



EDITORIAL

PLAN EXAMINATION

In April 1972 the Property Rights Division of the Ministry of Consumer and Commercial Relations was created with four supporting branches. One of these branches is the "Legal Surveys Branch" and has as its objective the following:—

"To develop and administer within the Land Registration Systems, quality control and remedial programs for legal surveys, plans and descriptions, to provide a stable and ascertainable definition of location and boundaries, for all patented land in Ontario."

The Legal Surveys Branch then, is responsible for the quality control of all surveys, plans and descriptions entering the Land Registration Systems whether under The Land Titles Act or The Registry Act. Over the last several years there have been slightly more plans under The Registry Act enter the Registration System than under The Land Titles Act. Bill 210 being an amendment to The Registry Act provides,

- (a) **Under Section 30:** that in those areas where Land Titles is available any area of land being subdivided must first be brought under The Land Titles Act; and,
- (b) **Under Section 31:** that except in certain extenuating circumstances any severance of land to be registered under The Registry Act must be by reference to a reference plan of survey.

Thus organizational changes together with these statutory amendments will have the effect of increasing plan volumes. Ontario Government budgetary constraints preclude major increases of staff to handle the new work.

Among the moves we have made to meet this expanded area of responsibility and to handle the increased plan volume, we have recruited additional examiners, appointed regional surveyors and will alter our plan examination procedures. The examination of plans to be registered or filed under The Land Titles, Certification of Titles, Boundaries and Condominium Acts will continue, as in the past, to be carried out by Legal Surveys Branch personnel. We intend to speed up, and to alter our approach to the examination of these plans, in part, so that we can make time available for the assistance and instruction of the staff of the various Land Registrars in the area of surveys, plans and descriptions, under The Registry System. We will submit these plans to what we will call a "**submission analysis**" type of examination. This approach is based on the supposition that the work of the vast majority of Ontario Land Surveyors is of a high quality and through careful monitoring can be relied upon. In the past we have given all plans the same kind of detailed in-depth analysis; in effect applying the methods appropriate to poor quality or substandard plans and surveys, "**the bottom 10%**, to all plans; thus in a way penalizing the good surveyors by delaying or bringing to a mean the time involved in all plan approvals.

Under "**submission analysis**" we propose to analyze all plan submissions based on our professional experience and based also on our knowledge of and past experience with the surveyor submitting the plan. This monitoring should, within approximately 30 minutes, result in either the plan being approved or the decision that the submission is sub-standard. In these cases the plan will be forwarded to a special section set up in our central office in Toronto where it will be given a detailed, in-depth examination resulting likely in detailed requisitions to the surveyor.

With our aim of providing a speedy service we have requested surveyors to provide searches and copies of underlying and adjoining plans when each plan is submitted. This requirement applies to all plans submitted, covering any lands registered under The Land Titles Act (this includes for instance, Sault Ste. Marie, County of York or Ottawa, where we have resident examiners), but does not include submissions of plans for lands under The Registry Act. This will enable our examiner to make his complete examination when he opens the envelope from the submitting surveyor, thus reducing the time involved for each examination.

Those submissions which are correct and of high standard with respect to the submitted plan and complete in respect of searches and underlying and adjoining

plans will result in fast approval. Those submissions which are incomplete or incorrect (i.e. of low quality) will be sent to Toronto for detailed plan examination. In addition we intend to develop a profile on those surveyors submitting substandard work. When it begins to appear that particular surveyors are consistently sending in substandard work, we will make our files available to the O.L.S. Professional Standards Committee who, after investigation, will deal with the O.L.S. Complaints Committee and ultimately, if necessary, the O.L.S. Discipline Committee.

Our approval of a plan for acceptance in either registration system does not imply responsibility for the correctness of the survey or plan. That a survey and plan are in accordance with The Surveys Act, The Land Titles Act, The Registry Act and the Regulation always has been and is the sole responsibility of the submitting surveyor. Our approach to quality control and plan examination is designed to place maximum emphasis on the professional responsibility of the survey community.

Quality control and examination of plans registered or deposited under The Registry Act will, in most instances, be carried out by the personnel of the various Land Registry offices. This examination will occur prior to the plans crossing the counter to become a part of the records of the Land Registration System. We will assist, instruct, monitor and guide the staff of the Land Registrars in these Registry Act plan examinations.

In addition, we plan that our own Legal Surveys Branch staff will, as a matter of routine, personally carry out an in-depth examination of Registry Office plans chosen on a random basis, perhaps trying for at least one plan per surveyor per year. These examinations would be carried out after registration or deposit and again if a pattern of poor work began to develop, we would refer the matter to the O.L.S. Professional Standards Committee. Depending on the work volumes that develop we hope also to be able to carry out field examinations of some of the surveys done for these Registry Act plans. We will, of course, continue to make field examinations as we have in the past of all plans under Land Titles First Application, The Certification of Titles Act, The Condominium Act and The Boundaries Act.

We believe that our new approach to plan and survey quality control will confirm that the vast majority of surveys, plans and descriptions entering the Land Registration Systems are of a high professional standard, of which the Association of Ontario Land Surveyors can be justifiably proud.

— Colin D. Hadfield,
Director