



The Survey Outline Monument Restoration Program

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- The Property Registry
 - Association of Manitoba Land Surveyors
 - Association of Manitoba Municipalities
 - City of Winnipeg
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Guidelines available Online

- http://www.gov.mb.ca/tpr/assets/docs/monument_restoration_guideline.pdf
- http://www.gov.mb.ca/tpr/assets/docs/monument_restoration_guideline.fr.pdf



Monument Restoration Programs

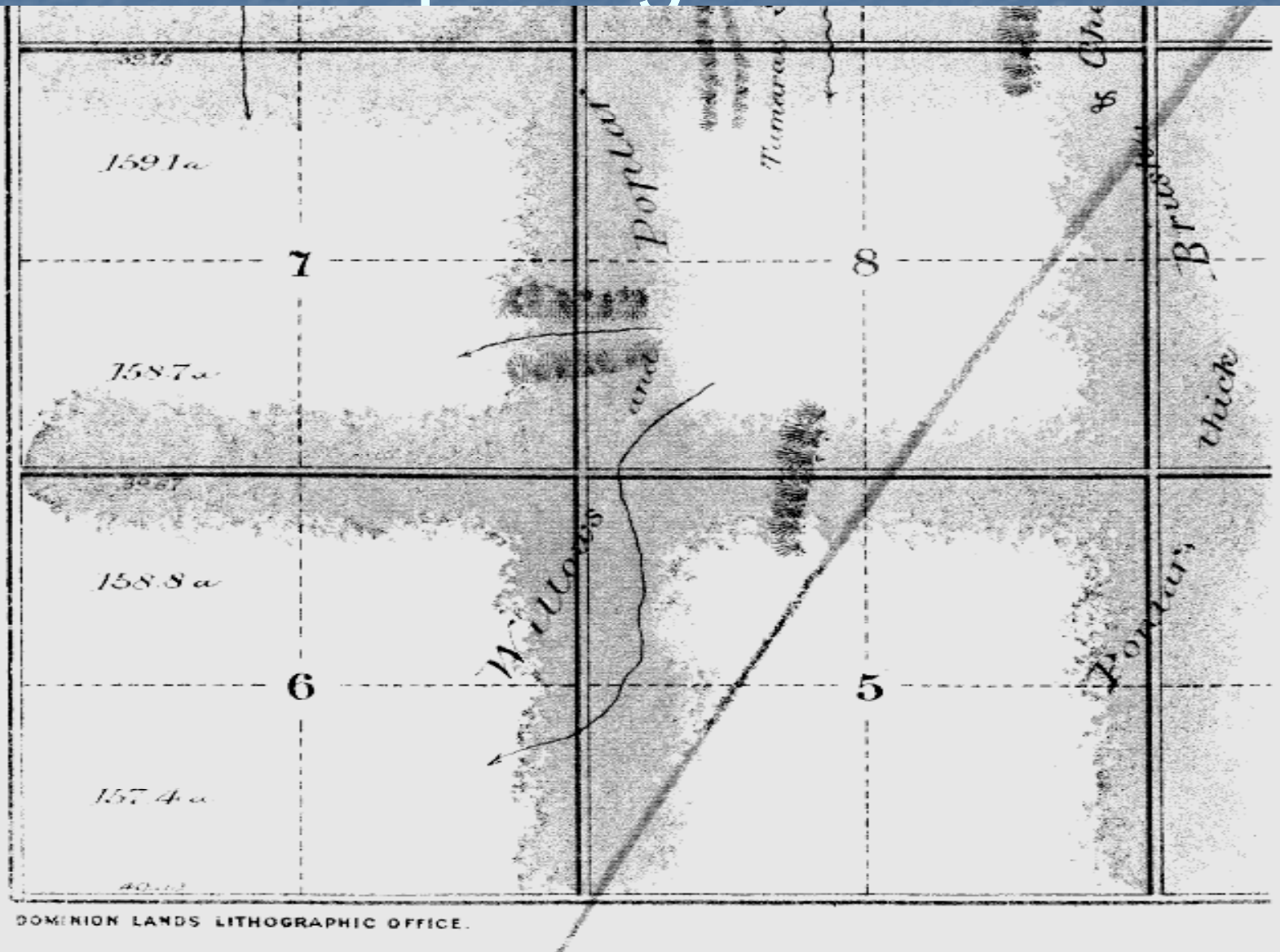
- Department of Conservation Survey Services
- Manitoba Hydro
- The Property Registry Special Surveys
- The Federal Government TLE
- MTS Netcom Inc.



