

National Exams May 2014

04-Geom-A6 Cadastral Studies

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. Four (4) questions constitute a complete exam paper. The first four questions as they appear in the answer book will be marked.
4. Each question is of equal value. Please be sure to read all five questions and select only four to be answered by you.
5. All questions require an answer in essay format. Clarity and organization of the answer is important.

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Question:

- 25% 1. In conducting a survey to retrace a boundary, a cadastral surveyor is expected to conduct research and evaluate the evidence in order to arrive at an opinion as to the location of a boundary. If it later turns out that the surveyor's opinion was different from what a court has decided, does this mean that the land surveyor has been negligent? Please explain your answer by referring to any legal principles or case law.
- 25% 2. Please explain the difference between a system of land ownership registration based on title and a system of land ownership registration based on deeds. What are three key differences between the two?
- 25% 3. Do land surveyors "make" boundaries? Please explain your answer and give one example of a "yes" answer to this question and also one example of a "no" answer to this question.
- 25% 4. Explain the difference (if any) between "survey fabric", "parcel fabric", and "boundary fabric".
- 25% 5. In a book authored by Gerhard Larsson almost 25 years ago called "Land Registration and Cadastral Systems" he wrote at page 9,

“Delimitation is thus closely linked to the development of property rights. Real property rights can be seen not only as a means of securing exclusive control of resources within a given area, but also as a method of protecting resources or investments. If hunting or grazing in an area is open to everyone, there will be a risk of overhunting or overgrazing. Restricting such activities is, therefore, the owner's first step; he might follow this up with constructive measures – improving the hunting or fishing conditions, facilitating grazing by digging wells, etc. Such measures will seldom be undertaken if the owner himself does not retain the right to enjoy the fruits of his activities. In this sense the establishment of real property rights is an effective means of stimulating the development of land.”

Please discuss this quoted paragraph in terms of whether or not it correctly describes the phenomenon known as "tragedy of the commons" and "the enclosure movement". In particular, do you agree or disagree that property rights can only develop or flourish if delimitation takes place? Is the converse also true, namely, that the development of real property rights inevitably leads to more delimitation?

End of examination.