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# AGENDA

- 1. Survey Plan Wisdom
- 2. History of Legal Descriptions in Canada
- 3. Validating a Legal Survey Plan
- 4. What Can a Land Survey Do?
- 5. What Can't a Land Survey Do?
- 6. Trees & Fences
- 7. Types of Survey Plans and Uses
- 8. Why it Matters



## **SURVEY PLAN WISDOM**

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- Two Types of Plans: Public and Private.
- Survey Plans provide one surveyor's opinion of the Boundary.
   Only a judge can certify boundaries.
- Surveyors rely on the **hierarchy of evidence** to prioritize the "best available evidence" based on reliability:

Natural Boundaries >> Original Monuments in their Original Positions >> Occupation >> Dimensions.

Hierarchy of P.I.N.S:

"R" PINS (Registry) << Land Titles Conversion Qualified << Land Titles Absolute << Land Titles Absolute Plus

- Geowarehouse is **not** a Surveyor.
- Topographic Surveys and Sketches are not Legal Surveys.

- **Coordinates** Surveyors show Coordinate Integration Data on the Plan and municipalities use this data for their GIS mapping.
- **Datums** Surveyors show Benchmark Elevation/Geodetic Elevation Information on the Plan.
- Registry Act vs. Land Titles Act (Tale of "2 Acts")

  Registered Plan / M-Plan (Master Plans) = Subdivision Plan
- Registered Plan = Registry Act.
- "R-Plan" (Reference Plan) ≠ Registered Plan
- Subdivisions: Lots, Blocks and Streets.
- Condominiums: Units and Common Elements.
- Severance Process = Draft Plan of Subdivision/Draft Plan of Condominium Process

# A HISTORY OF LEGAL DESCRIPTIONS IN CANADA

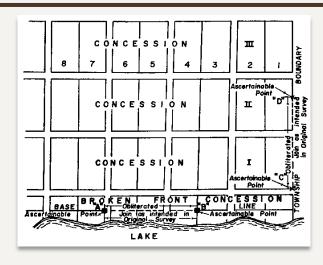




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# A HISTORY OF LEGAL DESCRIPTIONS IN CANADA

06







LOT NO. 6

GRANTOR GRANTOR GRANTER

Solar 1828

Solar 1828

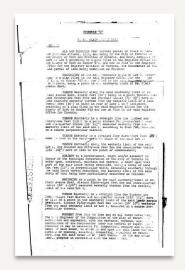
Solar Solar

Simple Written Descriptions in Deeds to Subdivide Township/Lot/Concession

# A HISTORY OF LEGAL DESCRIPTIONS IN CANADA

07 Registered
Plans/Subdivision Plans
to Further Subdivide Land





O8 Deeds/Written
Descriptions for Further
Subdividing Land



09

Reference Plans (R-Plans)
Replacing Written
Descriptions to Describe
Part of
Lots/Blocks/Streets
("PARTS")



