



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

Pursuant to The Land Surveyors Act, CCSM c. L-60

May 18, 2023

On March 31, 2016, *The Land Surveyors Act*, Chapter L60 of the Continuing Consolidation of the Statutes of Manitoba (the Act) came into effect, replacing *The Land Surveyors Act*, Chapter L60 of the Revised Statutes of Manitoba. This necessitated the adoption of new by-laws, which are compiled as one document referred to as **By-law No. 1, General By-laws of the Association of Manitoba Land Surveyors** (By-law No. 1). Authority to pass by-laws is provided in Section 9 of the Act, and amendments or repeals of by-laws must be approved by the membership at a general or special general meeting of the membership.

By-law No. 1 is divided into several parts and commences with the Table of Contents. Preceding the Table of Contents is a table titled History of Amendments. It lists all sections of By-law No. 1 that have been amended and the date when the amendments occurred. Within the text of By-law No. 1, all sections affected by an amendment are footnoted with the notation “Amended (date)” or “Added (date)”; the text of any sections that have been repealed is removed and replaced by the notation “Repealed (date)”. Any amendments approved after the date shown on the front cover of this document are not included. The most recent version of By-law No. 1 must be relied upon. Previous versions of By-law No. 1 are archived by the Association of Manitoba Land Surveyors.

HISTORY of AMENDMENTS

By-law came into effect on March 31, 2016

Re-named as: By-law No. 1, General By-laws of the Association of Manitoba Land Surveyors

Amendment date	Sections affected by amendments
September, 2016	2.2 c); 4.22; 4.23; 5.4 a); 5.4 b); 5.4 c); 7.1.1; 7.17 e); 7.48; 7.54; 7.55; 7.56; 7.58; 7.59; 8.2; 8.9; 9.4; 9.7; 9.8; 9.9; 9.11; 9.14; 10.5; 11.1 a); 11.1 c); 11.10; 11.25; 12.4; 13.11.1; 13.11.2; 13.8; 13.9; 13.12; 13.16; 14.25b); 14.26; 14.27; 15.18; 15.45; 15.60; 15.60.1; 15.60.2; 15.61; 15.83.1; 15.99; 15.99.1; 15.99.2; 15.99.3; 15.99.4; 15.99.5; 15.103; 16.22; 16.23.1; 16.23.2; 16.23.3; 16.23.4; 16.23.5; 16.23.6; 16.30; 16.30.1; 16.30.2; 16.31; Schedule D
September, 2017	Definitions; 2.7; 2.15; 5.4.1; 7.15; 7.16; 7.17; 7.17 b); 7.17 f); Part 8 heading; 8.2; 8.2 d); 8.12; 8.13; 9.5.1; 9.6; 9.7.1; 9.10; 9.15 a); 9.6; 9.7.1; 9.10; 9.15 a); 11.11; 11.14; 11.14.1; 11.19 a); 11.20; 11.21; 11.22; 11.23; 11.24; 11.25; 11.26; 12.4 a); 12.4.1; 12.5; 13.1; 14.6.1; 14.10; 14.25; 14.26 c); 14.29; 14.30; 16.18; 18.64; 18.67; 18.77; 18.78; 18.85 m); 18.108; 18.109; 19.26; Schedule A; Schedule E
December, 2017	9.5(f); 18.105.1; 18.106.1
September, 2018	4.1; 4.6; 4.22; 7.8; 7.19; 7.20b; 7.21.1; 7.23; 7.23.1; 8.2; 8.13.1; 10.9; 10.10.1; 10.10.2; 15.1 a); 15.2; 15.9.1; 15.41.1; 15.99.6; 15.102.1; 15.104; 16.1; 16.2; Part 16 heading; Schedule A; Schedule E
November, 2018	Definitions; 9.13; 14.4; Part 19 in its entirety
July, 2020	Addition of Section 18.110
August, 2020	Definitions; 2.2 b); 2.2 c); 7.21.2; 10.9.1; 10.10; 10.10.1; 10.10.2; 12.2; Schedule A
March, 2021	Parts 15 and 16 in their entirety
May, 2023	Definitions; 2.2 b); 2.2 c); Part 7 in its entirety; 8.2 b); 8.10; 8.11; 8.13; 8.14; 8.15; 10.11 a); 13.7; 13.11.1; 13.16; 13.17; 13.18; 14.6.1; 15.125; 16.33; 17.14; 18.73; Addition of 18.111 to 18.115; 19.6 a); Addition of Part 20; Schedule A

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BY-LAW No. 1
GENERAL BY-LAWS OF THE
ASSOCIATION OF MANITOBA LAND SURVEYORS

Pursuant to
The Land Surveyors Act
(CCSM c. L-60)

DEFINITIONS

In this by-law:

- a) "Act" means *The Land Surveyors Act* (CCSM c L-60)
- b) "Association" means the Association of Manitoba Land Surveyors.
- c) "Colleague" means a person with whom one works in a profession or business.
- d) "Complainant" means a person who files a formal complaint with the Registrar.
- e) "Complainee" means the member who is the subject of a formal complaint.
- f) "Corporation" means a professional corporation in accordance with the Act.
- g) "Document" or "plan" means any document, plan or report prepared by a Manitoba Land Surveyor for the purpose of representing the extent of any ownership or any other interest in land or for the purpose of representing the results of any measurements made or other data collected. The terms plan, document or reports are interchangeable for the purposes of this by-law.
- h) "Firm" means any member, partnership, proprietorship, corporation, limited liability partnership or any other business or employment relationship of any kind practicing land surveying in the Province of Manitoba
- i) "Legal Survey" means any survey that references, or is based on, any boundary of land as land is defined in the Real Property Act, the relationship of anything relative to the boundaries of land or the preparation of plans or documents, including documents in a digital form, which shows the location of boundaries or the location of anything relative to a boundary of land. A legal survey also includes any survey that involves the practice of land surveying as defined by the Act.
- j) "Limited Liability Partnership" means a Limited Liability Partnership in accordance with the Act
- k) "Member" means a Manitoba Land Surveyor, an Associate Member, an Honorary Life Member, an Honorary Member, a Land Surveyor in Training, a Non-practicing Member, a Retired Member, a Student Member or a Suspended Member.
- l) "Monument" or "Survey Monument" are any materials or items used to visibly reference or demarcate on the ground, any boundary of land as land is defined in the Real Property Act. A Manitoba Land Surveyor is the only person authorized to place, replace or remove survey monuments.

- m) "Past President", "Registrar" and "Secretary-Treasurer" mean the individuals appointed to those offices under this by-law.
- n) "President" and "Vice President" mean the individuals elected to those offices under the Act or this by-law.
- o) "Practice of land surveying" means the practice of land surveying as defined in Part 2 of the Act and all other activities undertaken by the Manitoba Land Surveyor related to the provision of services in their respective occupational environments.

Amended September 2017

Amended November 2018

Amended August 2020

Amended May 2023

Unless the contrary intention appears, The Interpretation Act, CCSM c 180, applies to this by-law.

PART 1

HEAD OFFICE, FISCAL YEAR, SEAL AND LOGO

- 1.1** The head office of the Association shall be located in Winnipeg, Manitoba.
- 1.2** The Official Seal of the Association shall contain the words "The Association of Manitoba Land Surveyors."
- 1.3** The President, or an individual designated by the council, shall have the custody of the Official Seal of the Association.
- 1.4** When the Official Seal of the Association is required to be fixed to any document, the seal shall be accompanied by the signature of the President, or, Registrar or such other persons as may be designated by the council.
- 1.5** The official logo of the Association shall be lodged at the head office of the Association and the proportions and reproduction of each element thereof shall be determined by the council.
- 1.6** Any use of the official logo shall be in compliance with advertising guidelines as may be established by the Association from time to time to govern its members.
- 1.7** The fiscal year of the association will run from January 1 to December 31.

PART 2

OFFICES, COUNCIL OF THE ASSOCIATION AND PUBLIC REPRESENTATIVES

In this part, “elected offices” mean those members elected in accordance with Section 7(5) of the Act.

Offices of the Association

2.1 The offices of the Association are:

- a) the President;
- b) the Vice President;
- c) four offices of councillor;
- d) the Past President;
- e) the Registrar; and
- f) the Secretary-Treasurer.

Appointed Officers

- 2.2**
- a) the office of the Past President shall be filled by the member who was the most recent President but who no longer holds that office. The Past President shall attend the meetings of the council in a non-voting, advisory role. The term will run from January 1 to December 31;
 - b) the office of the Secretary-Treasurer shall be filled by an appointment by council, following the annual general meeting, for a term of one year. The term will run from January 1 to December 31. The Secretary-Treasurer is to be selected from the membership and shall be a Manitoba Land Surveyor, a Retired Member or an Honorary Life Member;
 - c) the office of the Registrar shall be filled by an appointment by the council, following the annual general meeting, for a term of one year. The term will run from January 1 to December 31. The Registrar shall be a Manitoba Land Surveyor, a Retired Member, or an Honorary Life Member;
 - d) any appointed member who does not perform their duties as required may be removed from their appointment by council. Council will appoint a new member for the remainder of the term.

Amended September 2016

Amended August 2020

Amended May 2023

Elected Officers

2.3 Members shall elect from among their number:

- a) the President and the Vice President will be elected for a term of one year. The term will run from January 1 to December 31; and
- b) 2 councillors, each of whom shall hold office for a term of two years. The term will run from January 1 to December 31.

Eligibility to hold office

2.4 The eligibility to hold office is set out in schedule A attached to this by-law.

President

2.5 President duties:

- a) to preside and act as chair at all meetings of the Association and the council, and
- b) to perform such other functions as are required under these by-laws or by the council.
- c) the President is an ex-officio member of all committees of the council and of the Association except the Complaints Committee, Inquiry Committee, or the Registration Committee.

Vice President

2.6 Vice President duties:

- a) In the absence or inability of the President to act, it is the duty of the Vice President to act as President.
- b) When the Vice President acts as President, the Vice President has all the powers, duties and obligations of the President.
- c) In the event of disability, death, suspension or resignation of the President, the Vice President becomes President for the remainder of the term of office.
- d) The Vice President is an ex officio member of all committees of the council and of the Association except the Complaints Committee, Inquiry Committee, the Registration Committee, and the Nominating Committee.

Vacancies in Elected Offices

2.7 If the holder of an elected office dies, is suspended, resigns or is otherwise unable to fulfill their duties, the council may:

- a) appoint an eligible member, as set out in schedule A attached to this by-law, to the office until the next annual general meeting, or
- b) leave the office vacant if a quorum can still be maintained.

Composition of Council membership

- 2.8** The council of the Association will be comprised of nine members consisting of: six elected members:
- a) the President;
 - b) the Vice President;
 - c) four Councillors; and
 - d) three public representatives to be appointed by the council for a term of one year to run concurrent with the term of the council.

The public representatives shall not be:

- a) member or former member of the association or a parent, spouse, common-law partner, brother, sister or child of a member;
- b) employed by a member of the association; or
- c) an officer or employee of, or have a pecuniary interest in, a firm or corporation that practises land surveying.

Quorum of Council

- 2.9** A quorum of the council will consist of a minimum of four elected members of the council being:
- a) either the President or Vice President; and
 - b) at least three other elected members of the council.
- 2.10** If the President and Vice President are absent or unable to act, the council may appoint one of their number to act as President during the absence or inability of the President or Vice President.
- 2.11** When a council member acts as President that person has all the powers, duties and obligations of the President.

Council Meetings

- 2.12** Meetings of the council shall be held at the call of the President or pursuant to subsections 2.14 and 2.15.
- 2.13** Three members of the council may, by notice in writing, to the Secretary-Treasurer, request that a meeting of the council be called.
- 2.14** Immediately following a request under subsection 2.13, the Secretary-Treasurer shall call a meeting for a date within 14 days of receipt of the request.
- 2.15** Unless otherwise agreed by every member of the council, written notice of each council meeting shall be sent by the Secretary-Treasurer to each council member at least seven (7) days before the date of the meeting. Written notice may be sent to council members by the Executive Officer on behalf of the Secretary-Treasurer.

2.16 Prior to taking office, council shall meet for organizational purposes only, and may contact potential appointees but shall not conduct any official business of the association.

Voting

2.17 Each member of the council has one vote.

2.18 The individual acting as chair of a meeting of the council shall not vote on any matter unless there is a tie vote in which case the Chair shall cast a vote.

Registrar

2.19 The Registrar shall perform such duties as required under the Act, Regulations and these by-laws.

Acting Registrar

2.20 Council may appoint an Acting Registrar who has all the powers and may perform all of the duties of the Registrar when the Registrar is absent, unable to act or when there is a vacancy in the office.

Rules of Procedure

2.21 The rules of order and procedure at a meeting of the council shall be those normally accepted rules of order and procedure governing meetings of a like nature, but if a dispute arises, the chair may declare that a specific edition of Roberts Rules of Order applies to the meeting.

Reports

2.22 Council shall present to the annual general meeting of the Association a report on the operation and activities of the council and the association during the preceding year.

PART 3

ASSOCIATION MEETINGS

Meetings

- 3.1** A special general meeting called by the council shall be held on such date and at such place as the council determines.
- 3.2** A special general meeting called by request shall be held within 30 days of the date of receipt of the request by the association at such place as the council determines.
- 3.3** For the purposes of subsection 6(7)(a) of the Act, the request shall be in writing delivered to the Secretary-Treasurer.

Calling of Meetings

- 3.4** The Secretary-Treasurer shall give at least 14 days notice of Annual General Meetings and Special General Meetings of the Association to each member indicating the date, time, and place of the meeting.

Procedure at Meetings

- 3.5** The chair for all annual general meetings or special general meetings shall be the President or, in the President's absence, the Vice President or, in the absence of both, the chair is to be elected by the members present at the meeting.
- 3.6** Business at an annual general meeting or at a special general meeting shall be introduced as motions or resolutions, duly seconded.
- 3.7** Any matter of new business that a member wishes to introduce shall be in the form of a written motion or resolution, duly seconded, submitted to the chair of the meeting.
- 3.8** The chair of the meeting shall decide whether the motion or resolution presented under subsection 3.7 of this Part 3 is in order before admitting it for discussion.
- 3.9** Except as otherwise provided in this by-law, or in regulations made under the Act, the conduct of business at a meeting of the Association shall be governed by the edition of Roberts Rules of Order as declared by the chair.
- 3.10** Debate on a motion or resolution may be limited by the chair provided it is done in accordance with the edition of Roberts Rules of Order as declared by the chair.

