

National Exams May 2014

04-Geom-B5, Survey Law

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.
3. Twelve (12) questions constitute a complete exam paper.
The first twelve questions as they appear in the answer book will be marked.
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. Name and explain the primary sources of Real Property Law in Canada. (6)
2. Explain the key elements of law that are required to create an “easement” right. (6)
3. In Ontario the Land Registry Office records the ownership of land and assigns each property a quality of title. Name and explain the qualities of title that could be assigned. (8)
4. “Water boundaries are ambulatory.” Explain how a surveyor interprets and applies this concept and how it affects the property. Provide at least one sketch, to illustrate your answer. (8)
5. The legal entity known as a “road” can be created by several methods. Name and describe the four most common methods. (8)
6. In the 1880s, Michigan Justice Cooley stated, “ The question is not how an entirely accurate survey would locate these lots, but how the original stakes located them.” Explain this quote and how we apply this legal principle during a survey. (5)
7. Under what circumstances would you apply these principles of retracement; (a) Proportioning and (b) Priority of Severance. Use sketches to illustrate your answer. (6)
8. The Ontario Land Titles system does not guarantee that “the description of the property matches the boundary”. Explain this statement. (5)
9. A Reference Plan in Ontario shows NAD83 coordinates on the four property corners that are also “marked” by iron bars. A subsequent retracement is being performed. Explain how the hierarchy of evidence would be used in the retracement and how the NAD83 coordinates would rank in that hierarchy. (7)
10. Name and describe the primary real property elements of a Condominium. (4)
11. 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 3 of the Survey Systems and in each case provide a sketch showing the lines run and the location of monuments set. (9)
12. As appropriate for the following terms or phrases provide a definition, an example, and/or an application to explain the phrase or term. 7x(4)= 28
“Save and except” navigability trespass road
“more or less” Riparian property Original Plan
Designation Plan

100 marks