

April 19, 2012

TO: Association of Manitoba Municipalities (AMM) – Lindsay Thomson
City of Winnipeg – Steve Bossenmaier, Robert Robinson and Rick. Sherby
Professional Land Surveyors Group – Wilson Phillips
AMLS/LTO Liaison Committee (ALLCO) Al Degner, Rick Sherby, Bayne Balchen,
and Registrar General - Barry Effler

FROM: Gary Fraser – Examiner of Surveys

The parties have agreed to continue the program for this fiscal year of 2012/2013 subject to modifications.

The Survey Outline Monument Restoration Program revisions from the meeting January 26, 2012.

Changes:

- Land surveyor and surveyor have been changed to Manitoba Land Surveyor
- Survey monuments have been changed to survey outline monuments where appropriate
- The Survey Outline Monument Installation Notice has been changed to a generic form (see Schedule B) and is to be used for all municipalities, including the City of Winnipeg. Space has been left on the form to include the Land Surveyors company information.
- The sketch format has been changed from PDF to TIFF. We are experiencing problems with scale and fonts with various PDF formats
- The Examiner of Surveys will be responsible for the registration of Plans Perpetuating Survey Monuments
- The City of Winnipeg report requirements is no longer a separate document. One homogenous reporting requirement has been implemented

These revised guidelines will take effect June 1, 2012.

The guidelines will be translated and posted on The Property Registry's web site and will be available for the AMLS and AMM websites.

The Property Registry will distribute the guidelines to the AMLS membership and the AMM will be responsible for distributing the guidelines to Municipalities.

Yours truly,
Gary Fraser
Examiner of Surveys

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SURVEY OUTLINE MONUMENT RESTORATION PROGRAM

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).

Remedying of disturbance of monuments

6 The registrar-general, upon receiving a report from any surveyor indicating the disturbance in any way of any outline monument, may require the municipality in which the monument is situated to remedy any such disturbance of monuments or surveys to his satisfaction; and if, upon being required to do so, the municipality refuses or neglects to comply with the requirement, the registrar-general shall remedy the disturbance to his satisfaction and the cost thereof shall be paid in the first place out of the Consolidated Fund, and subsequently collected from the municipality through the minister; but if the cost will exceed the sum of \$1,000, the registrar-general shall not take the proceedings without the approval of the Lieutenant Governor in Council.

The Property Registry and the Department of Local Government recognize the importance of survey outline monuments to 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 \$300,000 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.

The Association of Manitoba Municipalities (AMM), together with The Property Registry and the Professional Land Surveyors Business Group has developed guidelines (Appendix "A") to assist in the administration of this program.

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.

Failure of any Municipality to re-establish a lost survey outline monument as defined in the program guidelines may result in a remedy through Section 6 of *The Surveys Act*.

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APPENDIX "A"

GUIDELINES

MUNICIPAL RESPONSIBILITIES

Municipalities will remain responsible for the protection and re-establishment of lost or disturbed survey outline monuments within their respective boundaries. The survey outline monuments the Municipalities are responsible for are defined in *The Surveys Act* as follows:

Lost monument: Any monument fixed by an original survey the position of which is lost and cannot be ascertained with reasonable certainty.

Disturbed monument: Any monument that has been damaged and or removed from its original location or rendered practically inaccessible (i.e. a monument covered with pavement, Section 4 of *The Surveys Act*).

Outline monument: Includes all survey monuments planted to define any special survey made under *The Special Survey Act*; all monuments planted in accordance with subsection 117(7) of *The Real Property Act*; all monuments placed on offset lines to evidence block corners in subdivision surveys; and all monuments defining any road or main highway.

Highway: (*Planning Act*) means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles or pedestrians, with or without fee or charge therefor, and includes all the space between the boundary lines thereof whether or not used for vehicular or pedestrian traffic; and, without restricting the generality of the foregoing, includes roads, road allowances, streets, lanes, thoroughfares, and other means of communication dedicated to the public use as highways, or opened or made as highways under any Act of the Legislature.

For the purpose of this program survey outline monuments shall include:

- The re-establishment of both lost and disturbed survey 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

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For the purpose of this program survey 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

Surveys outline monuments forming the north and east boundaries of a municipality will be the responsibility of that municipality.

The survey outline monument at the north east corner of the municipality will be the responsibility of that municipality.

Where a survey outline monument defines a north limit of one municipality and the east limit of another, the monument shall be the responsibility of the municipality whose north limit is defined by the monument.