PART 4

ELECTIONS

Nominating Committee

- 4.1** Each year the council shall appoint a Nominating Committee consisting of three (3) members in good standing who have previously held the office of President.

Amended September 2018

- 4.2** The Nominating Committee shall choose a chair from the members of the Nominating Committee.
- 4.3** The Nominating Committee shall be responsible for the conduct of the election, in accordance with the Act and by-laws, and setting forth a list of nominees eligible for election.

Method of Making Nominations

- 4.4** Additional nominations for a vacant elected office can be made prior to an annual general meeting, in writing, to the chair of the Nominating Committee by two (2) eligible members accompanied by the written and signed consent of the nominee.
- 4.5** A nomination may be accompanied by such documentation as directed by the Nominating Committee.
- 4.6** The Secretary Treasurer shall publish a list of nominations that were provided by the Nominating Committee in the Manitoba Surveyor.

Amended September 2018

- 4.7** At the annual general meeting, two (2) members may, with the consent of the nominee, may make further nominations, which shall be added to the list of nominations previously made.

Conduct of Election

- 4.8** Elections shall be conducted at an annual general meeting.
- 4.9** At each Annual General Meeting there shall be elected such offices as specified in accordance with Part 2 of this by-law.
- 4.10** No member may be nominated for more than one elected office at any election.

4.11 Each member is entitled to vote for as many candidates as there are vacancies to be filled for each office or for a lesser number.

4.12 At the annual general meeting, the Nominating Committee shall appoint at least two (2) members, if required, to act as scrutineers.

4.13 The scrutineers shall distribute a ballot to each eligible member.

4.14 The scrutineers shall be responsible for collecting the ballots and counting the votes.

Acclamation or Election

4.15 If there are the same number of individuals nominated for office as there are vacancies, those people shall be declared to be elected by acclamation.

4.16 If there are more persons nominated for an office than there are vacancies, the nominee or nominees, who receive the most votes for the office shall be elected to each vacant office as the case may be.

Deciding Vote

4.17 When the casting of an equal number of votes for two (2) or more candidates leaves the election undecided:

- a) the scrutineers shall write on separate ballot papers the names of the candidates who have received the equal number of votes and shall place the papers in a ballot box; and
- b) the chair of the Nominating Committee or his or her designate in the presence of the scrutineers, shall draw from the ballot box one of the ballot papers, and the candidate whose name is written on it shall be the elected candidate.

Result of Vote

4.18 On completing the count of the votes cast for each elected office the scrutineers shall deliver to the chair of the Nominating Committee or his or her designate:

- a) the results of the vote; and
- b) the ballots and any voting records.

Destruction of Ballot Papers

4.19 Following the announcement of the vote, the ballots and any voting record shall be destroyed.

Validating Procedures

4.20 In the event of a failure to comply with any point of order or procedure relating to an election, the council may take any action or make any direction that it considers necessary to validate the nomination, the counting of the ballots, or the election.

Voting Rights

4.21 The voting rights for elections for each membership category are set out in schedule A attached to this by-law.

Appointments

4.22 The nominating committee may submit names to executive council for consideration for appointment to the following positions:

- Registrar
- Secretary-Treasurer
- Auditor
- Public representatives on Executive Council
- Public representatives on Complaints Committee
- Public representatives on Inquiry Committee

Amended September 2016

Amended September 2018

4.23 The nominating committee may submit names to executive council for consideration for the Peter Fidler Award.

Amended September 2016

PART 5

FINANCIAL MATTERS

Banking

- 5.1** All funds of the Association shall be kept in accounts in the name of the Association in a credit union or chartered bank in the form of chequing accounts, savings accounts or guaranteed investment instruments or in such other accounts or instruments and at such other financial institutions as may be approved by the council from time to time.

Investments

- 5.2** The council may invest any funds not required by the Association for its immediate purposes in such other investments as may be approved by the council.

Expenditures

- 5.3** Unless otherwise authorized by the council, no money shall be withdrawn from the Association's accounts except by cheque signed by the president or the Vice President or the Secretary-Treasurer for expenditures of less than \$2000.00 or by cheque signed by any 2 of the President, Vice President and Secretary-Treasurer for expenditures of \$2000.00 and greater.
- 5.4** Funds belonging to the Association shall only be expended:
- a) In accordance with the annual budget approved of a majority of Manitoba Land Surveyors at an annual general meeting or special general meeting; or
 - b) In accordance with a special levy approved by a majority of Manitoba Land Surveyors at an annual general meeting or special general meeting;
 - c) on the approval of the council for the following purposes:
 - i. to carry out the day to day business of the association;
 - ii. to pay legal fees;
 - iii. to fund the work of any committee not in excess of 20% more than the amount previously approved in accordance with Part 5;
 - iv. to fund any previously approved initiative not in excess of 20% more than the amount previously approved in accordance with Part 5;
 - v. for any other purpose approved by the council as necessary or beneficial to the operations of the association.

- 5.4.1** Any expense incurred by a member or public representative of the Association while carrying out the business of the Association shall be reimbursed only in accordance with Schedule E (Policy for Reimbursement of Expenses).

Amended September 2017

Contingency Account

- 5.5** An account called the contingency account shall be maintained on the ledger of accounts of the Association and an account to hold the funds in the Contingency Account shall be maintained at the Association's financial institution.
- 5.6** The purpose of the contingency account shall be to pay unbudgeted legal fees and, except as otherwise approved pursuant to this Part 5, no other expenses may be paid from the Contingency Account.
- 5.7** The target amount to be held in the contingency account shall be approved annually by the membership in conjunction with the approval of the budget for the fiscal year under consideration, at the annual general meeting and may be revised by approval of the membership at a special general meeting.

Restricted Net Assets Account

- 5.8** An account called "Restricted Net Assets" shall be added to the ledger of accounts of the Association and an account to hold the funds in the Restricted Net Assets Account shall be opened at the Association's financial institution.
- 5.9** The opening value of the Restricted Net Assets Account shall be comprised of all accumulated unspent net income from prior years.
- 5.10** The Restricted Net Assets Account shall be used only for the reduction of annual fees or for contributions to the Contingency Account in accordance with this Part 5.
- 5.11** At each Annual General Meeting or at a Special General Meeting of the Association, the membership shall determine, in conjunction with the approval of the budget for the fiscal year under consideration, a contribution (if any) from the Restricted Net Assets Account to be assigned to reduce the annual fees and an amount (if any) to be transferred to the Contingency Account according to the value determined in accordance with this Part 5.
- 5.12** The ongoing value of the Restricted Net Assets Account shall be the opening value as determined herein plus the net income of each subsequent fiscal year less the amount of the contributions to the Contingency Account (if any).

PART 6

NON-STATUTORY COMMITTEES

Part 6 of this by-law only applies to those committees that are non-statutory in nature.

Non-Statutory Committees

- 6.1** The council may appoint, in addition to those statutory committees as defined in the Act, such committees of the Association as the council considers necessary and may designate the chair and where necessary, the vice chair of each committee so appointed.
- 6.2** The function, duties and responsibilities of the committees shall be determined by the council from time to time.
- 6.3** Except where the Act otherwise provides, a committee of the council or a committee of the Association shall be composed of such individuals as the council considers necessary and may include persons who are not members of the Association.

Appointments

- 6.4** Individuals appointed to a committee may be appointed for a fixed period, or unspecified period of time but not all members on any specific committee need be appointed for the same period of time.
- 6.5** Individuals appointed to a committee may have their appointments terminated at any time by the council or have the designation of chair or vice chair revoked, as the case may be.
- 6.6** If under this by-law a person is absent, unable or unwilling to fulfill the obligations of their office, the council may appoint another person in their place.

Ex Officio Members

- 6.7** An individual who is appointed or entitled to attend a meeting of the council, a committee of the council or a committee of the Association as an ex officio member may speak on any matter before the meeting at which he or she attends, but is not entitled to vote on any matter.

Chair

- 6.8** In the absence or inability to act of the chair of a committee, a vice chair shall act as a chair and in the absence or inability of a vice chair the members present at the meeting shall elect a member to act as chair for that meeting.

Travelling and Living Expenses

- 6.9** The council shall establish guidelines for the remuneration of expenses incurred by members in carrying out committee business for the association.

PART 7

MEMBERSHIP CATEGORIES

Amended in its entirety May 2023

- 7.1** An individual who meets the membership requirements of the Association shall be registered in one of the following membership categories:
- a) Manitoba Land Surveyor
 - b) Associate Member
 - c) Honorary Life Member
 - d) Honorary Member
 - e) Land Surveyor in Training
 - f) Non-practicing Member
 - g) Retired Member
 - h) Student Member
 - i) Suspended Member
- 7.2** Any individual applying for a new membership, a change in membership category or an annual renewal of membership in relation to the categories listed in Section 7.1 a), b), c), e), f), g), h), or i) shall submit to the Registrar:
- a) a completed Application for Membership, Form H;
 - b) all fees in accordance with Part 8;
 - c) in relation to category 7.1 a), a completed Manitoba Land Surveyor's Declaration in Form D, and
 - d) any other requirements in accordance with the Act or this by-law.
- 7.3** In addition to the provisions of the Act dealing with cancellation and subject to Sections 15.125 and 16.33, the Registration Committee may designate that a member's registration is cancelled if the member fails to submit all of the items listed in Section 7.2 within 30 days of when the items are due.
- 7.4** Upon an individual being registered as a member of the Association, the Registrar shall enter the individual's name in the general register under the appropriate membership category and shall issue a certificate of registration to the person identifying the membership category.
- 7.5** When the membership category of a member changes, the Registrar shall update the general register accordingly and apprise the Registration Committee of the change.
- 7.6** The effective date of registration in any membership category shall be the date of issue of the certificate of registration.
- 7.7** A member can be registered in only one membership category at any given time.

- 7.8** All members may attend any annual general meeting or special general meeting of the Association and are entitled to discuss any motion or resolution before the meeting. Only members of a particular category are eligible to propose motions or resolutions or to vote on matters in accordance with Schedule A and Schedule B.
- 7.9** Unless the council otherwise directs, all members are entitled to receive all publications, reports, and notices that are generally available to Manitoba Land Surveyors.
- 7.10** Any member who desires to cancel their membership shall provide written notice to the Registrar and pay any outstanding monies owed to the Association, after which, no further fees or levies are payable.
- 7.11** Any outstanding monies owed to the Association by any member, including a former member whose registration has been cancelled, are a debt owed to the Association and may be recovered as ordinary debts due to the Association.
- 7.12** A member whose category of membership changes during the calendar year is not entitled to a rebate of any portion of the annual fees paid.

Manitoba Land Surveyor

- 7.13** The Association issues licences to members authorizing them to practise land surveying in accordance with the Act; a Manitoba Land Surveyor is an individual who holds a licence and is the only category of membership having the right to carry on the practice of land surveying.
- 7.14** When the licence of a Manitoba Land Surveyor is cancelled, suspended, or surrendered, the registration of the member shall be cancelled or changed to a different membership category.
- 7.15** When the licence of a Manitoba Land Surveyor is cancelled, suspended, or surrendered, the embossed seal and identity card issued by the Association shall be returned to the Registrar within 15 days.

Associate Member

- 7.16** The Registration Committee may, upon application, confer membership in the Association as an Associate Member upon an individual who meets any of the following criteria:
- a) holds a degree or diploma in geomatics or other related program from a recognized university, college or technical school, and is employed in a field of geomatics;

- b) has been actively employed in a field of geomatics for a period of not less than ten years, or
- c) is entitled to practise land surveying in a jurisdiction outside of Manitoba.

7.17 An Associate Member may sit as a member on any non-statutory committee of the Association.

7.18 An Associate Member shall not use any designation relating to the practice of land surveying in Manitoba.

Honorary Life Member

7.19 Council may, upon nomination, confer Honorary Life membership upon any Retired member who has rendered distinguished service to the Association and the profession and who currently complies with the following criteria:

- a) has an aggregate total of 30 years or more as a member of the association in good standing;
- b) has served at least one term on council and actively served on at least six committees during their professional career;
- c) has attended at least 65% of all Annual and Special General Meetings held during their professional career; and
- d) any other criteria established by the council.

7.20 Nominations for Honorary Life membership shall be:

- a) accompanied by a resume of the member's service or contribution to the Association; and
- b) be submitted to the Secretary-Treasurer in the form of a petition signed by at least three licensed Manitoba Land Surveyors.

7.21 An Honorary Life Member who is retired is not required to pay an annual fee or any levy payable to the Association.

7.22 An Honorary Life Member may sit as a member on any committee of the Association in accordance with the Act including the council.

7.23 An Honorary Life Member may use the designation "M.L.S.(Ret.)" or "MLS(Ret)".

7.24 An Honorary Life Membership may be cancelled by council.

Honorary Member

7.25 An Honorary Member is a person or organization who has been recognized by the Association for their contributions to the Association or the profession of Land Surveying in Manitoba.

- 7.26** Council may, upon nomination, confer honorary membership upon any person who, through their own initiative and leadership, has rendered eminent service relating to the profession of surveying.
- 7.27** Nominations for honorary membership shall be:
- a) accompanied by a resume of the person or organization's service or contribution to the Association; and
 - b) submitted to the Secretary-Treasurer in the form of a petition signed by at least three members.
- 7.28** An Honorary Member is not required to pay an annual fee or any levy payable to the Association.
- 7.29** An Honorary Member may sit as a member on any non-statutory committee of the Association.
- 7.30** An Honorary Member shall not use any designation relating to the practice of land surveying in Manitoba.
- 7.31** Honorary membership may be cancelled by the council.

