



From the report of the Royal Commission Inquiry Into Civil Rights by the Honourable James C. McRuer.

"The traditional justification for giving powers of self-regulation to any body is that the members of the body are best qualified to ensure that proper standards of competence and ethics are set and maintained. There is a clear public interest in the creation and observance of such standards. This public interest may have been well served by the respective bodies which have brought to their task an awareness of their responsibility to the public they serve, but there is a real risk that the power may be exercised in the interests of the profession or occupation rather than in that of the public."

On Admission: **"We have made it clear that the power to admit a licensee is not conferred to protect the economic welfare of the profession or occupation. Those professions or occupations which have been granted self-governing status are charged with a responsibility not only to see that persons licensed are qualified, but that all qualified applicants are licensed."**

EDITORIAL

In response to a request to contribute to the new Ontario Land Surveyor, we have agreed to sponsor and edit a section called **"Law and Surveying"**. We will try to keep the profession up-to-date on matters of interest in this area and hope that you will use our **"Questions and Answers"** section to communicate your needs, ideas and beefs to us. In the editorial section we will attempt to provide information on new or obscure legal surveys concepts. We trust the first article on the general boundary concept of the Condominium Act will interest you.

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CONDOMINIUM AND GENERAL BOUNDARIES

When the Condominium Act was passed in 1967, a new type of survey plan which illustrates a variation of the general boundary concept was introduced into the land registration systems. This plan illustrates the Units, or saleable parcels, of a Condominium project.

The plans (description) of a Condominium are of two types.

One is a conventional precise, monumented legal survey plan of the exterior boundaries of the property. In the normal manner this plan shows and describes the monuments and illustrates the lines joining them with precise measured values. The second or new type of plan illustrates the private units which are offered for individual sale. The boundaries of the Units, as illustrated on the various Level sheets of the plan, are referenced to physical monuments, these being the structural walls and ceilings of the building. There is no attempt to give a precise location of these boundaries; the plan illustrates in a general way only, the size, shape and location of the Units within the building. The Units are illustrated from information shown on the structural plans and verified by the surveyor with measurements taken in the field. This is to ensure that they are constructed substantially (nearest foot) in the same shape, size and location as the structural plans call for. There must also be a precise word definition of the Unit boundaries on either the plan or in the Declaration. In other words, the monuments are precisely **named**, but not precisely **measured**. Because the monuments are walls and floors etc., their location on the property can be readily **seen**. The precise measured relationship is left unknown until it is needed.

The boundaries may be the centre line of the structural walls and ceilings, or the inner face of the block walls, thus the Unit is contained within these boundaries as evidenced by the physical monuments. The Units are then inextricably bound with the physical structures within which they exist. No one is dispossessed of part of his bedroom by misdescription based on division along theoretical planes. His ownership is fully enclosed by physical monuments, with security of tenure therefore ensured. In this way a precise definition of what constitutes a monument, with a general measured location serves all legal boundary needs except perhaps those who decide to litigate over some particular problem. The plan contains a precise definition of the boundaries, but only a general statement as to their location. It follows that such a "general boundary statement" can only be used where fixed 'building type monuments' control boundaries.

QUESTIONS AND ANSWERS

Q. **"Does the Condominium Act require conventional legal surveys?"**

A. No! Except for the survey of the development exterior boundaries, the Act introduces into Ontario (perhaps Canada), the concept of **"General boundaries"**. Ontario's approach to Condominium surveys is just about the opposite of Michigan. Particular care should be exercised before commencing the survey or preparing any plans. Condominium projects have been received by our office which contained many plan sheets that were not required and were unnecessary. A telephone call or visit can save you and your clients considerable time and money.

ACTION AND NEWS

Seminar

In co-operation with ASTTO and Association of Ontario Land Surveyors, we are planning a full day seminar on regulations and monumentation. Mark your calendar for July 25, 1970; details of arrangements will follow. We plan to complete our integration of all regulations affecting Land Registration into one comprehensive set. Our aim is to simplify the regulations and re-write them in a form that encourages their use rather than submerging the practitioner in volumes of legal gobbledygook. We will need your help and July 25 is the day to give it.

In the afternoon we plan a panel of specialists who will attempt to stimulate you in small groups into creating a solution to the monumentation problems of our Province. The absurdity of carefully planting monuments in front of a moving bulldozer is apparent to all of us — O.K. then, this is the day to try and develop a legally acceptable alternative.

Law Reform Commission

As you know, this Commission is studying Land Registration, including surveying. Latest word is a first report April or early summer.

Land Titles Act

A recent amendment will permit the development of new forms of mapping by compiling the latest office, ground and air techniques into a legally acceptable land titles map — one experimental project is underway in the Town of Massey — details and conclusions are expected by summer.