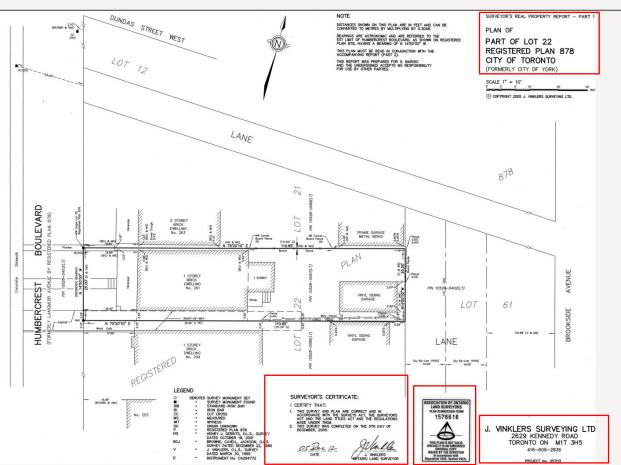


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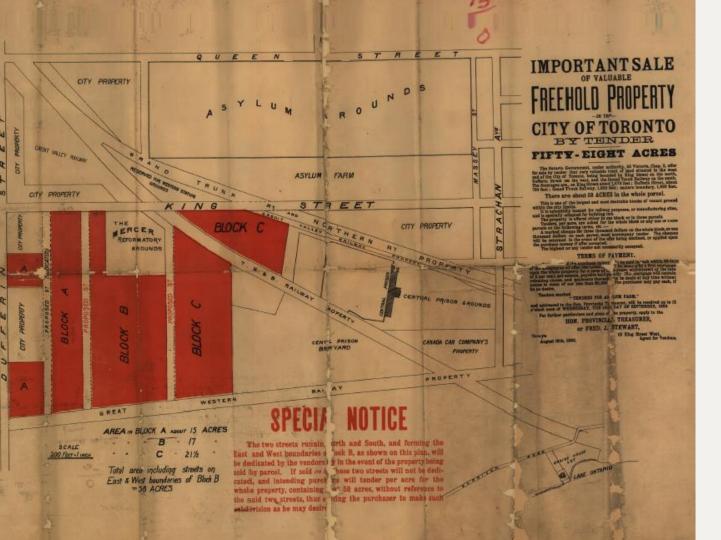
# VALIDATING A LEGAL SURVEY PLAN



#### **CHECKLIST**

- Title.
- ☑ Surveyor's Certificate.
- ☑ Signature and Date.
- ✓ Land Survey Firm.
- AOLS Sticker (now a statement).

- Limits that have been surveyed.
- Comparison information for distances, directions.
- "Ties" showing relationship to surveyed boundary.
- Legal monuments include iron bars (IB), cut crosses (CC), concrete pins (CP).
- Surveyor Number stamped on bars and concrete pins.
- "Witness" monuments not set at corners.

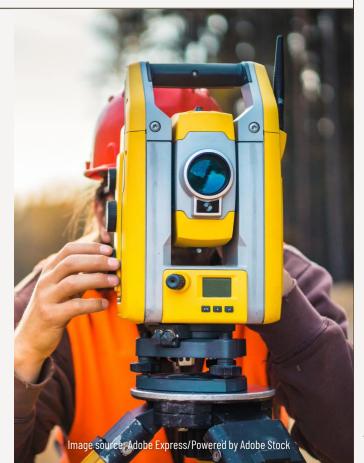


# WHAT **CAN** A LAND SURVEY D0?

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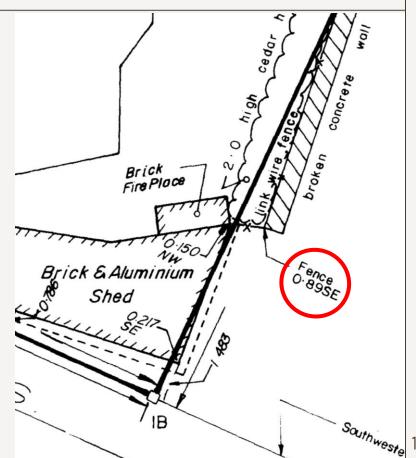
#### 1. PROVIDE SURVEYOR'S OPINION OF THE BOUNDARY

- Surveyor provides an impartial opinion of the boundary using "best available evidence" (Thelland v. Golden Haulage Ltd.; Performance Standards; Surveys Act).
- Relies on hierarchy of evidence to prioritize evidence based on reliability. (Nicholson v. Halliday)
  - Natural Boundaries -> Original Monuments in their Original Positions -> Occupation -> Dimensions
- Survey plan tells a story of the research.



#### 2. SHOWS RELATIONSHIP OF PHYSICAL FEATURES

- Illustrates the relationship of features
  to the boundary (c/l fences; structures;
  easements; encroachments; survey
  monuments; retaining walls; buildings).
- Short form distance-direction "from the boundary/corner" (x N/S, y E/W).