Land Surveyor in Training (LSIT)

- 7.32** The Registration Committee shall confer membership as a Land Surveyor in Training upon any individual who has been approved by the Board of Examiners pursuant to Part 15.
- 7.33** A Land Surveyor in Training may sit as a member on any non-statutory committee of the Association.
- 7.34** A Land Surveyor in Training may use the designation "(AMLS-LSIT)".
- 7.35** A Land Surveyor in Training who is granted a leave of absence by the Board of Examiners or is suspended pursuant to Part 15 continues to be registered as a Land Surveyor in Training, but is not eligible to:
- a) sit as a member of any committee of the Association;
 - b) use any designation relating to the practice of land surveying in Manitoba; nor
 - c) vote on any matters at an Annual or Special General Meeting.
- 7.36** The registration of a Land Surveyor in Training may be cancelled by the Board of Examiners pursuant to the Rules and Regulations of the Board of Examiners, or by the Registration Committee.
- 7.37** When a Land Surveyor in Training successfully completes all milestone requirements, the category of membership shall change to:

- a) a Manitoba Land Surveyor
 - i. upon the Registrar's receipt of the deliverables and request as required under Section 15.121,
 - ii. the member satisfies the requirements with respect to professional liability insurance in accordance with Part 14 of this by-law and
 - iii. a licence has been issued to the member; or
- b) a Non-practicing Member at the expiration of 30 days following the date of the Registrar's notice of the successful completion if a licence has not issued.

Non-practicing Member

7.38 A Non-practicing Member is a former Manitoba Land Surveyor who has had their licence suspended temporarily of their own volition.

7.39 The licence of a Non-practicing Member may only be reinstated upon an application of the member to the Registrar and in accordance with the Act.

7.40 A Land Surveyor in Training who successfully completed all milestone requirements to be eligible for registration as a Manitoba Land Surveyor in accordance with Part 15 or an applicant who has passed the jurisdictional examination in accordance with Part 16, but has failed to provide the requisite documentation and fees to the Registrar within 30 days following the date of the Registrar's notice of the successful completion shall be registered as a Non-practicing Member, and when a licence is not instated within six months, the Registration Committee may designate that a member's registration is cancelled.

7.41 When a member of their own volition requests a temporary suspension of their licence, the request must be made in writing addressed to the Registrar setting forth the anticipated term of the temporary suspension and the reason therefore which may include, but is not limited to, a change in employment, illness, parental leave, or incapacity.

7.42 A Non-practicing Member shall not use any designation relating to the practice of land surveying in Manitoba.

7.43 A Non-practicing Member may sit as a member on any committee of the Association in accordance with the Act including the council.

7.44 A Manitoba Land Surveyor who voluntarily surrenders their registration after a review or investigation by the Complaints Committee is not a Non-practicing Member.

Retired Member

- 7.45** A Manitoba Land Surveyor, or a person who was formerly registered as a Manitoba Land Surveyor, including a Non-practicing Member, who wishes to be registered as a Retired Member shall for the first year in which the member wishes to retire, file an Application for Retired Membership in Form A with the Registrar.
- 7.46** The Registration Committee may, upon review, confer retired membership status upon any person who has been a Manitoba Land Surveyor, or a Non-practicing Member and who is not in arrears of any monies owed to the Association.
- 7.47** A Retired Member may sit as a member on any committee of the Association in accordance with the Act including the council.
- 7.48** A Retired Member may use the designation “M.L.S.(Ret.)” or MLS (Ret)”.
- 7.49** A Retired Member may provide consultative services to a Manitoba Land Surveyor or a professional corporation, but shall not provide consultative services to any other party. Consultative services means the provision of expert or professional advice and recommendations related to the practice of land surveying.
- 7.50** A Manitoba Land Surveyor or professional corporation may advertise that a Retired Member is providing them with consultative services provided the advertisement states such Retired Member is a consultant only to the Manitoba Land Surveyor or the professional corporation named in the advertisement.
- 7.51** Retired Membership may be cancelled or suspended by the Registration Committee.

Student Member

- 7.52** The Registration Committee may upon application, confer membership as a Student Member upon any individual who is a student and is:
- a) enrolled in a geomatics program or a related academic program;
 - b) enrolled in a high school with the intention of entering a geomatics program or related academic program; or
 - c) is enrolled with the Canadian Board of Examiners for Professional Surveyors.
- 7.53** A Student Member shall not use any designation relating to the practice of land surveying in Manitoba.
- 7.54** A Student Member may sit as a member on any non-statutory committee of the Association.
- 7.55** Student membership may be cancelled by the Registration Committee.

Suspended Member

7.56 A Suspended Member is a former Manitoba Land Surveyor who has had their licence suspended:

- a) automatically, for non-payment of monies owed to the Association, in accordance with Part 8 of this by-law;
- b) automatically, for failing to provide proof to the Registrar of professional liability insurance coverage in accordance with Part 14 of this by-law; or
- c) by the Complaints Committee, the Inquiry Committee or Council in accordance with the Act.

7.57 A Suspended member may be eligible for reinstatement subject to any conditions imposed in accordance with the Act and this by-law.

7.58 A Suspended Member shall not use any designation relating to the practice of land surveying in Manitoba.

Membership cancellation

7.59 Any member wanting to cancel their registration shall provide written notice to the Registrar; the Registrar shall acknowledge receipt of a written notice within 30 days of the receipt of such notice.

7.60 When the registration of a Land Surveyor in Training is cancelled by the Board of Examiners or the Registration Committee, the Registrar shall advise the Land Surveyor in Training in writing within 30 days of the date the decision is made to cancel the registration.

7.61 When the Complaints Committee accepts the voluntary surrender of a member's registration after a review or investigation by the Complaints Committee, the Complaints Committee shall confirm its acceptance of the voluntary surrender in writing to the member and to the Registrar.

7.62 When the registration of a Manitoba Land Surveyor is cancelled, suspended, surrendered, or voluntarily surrendered, their licence is cancelled.

7.63 The Registrar shall cancel a member's registration by making note of the fact in the general register and removing the member's name for the Annual Register, if applicable, upon:

- a) receipt of a notice of cancellation from said member;
- b) receipt of a notice of cancellation for said member from the Board of Examiners, the Registration Committee, the Inquiry Committee, or council; or
- c) receipt of notice of voluntary surrender for said member from the Complaints Committee.

7.64 A member who voluntarily surrenders their registration may be eligible to have their registration and licence reinstated by the Complaints Committee, subject to any conditions imposed by the Complaints Committee in accordance with the Act and this by-law.

7.65 When a member who voluntarily surrenders their registration has accepted or met the conditions imposed by the Complaints Committee, the Complaints Committee shall direct the Registrar to reinstate the applicant's registration and licence.

Application for relicensure

7.66 A Retired Member or a former Manitoba Land Surveyor whose licence or registration was cancelled or suspended, who wishes to be relicensed as a Manitoba Land Surveyor, shall make an application to the Registrar in Form H and shall include:

- a) a letter requesting relicensure:
 - i. stating the reason for the application; and
 - ii. outlining the activities undertaken by the applicant to maintain their professional competency; and
- b) payment of the application fees as set in accordance with this by-law.

7.67 The Registration Committee shall evaluate the application to ensure that the applicant is competent to practice and, where applicable, that the applicant has complied with all prior conditions imposed by the Complaints Committee, the Inquiry Committee, or Council.

7.68 To assist in the evaluation of the applicant, the Registration Committee may request that additional information be supplied by the applicant and may interview the applicant and any other party who may attest to the member's competency and compliance.

7.69 To ensure the applicant is competent and compliant with the generally accepted standards of practice established by the Association, the Registration Committee may make recommendations including, but not limited to:

- a) serving an internship of a period not to exceed 12 months;
- b) writing such examinations as may be required to determine the competency of the member;
- c) establishing conditions that the licensure be subject to supervision of another Manitoba Land Surveyor;
- d) carrying out inspections of the practice of the applicant pursuant to Sections 69 and 70 of the Act;
- e) establishing any conditions for the licensure and monitoring as seen appropriate by the Registration Committee;
- f) establishing a regular schedule of reporting to the Registration Committee by the applicant with respect to specified areas of practice; and

- g) establishing criteria for the cancellation of the licence or registration, as the case may be, if the practice of the applicant is deemed to be unacceptable or inconsistent with the generally accepted standards of practice established by the Association.

7.70 When the applicant is a former Manitoba Land Surveyor whose licence or registration has been cancelled or suspended, the Registration Committee shall forward to council the application, together with its recommendations regarding:

- a) the reinstatement of the applicant and any conditions to be imposed prior to relicensing, or on the practice of the applicant; and
- b) the costs payable by the applicant which may arise from the application including:
 - i. the current annual fees;
 - ii. all outstanding fees, fines or costs payable by the applicant to the Association; and
 - iii. all costs related to the evaluation of the application.

PART 8

FEES, LEVIES AND ASSESSMENTS

Amended September 2017

Annual Registration Fee

- 8.1** The annual fee for renewal of a licence as a Manitoba Land Surveyor or renewal of a permit as a corporation shall be set by a Motion at an Annual or Special General Meeting of the Association.

Other annual fees

- 8.2** The following fees shall be set annually in conjunction with the annual budget of the Association at an annual general meeting or at a special general meeting:
- a) an application for initial licensing as a Manitoba Land Surveyor, or an initial permit for a corporation or limited liability partnership, or the registration of a Geomatics Professional or for the assessment and admission as a Land Surveyor in Training, or for the application as a candidate pursuant to a domestic trade agreement pursuant to The Labour Mobility Act, CCSM Cap. L5;
 - b) for registration with the Association as an;
 - i. Associate Member;
 - ii. Land Surveyor in Training;
 - iii. Non-practicing Member;
 - iv. Retired Member;
 - v. Student Member; or
 - vi. Suspended Member;
 - c) for examination attempts and appeals;
 - d) for late payment of any fees, levies or assessments; or
 - e) for any other matter.

Amended September 2016

Amended September 2017

Amended September 2018

Amended May 2023

- 8.3** All annual fees and annual levies become due in full, on or before January 5th, of the year in which the annual fee is due.

Installment Payments

- 8.4** Despite the provisions of section 8.3, the council may make provision for payment of the annual fee in section 8.1 by installments as follows:
- a) 50% of the fee due on or before January 5th, of the year in which the annual fee is due;
 - b) An additional 25% of the fee due on or before March 31st of the same year; and
 - c) The balance of the fee due on or before June 30th of the same year.
- 8.5** Annual fees paid by installments will be subject to a surcharge as set forth in the annual budget of the Association. A default on any installment payment shall cause any outstanding payment(s) to be due and payable immediately.

Proportionate payment

- 8.6** A new member, in addition to any other required fees, is only required to pay part of the annual fee for the practicing year in which he or she becomes licensed. This fee shall be proportionate to the number of months left in the year including the month in which the new member is licensed.

Special fees, levies and assessments

- 8.7** Council may set any special fee, levy or assessment necessary for the association to pursue its purpose and carry out its duties, subject to the approval of the membership at an annual or special general meeting.

Notice fees

- 8.8** The Secretary-Treasurer shall send to each member or corporation notice of:
- a) the amount of the fees determined in accordance with sections 8.1 and 8.2.
The notice shall be sent out on or before December 1st, of the preceding year;
 - b) the amount of any special fee, levy or assessment;
 - c) the due date for payment, in full and by installments, of any fee, levy or assessment.

Late payment penalty

- 8.9** A member, or corporation, who fails to pay the annual fee as determined in accordance with section 8.1 by the dates set out in this Part 8 shall pay a penalty as set forth in the approved fee schedule for the current year.

Suspension for non-payment of annual fee or penalties

8.10 A member who fails to pay any part of the annual fee determined in accordance with section 8.1 or a penalty assessed under this Part 8 within 30 days of its due date will automatically have their membership category changed to Suspended Member.

Amended May 2023

8.11 A corporation who fails to pay any part of the annual fee as determined in accordance with section 8.1 or a penalty assessed under this Part 8 within 30 days of its due date will have its permit suspended.

Amended May 2023

Suspensions for failure to pay other costs

8.12 A member is automatically suspended from practicing if he or she, within 30 days of the due date fails to pay any other fees, levies or assessments set out in the Act or By-laws.

Amended September 2017

8.13 A corporation will have its permit suspended, if within 30 days of the due date it fails to pay any other fees, levies or assessments set out in the Act or By-laws.

Amended September 2017

Amended May 2023

8.13.1 Any suspension or imminent suspension pursuant to Sections 8.10 to 8.13 may be appealed to Council and the suspension may be overturned by Council if, in its opinion, there are extenuating circumstances.

Amended September 2018

No refund on suspension

8.14 A member who is suspended, has voluntarily surrendered their registration, changed their member status to Non-practicing, or had their membership cancelled, and who has paid the practicing fees and contributions, in full or in part, is not entitled to any refund.

Amended May 2023

No refund on cancellation or suspension

8.15 A corporation that has its permit cancelled or suspended and has paid their practicing fees and contributions, in full or in part, is not entitled to any refund.

Amended May 2023

PART 9

REGISTERS AND RECORDS

Register of By-laws

- 9.1** In addition to the General Register and the Annual Register, a register of corporations and limited liability partnerships and a register of all by-laws of the Association and amendments thereto shall be established.
- 9.2** The Register of By-laws shall be an Index of By-laws which shall contain for each by-law of the Association:
- a) the number of the by-law;
 - b) the name of the by-law;
 - c) the purpose of the by-law;
 - d) the name, number and sections of any by-law amended or repealed by the by-law;
 - e) the date of approval of the by-law; and
 - f) the date of amendment or repeal of the by-law and the number of the by-law that amended or repealed the by-law.
- 9.3** A Compilation of By-laws which shall contain for each by-law of the Association:
- a) the name of the by-law;
 - b) the complete text of the by-law; and
 - c) the date of approval and passage of the by-law

Register of Manitoba Land Surveyors

- 9.4** The General Register shall, effective March 31, 2016, contain the names of all persons accepted for registration as a member of the Association, divided according to membership category, and shall include for each member:
- a) the date of registration or change in membership category;
 - b) the registration number assigned to the member according to membership category;
 - c) the business name, business mailing address and business email address of the member;
 - d) other professional qualifications;
 - e) the identifications used by a licensed member on survey posts placed under the member's supervision, including the date of commencement of such use;
 - f) the date the membership ceased and the reason therefore;
 - g) all records of complaints, discipline and censure;
 - h) a listing of elected offices or committee appointments held by the member and the dates thereof;
 - i) a listing of all Annual and Special General Meetings attended; and

- j) other records or remarks as directed by the council or the Registrar.