Importance of the Survey Monument

- The survey monument is the foundation of all land tenure
- All land holdings and titles are based on the location of the survey monument on the ground and not the dimension that is shown on the registered plan

Township Diagram 1873



Survey outline monument

- All survey monuments planted to define any special survey made under *The Special Survey Act*
- All survey monuments placed on offset lines to evidence block corners in subdivision surveys
- All subdivision block corners at road intersections or terminations of roads that were monumented on the original plan of subdivision.
- survey monuments defining the half mile marks of a section.
- All survey monuments defining the limits of an original Dominion Government survey of settlement or parish lots.
- All survey monuments defining the limits of a highway, BC and EC's of curves and deflections in the highway.
- The re-establishment of both lost and disturbed outline monuments.

SURVEY OUTLINE MONUMENT RESTORATION PROGRAM

- Urban and rural municipalities are responsible for protecting survey outline monuments and for the cost of replacing lost or disturbed survey outline monuments within their boundaries. (Section 6, The Surveys Act R.S.M. S240).
- The Property Registry and the Department of Inter Governmental Affairs recognize the importance of survey monuments to both the municipalities and their residents and to The Property Registry for the purposes of issuing secure titles.
- The Property Registry has established an annual fund of up to \$180,000 to assist municipalities, on a 50/50 cost share basis, with the costs of re-establishing survey outline monuments. Annual funding is subject to the approval of The Property Registry's business plan by Treasury Board.
- Municipalities have developed guidelines (Appendix A) to assist in the administration of this program. Additional requirements for The City of Winnipeg are set out in Appendix C.
- In order to maintain the integrity of the program, the guidelines and the priority for the use of the funds will be reviewed annually by the parties and amended as necessary. The review will be included in The Property Registry's annual report. The annual review will be conducted in April of each year. This coincides with The Property Registry's fiscal year. A rate review will be conducted in December of each year. This coincides with municipality's fiscal year. Any proposal for a rate change must be brought forward prior to December 1 of each year.



PURPOSE:

- To assist municipalities with their responsibility under Section 6 of the Surveys Act
- To remove barriers to land development
- To manage the cost of restoring or replacing survey outline monuments



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The Property Registry is responsible for

Contributing up to \$180,000.00 annually to municipalities for the re-establishment of lost outline monuments.

Verifying the survey monumentation and reviewing the surveyors reports to ensure the guidelines established by the three parties are being adhered to.

Notifying the municipality of the costs that are recoverable under the program once the monuments have been verified.

Reimbursing municipalities for 50% of those costs after proof of payment is received from the Municipality



Municipality not Responsible for

- **any cost incurred for survey outline monument restoration** where the Land Surveyor fails to provide the notice of a survey monument within one working day of it's re-establishment or fails to submit a final report within 60 days of having provided notification of the intended restoration of the survey outline monument **unless** the restoration is of such a nature that it will require more than 60 days to complete and the land surveyor at the time of issuing notification of the intended restoration to makes a mutually satisfactory agreement for an extension.

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Land Surveyors are responsible for

Reporting to Municipalities on a lost or disturbed survey out line monument prior to replacement .

Replacing all out line monuments that are necessary in order to conduct the survey that surveyor was contracted to perform. This can involve replacing survey monuments that are not adjacent to to the survey.

Providing the Municipality and the Registry with a final detailed report and invoice.

Municipalities are responsible for

The **protection** and re-establishment of lost or disturbed survey outline monuments within their jurisdiction. Section 6 Surveys Act.

Paying for the total cost of the re-establishment of lost outline survey monuments and providing Examiner of Surveys, The Property Registry with proof of payment or;

Collecting the cost of the monument restoration from the person responsible for the destruction.

For prioritizing requests for projects where the re-establishment of more than six survey monuments is required

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•Program Changes

The Property Registry meets once a year with The Association of Manitoba Municipalities, the City of Winnipeg, and The Association of Manitoba Land Surveyors to review the program.



