things You Must Not Do as an Expert Witness

1. You must not agree to accept compensation for your services as a witness contingent upon the outcome of the litigation. This is not only unethical, but disclosure of this fact would probably destroy your testimony. You would have an interest in the outcome of the case and therefore not be impartial.
2. You must not act as an advocate or be partisan in the trial of the case. This might strongly tend to discredit your testimony.
3. You must not exaggerate, because you get out on the limb of a tree which the opposing lawyer is sure to saw off.
4. You must not puff up your qualifications, but you must state them fully and completely.
5. You must never attempt to outbluff with an answer. If you don't know the answer to a question, you must not guess, because if you

continued on page 683

The Surveyor in Court

continued from page 682

- guess wrong, you are surely in trouble; don't get yourself out on the limb of that tree!
6. You must not forget that an admission that your opinion is not absolutely conclusive, or that you don't know the answer to a particular question, is perfectly all right. Honesty may frequently require that you testify just this way.
 7. You must not use technical terminology which will not be understood by the jury, the lawyers, or the judge. If you must use technical terms, then you must explain them as best you can in the language of the layman.
 8. You must not be smug. You must be modest, because as soon as you are smug or immodest, the jury or judge is going to react adversely to you as a witness.
 9. You must not lose your temper, because if a cross-examining lawyer can provoke you to display anger or sarcasm, then he has succeeded in discrediting your testimony.
 10. You must not permit yourself to be forced into a flat "yes" or "no" answer if a qualified answer is required. You must remember that you have a right to explain or qualify your answer if that be necessary to give a truthful answer.
 11. You must not attempt to qualify yourself as an expert in a field in which you are not an expert.
 12. Do not volunteer information on cross examination; this may open other and unnecessary avenues which may waste time or even hurt the effect of your direct testimony.

Conclusion

If you do the "do's" and don't the "don'ts", you may not have enjoyed the experience, but you can leave the courtroom with erect posture and moral security in that what you have done and the way you have conducted yourself, has reflected credit on the members of your profession. ♣

What's New

- ⇒ **Next Council Meeting:** Takes place at the Association Office, at 11:00 a.m., on Monday, September 15, 1997.
- ⇒ **Committee Workshop:** Takes place at the Association Office, at 9:00 a.m., on Monday, September 15, 1997.
- ⇒ **Internet Pages:** [<http://www.ipo.org/>] ...is a home page that deals with the problems associated with copyright.
- ⇒ **Reminder:** For anyone who wishes to become a P. Surv., the deadline for Form U submissions is August 15, 1997.
- ⇒ **The written examination for admission as a P. Surv. will be held on Nov. 10, 1997.**
- ⇒ **SaskGIS'97:** Takes place at the Ramada Hotel Trade and Convention Centre, on Oct. 27-29, 1997.

- ⇒ www.cadastral.com/eph97.htm
- ⇒ www.autodesk.com
- ⇒ www.cadonline.com
- ⇒ www.cadastral.com
- ⇒ www.flatsurv.com

More Sites to see...

- ⇒ <http://radarsat.space.gc.ca>
- ⇒ http://infoweb.magi.com/~cadastre/www_site.htm

1996-97 Council

President



Max E. Putnam

Vice President



Patrick M. Maloney

Past President



Douglas A. Bouck

Councillors



Roy J. Pominville



Mike L. Waschuk



Robert J. Hillier



Robert P. Pattison

1997-98 Council

President



Patrick M. Maloney

Vice President



Robert A. Webster

Past President



Max E. Putnam

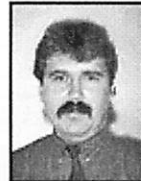
Councillors



Robert J. Hillier



Robert P. Pattison



Wayne J. Adams



Thomas W. Sansom



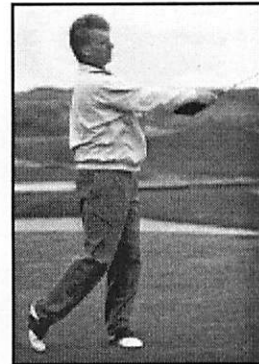
The Honourable Carol Teichrob brought greetings from the Province of Saskatchewan at the Opening Breakfast.



Councillor Herve Langlois brought greetings from the City of Saskatoon.



