

## **Survey Outline Monument Restoration Program**

Updated December 14, 2020

Municipalities\*are responsible for protecting survey outline monuments and for the cost of replacing lost or disturbed survey outline monuments within their boundaries as set out in The Surveys Act.

Survey outline monuments are a key component of the land registry process in Manitoba and all the processes that flow from land descriptions. These monuments are important to municipalities and their residents, to the Government of Manitoba and to Teranet Manitoba for the purposes of a secure land tenure system.

As part of its responsibilities as Manitoba's service provider, Teranet Manitoba provides 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. Funds are available from Teranet Manitoba on a first come first serve basis.

To assist in the administration of the Survey Outline Monument Restoration Program ("program"), guidelines (Appendix A) have been developed in cooperation with the Association of Manitoba Municipalities ("AMM"), the City of Winnipeg's Geomatics and Land Information Services ("City of Winnipeg"), Teranet Manitoba, the Consulting Surveyors' of Manitoba and the Registrar-General.

In order to maintain the integrity of the program and guidelines, the program and guidelines will be reviewed every two years in the month of October by the Association of Manitoba Municipalities, the City of Winnipeg, the Consulting Surveyors of Manitoba, the Registrar-General and the Examiner of Surveys, and will be amended as necessary.

Failure to follow the guidelines for re-establishment of a survey outline monument may require remedy under The Surveys Act.

\*For the purpose of this Program, "municipalities" includes the City of Winnipeg and Indigenous and Northern Relations, where the restoration occurs in unorganized territory.

## Appendix A - Guidelines

### General Information

Under this program, municipalities can be reimbursed for a portion of the cost to restore eligible survey outline monuments that have been lost or disturbed. Any municipality may seek reimbursement from the fund.

### ***Survey Outline Monument Qualification and Exceptions***

#### Included in the Program

Survey outline monuments:

- placed to define any special survey made under *The Special Survey Act* on the principle of a block-outline survey;
- placed in accordance with subsection 117(7) of *The Real Property Act*, ***unless identified in the list of exceptions below***;
- placed on offset lines to evidence block corners in subdivision surveys;
- placed at road intersections or terminations of roads that were monumented on the original plan;
- defining the limits of an original Dominion Government Survey (i.e. Sections, Parish/settlements lots, etc.);
- defining the limits of a highway.

*Please note Type J monuments require approval from the City of Winnipeg prior to installation, unless the monument being restored was previously a Type J monument.*

#### Excluded from the Program

1. Survey outline monuments placed on:
  - railway plans;
  - public reserves, unless meets other conditions in the listing above;
  - plans of Water Control Works;
  - plans which re-subdivide lots and/or blocks within the frame work of an existing plan (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 limits (or offsets) to define a common element within a plan of bare land condominium;
  - plans conducted for or by the Crown or a Crown Corporation; and
  - plans in which the survey outline monuments are covered under a current development agreement within the municipality it is in.
2. Un-necessary monuments (i.e. if an intersection is controlled by more than one monument, it is only necessary to have to have one monument available.)
3. Replacement of additional monuments unless it can be shown they were necessary for the survey being conducted.

### ***Program Funds Depletion***

When the funding available from Teranet Manitoba falls below \$30,000.00 each calendar year, all private survey firms, the City of Winnipeg and AMM, will be notified by the Examiner of Surveys.

Any further survey outline monument restorations carried out under this program will require pre-authorization by the municipality, to proceed.

Prior to authorizing a MLS to proceed under the program the municipality must contact the Examiner of Surveys to ensure that there are sufficient funds available.

### ***Reimbursement Process***

Only costs for restoring the survey outline monuments set out in the “Included in the Program” section of these Guidelines that meet program requirements will be reimbursed. The following steps must be taken to receive reimbursement from Teranet Manitoba:

1. The Manitoba Land Surveyor (“MLS”) will notify the municipality when a survey outline monument has been or needs to be (see Pre-approval requirements below) re-established. Notice must be provided within 30 days of replacing the monument and in the form of the Survey Outline Monument Installation Notice (“Notice”) (See Schedule “B”). The Notice is to be sent to the municipality by e-mail. Should circumstances arise that prevent the surveyor from reporting within this timeframe (ex. working in a remote location), the surveyor must contact the municipality as soon as possible and outline the circumstances, and this correspondence must form part of the report.

A Notice provides an estimate of the number of survey outline monument(s) required to be replaced only, not the cost.

*When preapproval required:* A survey to restore survey outline monument(s) where the estimated total costs may exceed \$6000 will require a detailed estimate and pre-approval from the municipality prior to proceeding. The municipality is responsible for reviewing the detailed estimate and may choose to tender the work being proposed to other private survey firms.

