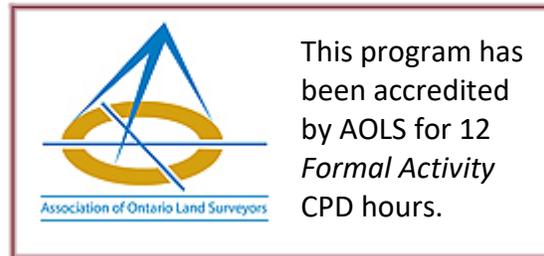




## Seventh Annual Boundary Law Conference

### *Complex Cadastral Problems: Searching for Solutions*

This online version of the conference held in April-May 2021 includes recorded presentations, annotated readings and slide decks. The seventh annual conference delved into “processes” guided by principles established through legislation, the courts, and standards of practice. While the perspective of “surveyor as expert witness” was used as the overall connector to address complex cadastral surveying scenarios, the focal point was: *How to practise our profession in a manner that makes every survey and project be seen by clients and the public as the work of competent, trusted, unbiased and impartial practitioners?*



The fee for 4-month online access is \$425+HST. Go to Four Point Learning to [register](#)<sup>1</sup>. If you have questions, call 519-837-2556 or email [inquiry@4pointlearning.ca](mailto:inquiry@4pointlearning.ca).

## TOPIC DESCRIPTIONS

### **1. What do surveyors really do in researching and why?**

The process of unravelling evidence and history of the “boundary creating event”: What is evidence (compared to fact) and how is a principled approach to deconstructing the provenance of evidence that remains a necessary exercise? Is it different from what courts do?

### **2. Why do surveyors need to explain what was done?**

Public accountability in the process of retracement and opinion formation: Is completing a survey any different from writing an expert report?

---

<sup>1</sup> You will be asked to login. If you have not already created an account, read the registration [instructions](#).

**3. How do the role and limitations of the expert witness help us understand complex cadastral problems?**

How does an expert witness assist the court? Qualities and obligations expected from an expert witness. What is bias? Does the mere fact of being a licensed surveyor make one an expert or does it create new challenges? Exceeding one's scope of expertise vs lack of depth or expertise within one's scope of knowledge. Elements of an expert report. What to expect as a court room experience. Purpose and strategy of a cross-examination from the point of view of the witness. Bringing up an idea or information not covered in one's report after it has been submitted? What is law?

**4. Beyond Surveyors' Scope of Expertise Part 1: Indigenous Land Claims, Evolving Concepts of Boundaries and Spatial Rights**

Intersection of common law and Indigenous law: treatment of property rights and claims to land and claims to water; accretion/erosion, *ad medium filum* ...

**5. Beyond Surveyors' Scope of Expertise Part 2: The Riparian Context**

Related areas of expertise and necessary components to the surveyor's process in retracement and opinion formation: problem scenarios like fluvial geomorphology, forensic techniques as possible examples. Unravelling the riparian riddle in the context of direct and indirect anthropogenic activity. What does it take?

**6. Beyond Surveyors' Scope of Expertise Part 3: The Riparian Context**

Further related and new areas of expertise and components to the surveyor's process in retracement and opinion formation: problem scenarios arising from physical changes on the ground and changing ways in which the law is responding.

**7. Beyond Surveyors' Scope of Expertise Part 4: Artificial Control Regimes and the Consequences of their Imposition – Identifying the Variables**

Related areas of expertise and components to the surveyor's process in retracement and opinion formation: survey problem scenario concerning water boundaries impacted by flooding or other artificial controls. What is interaction between case law and legislation? Are Surveys Acts and Land Surveyors Acts updated or impacted by case law? Do they override common law?

**8. Beyond Surveyors' Scope of Expertise Part 5: Artificial Control Regimes and the Consequences of their Imposition on Boundary Retracement**

Survey problem scenario continued. Artificial controls and regulation of bodies of water and impact on upland parcel and title. Overview and summary of what we have learned.