

CLIENT CONTRACT AGREEMENTS*by J.M. Leitch*

In the past, far too many land survey projects have been undertaken without the benefit of a sound contract being established between the Surveyor and the Client. In many instances, the fault has been on the part of the Surveyor through squeamish ideas of "let's get on with the work and worry about the fee arrangements later". Unexpected contingencies often arise, disputes occur and these are harmful to the reputation of the Surveyor and the profession. Contract agreements should be made before the work is undertaken.

Frequently Surveyors are engaged to prepare plans for a proposed subdivision. Sometimes the Client does not own the property but the purchase is contingent upon approval of the plan. If the plan is considered premature by the Municipal Planning Board, then the client tries to evade the payment to the Surveyor. This has been done frequently in the past in the Toronto Area. It is often impossible to collect the fees for services rendered.

To find a method of ensuring that the Surveyor will be paid, I have discussed the situation with the Director of Legal Offices and the Master of Titles. A form of Agreement suitable for recording in the Land Titles Office has been developed by his office. This type of Agreement forms a "cloud" on the Title and no lawyer would allow the transfer of property while this remained on Title. The forms of Agreement and the Discharge of Agreement may be available at the Office of the Association in the future for a nominal charge.

The Registry Office Agreements are quite similar in idea, but as is commonly known, any form, properly identified, can be registered in the Registry Offices. For this reason, the Master of Legal Offices did not care to make a standard form for either the Agreement or the Discharge of Agreement.

The standard approved rates are shown in the Form of Agreement for standard land surveying practice. However, Land Surveyors often are engaged in planning the subdivisions as well as providing engineering services for the completion of the subdivision. The rates and terms of agreement for each operation not covered by land surveying should therefore be defined in the document.

Professional bodies such as the Engineers and Architects use agreements between the Client and themselves but this client contract agreement is a much stronger method of ensuring ultimate payment of accounts to professional men than any others so far devised.

Index to Advertisers

Thomas Pocklington Ltd.	Page 6
John Woods	8
Aga of Canada Ltd.	18
Carsen Instruments	19
Geodometric Surveys	22
Norman Wade Limited	23
James W. Stevenson and Company Ltd.	27
Instruments Limited	28
Burlington Steel Survey Stakes	28
Tellurometer Canada Ltd.	29