

**ASSOCIATION OF CANADA LANDS SURVEYORS - BOARD OF EXAMINERS
WESTERN CANADIAN BOARD OF EXAMINERS FOR LAND SURVEYORS
ATLANTIC PROVINCES BOARD OF EXAMINERS FOR LAND SURVEYORS**

**SCHEDULE I / ITEM 7
CADASTRAL STUDIES**

February 2001
(1990 Regulations)
Closed Book)

This examination consists of 19 questions in 2 sections on 4 pages

Time: 3 hours

SECTION I - Multiple Choice

Thirteen questions. Each question is worth 3 marks, for a total of 39 marks.

<u>Q. No.</u>		<u>Marks</u>
1.	Which of the following is the correct designation of the parcel near Medicine Hat, Alberta, that is described as: The northwest quarter of section (9), Township Thirteen (13), Range Five (5) west of the Fourth Meridian? a) NW-9-13-5-4 b) NW-9-13-4-5 c) 4-5-13-9-NW d) 5-4-13-9-NW	3
2.	The FIG Statement on the Cadastre identifies several important types of land tenure or real property which are identified in most cadastral systems. They are: a) absolute ownership, fee simple, leasehold, mortgage, condominium b) fee simple, easement, right of way, group rights, other servitudes c) ownership, lease, easement, mortgage, communal rights, other rights d) fee simple, joint tenancy, tenancy in common, life estate, easement, mortgage, lease	3
3.	In the DLS system, which of the following would not have been used to mark a corner? a) wooden post b) squared tree c) four pits and mound with wooden or iron post d) circular trench with wooden or iron post	3
4.	Descriptions of land often refer to registered plans. The advantages of this include: a) the size of the parcel is guaranteed by the plan measurements b) boundary marks can be more easily found as the plan will require each corner to be so marked c) visual inspection and resurvey of the parcel will not be required for each new transaction involving the parcel. d) none of the above	3
5.	"A group of Experts meeting under the auspices of the United Nations in Indonesia came up with the 1996 Bogor Declaration. Which of the following statements best describes the congress?" a) The meeting was a response to the problems of land management and environmental protection as stipulated in the Global Plan of Action for HABITAT II. b) The meeting brought together experts in land management from Europe and the Commonwealth and was dominated by contingents from the Asia-Pacific region.	

	<p>(Question 5 continued)</p> <p>c) The meeting was a response to the recommendations contained in Agenda 21.</p> <p>d) The meeting dealt with recommendations arising out of the United Nations Conference on the Environment and Development (UNCED), the "Earth Summit", in Brazil in 1992.</p> <p>e) The meeting was driven by the need to address pressing environmental, social and fiscal concerns of the less-developed nations, arising out of the United Nations Conference on the Environment and Development (UNCED), the "Earth Summit", in Brazil in 1992.</p> <p>f) a and d</p> <p>g) a, c and d</p> <p>h) c and e</p>	3
6.	<p>The fundamental land management institution in Canadian society has been a system of tenure:</p> <p>a) based on private ownership of resources</p> <p>b) that has focused decision-making powers in the hands of the individual land owner</p> <p>c) that is evolving to include increased government regulation</p> <p>d) a and b</p> <p>e) b and c</p> <p>f) a, b and c</p>	3
7.	<p>A land surveyor's practice is governed by the:</p> <p>a) laws of government (federal, provincial and municipal)</p> <p>b) professional association of the appropriate jurisdiction</p> <p>c) needs of his client</p> <p>d) a and b</p> <p>e) a and c</p> <p>f) a, b and c</p>	3
8.	<p>In the Canadian Land Titles systems, the principle of indefeasibility of the registered title derives, originally, from the fundamental principle of the Torrens-type systems:</p> <p>a) to verify the root of title and to maintain the priority of registered documents</p> <p>b) to conclusively represent the ownership of every parcel on record and to remove the need to check behind the register of title</p> <p>c) to prevent forged and incorrect documents from entering the system to the detriment of an innocent purchaser for value</p> <p>d) to guarantee that the priority of interests is based on the date of registration of the instrument and not on its date of execution</p> <p>e) to maintain the integrity of recorded instruments by defeating those not meeting the criteria for equitable redemption</p>	3
9.	<p>In a typical modern land titles system, records of ownership are linked to information on valuation, land use, taxation, etc. What kinds of information which also affect land may not necessarily be reflected in the cadastral record?</p> <p>a) zoning regulations</p> <p>b) statutory rights of expropriation</p> <p>c) public health prohibitions in certain areas</p> <p>d) restrictions on building height due to air traffic</p> <p>e) environmental contamination on site</p> <p>f) all of the above</p> <p>g) a, c and d</p>	3

