

CANADIAN BOARD OF EXAMINERS FOR PROFESSIONAL SURVEYORS

C9 – SURVEY LAW

March 2017

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

Marks

Q. No

Time: 3 hours

Value Earned

1.	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 (provide case citing) and discuss what effect it has had on the way land surveyors treat water boundaries.	15	
2.	In Canada, some mineral interests are held by the Crown and some are privately held, sometimes by the owner of the land and sometimes by others. Describe how mineral interests are held by the various parties both within and outside of the Torrens system of land titles.	15	
3.	How is navigability of a body of water determined? How does navigability affect the rights of an owner of land?	10	
4.	Describe the general principles of typical condominium or strata title legislation.	10	
5.	A number of jurisdictions have provisions in their statutes for “special surveys”. Describe their purpose and give a brief methodology.	10	
6.	Discuss the characteristics of and criteria for adverse possession and prescription. What are the differences between them?	10	
7.	Discuss Limitations of Actions and why and how the courts impose them.	5	
8.	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	
9.	Provide definitions for the following terms: a) Conventional Line b) Littoral c) Caveat d) Estoppel e) Bornage f) Quit claim g) Right of Reverter h) Escheat i) Meander Line j) Hearsay Evidence	20	
Total Marks:		100	