The Survey Outline Monument Restoration Program was reviewed December 3, 2007 and the following changes have been made to the program guidelines:

- All submissions are to be in digital format
- Municipalities will be reimbursed for monument restoration conducted by the Municipality.
- The fees have been revised. The Maximum per monument has been removed and the hourly rates have been increased to reflect inflation.
- Appendixes C and E City of Winnipeg requirements have been revised



Program Details

- For the purpose of this program outline monuments shall include:
- The re-establishment of both lost and disturbed outline monuments.
- all survey monuments planted to define any special survey made under *The Special Survey Act*
- all survey monuments planted in accordance with subsection 117(7) of *The Real Property Act*
- all survey monuments placed on offset lines to evidence block corners in subdivision surveys
- all subdivision block corners at road intersections or terminations of roads that were monumented on the original plan of subdivision.
- survey monuments defining the half mile marks of a section.
- All survey monuments defining the limits of an original Dominion Government survey of settlement or parish lots.
- all survey monuments defining the limits of a highway, BC and EC's of curves and deflections in the highway.
- For the purpose of this program outline monuments will **NOT** include survey monuments placed to define the limits of:
 - Railways,
 - Public Reserves,
 - Water Control Works,
 - Re-subdivided lots and blocks within the frame work of an existing plan of subdivision. eg. A re-subdivision of lots where no new roads are being created.
 - a township blind line that was not posted in the original Dominion Government survey.

- The Property Registry will reimburse Municipalities only upon:
- Verification of the surveyors report. The report will be examined by the Examiner of Surveys for verification of the survey monuments and the fees charged. The Land Surveyor and the Municipality or the Geomatics Services Branch will be notified by the Examiner of Surveys once the survey monuments have been verified. Note: Payment will not be made to the Municipality until the report has been verified and approved by the Examiner of Surveys.
- Receipt of confirmation that the Municipality or City of Winnipeg has paid for the monument restoration. There are no forms required. The Examiner of Surveys has enough information in the surveyor's report in order to process the payment. Either faxed copy of the cancelled check payable to the surveyor along with our file number sent to the office of the Examiner of Surveys or a letter from the Municipality certifying that the payment has been made will be sufficient. Fax No. 948-2823. The file number will be provided with the Examiner of Surveyors verification notification.
- Municipalities will be reimbursed for monument restoration in the order that they are approved by the Examiner of Surveys. The approval follows the same process as the examination of plans of survey that are to be registered in the Land Titles Office.
- When the amount of available funding, from The Property Registry, falls below \$10,000.00, all private survey offices, the Planning, Property and Development Department, and AMM, will be notified. Any further monument restoration carried out under this program will require pre-authorization by the Municipality or the Planning, Property and Development Department, to proceed. Prior to authorizing a Land Surveyor to proceed under the program the Municipality must contact the Examiner of Surveys to ensure that there are sufficient funds available.

■ FEE SCHEDULE

- The fees charged to the monument restoration program are to only include the additional time required to restore a monument or monuments, in conjunction with work presently being carried out in the area and are the maximum allowable charges. In order to monitor the actual costs associated with the restoration of a monument, a detailed accounting of the additional field and office time necessitated as a result of the monument(s) not being available is required as a part of the returns and should be clearly detailed on any invoice submitted. This will enable all parties to review and if necessary adjust the maximum reimbursement for the restoration of monuments.
- The fee schedule does not include costs incurred under Section 11 of *The Surveys Act*. A separate invoicing of these costs will be required when necessary. The invoice may include costs for posting, mailing, delivering and publishing the Notice.
- Any restoration that requires the restoration of more than six survey monuments will be considered a project. In these instances, a written report, in digital format, describing the extent of the problem, the proposed course of action to be taken to resolve the problem and an estimate detailing the cost associated with the restoration must be submitted to and approved by The Property Registry, the Municipalities and the City of Winnipeg prior to the commencement of any restoration work.
- **Note:** The Property Registry will only reimburse municipalities in accordance with the fee schedule. Any additional charges will not be covered by The Property Registry.

- Schedule "A"- 2007 to 2008
- The reimbursement for the restoration of survey monuments under this program, shall be made in accordance with the following:
- If the total costs exceed the sum of \$1,000 per monument, The Property Registry will not be responsible for costs in excess of \$1000 nor proceed without approval of the Lieutenant Governor in Council (The *Surveys Act* Section 6).
- If prior to the installation of a monument, clearance [2](#) is required by one or more utilities and it is required to meet the utilities on site to receive the clearance, the following maximum additional charges will be allowed.[3](#)
- 1 Monument \$225.00
- 2 Monuments \$260.00
- 3 Monuments \$295.00
- 4 Monuments \$330.00
- 5 Monuments \$365.00
- 6 Monuments \$400.00
- Allowable Hourly and Unit Rates:
- Clerical \$50.00/hr
- M.L.S. \$165.00/hr
- Field Crew \$170.00/hr
- GPS Equipment \$80.00/hr
- Drafting/Computations/CAD \$95.00/hr
- Mylars \$50.00 each
- Paper Prints \$5.00 each
- Survey Monuments (1" x 1" x 36") \$15.00 each
- *Survey Marker Posts (T-irons) \$35.00 each*
- **The above fees are maximum rates.** The hourly and unit rates charged to the municipality shall not exceed the hourly and unit rates charged by the surveyor, to their client for the work being undertaken in conjunction with the survey monument restoration.
- Note: All fees are subject to audit.

