

National Exams May 2016

04-Geom-B5

3 hours duration

NOTES:

1. If doubt exists as to the interpretation of any question, the candidate is urged to submit with the answer paper, a clear statement of any assumptions made.
2. This is a CLOSED BOOK EXAM. **NO** calculator is permitted.
3. NINE (9) questions constitute a complete exam paper.
4. Most questions require an answer in sentence and paragraph format. Clarity and organization of the answer are important.

04-GEOM-B5, Survey Law

1. The measuring and marking out of boundaries was and is an essential element of the ordered settlement of Ontario.
 - a. Explain how and why the phrase “more or less” is used in the descriptions of land? (5)
 - b. Is the phrase “more or less” still relevant when retracing a Plan of Survey showing NAD83 coordinates? (5)
2. The Original Township Surveys in Ontario were conducted under “Instructions” from the Surveyor General. Over time these Instructions changed such that we have 18 Survey Systems in Ontario. Name two of the Survey Systems and in each case provide a sketch showing the lines run and the location of monuments set. (10)
3. A property that abuts a body of water may be referred to as a riparian or non-riparian parcel.
 - a. What factors determine which condition applies? (5)
 - b. How are the boundaries of the parcel affected? (10)
4. In an Ontario Land Registry Office survey plans are either Registered or Deposited. Are the boundaries and the evidence thereof, such as iron bars, of equal, greater or lesser significance on these two categories of plans? Explain why. (10)
5. Land Registrar’s Compiled Plans (LRCP) are found in most Land Registry Offices. How does this type of plan affect title and boundaries? (5)
6. The Expropriation Act allows certain authorities to acquire an interest in a parcel of land.
 - a. What rights, title or interests can be expropriated? (5)
 - b. Describe in point form the procedure to be followed to effect an expropriation. (10)

7. In a prominent historical case you will read that the Chief Justice says “.... and the original posts or monuments not being in existence, and there being no direct evidence as to their position, some other mode of ascertaining the boundaries of the lots must be resorted to and in such a case the best evidence is usually to be found in the practical location of the lines made at a time when the original posts or monuments were presumably in existence and probably well known.” How do we apply this principle to current surveys? (10)
8. The legal entity known as a “road” can be created by several methods. Name and describe the five most common methods. (10)
9. As appropriate explain the following terms or phrases by providing a definition, an example, and/or an application. (15)
 - a. Save and except
 - b. Parcel Register
 - c. Crown Land Plan
 - d. High water mark
 - e. Shore Road Allowance

Total 100 marks

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Marking Scheme

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1. (a) 5 marks; (b) 5 marks;
 2. 10 marks
 3. (a) 5 marks; (b) 10 marks;
 4. 10 marks
 5. 5 marks
 6. (a) 5 marks; (b) 10 marks
 7. 10 marks
 8. 10 marks
 9. 5 at 3 marks each (15 marks)
- total 100 marks