Municipalities, together with the Property Registry and the Land Surveyors Business Group will be responsible for the administration of the Survey Outline Monument Restoration Program and establishing a fee schedule (Schedule "A").

Municipalities will pay for the total cost of the re-establishment of lost survey outline monuments and may apply to The Property Registry, Examiner of Surveys, for 50% reimbursement of the actual cost.

All payments are to be made to the Manitoba Land Surveyor upon receipt of the Survey Report and satisfactory verification of the survey monuments. Verification will be carried out by the Examiner of Surveys.

Municipalities will be responsible for prioritizing requests for reimbursement from The Property Registry. Unless notified otherwise by AMM funds will be available from The Property Registry on a first come first serve basis.

THE PROPERTY REGISTRY FUNDING

Through this program The Property Registry will contribute up to \$300,000.00 to Municipalities in any given fiscal year for the re-establishment of lost survey outline monuments.

A fiscal year shall be April 1 to March 31.

All payments made by The Property Registry will be subject to audit.

Payment will be made to the Municipality upon approval of the Examiner of Surveys.

The re-establishment of a survey outline monument must be approved by the Examiner of Surveys prior to March 31 in order to receive payment from The Property Registry.

The Property Registry will not charge fees for examining or registering a Plan or Sketch Perpetuating Survey Monuments under this program.

The Property Registry will not reimburse:

- The Crown or Crown Corporations for:
 - The purpose of their own projects
- Municipalities for:
 - the re-establishment of survey monuments that do not fall within these guidelines
- Manitoba Land Surveyors for:
 - unnecessary survey monuments
 - Replacement of survey monuments will not be covered unless it can be shown they were necessary for the survey being conducted
 - Survey outline monuments that are covered under a Development Agreement and are the responsibility of the developer
 - Raising survey monuments that are in their original position and have not been damaged

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 Manitoba Land Surveyor and the Municipality or the City of Winnipeg Geomatics and Land Information 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 has paid for the survey 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 (Deposit No.____) 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 Land Titles file number (Deposit No.____) will be provided with the Examiner of Surveys verification notification.
 - Municipalities will be reimbursed for survey 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.

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When the funding available from The Property Registry falls below \$10,000.00, all private survey offices, the City of Winnipeg Geomatics and Land Information Services Branch and AMM, will be notified. Any further survey outline monument restoration carried out under this program will require pre-authorization by the Municipality or the City of Winnipeg Geomatics and Land Information Services Branch, to proceed. Prior to authorizing a Manitoba Land Surveyor to proceed under the program the Municipality must contact the Examiner of Surveys to ensure that there are sufficient funds available.

SURVEYORS REPORT AND RESPONSIBILITIES

In order to receive reimbursement from the Municipality the Manitoba Land Surveyor shall provide the Municipality and the Examiner of Surveys with a report in a digital format. (PDF).

Report Contents

- Cover page including:
 - Municipality name
 - Firm name
 - Survey monument location
 - File No. (City of Winnipeg if applicable)
 - File No. (Survey Firm)
 - Date of survey
 - Date of submission
- A table of contents
- A legal description of the property being surveyed which required the restoration of the survey outline monument, together with any other information necessary to verify the need of restoring the monument
- The purpose of the initiating survey. Example:
 - Building Location Certificate
 - Oil well site location etc.
- A detailed explanation of the legal principles, and physical and documentary evidence used to re-establish the position of the survey monument(s) restored or reset
- Copy(ies) of all utility clearance sheets signed by the utility company, (where applicable)
- An opinion as to what may have caused the disturbance or removal of the survey monument(s)
- An itemized accounting of the field and office time required to restore the survey monument copy of the invoice to the Municipality
- Copies of any invoices being claimed as a disbursement; i.e. Utility Clearances
- A copy of the surveyor's field notes may be provided to the Property Registry. If field notes are provided they will form part of restoration evidence and will be stored with the Land Titles documents for public access.

