



SURVEY LAW 2



Syllabus & Info for Winter, 2019

OVERALL GOALS AND PURPOSE

The overall purpose of the *Survey Law 2* course is to build on the foundation established in the prerequisite course: *Survey Law 1*. Professional surveyors are expected to integrate legal principles, legislation and regulations within the overall framework of property boundary surveys in Canadian jurisdictions. This course explores the concepts and processes underlying the performance of cadastral surveying such as:

- advanced concepts of real property law;
- problematic concepts of what is meant by “legal boundary”;
- principles of boundary law and the geographics of township survey systems in Ontario and other jurisdictions;
- transformation in land registration through automation, PIDs, LTCQ, PINs and Block Maps, using examples from Ontario, New Brunswick and British Columbia;
- early survey systems and the descriptions of land in the recording of interests in land through the *Registry Act* and the *Land Titles Act* models;
- boundary law principles as applied to the evaluation of evidence and special circumstances which impact on the land registration system;
- complexities of the process of legal research and investigation;
- approaches to research, investigation and survey report writing;
- natural boundaries.

The learning approach used in this course is very much a self-motivated, self-discovery one. The instruction methods – namely, considerable reading, independent research, lectures, study questions, discussions, quizzes and assignments – are designed to develop competency in survey law by requiring learners to:

- understand the nature of law and the legal system and their relevance to the boundary retracement process;
- assimilate much material from various sources that contributes to and informs a surveyor's judgment as to the location of a retraced boundary;
- clearly communicate, verbally and in writing, the results of their research as well as the reasoning underlying their opinions;
- discover how survey law — and the application of legal principles to facts established through evidence — impacts a professional surveyor's work and responsibility.

INSTRUCTOR

This course is taught by Izaak de Rijcke – a practising lawyer and land surveyor. Izaak can be contacted by email at izaak@4pointlearning.ca. Occasional guest speakers will be announced during the semester.

CLASS TIMES AND LOCATION

Classes are scheduled for Monday evenings from 6 pm to 8:30 pm. The course is offered using a blended delivery system which allows remote participation and recording of classes for later viewing. The lectures will be conducted from 122-355 Elmira Rd North, Guelph. “Labs” are part of this course and involve self-study using resources available on the [Four Point Learning](#) site.

Please note that there may be occasional classes held on a Wednesday evening instead of the Monday due to the instructor's other commitments (e.g., an out of town trial or hearing). Of course we will try to provide as much advance notice of such circumstances as possible.

COURSE REQUIREMENTS

This course is a sequel to *Survey Law 1*. It meets the requirements for licensure as an Ontario Land Surveyor by the Association of Ontario Land Surveyors. This course has been accredited by CBEPS for purposes of meeting the requirements of the Cadastral Studies and Survey Law sections of the CBEPS syllabus. Accordingly, it may also meet the requirements for a

professional licence in many other jurisdictions of Canada through reciprocity and mobility recognition.

The course book: *Principles of Boundary Law in Canada* can be purchased directly through Four Point Learning: http://4pointlearning.ca/4PL/Principles_Boundary_Law.pdf or at York University Bookstore: <http://bookstore.yorku.ca>. In addition, selected readings will be posted on the Learning Management System (LMS) on the Four Point Learning site as the course progresses.

COURSE EVALUATION GUIDELINES

The criteria guiding the Instructor's evaluation of performance are as follows:

1. Quizzes (5 of them, weight: 8% each)

Each of the five sections of the course includes a quiz consisting of 2 randomized short-answer questions and 2 randomized true/false questions covering the key concepts explored in the annotated readings, lectures, and the course book, *Principles of Boundary Law in Canada*.

The short-answer questions are provided beforehand as *self-study* questions since:

- i. These questions are constructed to develop competency in the analytical thinking skills required of a cadastral surveyor, as per the overarching objective for the Survey Law courses: *to provide the analytical framework and the process or best practice to follow in working through evidence in order to reach conclusions of fact which serve as the foundation for the professional surveyor's opinion.*
- ii. Furthermore, preparing answers beforehand not only allows for the abstract concepts to be appreciated with all facets, nuances, and possible implications for the practical situations a surveyor will encounter on the ground, but there is not enough time allocated during the quiz to answer these questions at the expected proficiency level, as typified by the following evaluation criteria:
 - the key elements of the question are addressed;
 - the ideas are fully developed (e.g., both sides of the issue are described, rationale for position/opinion is presented, connections are made, applications are suggested);
 - the sources used to construct the arguments are referenced;
 - the content is organized in a clear and concise manner with few grammatical or stylistic errors.

The quizzes are accessed via the course's LMS. They can be taken any time **before** their closure date – i.e., the first Sunday following the last lecture of that section.

2. Assignments (3 of them, weight: 20% each)

The assignments are evaluated in terms of competency in:

- demonstrating critical thinking in the application of theory to a solution of the problem;
- correctly interpreting the applicable regulations, statutes, and case law;
- explaining the legal principles used in arriving at the proposed solution/opinion;
- communicating effectively through professional presentation, grammar and referencing the sources used to construct the arguments and/or rationale.

SCHEDULE OF CLASSES AND TOPICS

The outline of topics is a general overview only. The nature of this material makes it difficult to learn in a linear fashion. Accordingly, we expect to occasionally jump ahead and to also loop back. *The outline below is only meant for your convenience – it is not meant to fetter the instructor's presentation or the range of topics to be discussed.* Since there is one class scheduled for each week, the outline below is directed to a general weekly coverage. PLEASE BE PREPARED TO DISCUSS ALL TOPICS BELOW IN CLASS. [References] are to chapters in *Principles of Boundary Law in Canada*.

SECTION 1: *Property Records – Land Registration – Conventional Boundaries*

- Jan 7 Welcome, introductions, and discussion of course syllabus and course requirements; Introduction to Land Registry office title searching and land registration systems; the doctrine of notice. [Chapter 7]
- Jan 14 Conventional boundaries and equitable estoppel; title insurance. [Chapter 2 pp. 55-57]

SECTION 2: *Property Records – "Title Searching" – Transacting the Parcel*

- Jan 21 Title Insurance continued – impacts on survey fabric and the modern cadastre. [Chapter 10]
- Jan 28 Part III *Registry Act* and boundaries of parcels in *Land Titles*. [Chapter 7]

SECTION 3: *Descriptions, Deeds, Retracement, Evidence and Canada Lands*

- Feb 4 Interpreting descriptions and intention. [Chapter 3] Canada Lands and First Nations: the *Indian Act*. [Chapter 9]
- Feb 11 Documentary evidence, fact finding and the application of law to facts; the surveyor as expert witness. [Appendix 3]
- Feb 18 **Reading Week – No class**

SECTION 4: *Reports, Evidence and Condominiums*

- Feb 25 Surveyor as expert witness and the writing of reports. [Appendix 3]
- Mar 4 Condominiums. [Chapter 2 pp. 58-63]

SECTION 5: *Water Boundaries and Report Writing*

- Mar 11 Introduction to topic, *Beds of Navigable Waters Act* and Water Boundary Issues — Canadian water boundary regimes: tidal, non-tidal. [Chapter 8 and Appendix 3]
- Mar 18 Erosion, accretion and water's edge; public lands; offshore and UNCLOS. [Chapters 8 and 10]
- Mar 25 Navigability. [Chapter 8]
- Apr 1 Review of last assignment; tie-up of several threads and outcomes.

Looking forward to our learning journey together,

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Program Director



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