Stan Longson, President, ALSA



John Berghuis, President, ANLS



Paddy Brennan, cherished friend

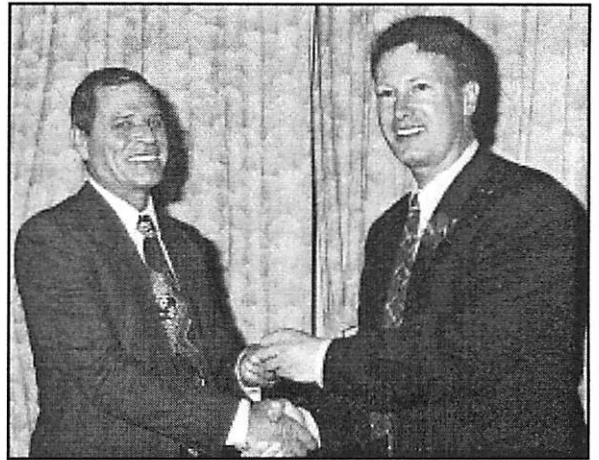


Valerie George, President, ANSLs

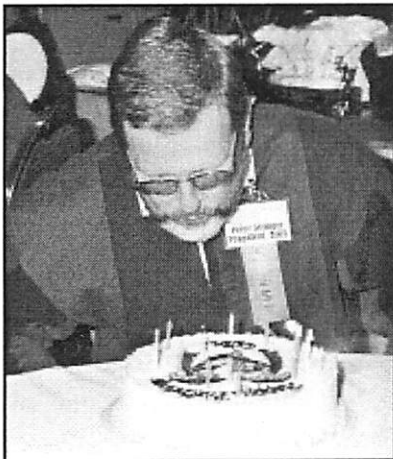
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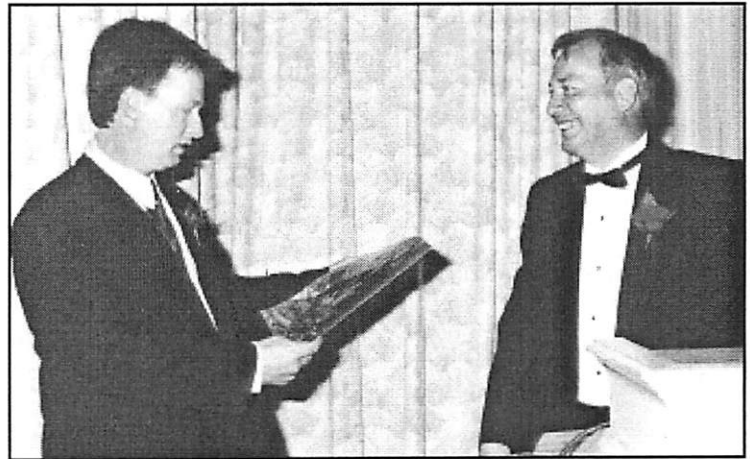
Dan Babiuk received his Life Membership Certificate



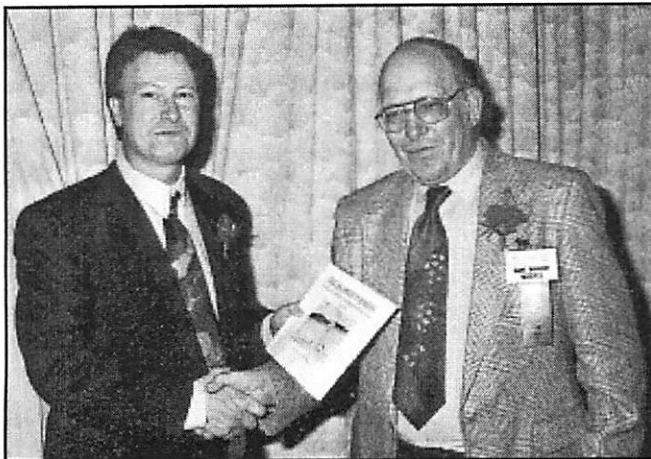
Ed Twarowski has been at it for 25 years!



Peter Stringer, President of the AOLS, celebrated his birthday with us.



Max received a beautiful gift from Grant Watson, President of the AOLS.



Carl Vendor, Editor of the 49th Parallel, (NDSPLS) also brought a gift for Max "No complaints here", says Max.



Barry George (accompanied Valerie George, ANSLs), had a stompin' good time.

