

**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

March 2006

SURVEY LAW

Note: This examination consists of 10 questions on 1 page.

Marks

Q. No

Time: 3 hours

Value Earned

1	What are the ways in which a highway or road may be dedicated?	7	
2	Describe “opinion evidence as an exclusionary rule” and discuss why it is admitted when tendered by an expert witness.	10	
3	The nature and limits of jurisdictions and property rights related to water depend on how the law classifies the water concerned. Give five examples of such legal categories and describe how property rights might be affected by them.	15	
4	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	
5	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: a) Fences or possession which can reasonably be related back to the time of the original survey; b) Measurements; c) Natural boundaries; d) Original monuments. Place these in the order of hierarchy, give reasons for your choice and give examples of each.	8	
6	How are boundaries created? Give examples.	10	
7	An Act of the British Parliament gave the Crown in right of Canada ownership of lands for certain purposes. Name the statute, give the year of enactment and name three of those purposes.	10	
8	In Québec, by statute, a land surveyor acts as a public officer for some of his or her duties, however, 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.	10	
9	What statute applies to the removal, damage or destruction of survey monuments? Describe the provisions of the statute.	5	
10	Give brief definitions of the following terms: a) Right of Reverter b) Allodial title c) Dominant tenement d) Estoppel e) Ordinary high water mark f) Prescription g) Adverse possession h) Bornage i) Avulsion j) Meander line	20	
Total Marks:		100	