Amended September 2016

Register of Corporations

9.5 The Register of Corporations shall contain a record of:

- a) the full name and business address of the corporation registered under The Corporations Act;
- b) the date of registration under The Corporations Act;
- c) the total number of voting shares issued by the corporation;
- d) the names of the Manitoba Land Surveyors or the corporations and the number of voting shares issued to each of them;
- e) the names of the voting shareholders, officers and directors of the corporation;
- f) the names of all of the Manitoba Land Surveyors assuming personal supervision, direction, and control of the practice of land surveying by the corporation; and
- g) in the case of a corporation whose voting shares are held by a corporation, or corporations controlled by one or more Manitoba Land Surveyors, the following additional information:
 - i. the total number of voting shares issued by the corporation which holds the shares in a corporation;
 - ii. the names of the Manitoba Land Surveyors holding the voting shares and the number issued to each of them; and
 - iii. the names of the officers and directors of the corporation.

Amended December 2017

Business Address of Corporation

9.5.1 Despite whatever business address of the corporation is registered with the Companies Office pursuant to The Corporations Act, the Annual Register shall record the business address of the corporation from where a Manitoba Land Surveyor is in direct contact with the public or clients and which is under the direct personal supervision, direction and control of a Manitoba Land Surveyor.

Amended September 2017

Register of Limited Liability Partnerships

- 9.6** The Register of Limited Liability Partnerships shall contain a record of:
- a) the name and business address of the limited liability partnership;
 - b) the names of the partners; and
 - c) the names all Manitoba Land Surveyors providing land survey services on behalf of the limited liability partnership.

Amended September 2017

Annual Register

- 9.7** The Annual Register shall contain the names, current addresses, other professional qualifications, registration numbers, and date of registration for all licensed members, corporations and limited liability partnerships registered as of January 31st of the current year.

Amended September 2016

- 9.7.1** The Annual Register shall contain a separate listing of the business names and addresses of sole proprietorships and general partnerships through which a Manitoba Land Surveyor provides professional services to the public.

Amended September 2017

- 9.8** Additions to or deletions from the Annual Register shall be published by the Association and made accessible to the public. Notice of any additions or deletions to the annual register shall be sent to all members, the Director of Surveys, the Examiner of Surveys, the District Registrar of each Land Titles Office, the Registrar General, the Regional Surveyor for the Surveyor General Branch and to each municipality by mail, courier, fax or electronic means.

Amended September 2016

- 9.9** On or before March 1st, in each year, the Registrar shall send a copy of the Annual Register to each member, the Director of Surveys, the Examiner of Surveys, the District Registrar of each Land Titles Office, the Registrar General, the Regional Surveyor for the Surveyor General Branch and to each municipality by mail, courier, fax or electronic means.

Amended September 2016

- 9.10** When a member dies, retires, becomes inactive, is suspended or has his or her registration cancelled, the Registrar shall strike that member's name from the Annual Register and shall forthwith notify the Director of Surveys, Regional

Surveyor for the Surveyor General Branch, Examiner of Surveys and the District Registrar of each Land Titles Office.

Amended September 2017

Membership Files

9.11 For each Manitoba Land Surveyor, corporation, and limited liability partnership the Registrar shall maintain a membership file, in electronic format, paper format or both, containing such of the following particulars as are appropriate:

- a) full name;
- b) date of registration under The Business Corporations Act or The Partnership Act (if so registered);
- c) registration number;
- d) date of registration as a Manitoba Land Surveyor, corporation or limited liability partnership;
- e) complete address;
- f) academic background;
- g) any censure, suspension or cancellation of registration;
- h) any correspondence relating to complaints, discipline or undertakings by the member relating to complaints or discipline;
- i) **~~Repealed—September, 2016;~~**
- j) copies of any correspondence between the member and the council, the Board of Examiners or the Registrar; and
- k) such other information as the council may direct.

Amended September 2016

Mailing Address

9.12 Every Manitoba Land Surveyor, corporation or limited liability partnership practicing in Manitoba shall:

- a) maintain a current mailing address; and
- b) notify the Registrar in writing of their mailing address and of any change to it forthwith after a change occurs.

Public Inspection

9.13 All registers shall be open for public inspection at the office of the Association upon request subject to section 11.27.

Amended November 2018

9.14 Membership files shall be available for inspection in accordance with Appendix 9-A, The Association of Manitoba Land Surveyors Personal Information Privacy Policy.

Amended September 2016

Notice of Cancellation or Suspension

9.15 If the registration of a member or corporation is suspended or cancelled, notice to that effect shall:

- a) be published as the council may direct;
- b) contain the name of the member or corporation whose registration is cancelled or suspended; and
- c) in the case of a suspension, state the period of the suspension.

Amended September 2017

9.16 If a member is reprimanded, is subjected to a restricted licence to practise, or disciplined other than by suspension or cancellation of registration, notice to that effect may, at the discretion of the Inquiry Committee, be published in such manner as the council directs.

PART 10

THE REGISTRATION COMMITTEE

The Registration Committee

- 10.1** Council shall appoint and maintain a Registration Committee consisting of the Registrar and a minimum of three members of the association, plus such other persons as the council may from time to time select; and establish a by-law for the governance of the Committee. The council may make, amend or repeal by-laws, not inconsistent with the Act or The Corporations Act respecting the appointment of a Registrar, any staff that it considers necessary to perform the work of the association and respecting the governance of the Registration Committee.
- 10.2** The Registrar and the Registration Committee and any subcommittees or assistants to the Registrar and the Registration Committee shall fulfill their obligations in accordance with the Act autonomously and independent of the direction of the council except where the Act directs otherwise.
- 10.3** The members of the Registration Committee shall swear or affirm an Oath of Office as prescribed in Form B.

Duties of the Registrar and the Registration Committee

- 10.4** The Registrar and the Registration Committee are responsible for:
- a) the establishment and maintenance of statutory Registers and other Registers as required by by-law of the Association;
 - b) the receipt and review of all applications for registration or applications for renewals of registration by any applicants, members, corporations or other practicing entities defined by the Act or by by-law;
 - c) the determination of the appropriate category of registration by any applicant;
 - d) the proper recording of any change in the status of any member's registration or category of registration;
 - e) the administration of the registration and licensing of Manitoba Land Surveyors providing professional services either:
 - i. under their name; or
 - ii. as a member of a general partnership, limited liability partnership; or
 - iii. as a corporation;
 - f) maintaining a record of names of practicing sole proprietorships, general partnerships, limited liability partnerships or corporations as such names are approved by the Registration Committee in accordance with the by-laws;
 - g) providing a liaison between the council and the subcommittees of the Registration Committee;

- h) providing a member of the Registration Committee to act as a recording secretary of the Complaints Committee and to act as a liaison between the council and the various committees dealing with complaints and discipline as required by the Act;
- i) providing advice and recommendations to the council to assist in achieving the overall objectives of the Association;
- j) the review of its performance and its terms of reference and making recommendations to the council if required;
- k) report to the membership at the Annual General Meeting of the membership and as required by the council or as other circumstances may require;
- l) contribute information required for inclusion in the Annual Report to the Registrar General;
- m) liaison with the Fairness Commissioner and administration of the requirements of the Fair Registration Practices in Regulated Professions Act;
- n) the administration of the requirements of the Labour Mobility Act; and
- o) the administration of the Oaths of Office, Form C, of the members of the Board of Examiners.

Appointment and Composition of the Committee

10.5 *Repealed—September, 2016*

10.6 The Registrar and the Registration Committee shall be appointed by the council for a term of not less than one year and the appointments shall commence at the beginning of the calendar year.

Sub-Committees of the Registration Committee

10.7 The Registration Committee may create and manage subcommittees or ad hoc committees, or task forces as may be required from time to time.

The Board of Examiners

10.8 The council shall appoint a Board of Examiners but, for the purposes of this by-law, the Board of Examiners will be a subcommittee of the Registration Committee and will be autonomous and independent of the direction of the council except where the Act specifies otherwise.

10.9 The Board of Examiners shall consist of the Registrar or the Registrar's delegate, being a member of the Registration Committee, and a minimum of four other members at least two of which shall be a Manitoba Land Surveyor.

Amended September 2018

10.9.1. A quorum of the Board of Examiners shall consist of three members, unless the Board of Examiners has authorized one or more members to act on its behalf with respect to a specific matter.

Amended August 2020

10.10 Appointments to the Board of Examiners shall be for a term of at least two years and the appointments shall commence at the beginning of the calendar year.

Amended August 2020

10.10.1 The appointments to the Board of Examiners shall be staggered such that at least two members provide continuity from one year to the next.

Amended September 2018

Amended August 2020

10.10.2 If a member of the Board of Examiners resigns or is otherwise unable to fulfill their duties, the Council may appoint a new eligible member as set out in Section 10.9 of this by-law, and the tenure of that appointment shall be for the balance of the vacated term.

Amended September 2018

Amended August 2020

10.11 The Board of Examiners shall be responsible for the administration of the by-law respecting the Rules and Regulations of the Board of Examiners, including but not limited to:

- a) the assessment of qualifications of person applying for registration as a Manitoba Land Surveyor, a Land Surveyor in Training or an Associate Member;
- b) the determination of periods of internship and the nature of internships to be served by applicants;
- c) the review of internships to determine compliance with the conditions of the assessments by the Board of Examiners;

- d) the administration of the examination of candidates applying to become a Manitoba Land Surveyor;
- e) liaison with other boards or educational institutes for the purposes of:
 - i. the assessment of the qualifications of applicants;
 - ii. the examination of applicants on behalf of the Board of Examiners; and
 - iii. any other purpose consistent with the objectives of the Association;
- f) acting on recommendations of the Registration Committee regarding the administration of the requirements of the Fair Registration Practices in Regulated Professions Act and the Labour Mobility Act;
- g) providing advice and recommendations to the council and the Registration Committee to assist in achieving the overall objectives of the Association;
- h) the review of its performance and its terms of reference and making recommendations to the council and the Registration Committee if required; and
- i) any other things required to assist in achieving the overall objectives of the Association.

Amended May 2023

10.12 The Board shall report directly to the Registrar and the Registration Committee on all matters dealing with the admission of members, applicants or candidates.

10.13 The members of the Board of Examiners shall swear or affirm an Oath of Office as prescribed in Form C..

PART 11

LICENCES, PERMITS, LIMITED LIABILITY PARTNERSHIPS, CORPORATIONS & BUSINESS NAMES

Application for renewal of a licence

11.1 Each Manitoba Land Surveyor who wishes to have his or her name appear in the annual register shall deliver to the Registrar, on or before the 5th day of January in each year:

- a) a completed Application for Membership, Form H;
- b) a completed declaration as prescribed in Form D;
- c) all annual fees set forth in accordance with Section 8.1;
- d) any other information required by the Act or by by-law of the Association.

Amended September 2016

Business name, address

11.2 A member shall advise the Registrar of:

- a) the name under which the member carries on business;
- b) whether the member's employer is:
 - i. a sole proprietorship;
 - ii. a general partnership;
 - iii. a limited liability partnership;
 - iv. a professional corporation;
 - v. a Crown corporation not offering professional services to the public;
 - vi. a Crown Agency not offering professional services to the public;
 - vii. a municipality not offering professional services to the public;
 - viii. a business or corporation not offering professional services to the public; and
- c) the address of his or her place of business or employment.

Changes

11.3 A member shall immediately advise the Registrar of:

- a) any change in the member's place of business or employment;
- b) any change in the address of the member's place of business or employment; and
- c) any suspensions or expulsions currently in effect or any restrictions on his or her professional practice in Canada.

Business Names

11.4 Corporations providing professional services through one or more Manitoba Land Surveyors shall include at least one of the following words or phrases in the name of the corporation, namely:

- a) Manitoba Land Surveyor;
- b) Manitoba Land Surveyors;
- c) Manitoba Land Surveying; or
- d) M.L.S.

11.5 Business names and names of corporations in general shall:

- a) be in good taste;
- b) not be self-laudatory;
- c) not misrepresent or mislead the public with respect to the number of Manitoba Land Surveyors associated with the firm;
- d) not misrepresent capabilities or areas of expertise of the firm; and
- e) be truthful and respectful in all other matters.

11.6 The Registration Committee shall review all business and corporate names and shall reject any name that is deemed by the Registration Committee to not be in accordance with the Act, the by-laws or is deemed to be not appropriate for any other reason. The Registration Committee shall inform all applicants of their decisions in writing and the reasons for any rejections.

11.7 Sole proprietorships or partnerships who wish to practise under a business name other than the names of the sole proprietor or partners shall apply in writing to the Registrar for a certificate stating that the Association does not object to the name for the proprietorship or partnership. On receipt of the application the Registrar shall:

- a) issue a certificate to the proprietorship or partnership if the Registrar is satisfied that the new name complies with the Act, and all the by-laws of the Association; or
- b) reject the application and notify the proprietorship or partnership in writing of the decision and the reasons for the rejection.

Register of Corporations

11.8 The Registrar shall keep and maintain a register of corporations containing, in addition to the information required under Subsection 11(4) of the Act, the following information:

- a) the date the initial permit was issued to the corporation;
- b) the date the permit of the corporation was renewed, expired, revoked or suspended; and
- c) any other particulars as may be required from time to time.

Corporate name certificate

11.9 A member shall apply in writing to the Registrar for a certificate that the Association consents to the incorporation of a corporation under a proposed name. On receipt of the application the Registrar shall:

- a) issue a certificate to the member if the Registrar is satisfied that the intended name complies with the Act and all applicable by-laws; or
- b) reject the application and notify the member in writing of the decision and the reasons for the rejection.

Application for permit

11.10 A corporation or corporations applying for a permit shall deliver to the Registrar:

- a) a completed permit application with statutory declaration as prescribed in Form E;
- b) a copy of all articles of incorporation, amalgamation and continuance, together with all amendments thereto;
- c) current certificates of status for the corporation or corporations;
- d) the required permit fees; and
- e) such other information as may be prescribed in the by-laws of the Association or as the Registrar may reasonably request.

Amended September 2016

Registrar may retain professional assistance to analyze application for compliance

11.11 The Registrar may, at the cost of the applicant, engage independent legal counsel or require the applicant to provide to the Association an opinion from its own legal counsel in form and content acceptable to the Association, in order to assist the Association with its determination as to whether a permit should be issued or reinstated.

Amended September 2017

Information in application can be subject to Inspection

11.12 The Registrar may, instead of or in addition to engaging legal counsel under this Part 11, upon notification to the applicant, request that an inspector, be appointed to verify the details of any part of the information supplied by the applicant under this Part 11.

