



IT'S OUR TIME
TO SHINE

CIRCULAR LETTER NO. 412

December 5, 2002

TO ALL BRITISH COLUMBIA LAND SURVEYORS

Re: Survey Restoration Fund

In accordance with the Surveyor General Branch's mandate to maintain and enhance the survey fabric of the province, a Survey Restoration Fund has been established.

The fund can provide limited financial compensation to land surveyors who discover and resolve cadastral errors or reset damaged monumentation that is beyond the scope of the survey for which they were contracted to perform.

In order to qualify to receive funding from the Survey Restoration Fund several criteria must be met including the following:

- Resolution of the cadastral errors or replacement of the damaged monuments must require work beyond the extent of that normally required for the survey for which the land surveyor was contracted;
- Resolution of the cadastral errors or replacement of the damaged monuments must be in the public or Crown interest; and
- The resolution or replacement must conclusively resolve the issue.

For a detailed explanation of the operation of the fund please see the attached Survey Restoration Fund procedural document.

Inquires can be directed to any of the staff land surveyors at the Surveyor General Branch.

Yours sincerely,

Rick Hargraves, B.C.L.S.
Surveyor General and Director

Attachment

SURVEYOR GENERAL BRANCH PROCEDURES HANDBOOK

VOLUME 2 CHAPTER 5I SECTION 5.3

PROCEDURE 5.3

SURVEY RESTORATION FUND

Procedure 5.3

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PERFORMED BY:

Surveyor General

SEE ALSO PROCEDURE(S):

APPROVED: _____

DATE: _____

Branch Filing number 10510-40-XXX (Each successful application will be given a unique filing number).

1.0 REFERENCE

Surveyor General Branch – Survey Restoration Fund

2.0 STATEMENT

- 2.1 From time to time, in the course of conducting cadastral surveys, land surveyors will find that survey monumentation has been damaged or destroyed or discover errors in the survey fabric in which they are working. In some instances, the damaged or destroyed survey evidence or the discovered errors will require considerable additional survey work well beyond the extent of the work normally required for the survey for which the surveyor was contracted.
- 2.2 Where survey monumentation is damaged or destroyed or where cadastral errors exist, it may be a public or Crown benefit to replace certain survey monuments and/or to resolve certain errors.
- 2.3 A survey restoration fund has been established to fund certain monument replacements and to resolve certain errors.

3.0 POLICY

- 3.1 The fund is available to provide some compensation to land surveyors who resolve errors in the survey fabric or replace survey monuments which are well beyond the scope of the project for which they were contracted. The restoration fund is not available to land surveyors to cover expenses incurred for monument re-establishment or cadastral calculations which would normally be within the scope of the work originally contracted.
- 3.2 In order to qualify for compensation, the Surveyor General must deem the resolution or reposting to be in the public or Crown interest.

4.0 PROCEDURE

- 4.1 Where, in the course of conducting a cadastral survey, a land surveyor finds substantial survey errors or extensive monument damage that will result in excessive additional work beyond that contracted for, the land surveyor may apply to the Surveyor General Branch for compensation from the Survey Restoration Fund.

Application to the Surveyor General Branch shall include the following:

- 4.1.1 a written explanation of the problem encountered, the extent of the problem encountered and its proposed resolution,

- 4.1.2 An explanation of what the surveyor was retained to do for their client,
- 4.1.3 A plan showing;
 - the extent of the survey for which the surveyor was contracted,
 - the extent of the survey required to resolve the extraordinary problems encountered,
 - evidence found,
 - the damaged monumentation or the survey errors,
 - any other items which explain the extraordinary problems encountered and/or explain the anticipated solution to the extraordinary problems encountered.
- 4.1.4 A description of the work required beyond that which would have been normally required to complete the project for which the surveyor was retained,
- 4.1.5 A statement of the fee to be billed to the client for the project,
- 4.1.6 An estimate of the actual cost to the land surveyor of the additional work. It is anticipated that the surveyor will quote actual salary costs, plus employee costs and actual expenses.
- 4.1.7 Any other information which would assist in explaining the extraordinary problem and/or the proposed solution to the extraordinary problem. This might include certificates of title, ground photographs, statements by affected owners or air photographs.

Once the problem is discovered, the land surveyor should contact the Surveyor General Branch before embarking upon the necessary work to resolve the error or repost the damaged or destroyed monuments, if they intend to apply for compensation from the Survey Restoration Fund.

- 4.2 The Surveyor General Branch must determine if the problem is in fact beyond what would normally be encountered by a land surveyor in conducting the cadastral survey under contract; if it is in the province's interest to replace damaged or destroyed monuments or resolve encountered errors, and if so, must decide upon appropriate remuneration for the additional work.
 - 4.2.1 Once the Surveyor General Branch receives an application, it is to be reviewed by a staff land surveyor.
 - 4.2.2 The staff land surveyor is to make a recommendation to the Deputy Surveyor General with respect to:
 - if the request for compensation meets these guidelines,
 - if the proposed additional work is in the Crown or public interest, and
 - the amount of compensation.
 - 4.2.3 The recommendation is to be in the form of a brief report. The report should summarize the problem, summarize the additional work required, and recommend and justify the appropriate remuneration.
 - 4.2.4 The amount of compensation will normally be the actual cost to the land surveyor of the additional work required. It will not be calculated at the regular charge-out rates for the land surveyor.
 - 4.2.5 The Deputy Surveyor General presents this report and recommendation to the Surveyor General.
 - 4.2.6 If the Surveyor General approves the recommendation, the staff surveyor advises the applying land surveyor.
 - 4.2.7 If the additional survey work is to take place upon Crown land, appropriate survey instructions are issued.
 - 4.2.8 The staff land surveyor requests that, upon completion of the survey, an invoice for the approved remuneration and a paper copy of the final plan which shows the additional posts or the corrected survey error be submitted to this office.
 - 4.2.9 Upon receipt, the Deputy Surveyor General reviews the invoice.
 - 4.2.10 Upon approval, the invoice is presented to financial staff, (Unit Head, Finance and Corporate Services Unit) for payment.

5.0 ADDITIONAL GUIDELINES

The following policy guidelines are intended to provide further guidance in the adjudication of applications for remuneration from the Survey Restoration Fund.

- 5.1 Assistance will only be provided where the placement of additional survey posts or the resolution of a survey error is in the public or Crown interest.
- 5.2 Assistance will only be provided where the damaged or destroyed survey monuments or the encountered survey error is beyond the scope of what would normally be encountered for the contracted cadastral survey.
- 5.3 Assistance will not be provided to compensate for a poor estimate to the client from the land surveyor.
- 5.4 Assistance will only be provided where a plan will be prepared and will be deposited into either the Land Title Office or the Crown Land Registry.
- 5.5 The solution proposed must conclusively resolve the survey problem.
- 5.6 Assistance on the grounds of financial hardship only does not meet the objectives of this policy.
- 5.7 Assistance from this fund will not be given more than once with respect to the same survey problem.
- 5.8 The staff land surveyor should also be aware of the provisos for payment contained in section 4 of the Supplemental Information annexed for convenience to the General Survey Instructions.