#### 3. CREATE A BASELINE FOR THE FUTURE

- Serves as a **chronological and legal record** for understanding land history and occupation.
- Support future claims such as adverse possession. (Madison Investments v. Ham).
- Confirms legal non-conforming history.
- Buildings are monuments (they do not move).
- Due diligence.

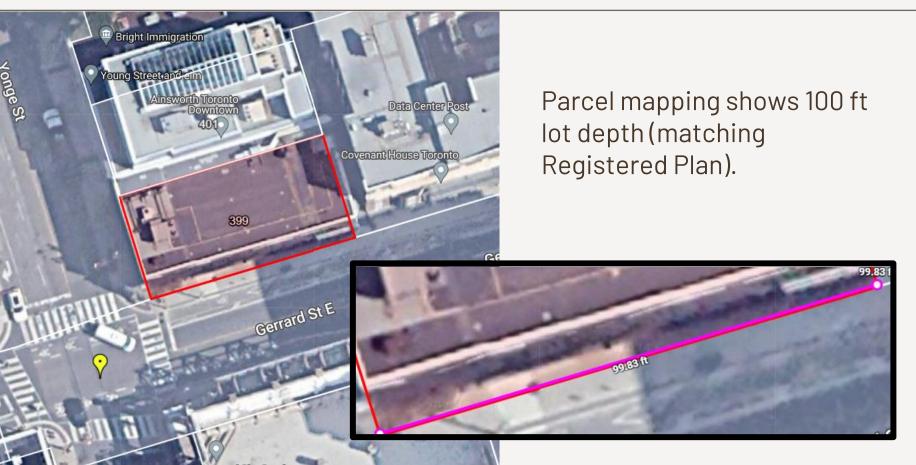


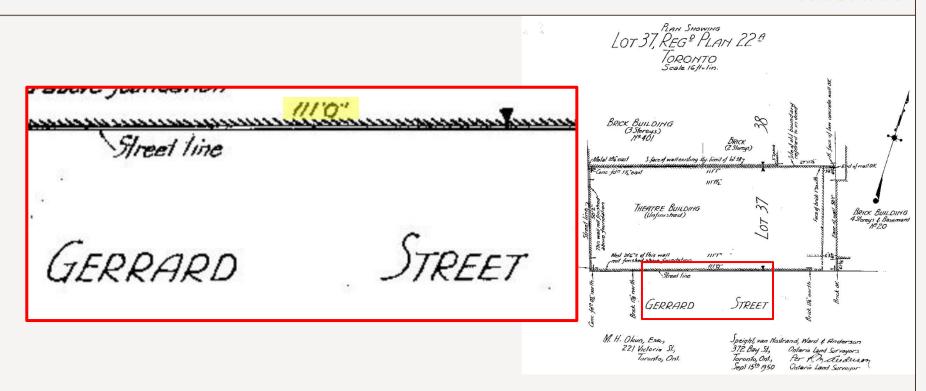
#### 4. DISAGREE WITH GEOWAREHOUSE INDEX MAP

- Geowarehouse is not a surveyor, but an index map.
- A land survey can reveal discrepancies with deeds, identify misdescriptions, and affirm parcel boundaries.

