

Course Outlines of the Milestone Examinations

Being PART 15 of By-law No. 1

General By-laws of the Association of Manitoba Land Surveyors

MANITOBA LAND



**ASSOCIATION
OF MANITOBA
LAND SURVEYORS**

**Being Appendix 15-A of By-law No. 1,
General By-laws of the Association of Manitoba Land Surveyors**

APPENDIX 15-A

(Section 15.16 & 15.20)

COURSE OUTLINES OF THE MILESTONE EXAMINATIONS

COURSE OUTLINES:

1 & 2. MANITOBA ACTS AND REGULATIONS (Parts 1 & 2)

A thorough knowledge of, and understanding of the application of specific land and survey related statutes of Manitoba and the associated regulations as well as a general knowledge of other statutes related to the practise of land surveying.

3. MANUALS, SYSTEMS OF SURVEY AND PRACTICAL SURVEYING

A thorough knowledge and understanding of the theory of the systems of survey of Dominion Lands in the Province of Manitoba including:

- Instructions for surveys of original subdivisions namely townships, parish lots, settlements and group lots
- Use of the supplements to the manuals
- Monumentation methods and standards of survey
- Preparation and evaluation of field notes and township diagrams and plans
- Methods and problems arising from survey practice and evaluation of evidence for various types of legal surveys required by the statutes of Manitoba and the surveys of Dominion Lands as well as other surveys that are a normal part of the practice of the profession and which require a candidate to exercise professional judgement
- Evaluation of different types of evidence and their relative value
- Preparation of affidavits as to the position of lost or obliterated monuments
- Boundaries on land and water, riparian rights, determination and proof of boundaries
- Special Surveys
- Knowledge of the requirements to be met by a client or surveyor to expedite dealings with land
- An understanding of client/surveyor relationships and a general knowledge of practises and procedures when dealing with clients or the public

4. LEGAL DESCRIPTIONS AND TITLE INTERPRETATION

Preparation and interpretation of various types of legal descriptions of land in Manitoba for various purposes.

Preparation of various types of descriptions for "openings and closing by-laws"; for "rights-of-way" and reference to sworn plans; for conveyance of closed "rights-of-way".

Knowledge of legally described or notarized, registered and unregistered interests land including balance of titles, endorsements, encumbrances and documentation utilized in conveyancing and transmission of lands.

Subject matter may deal with land in Manitoba held under any land tenure system.

5. THE SURVEYING PROFESSION

A thorough knowledge and appreciation of the professional responsibilities of a Manitoba Land Surveyor, or the application of codes of professional ethics and the inter-relationship between members of the surveying profession and associated disciplines such as town planners, architects, lawyers and engineers.

A general knowledge of the history and development of survey technology, survey systems and survey organizations in Manitoba and Canada.

A detailed knowledge and appreciation of the survey disciplines and systems (cadastral, geodetic, hydrographic, photogrammetric, engineering, construction, cartographic, remote sensing, etc.) within the broad field of surveying in Canada.

A summary knowledge of survey organizations in Canada including government survey establishments and departments, the survey industry, professional survey associations, survey technician organizations, and learned societies.

Detailed knowledge of Manitoba case law pertaining to property boundaries.

SYLLABUS:

1. MANITOBA ACTS AND REGULATIONS - Part 1

- C 340 The Crown Lands Act
Sections: 1 to 7(3) inclusive, 8 to 19 inclusive, 27(1) to 27(7) inclusive, 34
- E 150 The Manitoba Evidence Act
Sections: 15(1)(2), 16(1)(2), 61, 62(1)(2), 64(1)(2)(3)(4)
- E 190 The Expropriation Act
Sections: 1 to 31(3) inclusive, 44(1), 50(1) to 55 inclusive
General Knowledge – Schedules A & B
- L 60 The Land Surveyors Act
All
- L 90 The Law of Property Act
Sections: 4, 5, 6, 11, 12, 15, 16(1)(2), 17, 27, 28, 29, 30(4), 35, 39(1)(2)
- P 80 The Planning Act
Sections: 1(1) to 17(2) inclusive, 26(1)(2), 27(1), 29(1), 30(1)(2), 31, 33, 34(1)(2)(3)(4),
35(1)(2), 36(1)(2), 40(1) to 62(1) inclusive, 63(1) to 71(4) inclusive, 74(1) to 110(2)
inclusive, 119(1) to 173(2) inclusive, 188, 194(1)(2)(3), 207, 210(1)(2)(3)
Regulations: 45/2002, 137/2006, 19/2010, 81/2011, 25/2015
Manitoba Rural Subdivision Application Form
- R 30 The Real Property Act
Sections: 1 to 13.2(2) inclusive, 22(1) to 69 inclusive, 76(1)(2)(2.1)(3)(4)(5), 85(1) to
91(3) inclusive, 102, 103(1)(2)(3), 104, 108, 111(1) to 112(6) inclusive, 117(1) to 133(4)
inclusive, 145 to 149(5) inclusive, 152, 156(4) to 159(2) inclusive, 181(1) to 194
inclusive
General Knowledge – Balance of Sections/Schedules
Regulations: 281/87 and 73/2014
- R 50 The Registry Act
All
Schedules C & D
Regulations 328/87R
- S 190 The Special Surveys Act
All
- S 240 The Surveys Act
All
Regulation 500/88 – Survey of Mining Claims