Fees for professional assistance and inspectors to be paid by applicant

11.13 If professional assistance and inspections are required pursuant to this Part 11, the fees for such professional assistance and inspections are payable by the applicant.

Change in particulars

11.14 A corporation shall inform the Registrar of any changes in the particulars set out in an application filed under section 10 of this Part 11 by providing the Registrar with a statement of particulars in Form J within 15 days of the change. Any change in the particulars is subject to a review in accordance with Sections 10, 11, 12 and 13 of this Part 11 as if the application was a new application for a permit.

Amended September 2017

Penalty for failing to report

11.14.1 A corporation that fails to report a change in the particulars within 15 days of the date the changes were effective shall be subject to the financial penalty approved in accordance with Section 8.2 e).

Amended September 2017

Change in name of corporation

11.15 A corporation shall apply in writing to the Registrar for a certificate stating that the Association does not object to a specific change of name for the corporation. On receipt of the application the Registrar shall:

- a) issue a certificate to the corporation if the Registrar is satisfied that the new name complies with the Act, and all the by-laws of the Association; or
- b) reject the application and notify the corporation in writing of the decision and the reasons for the rejection.

New permit when name of corporation changes

11.16 The Registrar shall issue a new permit to a corporation that has:

- a) obtained the certificate referred to in Section 15 of this Part 11;
- b) delivered to the Registrar a copy of the articles of amendment showing the change of name and the date it is effective; and
- c) paid any required fee.

Expiry of new permit

11.17 A new permit issued under Section 16 of this Part 11 is valid until the date on which the permit that it replaces would have expired.

Effective date and Duration of Permit

11.18 Subject to the other sections of this Part 11, a corporation permit is valid from the effective date shown on it until the 31st day of December of the year in which the permit was issued.

Permit ceasing to be valid

11.19 A permit issued to a corporation ceases to be valid if it is:

- a) not renewed by the corporation or the renewal is denied if deemed by the Registrar that the information required pursuant to Section 14 of this Part 11 is incomplete or non-conforming with the Act;
- b) surrendered by the corporation to the Registrar;
- c) suspended or cancelled; or
- d) revoked.

Amended September 2017

Corporation shall cease practicing

11.20 A corporation who's permit ceases to be valid in accordance with Section 19 of this Part 11 shall cease practicing as a corporation until such time as a permit is reissued.

Amended September 2017

Notification to director appointed under The Corporations Act

11.21 The Registrar shall provide written notification to the Director appointed under *The Corporations Act* when a permit issued to a corporation:

- a) ceases to be valid, and
- b) previously declared to be invalid has been reinstated.

Amended September 2017

Annual permit

11.22 On or before January 5th in each year, each corporation entered on the register of the Association shall either:

- a) renew the corporation's permit for the following year by paying the annual renewal fee, providing a current File Summary report from the Companies Office and filing a Statement of Particulars in Form J with the Registrar, together with any other renewal information required by the Registrar, or
- b) file notification with the Registrar that the corporation will not be renewing its permit.

Amended September 2017

Automatic suspension of permit

11.23 The permit of a corporation will be automatically suspended if the corporation fails to pay all fees in accordance with Part 8 of this by-law or file the required renewal information within 30 days of the due date for payment and filing.

Amended September 2017

Reinstatement

11.24 Subject to the Act and by-laws, the permit of a corporation that is suspended under this Part 11 may be reinstated when the corporation pays all fees, assessments and penalties owing, including all fees attributable to professional assistance and inspections pursuant to this Part 11, provides a current File Summary report from the Companies Office and files the Statement of Particulars in Form J, together with any other renewal information required by the Registrar.

Amended September 2017

Late payment penalty

11.25 A corporation that fails to pay the renewal fee within 30 days of the due date for payment shall pay a penalty as set forth in the approved fee schedule for the current year.

Amended September 2016

Amended September 2017

11.26 *Repealed—September 2017*

All information is confidential

11.27 All information and all documents relating to a corporation received by the Association are confidential and shall not be disclosed to any person except:

- a) with the written consent of the corporation;
- b) as required by law or by-law of the Association;
- c) as required by the Association for it to govern and administer its affairs;
and
- d) the following information may be disclosed to any person upon request:
 - i. the name of a corporation;
 - ii. a corporation's place of business;
 - iii. whether a corporation has a valid permit;
 - iv. whether a member is an employee or a voting shareholder of a corporation;
 - v. whether a corporation is a voting shareholder of another corporation.

PART 12

THE FINANCE AND ADMINISTRATION COMMITTEE

12.1 Council shall appoint a Finance and Administration Committee consisting of a minimum of three members, of which at least one member shall be a Manitoba Land Surveyor.

12.2 The Secretary-Treasurer shall be the chair of the Finance and Administration Committee.

Amended August 2020

12.3 In accordance with accepted accounting principles, the Secretary Treasurer shall enter, or cause to be entered, in books kept for such purpose, a true account of all sums of money received or paid by the Association.

12.4 The duties of the Finance and Administration Committee include, but are not limited to:

- a) administration of the duties as recording secretary for the council and committees of the council which shall include maintaining a record of minutes and approved motions or resolutions of the council and may, as required in the bylaws, include maintaining a record of minutes and approved motions or resolutions of committees of the council
- b) administration of the finances of the Association;
- c) reporting on the financial matters of the Association to the council and to the membership at each Annual General Meeting or as otherwise required by the council or the membership;
- d) maintaining a record of the minutes of all Annual General Meetings or Special General Meetings of the membership;
- e) assist the Registrar in maintaining, in the form of a register, a record of all by-laws passed or amended at any Annual General Meetings or Special General Meetings of the membership;
- f) providing notice of all meetings of the membership in accordance with the Act and the by-laws of the Association;
- g) providing notice of all motions and proposed by-laws in accordance with the Act and the by-laws of the Association;
- h) preparing a budget for presentation by the Vice President, or his or her delegate, at the Annual General Meeting of the membership;
- i) assisting the Vice President with the presentation of the budget at the Annual General Meeting of the membership; and
- j) assisting with any other matters respecting the administration of the Association as directed by the council or by the Act.

Amended September 2016

Amended September 2017

12.4.1 All records of the Association required under this part shall be maintained indefinitely by the Secretary-Treasurer

Amended September 2017

12.5 The Finance and Administration Committee shall enter into a contract with a Chartered Professional Accountant to conduct a review of the Association's financial matters and the Chartered Professional Accountant shall prepare a review engagement report which shall be presented to the membership at the ensuing annual general meeting.

PART 13

PERMIT STAMPS AND SEALS

Corporation or Limited Liability Partnership Stamps

13.1 The permit stamp of a corporation or limited liability partnership shall be a rubber or digital stamp of rectangular form of not more than 50 mm in width by 50 mm in height.

Amended September 2017

13.2 The permit stamp shall be in the following form:



13.3 The Registrar is the only person entitled to issue a permit stamp to a corporation or limited liability partnership.

13.4 The cost of the permit stamp shall be borne by the corporation or limited liability partnership to which it is issued.

13.5 A corporation or limited liability partnership may apply to the Registrar for one or more duplicate permit stamps to be issued to it.

13.6 The Registrar may grant approval to a corporation or limited liability partnership to integrate the permit stamp design issued by the Registrar into their computer assisted drafting system to facilitate the use of the permit stamp on any plans, drawings and documents, being certified by a Manitoba Land Surveyor who is a member or an employee of the corporation or limited liability partnership to whom the permit was issued.

- 13.7** The permit stamp of a corporation or limited liability partnership is owned by the Association and is issued to a corporation or limited liability partnership in accordance with the Act and shall be returned to the Registrar within 15 days:
- a) if the corporation or limited liability partnership ceases to comply with the Act, regulations or by-laws;
 - b) if the corporation or limited liability partnership is closed or otherwise ceases to be a corporation or limited liability partnership; and
 - c) if the registration of the corporation or limited liability partnership is suspended or cancelled.

Amended May 2023

- 13.8** A corporation or limited liability partnership shall only use the permit stamp in the practice of surveying.

Amended September 2016

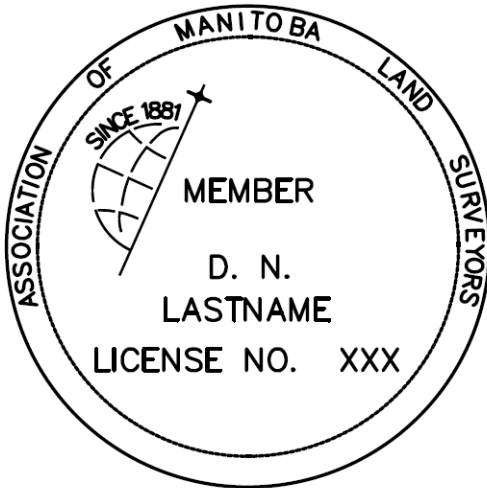
- 13.9** The permit stamp of a corporation or limited liability partnership shall be used on plans or documents that are being certified in the practice of surveying, by a Manitoba Land Surveyor who is also a member or employee of the corporation or limited liability partnership to whom the permit stamp is issued.

Amended September 2016

- 13.10** For the purposes of Section 13.9, plans prepared for registration, filing, or deposit at The Land Titles Office or in the Office of The Director of Surveys are not included

Member's Embossed Seal

- 13.11** The Registrar shall issue to each licensed member in good standing, upon written request, an embossed seal which shall be no larger than 1 ½ inches and in the following form:



13.11.1 The embossed seal is owned by the Association and shall be returned to the Registrar within 15 days of when the member is no longer licensed as a Manitoba Land Surveyor.

Amended September 2016

Amended May 2023

13.11.2 The embossed seal shall only be used in the practice of surveying.

Amended September 2016

13.12 All plans or documents that are certified by a Manitoba Land Surveyor in the practice of surveying, when issued, shall bear the seal and signature of the licensed member responsible for the drawing or certificate, as well as the date on which the seal and signature were affixed.

Amended September 2016

13.13 For the purposes of Section 13.11, plans prepared for registration, filing, or deposit at The Land Titles Office or in the Office of The Director of Surveys are not included

13.14 Whenever the licensed member uses his or her seal, his or her signature shall appear across or adjacent to the seal.

13.15 The cost of the seal shall be borne by the member to whom it is issued.

Identity cards

Amended May 2023

13.16 The Registrar shall issue a wallet-size identity card to each Manitoba Land Surveyor.

Added May 2023

13.17 The identity card is owned by the Association and shall be returned to the Registrar within 15 days of when the member is no longer licensed as a Manitoba Land Surveyor.

Added May 2023

Failure to Return Property

13.18 A member, or former member, who does not return:

- a) a permit stamp in accordance with the time imposed by Section 13.7;
- b) an embossed seal in accordance with the time imposed by Section 13.11.1;
- c) an identity card in accordance with the time imposed by Section 13.17; or
- d) any other property of the Association within 15 days of being requested to return such property,

shall be subject to the fee for failure to return property of the Association as set under Section 8.2 e) or the cost to replace the property of the Association, whichever is greater. Said member, or former member, will be informed in writing of the sum of the resulting fee or cost. If the fee or cost is not paid within 30 days, the Association may recover the fee or cost in a court of competent jurisdiction as a debt due to the Association.

Added May 2023

PART 14

MISCELLANEOUS MATTERS

Employees

- 14.1** The council may retain such employees as it considers necessary to conduct the business of the Association, and shall prescribe the remuneration and conditions of employment.
- 14.2** An employee retained by the council may only have his or her employment terminated by the council.
- 14.3** As soon as any employee is hired and before issuing any cheques on the account of the Association, such person shall furnish a bond for the proper execution of duties in such form as may be required by the council, said bond to be for the sum of \$100,000 or such other amount as may be set by the council, and shall be obtained at the expense of the Association.

Forms and Appendices

- 14.4** The council is authorized to prescribe any forms or appendices as may be required for the purposes of the Act, regulations or by-laws.

Amended November 2018

Mandatory Insurance

- 14.5** Each practicing member of the Association shall carry professional liability insurance for the practice of land surveying under the Act.
- 14.6** Within 30 days of the liability insurance renewal date, proof of insurance shall be provided by each practitioner to the Registrar. If there are any changes in a practitioner's insurance coverage, that practitioner shall notify the Registrar in writing forthwith.
- 14.6.1** A practising member who fails to provide proof of insurance within 30 days of the renewal date shall be automatically suspended.

Amended September 2017

Amended May 2023

14.7 Section 14.5 and 14.6 do not apply to:

- a) those members of the Association who are employed by any municipal, provincial or federal government as long as they do not engage in the practice of land surveying for the general public for or without compensation either directly or indirectly; and
- b) those members of the Association who are employed by any person, firm or corporation who or which does not engage in the practice of land surveying for the general public for or without compensation either directly or indirectly, and such members do not engage in such practice.

14.8 If a practitioner exempted from carrying professional liability insurance in accordance with this Part 14 wishes to commence the practice of land surveying in Manitoba in circumstances to which the exemption previously granted is no longer applicable:

- a) the practitioner shall forthwith notify the Registrar, and
- b) the practitioner shall immediately obtain professional liability insurance in accordance with this by-law and provide proof of same to the Registrar.

14.9 The minimum limit of liability shall be \$1,000,000 per loss and \$2,000,000 per policy period or such other amounts as the council may determine by Resolution from time to time.

14.10 Repealed –September 2017

14.11 The Registrar shall not issue an annual licence to a member who is not in compliance with this by-law.

14.12 For the purpose of Section 14.5, a Member of the Association shall be considered to be practicing the profession of land surveying if he or she provides land surveying services to the general public either with or without compensation directly or indirectly on at least one occasion.

Notices

14.13 When a notice or any other thing is permitted or required to be given to:

- a) a Manitoba Land Surveyor, a corporation or limited liability partnership or other member of the Association, the notice may be given:
 - i. by delivering the notice to that person's address shown on the appropriate register or record of the Association, whether by mail, courier, fax or electronic means; or
 - ii. by personal service;
- b) the council, Association, Secretary Treasurer, Registrar or other officer of the Association, the notice may be given by delivering or mailing it to the office of the Association.

14.14 If one or more members do not receive a notice served in accordance with section 14.13, an annual general meeting or special general meeting that is the subject of the notice may nevertheless be held as if the notice or notices had been received.