10.	<p>Land tenure is best described by the following statement:</p> <ul style="list-style-type: none"> a) 'tenure' derives from the Latin word for patron, implying the protection of property for the benefit of another b) the doctrine of tenure in the English law developed from the time of the Norman Conquest when land was scarce and had to be protected and, hence, 'held onto' c) 'tenure' derives from the Latin word for 'hold,' and originally described various relationships between landlord and tenant in feudal England d) rent payments for land in feudal England required military protection to ensure that large estates were not fragmented into small uneconomical 'holdings' 	3
11.	<p>Which of the following best summarizes the juridical aspect of the cadastre?</p> <ul style="list-style-type: none"> a) the recording of legal rights attached to the land, including the owner's name, the nature of his interest in the land, and a legal description of the land b) the recording of judicially accepted rights, including the current legal description of the parcel c) a record of the adjudicated boundary sanctioned by the courts as the conclusive record of ownership d) the archival material relating to ownership which is attached in a judicious manner to the legal database within a land-related information system 	3
12.	<p>Which of the following best illustrates the difference between liability in contract and liability in negligence?</p> <ul style="list-style-type: none"> a) A land surveyor is liable for certain consequences if he fails to complete a survey for which he signed a written contract, but he is not liable in respect of a non-completion of work which was initiated simply by a phone call and no written document. b) Where a land surveyor complies with the ordinary standards of the profession (i.e., he works prudently, properly and reasonably just as any other surveyor would) and a mistake occurs in the work, he may not be liable in negligence. However, he may be liable in contract if he failed to complete a task expressly required by the contract. c) Liability in negligence is considerably less damaging to a firm's reputation than liability arising from non-completion of items of work specified in a written contract. d) A surveyor who, without ill intent, overlooks certain requirements specified in his province's Land Survey statute cannot be accused of negligence. 	3
13.	<p>Survey systems other than the DLS system are used in other parts of Canada. Which of the following statements best conveys the distinction between DLS townships and the township surveys of Ontario?</p> <ul style="list-style-type: none"> a) The exterior boundaries of early Ontario townships are run in the cardinal directions and, reflecting great foresight for prospective difficulties in retracement, were all marked with steel posts. b) The DLS survey fabric is controlled by magnetic, rather than astronomic, directions and consequently contains many jogs and correction lines unlike the later Ontario systems. c) The DLS 'point-line' definition of surveyed boundaries is well-suited to flat country, such as in the Canadian prairie but would be difficult in Ontario owing to its varying, and often hilly, terrain. d) The Ontario systems, by and large, due to the abundance of forest cover, could not depend on a 'point-to-point' definition of surveyed lines and typically require that lines not run in the original survey be run on a 'governing bearing.' 	3

Sub-total marks: 39

SECTION II - Short Answer

Six questions. Each question is worth 10 marks for a total of 60 marks

14.	What is the ratio decidendi of the Privy Council decision of <i>South Australia State v. Victoria State</i> ?	10
15.	Define the following terms: a) fiscal cadastre b) encumbrance c) land tenure d) covenant e) adverse possession f) escheat g) mortgage h) juridical cadastre i) colour of title j) mechanics lien	10
16.	Explain the six 'Statements on Cadastre 2014' reported by Kauffman (1995).	10
17.	"The role of the professional land surveyor, in cooperation with allied professionals, may be seen as providing the physical, social and institutional information necessary for the allocation, development and conservation of man's land resources." Discuss.	10
18.	Discuss the legal principle from the 1964 Appeal Court case of <i>Hedley, Byrne v. Heller</i> .	10
19.	Describe in detail three types of freehold estates.	10

Total Marks: 99