2. MANITOBA ACTS AND REGULATIONS – Part 2

SM 39 The City of Winnipeg Charter

Sections: 1, 9(1)(2), 129(a)(b)(c), 136, 137, 138, 139(a)(b)(c)(d)(e)(k), 140(1)(2), 141(1)(2), 142(1)(2), 144, 158(1)(2)(3)(5), 159(1)(2), 190(1)(2), 192(1)(2)(3), 193(1)(2)(3)(4), 194(1)(2)(3), 195(1)(2)(3), 196(1)(2)(3), 199(1)(2)(3), 204, 205(1)(2)(3)(4)(5), 206(1)(2)(3), 207, 211(a)(b)(c), 224(a)(b)(c), 225(1), 226(5), 236(1)(2), 238(1)(2), 239, 240(1)(2)(3)(4), 255(1)(2)(3), 256(1)(2), 257(1)(2), 258, 259(1)(2), 260(1)(2)(3), 261(1)(2), 262(1), 263(1)(2)(3)(4)(5), 265(1)(2)(3)(4), 266(1)(2), 267(1)(2)(3), 268(1)(2), 345(1)(2), 371, 372, 373, 374, 375, 376(1)(2), 377(1), 380, 389, 390, 391(1), 394(1)(2)(3), 397(1)(2), 400(1), 405, 483(3), 516(1)(2)(3)

B 70 The Boundary Lines and Fences Act

All

B 91 The Builders' Liens Act

General Knowledge – Sections: 13, 14, 37(1)(2)(3)(4)(5), 38(1), 43(1), 49(2), 68(1)(2), 70(1)(2)

C 30 The Cemeteries Act

Sections: 1, 2, 14, 15, 16, 17, 18(1)(2), 19(1)(2)(3)(6)

C 170 The Condominium Act

All of Part 1; Sections: 4 to 18(2) inclusive, 22 to 24(6) inclusive, 32 to 42(4) inclusive, 89(1) to 90(3) inclusive, 295

General Knowledge – Parts 9, 13, 14, 15 and 18

D 110 The Dyking Authority Act

Sections 1, 4(1)

E 5 The Ecological Reserves Act

Sections 5, 13, 14

E 120 The Engineering & Geoscientific Professions Act

Section 66(1)

E 140 The Escheats Act

All

G 50 The Gas Pipeline Act

Sections: 1, 3(1), 4(1), 15(4), 21(1) to 22(3) inclusive, 24(1)(2), 26(1) to 27(8) inclusive