Time Variations

14.15 Where by this by-law a certain day is fixed on which or by which certain things are to be done or proceedings had or taken and the day so fixed is a Saturday, Sunday or holiday, the things or proceedings shall be done, had or taken on or by the next day that follows the fixed day and is not a holiday.

14.16 If anything to be done by the council or an individual within a number of days or at a time fixed by or under these by-laws, cannot be or is not so done, the council, in its sole discretion, from time to time may appoint a further or other time for doing it, whether the time at or within which it ought to have been done has or has not arrived or expired, as the case may be.

14.17 Anything done at or within the time specified by the council is as valid as if it had been done at or within the time fixed by or under this by-law.

Proxy Votes

14.18 Every member entitled to vote at an annual or special general meeting, may do so without attending the meeting, either in writing or by other means as directed by the council.

Notification of Exercising of Proxy

14.19 A proxy vote is only valid for the specified meeting identified in the proxy and shall be received by the Association office no later than seven (7) business days before the day of the meeting at which the proxy is to be used.

Discretionary Authority

14.20 A form of proxy, once signed, has the effect of conferring a discretionary authority to the proxy holder in respect of any amendments to the motions identified in the notice of meeting, or other matters that may properly come before the meeting, unless there is a specific statement to the contrary on the form.

Validation of Proxy

14.21 In order for a proxy vote to be valid, the proxy holder shall present an original signed hardcopy of the proxy to the chair at the meeting.

Procedure for Proxy Votes

14.22 All proxy votes shall be tabulated, and the chair of the meeting shall take into account the proxy vote when the matter is being voted on.

Contents of Proxy Vote

14.23 All proxy votes shall be submitted to the attention of the chair of the meeting as set out on Form G attached to this by-law and shall include:

- a) The name of the member assigning the proxy vote;
- b) The name of the member being assigned the proxy;
- c) The specific meeting, including the date, where the proxy will vote on behalf of the grantor of the proxy; and
- d) The name and signature of the grantor of the proxy and the date the proxy vote was signed.

Revocation of proxy

14.24 A member may revoke a proxy by notifying the chair of the meeting:

- a) by a letter dated and executed by the member delivered to the Association office any time up to and including seven (7) business days before the day of the meeting at which the proxy is to be used; or
- b) by a letter dated and executed by the member and delivered in person on the day of the meeting.

By-laws

14.25 Subject to this section, by-laws may be enacted, amended or repealed by a simple majority of members voting on the motion at an annual general meeting or a special general meeting of the Association provided that:

- a) The Secretary-Treasurer gives notice of the proposed by-law enactment, amendments or repeal to each member at least 14 days before the annual general meeting or a special general meeting at which the motion is to be presented;
- b) the notice contains a copy of the by-law and the motion in the prescribed form of Schedule D, and is sent to the members together with, or prior to, the formal notice of the Annual General Meeting or Special General Meeting; and
- c) the by-law does not cause any initiative by the Association that would result in a representation to the Law Amendments Committee to amend the Act.

Amended September 2016

Amended September 2017

- 14.26** Any notice of a proposed by-law enactment, amendment, or repeal that would, if carried, cause an initiative as described in section 14.25 (c) shall:
- a) be sent by the Secretary-Treasurer to the members at least 14 days prior to the required date of formal notice required for an Annual General Meeting or Special General Meeting at which the motion will be presented; and
 - b) contain a copy of the by-law and the motion in the prescribed form of Schedule D; and
 - c) require a two-thirds (2/3) majority vote of the members voting on the motion to be carried.

Amended September 2016

Amended September 2017

- 14.27** A member proposing an enactment, amendment or repeal of a by-law at an annual general meeting shall give notice of the motion to the Secretary-Treasurer in the prescribed form of Schedule D at least 45 days before the annual general meeting.

Amended September 2016

- 14.28** If the council wishes to enact, propose amendments to or repeal by-laws, the Secretary-Treasurer may do so on behalf of the council in accordance with subsection 14.25.

- 14.29** If the provisions in sections 14.25(a) and (b) have been followed, amendments to the proposed by-law at the Annual General Meeting or Special General Meeting will be allowed and require a simple majority of the members voting on the motion for the amendment to be carried.

Amended September 2017

- 14.30** If the provisions in sections 14.26(a) and (b) have been followed, amendments to the proposed by-law at the Annual General Meeting or Special General Meeting will be allowed and require a two-thirds (2/3) majority of the members voting on the motion for the amendment to be carried.

Amended September 2017

PART 15

Amended in its entirety March 2021

THE RULES AND REGULATIONS OF THE BOARD OF EXAMINERS

The Board of Examiners (hereinafter referred to as the Board) has overall responsibility for the assessment and examination of all persons applying for registration to practice as a Manitoba Land Surveyor, and for making decisions about the form, content, and approval of those processes to ensure the competence of all applicants.

It is the responsibility of the Board to document, publish and generally make available all materials relating to the processes and requirements of the Board. Furthermore, it is the responsibility of the Board to expedite its obligations in a fair, unbiased, consistent and expeditious manner that does not unduly delay the progress of Land Surveyors in Training in attaining their goals of registration to practice as a Manitoba Land Surveyor.

It is also the responsibility of the Board to maintain and publish a current syllabus and to ensure that the contents are still relevant and correct.

It is not the responsibility of the Board to provide training nor to assist any applicant in securing relevant experience.

Application for registration as a Land Surveyor in Training

15.1 All persons applying for admission as a Land Surveyor in Training shall submit a written application to the Board accompanied by:

- a) a summary of all academic education and training;
- b) a resume of relevant training and experience that the applicant has;
- c) a Certificate of Completion from the Canadian Board of Examiners for Professional Surveyors;
- d) the annual fee for a Land Surveyor in Training, the application fee and any other fees associated with the application as established in accordance with Part 8 of this by-law.

15.2 Any information provided by an applicant that is found at any time to be false or designed to be misleading may be grounds to suspend or cancel the applicant's membership in the Association.

15.3 The applicant shall identify a Manitoba Land Surveyor who will be their primary mentor.

- 15.4** Any member of the Board who is identified to be the primary mentor of an applicant shall recuse themselves from the Board for any dealings the Board has with that applicant; any member of the Board of Examiners who is the primary mentor, employer, or supervisor of a Land Surveyor in Training shall recuse themselves from the Board for any dealings the Board has with that Land Surveyor in Training.
- 15.5** The Board may request clarification of any information supplied by an applicant related to the assessment of the qualifications or capabilities of the applicant and shall do so within 30 days of receiving the application. The applicant must comply with the request within 30 days of receiving the request for information.
- 15.6** The Board shall assess the application and all accompanying information and either approve or reject the application within 30 days following receipt of a completed application.
- 15.7** Where the Board approves an application, it shall:
- a) notify the applicant in writing of the approval, and
 - b) request the Registration Committee to register the applicant as a Land Surveyor in Training.
- 15.8** Where the Board rejects an application, it shall notify the applicant in writing outlining the reasons for the rejection and shall refund the annual fee for a Land Surveyor in Training.

Internship

- 15.9** Every person who is registered as a Land Surveyor in Training shall undertake an internship with a Manitoba Land Surveyor and shall enter into an Internship Agreement (Form L) with the primary mentor within 30 days following the notification of approval of the application in accordance with this Part.
- 15.10** The Internship Agreement, or an Agreement for the Transfer of Internship, shall be filed with the Registrar within 30 days of the signing thereof, together with the payment of the annual fee for a Land Surveyor in Training, unless the annual fee for the current year has already been paid, and any other fees payable.
- 15.11** Service under internship shall be deemed to commence at the date of the signing of the Internship Agreement.

15.12 The registration of any Land Surveyor in Training who does not file an Internship Agreement, or an Agreement for the Transfer of Internship, with the Registrar within 30 days following the signing thereof in accordance with Section 15.10 shall be cancelled.

15.13 No Manitoba Land Surveyor may act as a primary mentor to a Land Surveyor in Training unless they have been licensed as a Manitoba Land Surveyor for 2 consecutive years prior to the commencement of the internship.

15.14 A Manitoba Land Surveyor may act as a primary mentor to no more than two Land Surveyors in Training at any time.

15.15 A Land Surveyor in Training may undertake work experience and complete projects identified in the learning plan under the supervision of any licensed Manitoba Land Surveyor.

15.16 The primary mentor shall:

- a) ensure the Land Surveyor in Training is provided the opportunity and experience to learn the practice of land surveying and to prepare for the examinations to become a licensed member;
- b) be a role model and share their knowledge, skill, expertise and experiences with the Land Surveyor in Training;
- c) provide guidance, oversight, advice and motivation to the Land Surveyor in Training;
- d) monitor the Land Surveyor in Training's progress toward identified goals and provide ongoing feedback; and
- e) meet with the Land Surveyor in Training on an ongoing basis and maintain frequent communication between meetings.

15.17 The Land Surveyor in Training shall:

- a) conduct themselves in accordance with Part 17, Code of Ethics
- b) take advantage of all teachings and instruction offered by the primary mentor;
- c) accept ultimate responsibility for self-learning;
- d) have realistic expectations about goals and timelines; and
- e) meet with the primary mentor on an ongoing basis and maintain frequent communication between meetings.

15.18 The minimum term of the internship shall not be less than 18 months and shall not be less than the time set forth in the approved learning plan of the

Land Surveyor in Training, and shall otherwise be based upon the Land Surveyor in Training proving sufficient experience and competency in areas identified by the Board.

15.19 The maximum length of an internship shall be five years after which the internship shall terminate and membership as a Land Surveyor in Training is cancelled; the person may reapply to be registered as a Land Surveyor in Training and enter into a new internship without any credit for projects, examinations and work experience achieved under the previous internship.

15.20 An internship may be extended by no more than 12 months if the Land Surveyor in Training:

- a) has completed all milestones except the final milestone;
- b) has been delayed or has been subject to circumstances whereby the attainment of all milestones has become logistically or otherwise difficult due to systemic or administrative delays, unforeseen or unusual circumstance; and,
- c) has written a letter to the Registrar appealing the termination where:
 - i. the letter is received by the Registrar no later than 30 days after the receipt of the notice of the termination by the Land Surveyor in Training;
 - ii. the letter outlines the circumstances affecting the Land Surveyor in Training's ability to meet the deadline.

15.21 Any decision of the Board with respect to a request for an extension is subject to an appeal to the Board of Examiners Appeals Committee.

15.22 Any Land Surveyor in Training whose annual fee or any other fee is in arrears shall be suspended until all fees are paid in full, shall not receive credit for training and experience while suspended, and the time while under suspension shall be counted against the maximum five-year term of internship as set forth in Section 15.19.

15.23 The Land Surveyor in Training's internship process is outlined in a flowchart as shown in Appendix 15-G.

15.24 It is the responsibility of the Land Surveyor in Training to observe all timelines and the Board is not responsible for reminding the Land Surveyor in Training of any pending deadlines.

Leave of Absence

15.25 The Land Surveyor in Training may apply in writing to the Board for a leave of absence stating the reason for the request and the expected term of the leave which shall not exceed 24 months in aggregate.

15.26 The term of any leave of absence granted by the Board shall not be included in the maximum five-year term of the internship, and the Land Surveyor in Training shall not receive credit for training and experience during the term of any leave of absence.

Transfer of Internship

15.27 A Land Surveyor in Training may transfer their internship to another primary mentor by:

- a) completing an Agreement for the Transfer of Internship (Form M) and filing it with the Registrar within 30 days of the signing thereof,
- b) preparing an interim Report of Training and Experience up until the date of the transfer which shall be approved by the outgoing primary mentor and filed with the Board, and
- c) submitting the fee for the Transfer of Internship as set forth in the approved fee schedule for the current year.

15.28 Upon the filing of the Agreement for the Transfer of Internship and the acceptance by the Board of the Report of Training and Experience, the outgoing primary mentor is relieved of any further responsibility in the internship process.

15.29 If the outgoing primary mentor refuses to approve the Report of Training and Experience, the outgoing primary mentor shall report the reasons for refusing to do so to the Board and the Board may reject the report or accept the report as submitted or with such amendments as it deems appropriate.

Interruption of Internship

15.30 In the event of a change of employment by the Land Surveyor in Training or primary mentor, or in the event of the death, incapacity or a change in the membership status of the primary mentor whereby the primary mentor is unable to practise as a Manitoba Land Surveyor, the internship shall cease, and a new primary mentor may be named.

- 15.31** The outgoing primary mentor or the Land Surveyor in Training shall advise the Board within 30 days of any event by which the internship effectively ceases.
- 15.32** When a new primary mentor is named within 90 days following the event by which the internship effectively ceases, the internship shall be considered uninterrupted provided the Land Surveyor in Training has continued to be trained and supervised by a Manitoba Land Surveyor as evidenced by a declaration, Form N, signed by the Land Surveyor in Training and the supervising land surveyor; if there has been no supervision, the Land Surveyor in Training shall not be credited with training and experience during the interruption nor shall this time be included in the maximum five-year term of internship as set forth in Section 15.19.
- 15.33** The Land Surveyor in Training and the new primary mentor shall enter into an Internship Agreement (Form L) and the Internship Agreement shall be filed with the Registrar within 30 days of the signing thereof.
- 15.34** The Land Surveyor in Training and the new primary mentor shall amend the learning plan as necessary; the Land Surveyor in Training and the new primary mentor shall endorse the learning plan and the learning plan shall be forwarded to the Board for review and approval.
- 15.35** The Land Surveyor in Training shall be credited for all work completed within a milestone while under the supervision of a previous primary mentor.
- 15.36** If after 90 days, a new primary mentor has not been named, the registration of the Land Surveyor in Training shall be suspended effective as of the date of the event by which the internship effectively ceases, the Land Surveyor in Training shall not be credited with training and experience during the time between the date when the internship effectively ceased and the date when a new Internship Agreement is filed, and this time shall not be included in the maximum five-year term of the internship as set forth in Section 15.19.
- 15.37** The registration of any Land Surveyor in Training, who does not file an Internship Agreement with the Registrar within six months following the date of the event by which the internship effectively ceases, shall be cancelled.

