

**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**

February 2000
(1990 Regulations)
(Closed Book)

This examination consists of **5** questions on **2** pages

Time: 3 hours

Marks

1.	Land surveyors are often called as witnesses in survey or boundary related legal proceedings. In some cases, the land surveyor will give individual (or lay) testimony and, in others, will act as an expert witness. What is the difference? Giving examples, describe how the testimony differs	15
2.	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"> • Fences or possession which can reasonably be related back to the time of the original survey; • Measurements; • Natural boundaries; • Original monuments. Place these in the order of hierarchy, give reasons for your choice and give examples of each.	15
3.	Discuss the common law doctrines of erosion and accretion. Describe the criteria for each. Describe the way in which lawful accretion might be apportioned as between owners in various circumstances.	20
4.	Provide brief definitions for the following terms: <ul style="list-style-type: none"> • Bornage • Ordinary high water mark • Ad medium filum aquae • Estoppel • Escheat • Right of Reverter • Quit claim • Meander line • Adverse possession • Littoral 	25
5.	Plan 12345 (see Figure 1) represents a 1930 survey of part of the Southeast $\frac{1}{4}$ of Section 10. You have been asked to subdivide Lot 1 and you find the posts at the road to be in their original positions, but not on the section line (see Figure 2). Your survey is in substantial agreement with Plan 12345 except for the posts at the road on the east boundary. You examine the surveyor's field notes for the survey represented by Plan 12345 and they indicate that the posts were set on the Section line. Lot 1, Plan 12345, the Remainder of the Southeast $\frac{1}{4}$ of Section 10 and the Southwest $\frac{1}{4}$ of Section 11 are owned by different parties. Where would you place the easterly boundary of Lot 1? Is there a gore? If so, who is the owner of the gore? Give reasons for your answers	25

Figure 1 (Plan 12345) Post found ● Post Placed ○

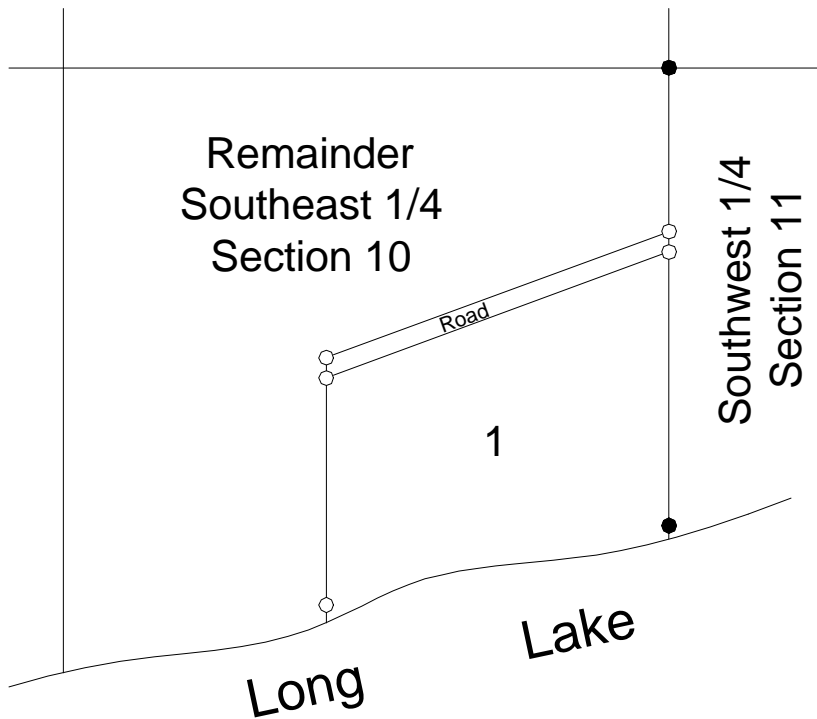


Figure 2 (Your survey) Post found ●