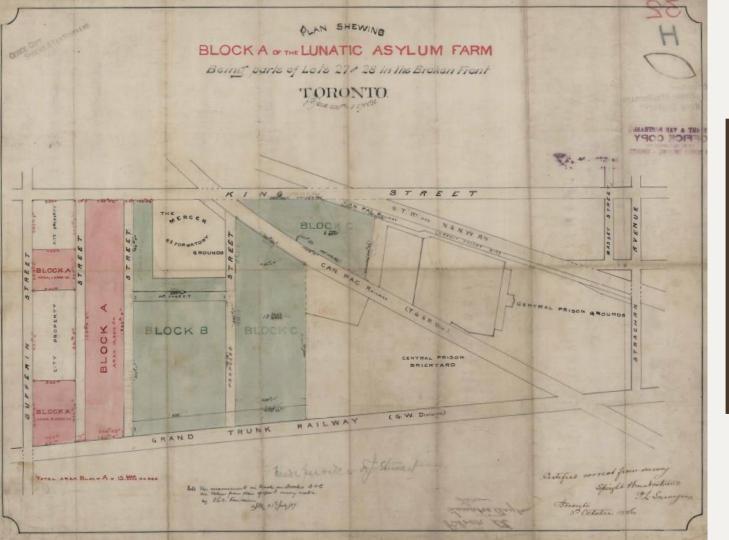


# GEOWAREHOUSE PARCEL MAPPING





Legal survey plan from 1950 shows surveyed lot depth of 111 ft (11 feet longer than Registered Plan).



# WHAT **CAN'T** A LAND SURVEY D0?

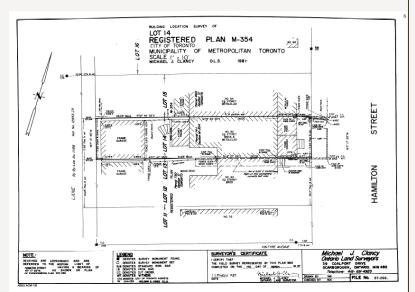
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#### 1. CERTIFY A BOUNDARY

 Only a judge can certify boundaries (Boundaries Act); a surveyor's opinion remains subject to change based on new evidence.

#### 2. MOVE A BOUNDARY

- A typical re-survey does not create boundaries (Tiny v. Battaglia). Nonriparian parcels cannot gain land through a typical re-survey (Chuckry v. Province of Manitoba).
- Lot lines cannot bend, but property lines can bend.

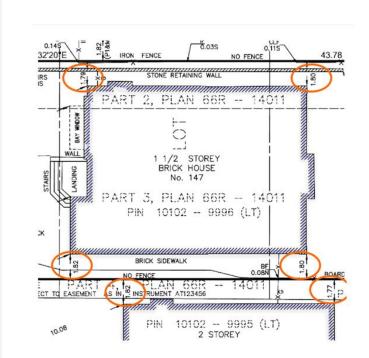


#### 3. IGNORE EVIDENCE

- Surveyors cannot disregard evidence; the plan must address all conflicting information impartially (Thelland v. Golden Haulage Ltd.).
- Surveyors are not advocates, lawyers are.

#### 4. SHOW NON-VISIBLE STRUCTURES

 Hidden structures such as boundary walls, underground utility services or underground garages may be omitted.



### WHAT **CAN'T** A LAND SURVEY DO?

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#### **5. SOLVE ISSUES AND DISPUTES**

- Easement Issues Encroachments, prescriptive rights, usage, blocking.
- Boundary Disputes Two different surveyor's opinions, ultimate resolution by a judge.
- Unregistered Rights Quality of title.





# TREES & FENCES

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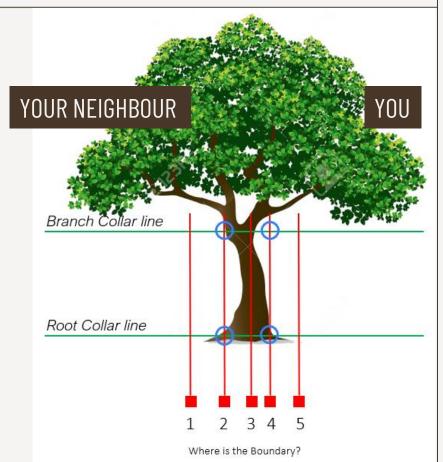
## WHAT **CAN'T** A LAND SURVEY DO?

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#### DEFINE OWNERSHIP OF A TREE OR A FENCE

Survey **shows location, not ownership** or shared rights.