Fair Compensation

by R. T. Hargraves, BCIS, as seen in *The Link*, April, 1997, Volume 19, No. 5

After spending the last year heavily involved in corporation business, I am now back to the real world of operating a land surveying business on a daily basis. Remaining competitive over the last few years has meant little or no increase in fees. Not to mention of course that these fees are usually below the "Guide to Fees for Professional Services" last published in August of 1994. This guide is prepared pursuant to Section 7(b.1) of the *Land Surveyors Act* and applies to jobs of minimum complexity. However, the quotes I have verified over the last few weeks undermine these low fees by twenty to fifty percent. The continuing education committee recently sponsored a Financial Management seminar. We learned that if we reduce our fees by twenty percent we must work twice as long to generate the same net income. So if we reduce our fees by fifty percent we must work...oh my god!

As private practitioners we face the fee dilemma every day. This is nothing new, and to a certain extent the law of supply and demand may govern. So what is the point you

say? The point my friend is very simple. We are allowing the downward spiral of economic pressure to ruin our profession. We will also ruin it for our children and so on down the line. The amount of work available to the land surveying community is a fixed quantity. I have never heard people say they will get a survey done just because fees are extremely low. During the cycles in our economy, some years are busier than others. However, we will never increase the amount of work by manipulating our fees.

The people who often use our services are having a field day at our expense. Literally and figuratively. They keep getting more work for less money. It appears that we may be providing professional service for a fee which, because of being unreasonably low, may lead to the diminishing of professional standards or performance. Private practise entitles us to charge a fee that is fair to the public and that provides reasonable compensation. Make no mistake; I am not advocating fraudulent or exorbitant charges.

Stop and think. Where are we going? Should we allow this relentless pursuit of the lowest price to drive us into the ground? I hope not. We are responsible professionals, and an integral part of society. Our work is important. We carry the liability that flows from our actions as a professional. We all have similar needs in this world. No one is exempt from the cost of living. By the way, when's the last time B. C. Hydro, B. C. Telephone or your dentist lowered their rates by twenty percent. Just remember, we are all in this together. Your best friend is your fellow land surveyor. If he prospers, you will too. In every deed and action, we must act as professionals and treat our customers with respect.

Next time a prospective client asks if you can do it for less, just say no, but thanks for asking. There should be no shame in accepting and expecting

FAIR COMPENSATION.

Biography

by Jack Webb, CLS, SLS (LM), MLS (Ret.), ALS (Hon. LM)



Colonel Albert Coleman Garner, DSO

Colonel Albert Coleman Garner, DSO, was born in Warwickshire, England. He moved, with his parents, to Canada in 1888. He completed his education and graduated as a Civil Engineer. In 1901 he worked with J. Brabazon, DLS and then articulated to W. T. Thompson, DTS, (surveying and engineering) from 1902 to 1907. After receiving his Dominion Land Surveyors' Commission in 1907 he was appointed District Surveyor and Engineer for the Department of Public Works, Saskatchewan.

He was in private practice with K. M. Crowther, DLS, SLS, from 1910 - 1912. The firm of land surveyors and engineers had offices in Regina (Dark Block) and the town of South Qu'Appelle, Saskatchewan.

Colonel Garner was a veteran of the South African War and World War I and was active in the military throughout his life. Enlisting in the Lord Strathcona Horse in 1900 he served for nearly two years in the South African War as a special scout. In 1901 he was severely wounded and returned to Canada.

In peacetime, while working, he served with the Canadian Light Horse from 1908 to 1913 and enlisted again for active service in 1914. He was appointed Adjutant with the 32nd Battalion and

promoted to Lieutenant Colonel in 1915, becoming the Assistant Director of supply and transport overseas. From England, he went on to France, in 1916 and commanded the 195th Regina Battalion. In 1917 he organized and commanded the 2nd Labor Battalion, then went on to command the 12th Battalion, a position he maintained until their return to Canada in 1919.

After the war he was to return home to his profession as Chief Surveyor, Saskatchewan and also to command various military regiments and brigades. On April 2, 1912, Colonel Garner was appointed Chief Surveyor of the Surveys Branch of Land Titles Offices and retained this position until his retirement in 1944.