NOTE: For restorations within unorganized territory, all correspondence as described above must be sent to Indigenous and Northern Relations, Manitoba.

2. On completion of a restoration, the MLS will provide a Surveyor’s Report (Note: the Notice does not substitute for the Surveyor’s Report), invoice(See Survey Costs section below for requirements) and preliminary sketch/plan to the municipality and Teranet Manitoba (through Plan Deposit Submission(“PDS”) for examination) **no later than 60 days** after the Notice has been sent to the municipality (the “due date”).

If the survey outline monument is not installed within the above noted time frame, the MLS

must notify the municipality on or before the due date and provide a reason as for the delay and the date the restoration will be completed and the Surveyor's Report, invoice and preliminary sketch/plan submitted.

3. After the examination by Teranet Manitoba is completed, the Examiner of Surveys will notify, by email, the municipality and the MLS upon the Surveyor's Report, invoice and sketch/plan being approved.
4. Upon receiving approval from the Examiner of Surveys, the municipality is responsible to pay the invoice from the MLS in the first instance.
5. The municipality must then submit proof of payment and an invoice\* (addressed to 'Teranet Manitoba LP') by email to [mb.smrp@teranet.ca](mailto:mb.smrp@teranet.ca), to be eligible for reimbursement. Reimbursement will be paid out in the order that Teranet Manitoba receives the invoice and proof of payment from the municipality. *To be reimbursed, the municipality must submit proof of payment and an invoice to Teranet Manitoba at the above address within **6 months** after the approval date by the Examiner of Surveys.* After the 6 month expiry, the municipality will no longer be eligible for reimbursement from Teranet Manitoba under this program.

\*Refer to Survey Costs section for details of reimbursement maximums.

### ***Survey Costs***

The total cost of the survey outline monument restoration survey must not exceed the sum of \$1225.00 per monument. Teranet Manitoba will provide a municipality, on a 50/50 cost share basis, reimbursement (Teranet does not pay GST or PST) plus certain disbursements (see below). These disbursements are not to be considered survey costs and may be charged in addition to the \$1225.00 for survey costs.

NOTE: The hourly rates and disbursement costs charged to the municipality must not exceed the hourly rates and disbursement costs charged by the surveyor to their client for the work being undertaken in conjunction with the restoration.

#### **Fees:**

The fees charged under this program must only include any additional time required to restore a survey outline monument, in conjunction with work being carried out in the area. In order to monitor the actual costs associated with the restoration of the monument, a **detailed accounting** of the additional field and office time required as a result of the monument not being available must be attached to the invoice. This will enable all parties to review and, if necessary, request clarification or adjustment of the reimbursement.

## Eligible Disbursements:

1. When the survey outline monument must be installed in a hard surface location and there is coring required, a MLS can acquire 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.
2. When a utility clearance is required by one or more utility companies, a MLS is responsible for acquiring these services. Payment will be made for this service on a straight disbursement basis. A copy of the invoice for the utility clearance is required for processing payment.
3. The costs of advertising, in accordance with Section 11 of *The Surveys Act*.

Teranet Manitoba will waive fees associated with the examination and registration of a sketch/plan.

NOTE: Subject to availability, the City of Winnipeg will supply 1 1/8" x 1 1/8" x 48" survey monuments at no charge to a MLS requiring these monuments as part of the restoration of survey outline monuments within the City of Winnipeg. The survey outline monument being restored must be of similar size.

## ***Municipality Responsibilities***

Municipalities are responsible for protecting survey outline monuments and for the cost of replacing lost or disturbed survey outline monuments within their boundaries as set out in The Surveys Act.

Upon receiving notification, by email, from the office of the Examiner of Surveys, that the Surveyor's Report and sketch/plan has been examined and approved, the municipality must pay the total invoice\* for the re-establishment of a survey outline monument. Once payment is made to the MLS, the municipality must submit proof of payment and invoice to Teranet Manitoba. In order to receive reimbursement from the Teranet Manitoba, proof of payment and invoice must be received within 6 months from the notification date.

\*The municipalities are responsible for prioritizing notifications of survey outline monuments being verified by the Examiner of Surveys for reimbursement under this program.

Additional Notes for estimates more than \$6000: Upon receiving a detailed estimate for a survey in which estimated total costs are expected to exceed \$6000, the municipality will review the estimate and approve the work or, if so desired, tender the work being proposed to other private survey firms, within 30 days of receiving the detailed estimate. If there are extenuating circumstances that affect the municipality's ability to approve the work, the municipality will reach out to the surveyor and Teranet Manitoba with an explanation and propose a new timeline within the 30 day timeframe.