- 1. Your Tree
- 2. Shared Tree
- 3. Shared Tree
- 4. Shared Tree
- 5. Their Tree



#### 1. Abbreviations

**BF** Denotes Board Fence

**CLF** Denotes Chain Link Fence

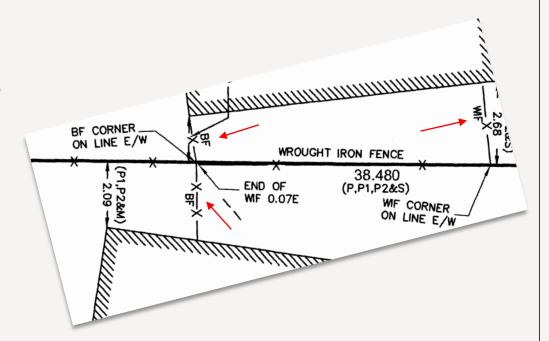
WIF Denotes Wrought Iron Fence

Check the Legend on the plan.

#### 2. Visual Depiction

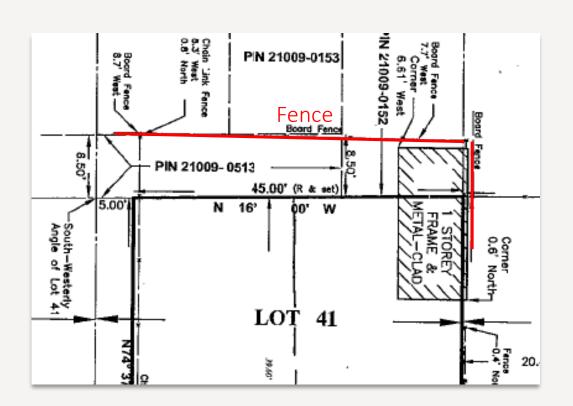
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#### 3. Annotation



