



EDITORIAL

Enclosed with this issue of *The Ontario Land Surveyor* is a copy of an address delivered at the C.I.S. Annual Meeting in Halifax in April of this year. The address was prepared in response to a request from the Programme Chairman to comment on the basic problems of land registration and legal surveying. After some deliberation, I came to the conclusion that there is only one real problem facing the land data institutions and that problem is no less than the future itself. There are many areas of land registration and legal surveying which demand examination and revision, but these merely become components of THE problem. The resolution of each separate component would appear to be a major accomplishment, but it is essential to notice their interdependence and the relationship of each component to the whole.

The following is a brief summary of what the paper suggests are the five most essential elements of a new and dynamic land data system:

Stage 1 Redefinition of the Surveyor's public trust, responsibility and professional destiny. Is this the opportunity to restate in clear terms our professional status and through a profound commitment to public service and the highest possible degree of competence, emerge in the forefront of professionalism?

Stage 2 A comprehensive re-organized Profession. The mapping and measuring community exists as stratified and segregated neighbourhoods. The left hand is measuring electronically, the right hand photogrammetrically with little understanding or communication between them. The Geodesist, who may well provide the necessary cohesive element is currently thought of as a different breed of survey animal remote from the legal aspects of the profession. The paper proposes that we gather together all professional surveyors in one single organization. I suggest that our alternative to living and participating in such an integrated community is to drift to the backwaters of surveying and end up with great historical, but little legal, significance.

Stage 3 Government re-organization to provide for a single independent commission responsible for:

- (a) Land registration;
- (b) Land assessment;
- (c) Surveying.

The overlapping of programmes and duplication of effort among governmental surveying and mapping agencies is unjustifiable from the administration, production and financial standpoints.

The paper suggests a co-ordinated approach to governmental surveying and mapping, with land assessment and registration providing the financial basis for operation.

Stage 4 A basic review of land registration and surveying principles and techniques. In the age of Aquarius we embrace the procedures of the past. The address touches on title systems, adverse possession, co-ordinates, positional accuracy, a new look at monumentation, planning principles, graded surveys and ortho-photos.

Stage 5 Re-organization of survey education to include a Department of Geodetic Science in an Ontario university. What have we now? What will we need — in Ontario — in Canada? The text looks into the ramifications of university training and the commitment made by the Association.

The paper represents the view of surveying as it looks from my position; there will, of course, be many other valid views. It is predictable, however, that by the time we get around to solving many problems, the circumstances and needs of the situation will have changed. Perhaps all that is important, is that we become aware of and recognize our survey responsibilities and carry on a dialogue that can lead to solutions. In my view, if there is something wrong with our speciality, we should be the first ones to recognize it, and should be the ones to initiate the changes to correct it. If the paper helps to create the dialogue, it will have achieved its purpose. Your comments are invited.

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QUESTIONS AND ANSWERS

The following question has been submitted by a reader from south western Ontario:

Q. Solicitor requests surveyor to prepare description of several lots on a registered plan together with part of a closed alley. Description prepared without benefit of sub-search. Closed alley subsequently found to be a block on a registered plan and consequently transaction using new description was not registered against proper abstract. With whom would liability rest in the event of an action for damages?

A. In our view, in the absence of specific written instructions that a sub-search was not required, the surveyor was placed in the position where he was expected to apply his special knowledge and skills, and, therefore, he owes a duty of care to those who are closely and directly affected by this work apart from any contract or understanding in that behalf. By its nature a legal description demands accuracy in its definition of the underlying fabric as well as its extent. Thus, the failure to sub-search the title might incur liability if the courts were to decide that the exercising of reasonable skill and care by the professional would anticipate a sub-search.

It is felt that to adequately protect oneself from liability under the given circumstances a description should be qualified by advising that it was not proven by sub-search.

QUOTABLE QUOTES

**Change is but the seed of change
Discovery an unfolding.
Goals are set but to be passed
The present not for holding;
Progress is no accident
T'is gained to the degree
That heed is taken of its stem
Its strength — necessity.**

Malcolm Hanson

ACTION AND NEWS

Seminar

The proposed seminar on regulations and monumentation outlined in the April edition of *The Ontario Land Surveyor* has been re-scheduled for October, 1970 due to accommodation difficulties. Everyone will be notified of the exact time and place.

We hope that the section on monumentation in the paper presented to the C.I.S. convention will form a basis for review of existing monumentation requirements.

Law Reform Commission

No report as yet from the Commission on Land Registration and the survey implications flowing from it.

Staff Changes

Dan Ogilvie has resigned as Assistant
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Law and Surveying

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Examiner in our Sudbury office to go into private practice with Lane and Lane, Ontario Land Surveyors of Sudbury. Good luck, Dan.

John Keating has been transferred from Kenora to Sudbury. John is one of the original employees of this Division.

In this same issue of the Quarterly is an ad to fill the position vacancy in our Kenora office.

Experimental Projects

Massey — planimetric maps are now being prepared by the photogrammetrists and should be ready for The Boundaries Act and cadastral overlay by mid-summer.

Lion's Head — plans are being drafted. On completion we will make a report to the surveying profession as to the success and future implications.