Learning Plan

15.38 Within 60 days of being registered as a Land Surveyor in Training, the Land Surveyor in Training and the primary mentor shall jointly submit to the Board a learning plan which identifies:

- a) the Manitoba Land Surveyor who will be the primary mentor to the Land Surveyor in Training and the name of any other Manitoba Land Surveyor from whom the Land Surveyor in Training will receive training and experience on a regular basis;
- b) relevant training and experience that the Land Surveyor in Training has acquired previously;
- c) how the Land Surveyor in Training and the primary mentor will collaborate so that the Land Surveyor in Training obtains the experience and the skills required to address the examination material and prepare the Land Surveyor in Training to engage in the practice of land surveying;
- d) how the primary mentor proposes to provide learning opportunities to the Land Surveyor in Training for shortfalls in projected training and experience;
- e) a minimum number of months, in which the Land Surveyor in Training and mentor propose to have the Land Surveyor in Training involved in field procedures related to the practice of land surveying;
- f) a minimum number of months, in which the Land Surveyor in Training and mentor propose to have the Land Surveyor in Training involved in office procedures related to the practice of land surveying;
- g) the time frames associated with each of the three required milestones, and the order in which they intend to address examinations in the courses outlined in Appendix 15-A;
- h) three practical surveying projects as outlined in Appendix 15-B.

15.39 Within 3 months of being registered as a Land Surveyor in Training, the Board shall conduct an interview with the Land Surveyor in Training and the primary mentor focusing on the mentor's and the Land Surveyor in Training's obligations under the terms of the learning plan.

15.40 Failure of the Land Surveyor in Training or the primary mentor to attend the interview shall result in suspension of the internship, until such time as the interview is concluded, and the time while suspended shall be included in the maximum five-year term of the internship.

15.41 For the purposes of the learning plan, the references to training and experience shall be restricted to training and experience in the Province of Manitoba after the commencement of the internship.

15.42 The Board shall review the learning plan and may recommend changes to the learning plan to ensure adequate training and experience will be acquired in developing the necessary competencies. The Board shall provide notice to the Land Surveyor in Training within 30 days of receiving the learning plan of approval thereof or the amendments required to receive approval.

Amended Learning Plan

15.43 With the Board's approval, the learning plan may be amended from time to time as circumstances may dictate and such approved changes shall not affect the Land Surveyor in Training's eligibility to complete the internship, subject to the maximum length of internship stated in Section 15.19.

15.44 If the Land Surveyor in Training chooses to alter the order of examinations or amend timelines for the completion of milestones in their approved learning plan, the Land Surveyor in Training shall submit an amended learning plan to the Board at least 90 days prior to the next examination sitting date at which the Land Surveyor in Training intends to be examined.

15.45 If the rewriting of an examination is required, an amended learning plan shall be submitted.

15.46 The amended learning plan shall be endorsed and approved by the Manitoba Land Surveyor who is identified in the Internship Agreement as the primary mentor.

15.47 The submission of an amended learning plan shall be accompanied by the fee as set forth in the approved fee schedule for the current year; the fee shall be waived when the amendment is an additional requirement imposed by the Board for reasons other than those mentioned in Sections 15.43, 15.44 and 15.45.

Milestones

15.48 Upon acceptance of the learning plan, the Land Surveyor in Training shall execute the learning plan in the order in which the milestones are identified.

- 15.49** The Land Surveyor in Training shall consecutively complete the three milestones in the internship.
- 15.50** The cumulative time for all milestones shall not be less than 18 months.
- 15.51** The combined field and office time for any milestone shall not be less than 5 months, which shall be completed prior to the examination sitting dates at which the Land Surveyor in Training intends to write examinations, as set forth in Section 15.75.
- 15.52** The first two milestones shall each conclude with the passing of two written examinations and an oral examination in the courses as set out in the learning plan and the completion of any other requirements of the Board.
- 15.53** The third milestone shall conclude with the passing of the remaining oral and written examination, and any other outstanding requirement of the Board set forth under Part 15 of this By-law

Projects and reports

- 15.54** The Land Surveyor in Training shall complete three practical surveying projects as outlined in Appendix 15-B.
- 15.55** All proposed projects require approval by the Board; the Land Surveyor in Training shall submit a proposal for each project in a format prescribed by the Board as Appendix 15-C.
- 15.56** The Board may accept or reject a proposed project or recommend amendments to make a proposed project acceptable.
- 15.57** All projects shall be based on work either undertaken by the Land Surveyor in Training and conducted during the term of the internship, or based on the Land Surveyor in Training's independent analysis of a project that was undertaken by a mentor.
- 15.58** The Land Surveyor in Training shall provide a written report with respect to each approved project.
- 15.59** The projects and reports are independent from the milestones.

- 15.60** Reports shall be completed consecutively, and the Board shall not accept reports for subsequent projects until the previous project report has been completed.
- 15.61** Projects are considered completed when the Board has provided written notification to the Land Surveyor in Training that the project is acceptable with no further edits or amendments.
- 15.62** All projects and reports, and any amendments thereto, submitted by a Land Surveyor in Training shall be scrutinized by the mentor who supervised the project, and a statement signed by the mentor attesting to that fact shall be endorsed thereon.
- 15.63** Any project or report, and any amendment thereto, that is not endorsed by the mentor shall be rejected.
- 15.64** The Board, upon acceptance of a proposal for a project, shall delegate a member of the association who will be responsible for the review and assessment of each project and report. The member who has been delegated by the Board shall review and provide comments to the Land Surveyor in Training within 30 days of his or her receipt of the initial report and any subsequent amended reports. The member delegated may seek assistance in the subject matter from any source.
- 15.65** Projects are considered completed when the delegated member accepts the final version of the report. Upon acceptance of the final version of the report, the delegated member shall promptly notify both the Board and the Land Surveyor in Training of the date of the acceptance.
- 15.66** For the purposes of appeals, the decisions of the delegated member are subject to the same scrutiny and appeals as the decisions of the Board.
- 15.67** All reports must be completed prior to a Land Surveyor in Training giving written notice to the Board of their intention to write examinations at their first sitting of the third milestone examinations.

Report on Training and Experience

- 15.68** The Land Surveyor in Training shall supply a Report on Training and Experience, similar in form to that shown in Appendix 15-D, to the Board no later than 30 days prior to any examination sitting in which the Land Surveyor

in Training intends to participate, or when the Land Surveyor in Training does not participate in any examinations in a 12 month period, a Report on Training and Experience shall be supplied annually corresponding to the anniversary date of:

- a) the internship agreement, or
- b) the most recent Report on Training and Experience.

15.69 The Report on Training and Experience shall:

- a) detail the nature and quantity of the training and work experience that the Land Surveyor in Training has undertaken;
- b) identify any areas in which the Land Surveyor in Training did not meet the goals outlined in the learning plan;
- c) state the contribution made to the advancement of the Land Surveyor in Training's training and work experience by all mentors; and
- d) cover the time period since:
 - i. the commencement of the internship; or
 - ii. the date of the most recent Report on Training and Experience.

15.70 The primary mentor of the Land Surveyor in Training shall certify the accuracy of the Report on Training and Experience.

15.71 Questions relating to the Report on Training and Experience may be included in the oral examination of the milestone sitting; failure to provide a Report on Training and Experience 30 days prior to the milestone sitting date may result in the Land Surveyor in Training being ineligible to take the oral examination at that sitting and an amendment to their learning plan must be filed with the Board.

15.72 The Board may impose additional requirements to be met by the Land Surveyor in Training when shortcomings are identified in the Report on Training and Experience as compared to the undertakings proposed in the learning plan.

Notice of Intent to Write Examinations

15.73 The Land Surveyor in Training shall give written notice to the Board that they intend to write examinations, in the case of the May sitting, on or before February 1st, or in the case of the November sitting, on or before August 1st; failure to provide such notice shall result in the Land Surveyor in Training

being ineligible to write at that sitting and an amendment to their learning plan must be filed with the Board.

- 15.74** If the courses of the examinations for which notice is given, are not in accordance with the learning plan, the Board may reject the application to write examinations.
- 15.75** Notice of intention to write examinations shall be accompanied by the prescribed fees for the examinations as set out in the approved fee schedule for the current year.
- 15.76** Examination fees paid by a Land Surveyor in Training, who, for a bona fide reason, was unable to present himself for examination, may be refunded at the discretion of the Board.
- 15.77** If the Board rejects an application, all fees submitted with respect to the rejected application shall be refunded.

Examination sitting dates

- 15.78** Upon receiving a notice of intention to write examinations, from one or more Land Surveyors in Training, for any sitting of examinations, the Board shall hold written examinations only during the first complete week in May that does not contain a holiday, or during the first complete week in November that does not contain a holiday, and shall hold oral examinations within two weeks following the written examinations, in accordance with the following:
- a) a complete week is defined as a seven-day period that commences on a Sunday;
 - b) the examinations shall be held at a place prescribed by the Board; and
 - c) a notice of the date, time, and place of each examination shall be sent by the Registrar to each Land Surveyor in Training who has given notice of their intention to sit the examinations, at least two weeks before the date of commencement of the examinations.

Examinations

- 15.79** All examinations as outlined and described in Appendix 15-A shall be administered by the Board.
- 15.80** Nothing in this by-law restricts the ability of the Board with respect to obtaining the assistance of any person in the setting and assessment of any

examination, assessment of any project or otherwise assessing the qualifications, training or experience of any Land Surveyor in Training.

- 15.81** Any examination of which a Land Surveyor in Training gives notice of their intention to write and which is not written shall not be considered as a failed examination when considering Section 15.126.
- 15.82** Any Land Surveyor in Training who, without reasonable cause, arrives more than fifteen minutes after the time specified for the commencement of the sitting of an examination shall be refused admission to the examination. If the invigilator deems the cause of delay to be reasonable the Land Surveyor in Training will be allowed to write the examination and shall immediately thereafter provide the invigilator with a written explanation of the cause of the delay which shall be included with the invigilator's report of a breach of examination rules to the Board.
- 15.83** Any Land Surveyor in Training who arrives late for the writing of an examination shall not be afforded any additional time beyond what is the end time of the examination had it started on time.
- 15.84** The Board shall establish rules for those writing examinations and shall, prior to each examination sitting, provide a copy of the rules to each person writing examinations.
- 15.85** No Land Surveyor in Training may receive assistance from or give assistance to any person, nor shall the Land Surveyor in Training communicate directly or indirectly with any written or digital medium or with any person, other than the invigilator, in any manner during an examination; any contravention of this section or of the rules prescribed in Section 15.84 shall be reported by the invigilator to the Board in writing and the Board shall review the circumstances of the contravention to determine whether that person should be disqualified or if any other action should be taken.
- 15.86** No examination shall be longer than three hours.
- 15.87** The oral examinations shall each consist of a single interview between the Land Surveyor in Training and at least three members of the Board.
- 15.88** The subject material of an oral examination shall be related to:

- a) any project completed by the Land Surveyor in Training prior to the examination which has not been eligible for scrutiny during a previous oral examination;
- b) the training and experience claimed by the Land Surveyor in Training since the later of, the commencement of the internship or the last milestone completed; and
- c) the course outlines for any examinations written as part of the milestone sitting.

15.89 The oral examinations shall be video recorded to facilitate assessment and appeals.

15.90 The Land Surveyor in Training's written examinations and the video recordings shall be kept on file in perpetuity.

15.91 All examination answer sheets and video recordings are the property of the Board and shall be kept confidential, subject to the request of the Board of Examiners Appeals Committee in an appeal of an examination result.

15.92 All examination question pages and answer keys are the property of the Board and shall not be distributed for study purposes, in whole or in part.

15.93 The Land Surveyor in Training shall complete at least six months of internship, and complete all other requirements, to be eligible to begin writing examinations in Milestone 1.

15.94 The Land Surveyor in Training shall be eligible to write examinations at the next ensuing sitting following the successful completion of each milestone, subject to conformance with the Land Surveyor in Training's approved learning plan and the completion of all prerequisites.

15.95 A Land Surveyor in Training is presumed to have advanced to the next milestone upon completion of the examination sitting; a fail in any examination shall rescind such advancement until the next examination sitting date at which the examination is again attempted.

Invigilator

15.96 The Board shall appoint an invigilator to supervise each examination sitting.

15.97 The duties of the invigilator shall be as set out in Appendix 15-E.

- 15.98** Subsequent to the sitting of an examination the invigilator shall sign and forward to the Registrar, the Declaration of Invigilator (Appendix 15-F), together with a written report of any breach or attempted breach of examination rules.
- 15.99** The Board shall submit a complaint in accordance with the Act with respect to suspected unethical behaviour of any invigilator or Land Surveyor in Training.
- 15.100** If the matter of a complaint is of a nature such that it may be considered evidence of unsatisfactory character, the invigilator or the Land Surveyor in Training shall be subject to the provisions of the Act.

Marking of Examinations

- 15.101** Every report or examination of a Land Surveyor in Training shall be reviewed and marked except where the Land Surveyor in Training:
- a) is found to be ineligible to be examined;
 - b) has not paid the fee prescribed in advance of the examination;
 - c) has not complied with the provisions of this by-law or the instructions of the Board; or
 - d) is not currently in an internship relationship and has not been in an internship relationship with a Manitoba Land Surveyor for a period of more than 90 days at the time of the report submission or examination.
- 15.102** Each written examination shall be graded as a percentage by a marker appointed by the Board.
- 15.103** The Board shall make the final determination of marks awarded for each written examination, with due consideration of the marker's grade.
- 15.104** The Board shall assess the oral examination, distinct from the assessment of the written examinations, as it relates to:
- a) the learning outcomes of the Land Surveyor in Training's milestone project;
 - b) the perceived shortcomings or strengths in the Land Surveyor in Training's training and experience;
 - c) the Land Surveyor in Training's ability to effectively communicate their knowledge in a professional manner; and
 - d) the Land Surveyor in Training's display of professional attitudes and demeanor.