Colonel Garner was very active in community work. He served on the town council of Qu'Appelle in 1911 and 1912 and was an active member of the Regina Town Planning Board for many years. He was a member of the Organizational meeting to create the Saskatchewan Land Surveyors' Association in 1910, becoming President from 1913 until November 1914, when he went overseas. At that time, Mr. W. A. Begg became President.

There was resentment from the Dominion Land Surveyors in private practice when Alberta and Saskatchewan formed their own Land Surveyors' Associations. Mr. Deville (Surveyor General), tried to smooth things over when he wrote:

"Dominion land surveyors had been put out of private business in the western provinces by the legislatures. That was, perhaps, unfair but they had to put up with it, for the provinces were within their rights."

On February 20, 1912, Colonel Garner added more fuel to the fire when he submitted a questionnaire for DLS convention discussions regarding a directive that only Dominion Land Surveyors could perform legal surveys on public lands. (Quoting from *Men and Meridians*;)

"Not for many years to come would the feelings of distrust and bitterness engendered by this jurisdictional dispute dwindle and finally disappear."

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Biography

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The annual report from the 1913 Saskatchewan Land Surveyors' meeting indicates the members were not teatotalers! There were 8 toasts during their annual dinner, as follows:

1. The King - W. M. Stewart
2. Provincial Legislature - by T. W. Brown
3. Civil Service - by H. G. Phillips
4. The Profession - by Mr. Moberly
5. Our Sister Associations - by A. C. Garner
6. Our Sister Institutions - by E. H. Phillips (I assume today we call them "sister/brother")
7. The Pioneer Surveyors - by W. T. Thompson
8. Our next annual meeting - by Fred V. Siebert (Fred also said: "I drink to the general joy of the whole damned table")

Today, we are lucky to toast the Queen!

There are many articles on file that were written by Colonel Garner covering many aspects of sur-

veying and surveyors. One excellent paper he wrote in 1913 is entitled - *Rights, Responsibilities and Judicial Functions of Surveyors*.

His interests, outside of the surveying and military life, included his participation in the Legion, Masonic Order, Royal Geographical Society, Canadian Authors Association, Engineering Institute of Canada, Canadian Institute of International Affairs, Boy Scouts (both Provincial and Federal) and other community organizations.

The Garner's had two sons and two daughters: Dr. Henry Garner in Moose Jaw, Donald in Los Angeles, Eleanor in England and Mrs. Jack Grant in Lachine, Quebec. (These names appeared in his obituary, 1961.)

Colonel Garner received his DLS in 1907, his SLS in 1910 and his ALS in 1912 and was made a life member of the Saskatchewan Association in 1958. ✱

*The two hardest things to handle in life are **failure** and **success**.*
-Unknown

A History of the Grid Road Legal Survey Program in Saskatchewan

continued from page 678

The proposed schedule was distributed and the surveyors were asked to indicate their willingness to carry out the surveys at the scheduled rates. Once the schedule was accepted the Department proceeded to issue contracts to the surveyors and the project commenced.

Over the years it became necessary to update the schedule of fees on a basis of negotiations between the profession and the Department. This is still being carried on as far as I know.

As in all government programs there have been ups and downs in the Grid Survey Program. In some years budget restraints have restricted the

amount of work done and in other years lack of survey effort has resulted in not as much work being done as might have been. I understand that some steps are being taken to try to reduce the backlog of uncompleted surveys, which has a serious effect on the Township Survey System, and I can only hope that this backlog does indeed disappear.

No doubt some changes will take place in the program as time goes on but I hope it will be as successful in the future as it has been in the past. As an indication of financial impact of the program it can be noted that from fiscal years 71-72 to 80-81 payments for surveys made were \$4,263,055.00. ✱

Newfoundland Adopts New Limitations Periods

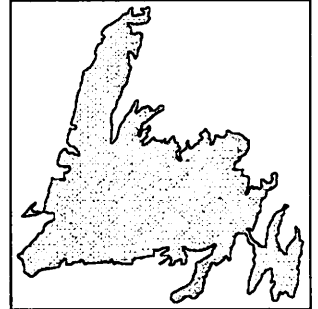
by Ronald A. Cole, P. Eng., LL.B., reprinted with the permission of *The Newfoundland Surveyor*