General Knowledge – Schedule – Grant of Right of User

- H 40 The Highways & Transportation Act
Sections: 1, 6(1)(2)(3)(7), 7(1)(2), 8(1)(2), 10(1)(2)(3), 12(2), 14(1)(2)(3)(4), 16(1) to 17(7) inclusive
- H 50 The Highways Protection Act
Sections: 1, 2(1)(2), 4, 8(1), 12(1)(2), 13(1), 14(1) to 15(4), 16(1), 17(1), 26(1)
General Knowledge – Manitoba Regulation 569/88
- H 80 The Homesteads Act
Sections: 1, 2, 3, 9(1)(2)(3)(4)(5)(6), 11(1) to 12 inclusive, 15, 19(1) to 22(2)
- H 170 The Hudson’s Bay Company Land Register Act
All
- H 190 The Manitoba Hydro Act
Sections: 16(1)(a)(b)(d)(e), 18, 20(1)(2), 23(1)(2)(3), 24(1)
- L 40 The Land Acquisition Act
Sections: 1, 2, 3(2)(3)(4), 4(1)(2), 6(1)(2), 7, 8(1)(2)(3)(4), 10(1)(2)(3), 11(1)(2), 14(1)(2)(3)(6), 17(1)
- L 150 The Limitation of Actions Act
Sections: 1, 2(1)(2)
- M 162 The Mines & Minerals Act
Sections: 1(1), 2(1), 3(1), 5, 8(1)(2), 18(1)(2)(3), 20, 61(1) to 68(5) inclusive, 73(1)(2)(3), 75, 76(1)(2), 77(1), 81(1) to 82(3) inclusive, 105(1)(2)
- M 225 The Municipal Act
Sections: 1(1), 2, 5(1)(2), 254(1)(2), 255, 285 to 293 inclusive, 294.1(1)(2)(3)(4), 363(1)(3), 369(3), 377(4)(5)(6), 379, 387(3)
- M 240 The Municipal Board Act
All of Part IV
- O 34 The Oil & Gas Act
Section 59 (1), 89 (2)
- P 50 The Petty Trespasses Act
All
- P 230 The Public Officers Act
General Knowledge – All
- P 300 The Public Works Act
Sections: 1, 3(1)(6)(7)

S 15 The Sand & Gravel Act
All

S 120 The Short Forms Act
General Knowledge – All

S 235 The Surface Rights Act
General Knowledge – All

T 140 The Trans-Canada Highway Act
General Knowledge – All

W 60 The Water Power Act
Sections: 4, 5, 6(4), 7, 8, 9(1), 12(1)(2)

W 70 The Water Resources Administration Act
Sections: 1, 9(1)(2)(3), 10(1)(5), 11(1)(2)(3)(4)(5)(6)(7), 13(1)(2), 14(1)(2),
16(1)(2)(3)(4)(5)(6)(7), 17(1), 18(5), 20, 21, 25(1), 26(1)(2)

W 80 The Water Rights Act
Sections: 2, 6(1) to 7(5) inclusive, 11, 27

W 90 The Manitoba Water Services Board Act
Sections 1, 6(2)(3)(4)(6), 7(1)(2)(5)(6)

W 210 The Work Place Safety and Health Act
General Knowledge of Act and Regulations

The Manitoba-Northwest Territories Boundary Act 1966, R.S.M. 1990, c.242
General Knowledge – This Act replaces *The Manitoba-Northwest Territories Boundary Act, 1966*, assented to March 29, 1966, being chapter 5, *Statutes of Manitoba, 1966*.

The Manitoba-Ontario Boundary Act, 1929, R.S.M. 1990, c. 243
General Knowledge – This Act replaces *An Act respecting the Boundary between the Provinces of Manitoba and Ontario*, being chapter 22, *Revised Statutes of Manitoba, 1954*, which came into force on April 1, 1955.

The Manitoba-Ontario Boundary Act, 1953, R.S.M. 1990, c. 244
General Knowledge – This Act replaces *An Act respecting the Boundary between the Provinces of Manitoba and Ontario*, proclaimed in force on June 1, 1954, being chapter 23, *Revised Statutes of Manitoba, 1954*.

The Manitoba-Saskatchewan Boundary Act 1966, R.S.M. 1990, c. 248
General Knowledge – This Act replaces *The Manitoba-Saskatchewan Boundary Act, 1966*, assented to March 29, 1966, being chapter 6, *Statutes of Manitoba, 1966*.

The Manitoba-Saskatchewan Boundary Act (1980), R.S.M. 1990, c. 249

General Knowledge – This Act replaces *The Manitoba-Saskatchewan Boundary Act (1980)*, assented to July 9, 1980, being chapter 23, *Statutes of Manitoba, 1980*.

3. MANUALS, SYSTEMS OF SURVEY AND PRACTICAL SURVEYING

A thorough knowledge and understanding of the theory of the systems of survey of Dominion Lands in the Province of Manitoba including:

- instructions for surveys of original subdivisions namely townships, parish lots, settlements and group lots;
- use of the supplements to the manuals;
- monumentation methods and standards of survey;
- preparation and evaluation of traditional and electronic field notes and township diagrams and plans.

