

THE EDITOR'S PAGEWelcome -- Northwestern Regional Group

We are glad to welcome the Northwestern Regional Group to the pages of THE ONTARIO LAND SURVEYOR. Howard M. Graham, Chairman of the Public Relations Committee, has contributed his first Group News report. We trust this situation will continue and the Group will be amongst our most loyal supporters.

Indexing and Filing Systems

Indexing of field notes has been a much discussed topic in the Regional Groups lately. Most of the discussions have been on indexing on the grand scale, for Group purposes. We wonder though, how much thought has been given to the matter of indexing and filing field notes in the individual Surveyors offices.

For the benefit of new members and older members who find their systems outmoded or cumbersome, we refer them to the article by E. W. Petzold, "An Indexing and Filing System for Surveyors", published on Page 7 of the January, 1960 issue of THE ONTARIO LAND SURVEYOR. Incidentally, where is the booklet on the subject, which we understand, a sub-committee of the Education Committee was asked to prepare?

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COMMITTEE REPORTS

REPORT OF COMMITTEE TO INVESTIGATE AND RECOMMEND
A FEE STRUCTURE FOR SURVEY INFORMATION AND A
PROCEDURE FOR THE DISPENSING OF SUCH INFORMATION

At the last general meeting of the South Central Group of Ontario Land Surveyors a motion was passed to the effect that this Group form a committee to investigate and solve the present procedure of charging a reasonable fee for survey information.

The Directors of the Group held a meeting on December 5th to consider the minutes of the last general meeting, and the following terms of reference were set up for the committee: "That this committee recommend to the Group a procedure to be followed and a fee structure to be charged for dispensing information obtained from field notes and survey plans."

The committee composed of W.F. Weaver, Chairman, H.D.G. Currie, C.W. Gibson, W.N. Wildman and G.T. Yates, held a meeting on December 30th, 1963, previous to which time each member was requested to submit a written brief relevant to the committee's terms of reference. Following the discussions held concerning the remarks of committee members, a draft report was prepared and presented to the members for discussion at a meeting held on January 13, 1964.

History

Section 4 (1) of The Surveys Act as now in force reads: "Every surveyor shall make and preserve exact and regular field notes of all his surveys and shall keep a proper record and index of all such field notes and shall exhibit or give copies of the same to any surveyor for a reasonable charge."

It should be noted that surveyors' plans are not specifically referred to and also that the exhibition of field notes or supplying copies thereof is restricted to a surveyor.

Item 5 of Article III of the Constitution of the South Central Group of Ontario Land Surveyors states: "To arrange for the freer exchange of notes and information between land surveyors."

The report of the Land Surveying Committee as contained in the 1946 O.L.S. annual report, reveals that among other questions, the following question was asked: "What can be termed a reasonable charge?"

The question was referred by the Chairman of the Land Surveying Committee to

Mr. W.S. Montgomery, solicitor for the Association, for a report. It is not intended to go into the report prepared by Mr. Montgomery in detail. However, it is considered advisable to draw the attention of the Group to the essence of the report dealing with this question and to make certain quotations from it.

- (1) That it first became law in 1849 for a surveyor to keep exact and regular journals and field notes of all his surveys and shall give copies thereof to the parties concerned when so required, for which he was entitled the sum of one dollar for each copy if the number of words did not exceed 400 words, and ten cents for each additional 100 words over and above 400 words.
- (2) In an amendment made to The Surveys Act in 1920 the reference to a fixed charge was deleted.
- (3) Quoting from Mr. Montgomery's report - "obviously the intention of the revision of 1920, striking out the fixed charge, was to get away from the charge which had appeared in the section since 1849 and substitute a standard of reasonableness for the legislature's own specific enactment. I think, however, that the charge formerly prevailing has to be looked at as the background of the amendment and that in the light of the background a charge of 10 dollars or 15 dollars would probably be looked on as excessive. A charge of 5 dollars under present circumstances (1946) would probably be held to be reasonable, and if the Association were to pass a by-law fixing a reasonable charge, it would probably never be questioned.

Problem 1

Is a surveyor entitled to make a reasonable charge for survey information of record in his office should he so desire?

The committee were unanimous in the opinion that the present legislation permitting a surveyor to exhibit or give copies of his field notes for a reasonable charge was justified. It was pointed out that surveyors did in many cases cause certain work to be performed for which no charge was made to a client in order to obtain fixed measurements to recognized legal points and to make other measurements or searches which were not particularly relevant to the survey required. This additional data is considered to be the surveyor's stock-in-trade, so to speak, and should be regarded as a valuable asset in the performance of any future surveys which may be made in the immediate area.

From discussion held in committee, it seems that a rather extensive free exchange of survey information exists at the present time among most surveyors in the Metro-Toronto area and that perhaps less than six surveying firms make a charge for survey information.

Problem 2

What is a reasonable charge for survey information?

By a majority vote, the committee considered that the charge made by some surveying firms amounting to 20-25 per cent of the total survey cost exceeded a reasonable charge and should be reduced. The following are the recommendations made by a majority vote of the committee:

That the basic principles of a fixed reasonable charge as laid down by the 1849 - 1920 legislation be used and that different values for charge under the following three categories be established: (a) Farm Land (b) Residential Land (c) Commercial Land (d) Selective Downtown-Toronto Commercial Area.

Unfortunately, the committee were unable to reach agreement by a majority vote, of a satisfactory method upon which values of charge, under the four categories could be determined.

The following suggested methods were discussed at length but were rejected as being

either unsatisfactory or impracticable:

- (1) a fixed charge for the first page of field notes copied and a reduced fixed charge for each subsequent page.
- (2) a flat rate for each page of field notes copied.
- (3) a fixed charge for each measurement copied, with a minimum charge.
- (4) a flat rate based on the O. L. S. Tariff for time spent in searching for survey data to be copied.

Problem 3

Procedure for dispensation of survey information.

The committee agreed unanimously to the following:

- (a) That securing all available survey information was the duty and the responsibility of the surveyor seeking such information.
- (b) That the general prevailing method of securing survey information was generally satisfactory, namely that surveyors or their assistants attend the office of the surveyor who possessed survey information and secure a copy of such information required at a time convenient to the surveyor who possessed the information.
- (c) That no particular problem existed.

W.F. Weaver, Chairman

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Self-examination, if it is thorough enough, is nearly always the first step toward change. No one who learns to know himself, remains just what he was before.

- Thomas Mann