On April 1, 1996, the *Limitations Act* comes into force. This Act is important for engineers and geoscientists because it treats all professionals in the same way, and rids the law of major inconsistencies which presently exist. For instance under the old common law rule, the limitation for tort, or professional negligence if we may use a specific type of tort, was six years, but the time did not start to run until the damage was done. A design error may not come to light until twenty or thirty years after the initial error was made, but the six year time period would only start when the damage comes to light. Effectively, it was impossible to say if the limitation period had ever run with respect to

...it treats all professionals in the same way, and rids the law of major inconsistencies which presently exist.

claims on any specific project. Accordingly, errors and omissions insurance was difficult to price, and retired members had to live with the possibility that a long forgotten project may suddenly bear a law suit. On the other hand, some other professions, most notably in the medical field, had one or two-year limitations from the time of last treatment. This was found in some instances to be too short, as the limitation period may have passed before the patient realized that they had been negligently treated. Municipalities also had a shortened limitation period even though the services they provided to the public are engineering related. In short, the law was entirely inconsistent.

The new *Limitations Act* provides a standard two-year limitation period for professional negligence, negligence and breach of contract. There is a provision which can extend the limitation period for up to ten years. In circumstances where the client or injured person does not reasonably know of the breach of contract or negligence, then the two-year limitation begins to run when they knew or should have known that they have a cause of action, provided this is within ten years of the event. After April 1, if a design error comes to light immediately, the law suit must be started before the end of the second year; if a design error comes to light in year three, the law suit must be started before the end of year five (provided the client or injured can show year three was the earliest they could be expected to know of the design error); if a design error comes to light in year eleven, the action is absolutely barred.



To recap, there is now a standard limitation period for professional negligence, negligence and breach of contract. The limitation period is two years, with a ten year cap for when damages do not immediately appear.

Other highlights of the legislation:

The shortened limitations, for certain medical professions, and municipal governments, removed and the above principle apply.

The six year limitation for debt collections remains the same.

An action to recover land must be brought within ten years, previously it was twenty. This will, hopefully, aide people in rural areas greater ease in establishing title to land.

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Meet the Land Titles Management Team



From back to front, left to right, Back Row: Willard Larson - Deputy Chief Surveyor; Reg Heebner - Registrar, Moose Jaw Land Titles Office; Elwood Fuchs - Registrar, Battlford Land Titles Office

Middle Row: Judy Burnett - Manager of Operations - North, Property Registration Branch; Lyle Telfer - Manager of Operations - South, Property Registration Branch; Sam McNabb - Registrar, Humboldt Land Titles Office; Ron Karpinski - Registrar, Swift Current Land Titles Office; Morley Seis - Chief Surveyor; Ron Wilhelm - Registrar, Yorkton Land Titles Office; Diane Tremblay - Executive Secretary, Property Registration Branch

Front Row: Shirley Paterson - Manager of Support Services, Property Registration Branch; Kathy Hillman-Weir - Master of Titles, Property Registration Branch; Deb Hedstrom - Registrar, Prince Albert Land Titles Office; Faye Hall - Registrar, Saskatoon Land Titles Office; Beverly Bradshaw - Executive Director, Property Registration Branch; Deb McLean - Acting Registrar, Regina Land Titles Office ♣

Newfoundland Adopts New Limitations Periods

continued from page 689

The (provincial) Crown is subject to the new Act. Prior to April 1, 1996, the Crown could argue the passage of time did not effect its right to sue.

Existing civil law suits are not affected. All members should be aware that insurance and bonds may by contract have a shorter time frame to start an action. Only civil actions are governed by the new Act, the limitation periods for changes under the *Criminal Code*,

and provincial legislation, such as *The Occupational Health and Safety Act*, and disciplinary matters under the *Engineers and Geoscientists Act* are unchanged. If you have any questions, you should seek the services of a lawyer.

To retired, ready to retire members, and those taking over your practice, the new Act should make life a little easier. ♣

President's Report

continued from page 671

Saskatchewan Justice is proposing major changes to the Land Titles process with the LAND Project. This project will directly affect our membership, and I encourage all members to actively follow the progress of this initiative. As Land Surveyors we should be prepared to offer constructive criticism, and input to the LAND Committee through the Association office, or directly to Committee members. We are in a position to help lead the changes, rather than being led by them.