# 49% of fences in Ontario are NOT on the boundary!

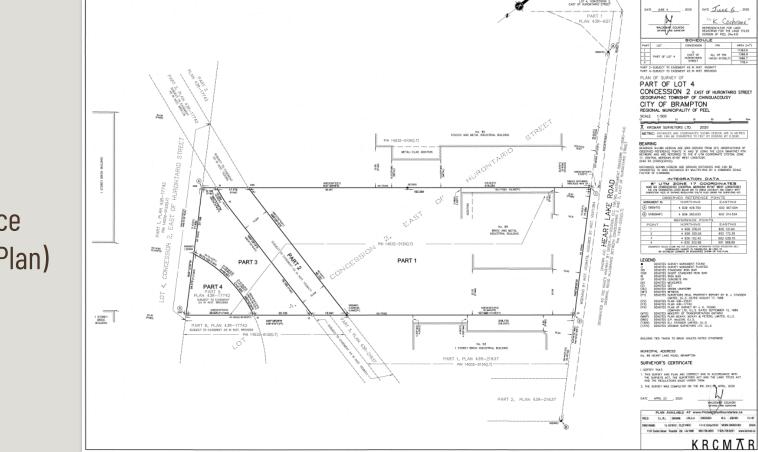
- Land Titles Act vs. Registry Act





| TYPES OF SURVEY **PLANS** AND **THEIR** USES

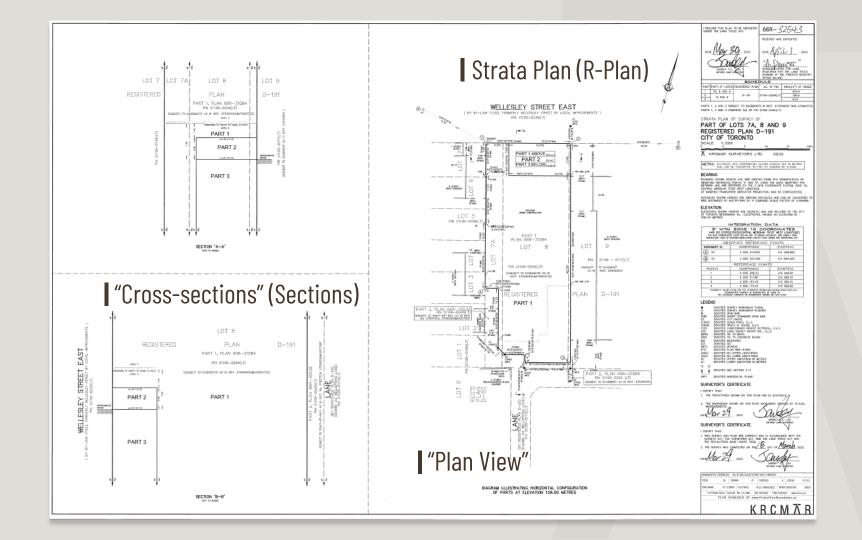
	SURVEY PLAN	PRIMARY USES
PUBLIC PLANS - TYPES OF SURVEY PLANS & THEIR USES	Reference Plans (R-Plans)	<ul> <li>Simplify legal description</li> <li>Property Division (severance)</li> <li>Easements</li> <li>Absolute Title conversion</li> <li>Road Widenings/Daylights/Dedications</li> </ul>
	Strata Plans	<ul> <li>Complex, 3-D R-Plans</li> <li>Stratified Severances</li> <li>POPS Easements</li> <li>Pedestrian Clearways</li> </ul>
	Registered Plans	Subdivision Plans under the Registry Act.
	M-Plans (Master/Subdivision Plans)	Subdivision Plans under the Land Titles Act.
	Condominium Plans	• "3-D Subdivision Plans" with Common Elements and Units.
KRCM⊼R	Boundaries Act (BA) Plans	• Confirm legal street limits. 27



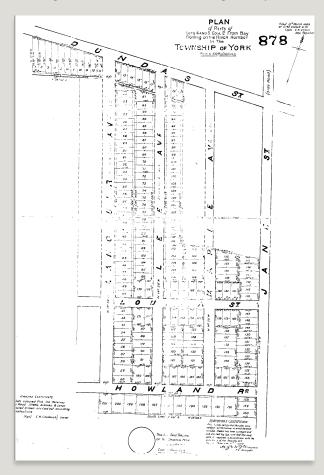
Reference Plan (R-Plan) PLAN 43R- 3947

RECEIVED AND DEPOSITED

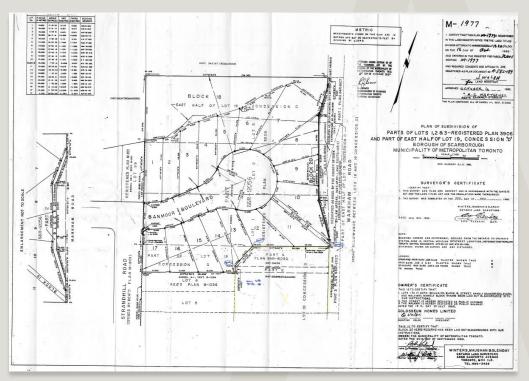
REQUIRE THIS PLAN TO BE DEPOSITED INDER THE LAND TITLES ACT.



