

**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 II / ITEM 3  
SURVEY LAW**

**March 2004**

**Note: This examination consists of 9 questions on 1 page.**

**Marks**

**Q. No**

**Time: 3 hours**

**Value   Earned**

1	Discuss Limitations of Actions and why and how the courts impose them.	6	
2	If there is an error or a misclosure in a metes and bounds description, how do you proceed to establish the boundaries by survey?	5	
3	Through a long history of decisions, the courts have established the hierarchy of evidence to be considered by a land surveyor when re-establishing boundaries. In alphabetical order, the categories are: <ul style="list-style-type: none"> <li>• Fences or possession which can reasonably be related back to the time of the original survey;</li> <li>• Measurements;</li> <li>• Natural boundaries;</li> <li>• Original monuments.</li> </ul> Place these in the order of hierarchy, give reasons for your choice and give examples of each.	8	
4	Discuss the characteristics of and criteria for adverse possession and prescription. What are the differences between them?	10	
5	What are the guiding principles to be followed when re-establishing lost or obliterated boundaries?	8	
6	There are several old court cases that have, over many years, given guidance to the courts with respect to natural boundaries. Some, for example, are: Clarke v. The City of Edmonton; Howard v. Ingersoll; British Columbia v. Neilson; Esson v. Mayberry; Lee v. Arthur; Rotter v. Canadian Exploration Ltd. There are several others. Outline the substance of one of these cases or another case and discuss what effect it has had on the way we treat water boundaries.	15	
7	In Québec, by statute, a land surveyor acts as a public officer for some of his or her duties but is not a public officer when performing other duties. Distinguish the difference and discuss your views on whether land surveyors in other jurisdictions also act as public officers and, if so, when.	12	
8	How are boundaries created? Give examples.	10	
9	Provide brief definitions for the following terms: <ol style="list-style-type: none"> <li>1. Ordinary high water mark</li> <li>2. Quit claim</li> <li>3. Avulsion</li> <li>4. Escheat</li> <li>5. Servient tenement</li> <li>6. Riparian</li> </ol> <ol style="list-style-type: none"> <li>7. Caveat</li> <li>8. Equidistant principle</li> <li>9. Bornage</li> <li>10. Right of reverter</li> <li>11. Statutory right of way</li> <li>12. Estoppel</li> <li>13. Ad medium filum aquae</li> </ol>	26	
<b>Total Marks:</b>		100	