In closing I would like to wish everyone a healthy and prosperous summer. This fall many of you will be contacted to serve on an Association committee. It is my hope that you will willingly support our Association through committee work to ensure our continued success. ✨

You and other representatives of your organization are invited to attend

SaskGIS '97

Place:

Ramada Hotel
Trade and Convention Centre
Regina, Saskatchewan
Conference - Oct. 28 - 29, 1997
Workshops: Oct. 27, 1997

Organized by:

SaskGIS '97 Organizing Committee
c/o SPMC/Sask Geomatics Division
Regina, Saskatchewan
Phone (306) 787-4880
Fax (306) 787-4617

Notice to Candidates Interested in Membership as Professional Surveyors

- i) For applicants wishing to be admitted by January 15, 1998, submissions of Form 'U' must be received in the SLSA office not later than August 15, 1997. Subsequent applications must be received in the SLSA office not later than January 15 of each year.
- ii) Applications which meet basic statutory qualifications will be referred to the Admissions Board for Professional Surveyors (ABPS) for detailed review.
- iii) The ABPS will assess applications and notify the Executive Director of those who are qualified to take their professional examinations. For those who apply by August 15, 1997, this qualification report will be completed by September 15, 1997. In subsequent years, it will be completed by February 15 of each year. Subject to the approval of Council, the Executive Director will issue, at the earliest reasonable opportunity, Notices of Acceptance to all applicants who are qualified.
- iv) Applicants who receive a Notice of Acceptance will be required to submit a paper which demonstrates their area of expertise (approximately 10 pages, single spaced) at least 15 days prior to the date of their written examination. This paper will be graded as either acceptable or unacceptable.
- v) One written examination will be held at 9:00 a.m., at the SLSA office. It will be of one hour duration and it will be based entirely on the *Land Surveyors and Professional Surveyors Act and Bylaws*. The pass mark for this examination will be 70%. For applicants who apply before August 15, 1997, the written examination will be held on November 10, 1997. In future years the written examination will be held on a day between April 1 and April 20 to coincide with those set by the SLSA Board of Examiners.
- vi) Each applicant will submit to an oral examination, of approximately 1/2 to 3/4 hours duration, with the first such examination beginning at 10:30 a.m. on the day of the written examination. The panel for these oral examinations will consist of three to four members of the association appointed by the ABPS.
- vii) Applicants who applied prior to August 15, 1997 will be notified of the result of their examinations by mid December 1997. Applicants after August 15, 1997 will be notified by May 15 of the year in which they take their examinations.

SLSA Calendar of Events July, 1997 - December, 1997

JULY

	1 Canada Day	2	3	4	5
6	7	8	9	10	11
12	13	14	15	16	17
18	19	20	21	22	23
24	25	26	27	28	29
30	31				

URISA '97 35th Annual Conference - Toronto

AUGUST

	1	2	3	4	5
6	7	8	9	10	11
12	13	14	15	16	17
18	19	20	21	22	23
24	25	26	27	28	29
30	31				

P. Surv. Applicants: Form U submissions due today

3rd International Surveying/Mapping Users Conference & Exposition - San Jose, California

IKusasa "The Future" Conference of South African Surveyors - Durban, South Africa

Due: Submissions/Committee Reports for Council

SEPTEMBER

	1 Labour Day	2	3	4	5
6	7	8	9	10	11
12	13	14	15	16	17
18	19	20	21	22	23
24	25	26	27	28	29
30	31				

15 Committee Workshop at 9:00 a.m. Council Meeting #3 at 11:00 a.m. SLSA Office

22 First Day of Autumn

Deadline for Newsletter Submissions

OCTOBER

	1	2	3	4	5
6	7	8	9	10	11
12	13	14	15	16	17
18	19	20	21	22	23
24	25	26	27	28	29
30	31				

ALSA '97 Conference: High on Energy GIS/GPS Global Innovative Solutions - Calgary

13 Thanksgiving Day

31 Halloween

NOVEMBER

	1	2	3	4	5
6	7	8	9	10	11
12	13	14	15	16	17
18	19	20	21	22	23
24	25	26	27	28	29
30	31				

10 P. Surv. Applicants: Written Examination

11 Remembrance Day

DECEMBER

	1	2	3	4	5
6	7	8	9	10	11
12	13	14	15	16	17
18	19	20	21	22	23
24	25	26	27	28	29
30	31				

Annual Fees Notice will be mailed out

25 Christmas Day

26 Boxing Day

Deadline for Newsletter Submissions