Methods and problems arising from survey practice and evaluation of evidence for various types of legal surveys required by the statutes of Manitoba and the surveys of Dominion Lands as well as other surveys that are a normal part of the practice of the profession and which require a candidate to exercise professional judgement.

Evaluation of different types of evidence and their relative value; preparation of affidavits as to the position of lost or obliterated monuments; boundaries on land and water, riparian rights, determination and proof of boundaries; the procedure to re-establish or re-position survey monuments shown on Special Surveys; a general knowledge of modern survey methodology.

Familiarization with material found at GeoManitoba, 1007 Century St., Winnipeg, MB, R3H OW4 (e.g. old field notes, township diagrams).

Knowledge of the minimum requirements to be met by a client or surveyor for authorities to expedite dealings with land.

An understanding of client/surveyor relationships and a general knowledge of practices and procedures when dealing with clients or the public.

Reference Material:

Manual of Instructions for the Survey of Dominion Lands, Eighth Edition (1913)

Manual of Instructions for the Survey of Dominion Lands, Tenth Edition (1946):

- Chapter 1 - Sec. 2, Secs. 41-52 incl., Secs. 54-56 incl., Secs. 61-66 incl., Secs. 68 & 69
- Chapter 2 - Secs. 1-10 incl., Secs. 13-20 incl., Secs. 30-48 incl.
- Chapter 3 - All
- Chapter 4 - Secs. 85-167 incl., and Secs. 186-219 incl.
- Chapter 5 - All
- Chapter 6 - Sec's. 313-337 incl.

- General knowledge of balance of sections

Supplement to the Manual of Instructions for the Survey of Dominion Lands (1908 & 1917)

Theory of the System of Survey of Dominion Lands (1891)

Description of Boundary Monuments Erected on Surveys of Dominion Lands – Bulletin No. 38 – 1871 - 1917

Manual of Instructions for the Survey of Canada Lands, Second Edition (1979) and Amendments. (<http://satsc.rncan.gc.ca/standards-normes/toc-canlan-terrecan-1-3-v1-eng.php>)

- Part A - Canada Lands Surveys Act, Canada Evidence Act, Criminal Code, Indian Act, Public Lands Grants Act, and Weights and Measures Act
- Part B - All
- Part C - Chapters 1, 2, 5, 6 and 7
- Part F - All
- Appendices - All of Appendices 1, 2 and 7, part of Appendix 8 (Specimen Plans No's. 4, 5, 6 and 12)

Manual of Instructions for the Survey of Canada Lands, Third Edition, Volume 2 (1997), Natural Resources Canada (<http://satsc.rncan.gc.ca/standards-normes/toc-canlan-terrecan-1-3-v1-eng.php>)

- Appendix E2 – Legal Principles for Surveys of Canada Lands.

National Standards for the Survey of Canada Lands, Natural Resources Canada (September 2014), and Addendums (<http://clss.rncan.gc.ca/surveystandards-normesdarcentage/index-eng.php>)

- Chapters 1, 3,4, and 5

Bulletin No.57 - Investigation of Positions of Monuments on Base lines and Meridians of Dominion Lands Survey System by J.B. Milliken

- Causes of Errors and Inaccuracies in Original Surveys - pgs. 9-16 incl.
- Notes on Surveys - pgs. 32-49 incl.

Riparian Rights – A compilation – 1976 by A. C. Roberts, Director of Surveys - Surveys & Mapping Branch, Department of Renewable Resources & Transportation Services, Manitoba.

Boundaries from Witness Mound to Witness Stand compiled by M. Viminitz, S.L.S. (1970)

Legal Principles and Practice of Land Surveying (A series of 12 Papers covering various aspects of Cadastral Surveying reprinted from ***The Canadian Surveyor***) – Queens Printer, Ottawa, 1962.

Boundaries published by the Association of Ontario land Surveyors by the Carswell Company Ltd., Toronto (1968)

Survey Law in Canada published by the Canadian Institute of Surveying and Mapping by the Carswell Company Ltd., Toronto (1989)

Instructions for Surveys and Plans, The Property Registry – Registrar-General and Examiner of Surveys

Memoranda on Re-establishment Surveys of Lots in the City of Winnipeg (March 1921)

Red Book published by the Association of Manitoba land Surveyors:

- Extracts from the Manual of Instruction (1871) with Amending Circular (1872)
- Extracts from the Manual of Instruction for Survey of Dominion Lands (1913) by A.C. Roberts, M.L.S.
- Revised First and Third Systems of Survey in Manitoba
- Evidence by H. G. Beresford
- The Surveys in the Red River Settlement in 1869 - A.C. Roberts, M.L.S.
- Early Surveys and Land Administration in Manitoba by W.M. Pearce, M.L.S.

