

Canadian Board of Examiners for Professional Surveyors
Core Syllabus Item
C 8: CADASTRAL STUDIES

Study Guide:

In answering these questions, candidates should make references to texts, cases and other materials where appropriate in the same manner as is done in *Survey Law in Canada* and in *Geomatica*.

In some instances, references are not included with a question. In those instances, the candidate should assume that the question asks them to synthesize from several of the reference material.

Sample Questions:

Q1. Discuss the concept of real property and how Canadians (both in Common Law jurisdictions and in Quebec) own rights to it.

Q2. Discuss the process of transferring rights to real property.

- a. Distinguish between freehold and leasehold estates. Explain the similarities and essential differences between them.
- b. Explain the difference between a tenancy in common and a joint tenancy.
- c. Give an example of how several persons might own rights to the same parcel at the same time.
- d. Explain the Civil Law concept of hypothec.

See Survey Law in Canada Chapters 2 and 10 and Honsberger or Ziff for material on these questions.

Q3. Distinguish between different land registration systems in use in Canada and identify and compare their components.

Q4. Discuss the link between land registration systems and boundaries.

- a. List and explain three differences between a registration of title system and a registration of deeds system.
- b. Registration of titles systems do not claim to guarantee boundaries. Discuss whether you believe such a guarantee might be possible in Canada.

See Survey Law in Canada Chapter 3 for material on these questions.

Q5. Discuss and compare the different forms of descriptions of land.

- a. Explain what a metes and bounds description is and what the purpose of such a description is.
- b. Discuss the merits of having parcel descriptions refer to a registered plan as opposed to using a metes and bounds description.

See Peters, Klotz and Cautley for material on these questions.

Q6. Discuss the link between the land surveyor and the law of real property.

- a. Substantiate or refute the proposition that land surveyors make boundaries.
- b. Discuss the role of the land surveyor is assisting in the resolution of boundary disputes.

- c. Describe the process of bornage under the Quebec Civil Code.

See Survey Law in Canada Chapters 4, 8 and 10 for material on these questions.

- Q7. Discuss the role of the land surveyor in the processes of subdivision, transfer of land and boundary resolution (including bornage).
- Q8. Discuss the concept of boundary, including natural and artificial boundaries and the creation and elimination of them.
- Q9. Discuss the processes by which a boundary may move including adverse possession, estoppel, conventional line agreements and those processes applicable to the movement of water boundaries.

See several of the cases in the reference list.

- Q10. Discuss and compare adverse possession, colour of title and prescription.
- Discuss the issues that relate to conventional line agreements.
 - Compare and contrast conventional line agreements with the concept of estoppel as it applies to boundaries.

See Survey Law in Canada Chapters 4 and 8 for material on these questions.

- Q11. Compare and contrast various survey systems in Canada.
- What are the essential components of a survey system?
 - Compare the original subdivision of land under the Northern Ontario township systems with the Dominion Lands Survey system.

See Dale & McLaughlin and McKercher & Wolfe for material on these questions.

- Q12. Explain the various maritime zones identified in the United Nations Convention of the Law of the Sea and the Oceans Act.
- Q13. Discuss maritime boundaries including the essential principles for determining their location.
- List and explain the location of the various Maritime Zones under the United Nations Convention on the Law of the Sea and the Oceans Act.
 - What are the general principles of International Law which define the location of an international marine boundary.

See Canada's Offshore: Jurisdiction, Rights and Management for material on these questions.

- Q14. Define the cadastre. Explain the relationship between the cadastre and the land registration process. Discuss the FIG Statement on the Cadastre.
- Six important roles that land surveyors are responsible for in a Land Information System (LIS) environment are outlined in the FIG Commission 7 "Statement on Cadastre" document. Name five of them and explain how each of them would allow land surveyors to play a key role in today's knowledge economy.

See Survey Law in Canada Chapters 11 and 12, Land Administration, and the FIG website for material on these questions.

- Q15. Discuss the potential liability of a land surveyor under the laws of negligence and under the standards of professional regulation.

- a. Land surveyors owe a duty to their clients and at the same time, a duty to the public and to their profession. Explain the processes that can come into play when it is alleged that a land surveyor has not lived up to any of these responsibilities.

See Survey Law in Canada Chapters 9 and 11 for material on these questions.

Q16. Discuss the concept of Aboriginal title in Canada. Review the development of Aboriginal land claims and land law.

- a. Discuss the features of Aboriginal title as set out by the Supreme Court of Canada in the Delgamuukw case.
- b. Distinguish between Aboriginal title and other Aboriginal rights related to land and land use.

See “Aboriginal Rights and Title in Canada After Delgamuukw”, “Backgrounder: Aboriginal Title in Canada’s Courts”, BC Treaty Commission, Ziff pages 175-189, and “Aboriginal Title: The Supreme Court of Canada Decision in Delgamuukw v. British Columbia” for material on these questions.