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- Where a survey monument is found and deemed to be disturbed, there must be a clear indication of the evidence that was utilized to conclude that the found monument was not in the position it was originally planted
- A copy of the Survey Outline Monument Installation Notice to the Municipality see Schedule "B"
- Instructions are to be obtained from the Examiner of Surveys prior to proceeding with projects requiring more than six survey monuments
- Any appreciable discrepancies with previous surveys are to be identified and an explanation of how they were dealt with is to be provided
- A Survey Monument Restoration Sketch
 - NOTE:** A Survey Monument Restoration Sketch will not be required if the monuments being restored are shown on a plan that will be deposited in the Land Titles Office within four weeks of the monument restoration
 - The format is to be TIFF
 - The original size of a sketch is to be 8 ½" X 11", 8 ½" X 14" or 11" X 17".
 - Multiple sheets will not be allowed. If the survey monument restoration cannot be shown clearly in one of these standard sheets a Plan of Survey Perpetuating Survey Monuments will be required. The Plan of Survey Perpetuating Survey Monuments shall be prepared in accordance with the Instructions for Surveys and Plans.
 - The Sketch shall prepared in metric
 - The minimum lettering size is 2mm
 - The sketch shall contain:
 - The DGS reference
 - The Name of the Municipality
 - The date of the survey
 - The scale of the drawing Note: Not to scale is acceptable
 - A North Arrow
 - The Deposit Number
 - File No. (City of Winnipeg if Applicable)
 - File No. (Survey firm)
 - The Approval of the Examiner of Surveys
 - The Manitoba Land Surveyor certification in the form of a signature
 - A statement where applicable that T-iron marker posts were placed at all corners. Note: T-irons are not to be placed on subdivision block corners.
 - The restored survey monument with angular and linear dimensions to other nearby monuments
 - Notes for survey monument types and the Land Titles Office of record
 - Minimal surrounding plan information is required. For plans of subdivisions it is not necessary to show lot information unless evidence in relation to the lots is being shown. Block information is sufficient
- Any other matters that the surveyor believes to be relevant to the survey

RESPONSIBILITIES

A project requiring the installation of more than six survey monuments will require a detailed estimate and pre-approval by the Municipality and the Examiner of Surveys prior to proceeding.

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For the purpose of this program, the Manitoba Land Surveyor will notify the Municipality when a survey outline monument is to be re-established within one working day of the date of installation of the monument. The notification will be delivered to the Municipality in person, by fax or by e-mail. (See Schedule "B") This is a notification only and is not a substitute for the Surveyors Report. Note: notification prior to the installation of a monument or monuments would be an estimate of the number of monuments required to be replaced only.

Where a Plan Perpetuating Survey Monuments is required the Manitoba Land Surveyor will submit one original and one mylar copy of the plan to the Examiner of Surveys for registration.

In order to manage the available funding for the program, the surveyor shall make every reasonable attempt to provide the report to the Municipality **NO LATER THAN 60 DAYS** subsequent to the notification date indicated on the notification form Schedule "B". If the survey monument (s) is not installed by the restoration date indicated on the form, the Manitoba Land Surveyor must notify the Municipality on or before that date that the survey monument restoration will not take place and provide the Municipality with a date by which the restoration will be completed.

The Municipality or the Property Registry will not be responsible for any cost incurred for survey outline monument restoration where the Manitoba Land Surveyor fails to provide the notice discussed above or fails to submit a final report within 60 days of having provided notification of the 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 Manitoba Land Surveyor makes a mutually satisfactory agreement for an extension.

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PROGRAM COSTS

The fees charged to the Survey Outline Monument Restoration Program, (Schedule "A") 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 total cost of the survey outline monument restoration survey shall not exceed the sum of \$1,000 per monument.

The costs of advertising, in accordance with Section 11 of *The Surveys Act*, and the cost of obtaining Utility clearances are not considered to be survey costs and these costs may be charged in addition to the \$1,000 for survey costs. These items are to be invoiced separately.

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 and the affected Municipality 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"

FEE SCHEDULE

The reimbursement for the restoration of survey outline monuments under this program shall be made in accordance with the following.

If prior to the installation of a survey monument, a utility clearance 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. This extra charge will only be allowed if the clearance is necessitated solely in conjunction with the restoration of a monument pursuant to the program. If the service is being performed for the client a claim for clearance should not be made.

1 Monument	\$225.00	4 Monuments	\$330.00
2 Monuments	\$260.00	5 Monuments	\$365.00
3 Monuments	\$295.00	6 Monuments	\$400.00

In instances where the survey monument must be installed in a hard surface location and there is coring required, the surveyor would be responsible for acquiring the services necessary to have the hole cored. Payment will be made for this service on a straight disbursement basis. A copy of the invoice for the coring is required for processing payment.

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.

1 1/8" x 1 1/8" x 48" survey monuments will be supplied by the City of Winnipeg Geomatics and Land Information Services Branch at no charge for Manitoba Land Surveyors requiring these monuments as part of the restoration of survey monuments within the City of Winnipeg.

Note: All fees are subject to provincial audit.

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Schedule "B"

Attached is the Survey Outline Monument Installation Notice form that is to be filled out and emailed or faxed to the Municipality.



Monument
Restoration Notice.doc

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