Cadastral Studies Lecture Notes - by W. F. Teskey, T. C. Swanby, W. D. Usher and A. Hittel (1983). UCSE Reports No. 10008, The University of Calgary, Calgary, Alberta

- Chapter 1 - All
- Chapter 2 - All
- Chapter 4 - Sec's. 4.1,4.2 & 4.3

Engineering Law by RE. Laidlaw, C.R. Young and A.R. Dick, Fifth Edition (1958), The University of Toronto Press

- Chapters VII, VIII, XVI, XVIII, XIX, XXII

Survey of Mining Claims Regulation (Regulation 500/88, The Surveys Act, C.C.S.M. c. S240)
Mineral Disposition and Mineral Lease Regulation, 1992 (Regulation 64/92, The Mines and Minerals Act, C.C.S.M. c. M162).

Subdivisions, Rezoning, and Development Applications – City of Winnipeg

(<http://www.winnipeg.ca/ppd/subdivision.stm>)

- Short Form Subdivision Applications
- Long Form Subdivision Applications
- Rezoning Applications
- Development Agreement Parameters

Land Use and Development – Manitoba Indigenous and Municipal Relations

(http://www.gov.mb.ca/ia/land_use_dev)

- Subdivision Regulation (Regulation 137/2006, The Planning Act, C.C.S.M. c. P80)
- A Guide to the Subdivision Process in Manitoba
- Subdivision Application Form

By-law No. 1, General By-laws of the Association of Manitoba Land Surveyors

The Property Registry's User Guides

- Titles Online User Guide
- Documents Online User Guide
- Survey Plans Online User Guide
- Plan Deposit Submission User Guide

4. LEGAL DESCRIPTIONS AND TITLE INTERPRETATION

Preparation and interpretation of legal descriptions of lands under the Dominion and Manitoba system including section, legal subdivision, parish lots, registered and filed plans by various metes and bounds methods.

Preparation of descriptions for "openings and closing by-laws," for "rights-of-way" by metes and bounds and reference to sworn plans; for conveyance of closed "rights-of-way".

Interpretation of title interests including balance of titles, endorsements, encumbrances and documentation utilized in the conveyancing and transmission of lands.

Reference Material:

The following may be found in the ***Red Book*** published by the Association of Manitoba land Surveyors:

- Descriptions, C.C. Chataway, M.L.S.
- Analysis of Legal Descriptions in Manitoba, J. B. Scott, M.L.S., J. F. Hyde, M.L.S.
- Interpretation of Expressions used in Legal Descriptions
- Features of Legal Descriptions of Land in Manitoba, J. H. Wilson, M.L.S.
- Elements of Land Descriptions

Instructions on the use of the Short Form Legal Description from the Winnipeg Land Titles Office

- *Guide Book Surveys*, Descriptive Formats, Examiner of Surveys (2009)

5. THE SURVEY PROFESSION

Due to the all encompassing nature of this examination and the many issues that arise from time to time that affect professional associations, and in particular our association, it is strongly recommended that students avail themselves to members of the Association and the Association itself, through the Executive Council and its various committees, to become aware and stay abreast of the issues the survey profession is facing.

The student should also be familiar with the following reference material:

- The Land Surveyors Act, C.C.S.M. c. L60

- Bylaw No. 1, General By-laws of the Association of Manitoba Land Surveyors with special emphasis on the Code of Ethics, Standards of Practice, and The Complaint Process
- Knowledge of the policies, activities and structure of the Association of Manitoba Land Surveyors as reported in *The Manitoba Surveyor* – previous 3 years
- Knowledge of the policies, activities and structure of the Professional Surveyors Canada
- Regulating Professions and Occupations – Manitoba Law Reform Commission (October 1994)
- Survey Outline Monument Restoration Program
- Roberts Rules of Order
- Manitoba case law pertaining to property boundaries
- Monthly publications from other provincial survey associations