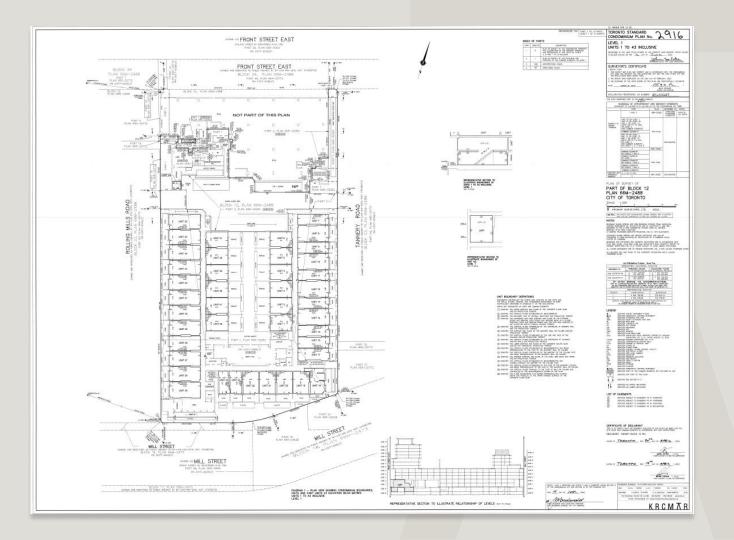
## Registered Plan (Registry Act)



## I M-Plan (Land Titles Act)



## Standard Condominium Plan

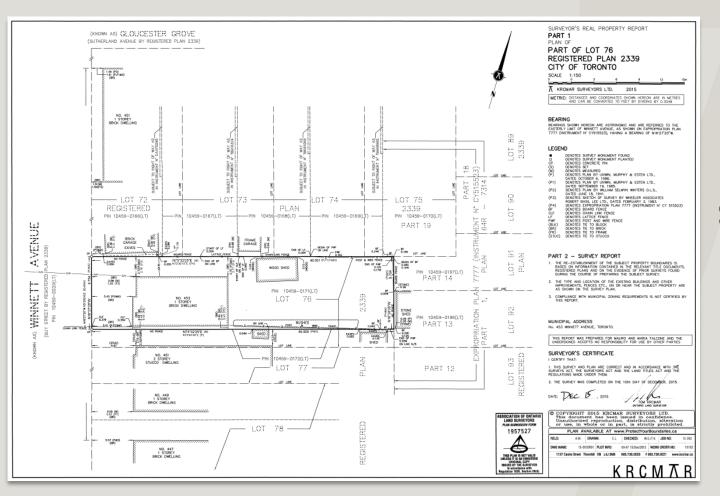




# TYPES OF CONDOMINIUM PLANS

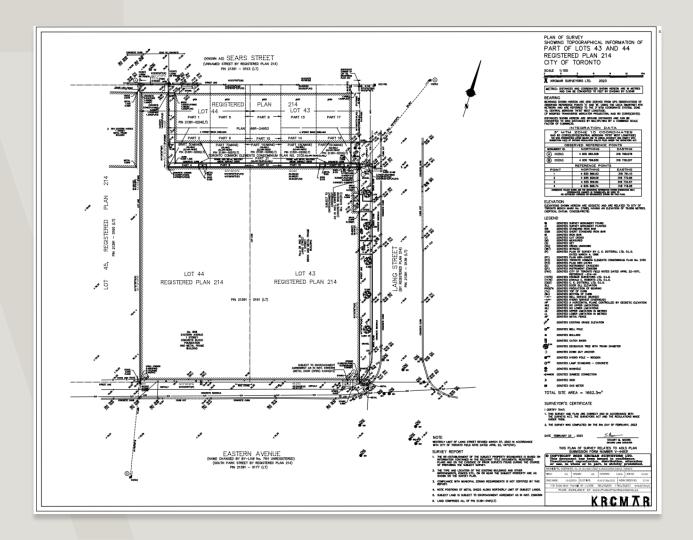
- 1. Standard
- 2. Phased
- 3. Common Elements
- 4. Vacant Land
- 5. Leasehold

### SURVEY PLAN PRIMARY USES Surveyors Real Property • Real Estate Transactions Report (SRPR) • Consent Applications **PRIVATE PLANS -**Redesign/Development Shows Real Boundary And Boundary and Topography TYPES OF SURVEY Topographic Features Survey PLANS & THEIR **Building Permits** USES Provides Legal Boundary Legal Boundary Survey With/Without Buildings Topography Survey • Not Always Legal Surveys 33