### **Boundary Responsibilities:**

- Survey outline monuments forming the north and east boundaries of a municipality will be the responsibility of that municipality.
- Survey outline monuments 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 is the responsibility of the municipality whose north limit is defined by the monument.

### ***MLS Responsibilities***

A MLS must provide the Examiner of Surveys with a report, invoice\* and sketch/plan, submitted through Teranet Manitoba's Plan Deposit Submission (PDS), for deposit examination and approval.

**\*Invoice requirements:** An itemized invoice accounting the field and office time is required. Copies of invoices being claimed as a disbursement and proof of payment (listed in the Survey Costs section) must be submitted at the same time. Invoices must be made out to the municipality in which the restoration occurred and include the following statement:

"The fees charged under this program only include any additional time required to restore the survey outline monument(s), in conjunction with work being carried out in the area."

A copy of report, invoice and sketch/plan must also be sent to the municipality in which restoration occurs.

### **Minimum Report Contents:**

- Cover page or letter indicating:
  - Municipality in which restoration occurred
  - Survey firm
  - survey outline monument location(s)
  - File No.
  - File No. (Survey firm)
  - Date(s) of survey
  - Report Date
- Table of contents (if Report is multiple pages)

- Legal description of the property being surveyed which identified the need for the survey outline monument restoration and the purpose of the initiating survey (i.e. Building Location Certificate, Subdivision, etc.)
- Reason for the survey outline monument restoration
- Where a survey outline monument is deemed to be disturbed, a clear indication on what evidence was utilized to conclude that the monument was not in the position it was originally placed
- An opinion as to what may have caused the disturbance or removal of the survey outline monument being restored
- Any appreciable discrepancies with previous surveys and an explanation of how they were dealt with
- A detailed explanation of the legal principles and physical and documentary evidence used to re-establish the position of the survey outline monument restored
- Any other matters that the surveyor believes to be relevant to the survey
- A copy of the surveyor's field notes upon request
- A copy of the Notice

**Sketch/Plan Contents:**

A sketch or a plan, suitable for filing in the Land Titles Office, must be prepared. Please note that if the sketch is not filed in the LTO within 12 months after receiving approval from the Examiner of Surveys, re-approval is required prior to the sketch being filed.

***Minimum Sketch Requirements:***

- One page, the original size of the sketch is to be 8 ½" X 11", 8 ½" X 14" or 11" X 17"
- minimum lettering size is 2 mm
- scale of the drawing (not to scale is acceptable)
- sketch must be prepared in metric units and a label identifying the sketch is in Metric
- WLTO deposit number
- Approval from the Examiner of Surveys in the following format:

*Approved*  
*This \_\_\_ day of \_\_\_\_\_, 20\_\_*  
 \_\_\_\_\_  
*Examiner of Surveys*

- Certification of the MLS in the following format:

*Dated this \_\_\_ day of (month), 20\_\_*  
 \_\_\_\_\_  
 (Surveyor's name), MLS

- Registration memorial in the following format:

*Entered and filed in the \_\_\_\_\_ Land Titles Office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_  
as Plan No. \_\_\_\_\_.*

- Title to include:
  - 'Survey Outline Monument Restoration Sketch'
  - Reference to the DGS
  - name of city, town, village, etc., municipality and province
- Notes to include:
  - subsections b, c, and e, ISP Ch. 6.1.1
  - if applicable, ISP Ch. 6.1.2
  - survey date(s)
- Sketch portion:
  - North arrow
  - Angular and linear dimensions to monuments used and restored
  - ISP Ch. 4 applies, unless otherwise noted above
  - Any information the surveyor believes to be relevant to be shown on the Sketch (i.e. measurements to occupational evidence (fence lines, centreline of roads, etc.)

***Minimum Plan Requirements:***

The requirements for a 'Plan Perpetuating Certain Monuments' is found in the ISP. This type of plan is not required if the monuments being restored are shown on a plan that will be deposited, examined and registered in the LTO (i.e. Plan of Survey, Plan of Subdivision, etc.).

**Appendix B – Survey Outline Monument Installation Notice**

Date of Notice:	(enter date)
Municipality Name:	Type Municipality Name Here
Location(s)/Dominion Government Survey Reference(s):	Type Location/Reference Here
Affected Plan Numbers:	Type Plan Numbers Here
Number of Monuments to be Re-Established:	Type Number of Monuments Here
Requesting Survey Firm:	Type Firm Name Here
Survey Firm File Number:	Type File Number Here
Survey Firm Contact Person:	Type Contact Person Here
Survey Firm Contact Phone Number:	- - -

Sketch Attached:

The Above noted Monuments will be restored on or before (enter date)

<p>Office Use only:</p> <p>Job Number: _____</p> <p>Contract Number: _____</p> <p>Received by: _____</p> <p>Approved by: _____</p>
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