■ REPORT CONTENTS

■ The surveyors report shall consist of the following information:

- · table of contents;
- · the date of the survey;
- · all field notes associated with the restoration;
- · pdf copies of all plans or other documents, which were used in the determination of the restoration of a monument that is not on record at the Winnipeg Land Titles Office;
- · the purpose of the initial survey being done for the client (i.e. BLC, staking etc.)
- · an opinion as to what may have caused the disturbance or removal of the monument(s) and reason in support of that opinion;
- · pdf copy(ies) of all utility clearance sheets signed by the utility company, (where applicable);
- · a detailed explanation of the legal principles, and physical and documentary evidence used to re-establish the position of the monument(s) restored or reset;
- · a pdf copy of any letter to other survey firms requesting information that could be used to help re-establish and verify the position of any missing monument(s) encountered, including a list of the survey firms which responded to the solicitation, and an indication of how these notes aided in the boundary determination;
- · any appreciable discrepancies with previous surveys and an explanation of how they were dealt with;
- · observations regarding the state of the monuments in the surrounding area when noted and recommendations for rectifying any problems observed;
- · when there is no plan being prepared, a sketch drawn to acceptable professional standards, signed and dated by the surveyor, showing the monuments restored together with angular and linear ties to all adjacent monuments used;
- · when there is a plan being prepared, a "sworn to" pdf copy of the plan attached as part of the report;
- · an accounting of the additional field and office time necessitated as a result of the monument(s) not being available [4](#);
- · if the surveyor believes there is nothing to report on any of the above, a statement to that effect should be made;
- · copies of any invoices being claimed as a disbursement; and
- · any other matters that the surveyor believes to be relevant to the survey;
- where applicable, a copy of The Property Registry Memorandum on Examination;
- all returns shall be in metric.

■ [4](#) This accounting of costs must also clearly itemize on the invoice submitted for the restoration work done.

- APPENDIX "D"
- NOTIFICATION FORM
- Chief Administrative Officer
- Rural Municipality , Town or City of _____
- RE: Restoration of Survey Outline Monuments
- Urban and rural municipalities and all persons making improvements are responsible for protecting survey outline monuments under Section 4 of The Surveys Act (Manitoba). The cost of replacing lost or disturbed survey monuments may be the responsibility of the municipality under Section 6 of The Surveys Act (Manitoba).
- The Property Registry has established an annual fund of up to \$180,000 to assist municipalities, on a 50/50 cost share basis, with the costs of re-establishing survey outline monuments.
- The survey monuments listed below will be re-established in accordance with the guidelines established and approved by Association of Manitoba Municipalities, The Property Registry and the Professional Land Surveyors Group. Under the provisions of this program, please consider this faxed letter notification that _____ have been retained to perform a survey in _____ which is in your municipality. It may be necessary to restore monuments at the following locations:
- The survey monuments will be restored on or before date
- Yours truly,



Survey Monument Protection

The City of Winnipeg introduced a CALL BEFORE YOU DIG program. During the first year they estimated they reduced the damage to survey monuments from an average of 30% annually to 2% an estimated cost saving of \$340,000. The process enabled the city to identify the source of the damage. Thus the cost of restoring the monuments will now be apportioned to the offending party. The city's use of the restoration program has dropped dramatically.



Survey Monument Protection

Following completion of all major construction works, the Director of Planning, Property and Development will request the Developer to have the location of the survey monuments within the Planned Area verified by a Manitoba Land Surveyor at the Developer's cost and in cases where the survey monuments have been disturbed, moved, covered or mutilated in any way, or destroyed, the Developer shall cause the monuments to be replaced at his expense by a Manitoba Land Surveyor. In all cases the Manitoba Land Surveyor shall provide the Director of Planning, Property and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced. .