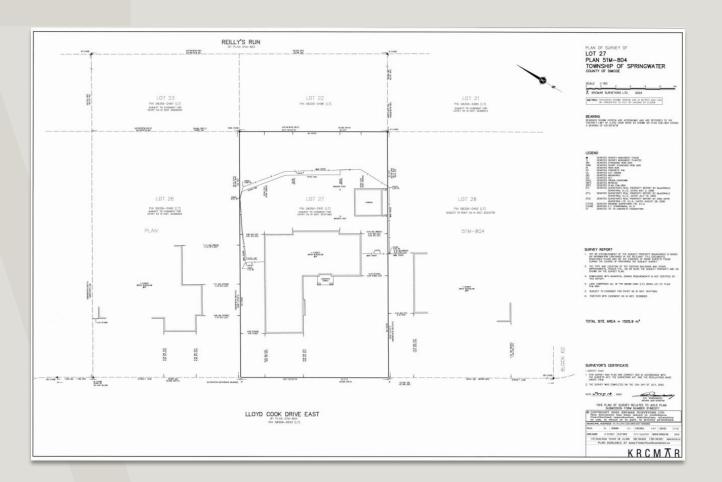


# Surveyor's Real Property Report

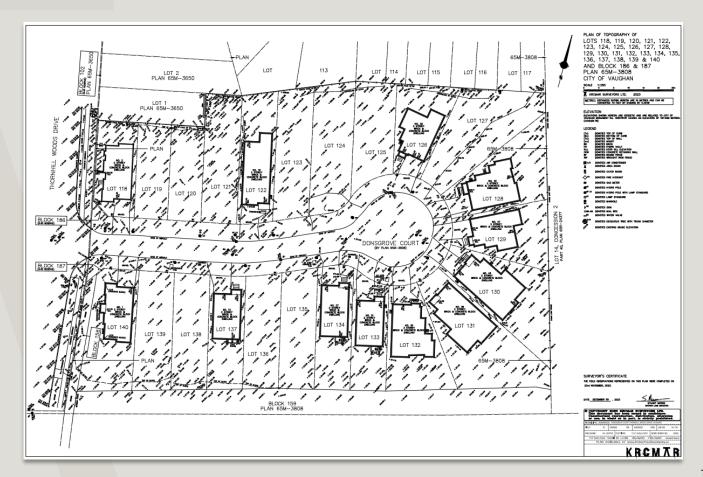
Boundary and Topography Survey



# Legal Boundary Survey

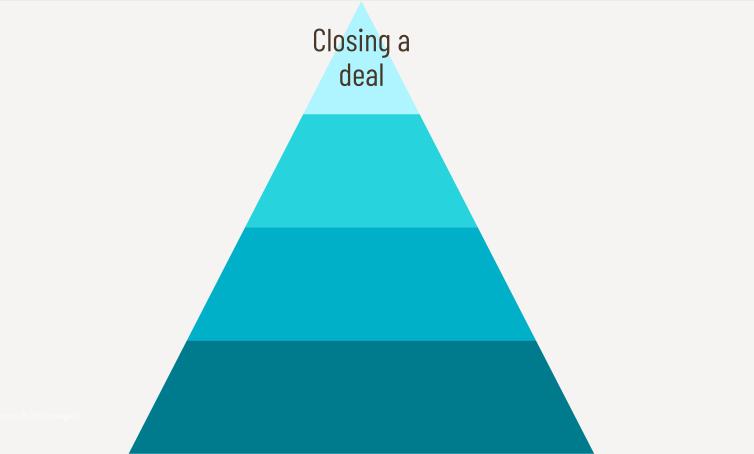


Topography Survey (Not Legal)



WHY IT MATTERS

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WHY IT MATTERS KRCM\(TR\)



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# THANK YOU

Sasa Krcmar, OLS, MBA.