- 15.105** The assessment of a fail in any examination shall result in another examination being held at an ensuing examination sitting in accordance with Section 15.78, and the Land Surveyor in Training shall not advance to the next milestone until receiving a pass in that examination.
- 15.106** Each written examination will be assessed by the Board as either a pass, fail, or pass with conditions, and the Land Surveyor in Training shall be advised of their marks accordingly in writing within 30 days following the date of the examination.
- 15.107** Each oral examination will be assessed by the Board as either a pass, fail, or pass with conditions, without assigning a numerical value, and the Land Surveyor in Training shall be advised accordingly in writing within 30 days following the date of the examination.
- 15.108** No written examination may be evaluated as a pass if graded at less than 70%.
- 15.109** A written examination will be evaluated as a fail if graded at less than 65%.
- 15.110** A written examination graded between 65% and 69% may be evaluated as a pass with conditions.
- 15.111** A pass with conditions may be assessed in any examination only when the Board identifies a specific area or areas of weakness displayed by the Land Surveyor in Training and when the Board is of the opinion that the area or areas of weakness can be adequately addressed by specific undertakings or by further training and experience, the Board will provide said requirements to the mentor.
- 15.112** If a pass with conditions is assessed in accordance with Section 15.111, the Board must provide the Land Surveyor in Training and the mentor with a letter stating the identified area or areas of weakness and must include either:
- a) the specific undertakings which can be performed to address the area or areas of weakness; or
 - b) an explanation of the training and experience which the Board determines can address the area or areas of weakness.
- 15.113** In the event of an examination assessed as a pass with conditions, the Board may:

- a) request additional information relating to the subject material of an oral examination;
- b) request answers to additional questions relating to the subject material of an oral examination;
- c) request a meeting with the Land Surveyor in Training to review the examination or to outline the specific undertakings;
- d) direct that the Land Surveyor in Training acquires more training or experience in a specific area and be further tested in that area;
- e) assign a special project to the Land Surveyor in Training, in addition to the three practical surveying projects, so that the Land Surveyor in Training can demonstrate an adequate level of knowledge and understanding in a specific area has been acquired; or
- f) any combination of the above conditions.

15.114 If the Board is satisfied with the outcomes of the conditions imposed in Section 15.113, the examination will be assessed as a pass; if the Board is not satisfied with the outcomes of the conditions imposed in Section 15.113, the examination will be assessed as a fail.

Special Project

15.115 The Board shall set a deadline of not less than two weeks, nor more than four weeks, for the completion of any special project assigned to a Land Surveyor in Training.

15.116 If the deadline for the returns of the special project is met and the Board is satisfied with the returns, then the assessment of the examination for which a pass with conditions was assessed shall be recorded as a pass and the effective date of the pass shall be the date of the completion of the examination sitting regardless of the date upon which the examination is recorded as a pass.

15.117 If the Board is not satisfied with the returns of the special project, or the deadline for the returns is not met, then the assessment of the examination for which a pass with conditions was assessed shall be recorded as a fail.

15.118 The Land Surveyor in Training will be given two opportunities to submit an acceptable special project and if the second submission is not acceptable, subject to minor typographic or grammatical errors, the assessment of the examination for which a pass with conditions was assessed shall be recorded as a fail; in the case of a second opportunity afforded to the Land Surveyor in

Training to provide an acceptable special project, the second submission shall be made within two weeks following receipt of the Board's evaluation, and the Board shall provide its evaluation of the special project in writing to the Land Surveyor in Training within four weeks of receiving the special project in either case.

15.119 Subject to appeal, the Board shall make the final determination of the assessment of every special project.

Notice of successful completion

15.120 Upon successful completion of the final milestone by a Land Surveyor in Training, the Registrar shall provide written notice to the successful Land Surveyor in Training of the completion of the final milestone and shall provide the following forms to be completed:

- a) Form D – Manitoba Land Surveyor's Declaration;
- b) Form H – Application for Membership; and
- c) Form I – Oath of Office;

and shall provide a statement of annual fees, prorated in accordance with Section 8.6, and any other related costs.

Requirements for licensure

15.121 The successful Land Surveyor in Training shall, within 30 days of the date of the notice set forth in Section 15.120, deliver to the Registrar the completed forms and payment of the fees and costs referred to in that Section, together with a request that the Registrar issue a license to practice.

15.122 The successful Land Surveyor in Training shall obtain professional liability insurance in accordance with Part 14 of this by-law and shall provide satisfactory proof of same to the Registrar.

15.123 When professional liability insurance is not required by virtue of the employment stated in Section 14.7, the successful Land Surveyor in Training shall provide a sworn statement to the Registrar of that fact.

15.124 The Registrar shall not issue a licence to practice until satisfactory proof that the successful Land Surveyor in Training has obtained professional liability insurance, or a sworn statement in accordance with Section 15.123, is provided.

15.125 Failure to provide the deliverables and request as required under Section 15.121 shall result in the Registrar advising the Registration Committee of the fact and the status of the successful Land Surveyor in Training shall be changed to Non-practicing Member.

Amended May 2023

Termination of Internship

15.126 If the Land Surveyor in Training fails examinations in any particular course three times, or fails an oral examination three times in any one milestone, the internship shall be considered terminated without successful completion.

15.127 Prior to termination, the third failed examination will be reviewed by the Board of Examiners Appeals Committee appointed pursuant to this by-law.

15.128 The Board may request the Registration Committee to remove the name of any Land Surveyor in Training from the register upon:

- a) the failure of the Land Surveyor in Training to successfully complete the internship within the time prescribed by this by-law;
- b) the failure of the Land Surveyor in Training to successfully complete any examination within the number of attempts allowed by this by-law;
- c) the failure of the Land Surveyor in Training to acquire the minimum times required by the learning plan for training and experience in Manitoba; or
- d) the written request of the Land Surveyor in Training.

Board of Examiners Appeals Committee

15.129 Council shall appoint an appeal committee to be known as the Board of Examiners Appeals Committee, consisting of at least 3 licensed Manitoba Land Surveyors, to review and adjudicate any appeal of a decision of the Board that relates to the assessment of an examination.

15.130 A Manitoba Land Surveyor is not eligible for appointment to the Board of Examiners Appeals Committee if they have been a member of the Board within two years immediately prior to the term of appointment.

15.131 Any person affected by a decision of the Board that relates to the assessment of an examination, may apply in writing to the Registrar to request an appeal of the decision.

15.132 All requests for appeal shall be submitted to the Registrar within 30 days of the date of the written notice containing the decision that is being appealed.

15.133 The request shall specifically state the grounds for the appeal.

15.134 All appeals shall be accompanied by payment in the amount as set out in the approved fee schedule for the current year in accordance with Section 8.2.

15.135 Upon receipt of an appeal of a decision of the Board, the Registrar shall provide copies of the appeal to the Board and the Board of Examiners Appeals Committee.

15.136 The Registrar shall provide the Board of Examiners Appeals Committee with all relevant files and documentation which shall include, as applicable, the examination question paper, the answer sheets of the Land Surveyor in Training, the answer key, and video recordings of the oral examination.

15.137 The Board of Examiners Appeals Committee may make inquiries of the appellant or the Board with respect to the Board's assessment of the examination being appealed.

15.138 All commentary, files and documentation provided by the Board to the Board of Examiners Appeals Committee shall remain the property of the Board and shall be kept confidential.

15.139 The Board of Examiners Appeals Committee may uphold or vary the decision of the Board in a manner consistent with this by-law.

15.140 The Board of Examiners Appeals Committee shall forward its decision in writing to the Registrar together with all files and documentation relating to the appeal, and the Registrar shall forward a copy of the decision to the Board and to the appellant.

15.141 The Board shall effect the decision of the Board of Examiners Appeals Committee.

15.142 The decision of the Board of Examiners Appeals Committee is final.

Transition

15.143 Any Land Surveyor in Training who is prejudicially affected by an amendment to Part 15 may apply to the Board to continue their internship under the Rules and Regulations of the Board as existed prior to the amendment and the Board shall not unreasonably deny such continuance.

PART 16

Amended in its entirety March 2021

APPLICATIONS PURSUANT TO A DOMESTIC TRADE AGREEMENT

Applications

- 16.1** A person who is registered or licensed as a land surveyor in any other jurisdiction in Canada may apply to the Registration Committee, in accordance with any domestic trade agreement pursuant to The Labour Mobility Act, CCSM Cap. L5, for a licence as a Manitoba Land Surveyor and the application shall be assessed in accordance with the provisions of such agreement.
- 16.2** The applicant shall submit an application to the Registrar in the form as set out in Appendix 16-A and a certificate of conduct (Appendix 16-B) from each association in which the applicant is registered or licensed to practise land surveying.
- 16.3** The applicant shall not be the subject of any pending, ongoing, or outstanding complaints or discipline proceedings, that relate to the competence, conduct or character of the applicant, in any jurisdiction in Canada.
- 16.4** An application from an applicant whose registration or licence to practise land surveying in any other jurisdiction in Canada is encumbered or restricted in any way may not be approved.
- 16.5** Any information provided by an applicant that is found at any time to be false or designed to be misleading shall be grounds to suspend or cancel the applicant's membership in the Association.
- 16.6** The application shall be accompanied by payment of the application fee and examination fee as established in accordance with Part 8 of this by-law.
- 16.7** The Registration Committee shall assess each application made under this Part 16 and shall either accept or reject the application.
- 16.8** The Registrar shall notify every applicant under this Part 16 of the Registration Committee's decision to accept or reject the application.

- 16.9** The Registrar shall notify the Board of Examiners when the Registration Committee has accepted an application.
- 16.10** When an application is rejected, the Registrar shall set out the reasons for the rejection in the notice delivered to the applicant.
- 16.11** The notice of rejection may be delivered in the first instance by electronic means but shall be followed immediately by postal letter or courier delivery.
- 16.12** Any applicant whose application is rejected by the Registration Committee may appeal the rejection to the council, setting out the reasons for the appeal.

Jurisdictional Examination

- 16.13** Every applicant under this Part 16 whose application is accepted by the Registration Committee shall be required to write a jurisdictional examination of no more than 4 hours duration.
- 16.14** A jurisdictional examination shall consist only of questions on the subjects and topics listed in the Syllabus for Jurisdictional Examinations as amended from time to time by the Board of Examiners.
- 16.15** Following the acceptance of an application made under this Part 16, the Board of Examiners shall set the date, time and location for a jurisdictional examination.
- 16.16** The date set for any jurisdictional examination shall not be more than 30 calendar days from the date of receipt of the completed application, subject to Sections 16.19, 16.20 and 16.21.
- 16.17** Upon request of the applicant, a jurisdictional examination may be held in any location approved by the Board of Examiners provided that the applicant be responsible for procurement of that location and all costs associated with holding the examination in that location.
- 16.18** The pass mark for the jurisdictional examination shall be 70%.
- 16.19** For the second attempt at the jurisdictional examination by an applicant, the examination will be available within a maximum 30 calendar days after the appeal period for the first attempt expires, or if the right to appeal is waived by

the applicant, within a maximum 30 calendar days of receiving the notice of waiving the right to appeal.

16.20 For the third attempt at the jurisdictional examination by an applicant, there will be a waiting period of 90 days after the appeal period for the previous attempt expires, or if the right to appeal is waived by the applicant, 90 calendar days after receiving the notice of waiving the right to appeal.

16.21 For subsequent attempts, there will be a waiting period of 365 days after the appeal period for the previous attempt expires, or if the right to appeal is waived by the applicant, 365 calendar days after receiving the notice of waiving the right to appeal.

16.22 If a jurisdictional examination is appealed, no application for another attempt of a jurisdictional examination will be accepted until the outcome of the appeal is decided.

Invigilator

16.23 The Board of Examiners shall appoint an invigilator for every jurisdictional examination sitting, but when the examination is held in a location of the applicant's choosing, the applicant shall provide an invigilator who is acceptable to the Board of Examiners.

16.24 The duties of the Invigilator shall be as set out in Appendix 15-E.

16.25 Where the applicant provides an invigilator, the invigilator shall:

- a) prior to the sitting of the jurisdictional examination, sign and forward to the Registrar, a copy of the Undertaking of Invigilator (Appendix 16-C);
- b) subsequent to the sitting of the jurisdictional examination, sign and forward to the Registrar, the Declaration of Invigilator (Appendix 16-D).

Assessment of Examinations

16.26 The Board of Examiners shall make the final determination of marks awarded for each jurisdictional examination, subject to appeal.

16.27 The Registrar shall provide written notice to the applicant stating the mark obtained on the jurisdictional examination.

Notice of successful completion

16.28 When the applicant is successful in passing the jurisdictional examination, the Registrar shall provide the following forms to be completed:

- a) Form D – Manitoba Land Surveyor's Declaration;
- b) Form H – Application for Membership; and
- c) Form I – Oath of Office;

and shall provide a statement of annual fees, prorated in accordance with Section 8.6, and any other related costs.

Requirements for licensure

16.29 The successful applicant shall, within 30 days of the date of the notice set forth in section 16.28, deliver to the Registrar the completed forms and payment of the fees and costs referred to in section 16.28, together with a request that the Registrar issue a license to practice.

16.30 The successful applicant shall obtain professional liability insurance in accordance with Part 14 of this by-law and shall provide satisfactory proof of same to the Registrar.

16.31 When professional liability insurance is not required by virtue of the employment stated in Section 14.7, the successful applicant shall provide a sworn statement to the Registrar of that fact.

16.32 The Registrar shall not issue a licence to practice until satisfactory proof has been provided that the successful applicant has obtained professional liability insurance or provides a sworn statement in accordance with Section 16.31.

16.33 Failure to provide the deliverables and request as required under section 16.29 shall result in the status of the successful applicant being changed to Non-practicing Member.

Amended May 2023

Appeals

16.34 Any applicant who fails to obtain the required pass mark on the jurisdictional examination may apply in writing to the Registrar to request an appeal of the assessment of the jurisdictional examination.

- 16.35** Upon receipt of an appeal of the assessment of the jurisdictional examination, the Registrar shall provide copies of the appeal to the Board of Examiners and to the Board of Examiners Appeals Committee.
- 16.36** All requests for appeal shall be submitted to the Registrar within 30 days following the date of the written notice to the applicant stating the mark obtained on the jurisdictional examination.
- 16.37** The request for appeal shall specifically state the grounds for the appeal.
- 16.38** All appeals shall be accompanied by payment in the amount as set forth in the approved fee schedule for the current year in accordance with Section 8.2.
- 16.39** The Board of Examiners Appeals Committee may enlist the assistance of any person in assessing the merits of an appeal.
- 16.40** Upon receipt of a request for appeal, the Board of Examiners Appeals Committee shall request and be provided with all relevant documentation which shall include, as applicable, the examination question paper, the answer sheets of the applicant, and the answer key.
- 16.41** The Board of Examiners Appeals Committee may make inquiries of the appellant or the Board of Examiners with respect to the Board of Examiner's assessment of the jurisdictional examination being appealed.
- 16.42** All commentary, files and documentation provided by the Board of Examiners to the Board of Examiners Appeals Committee shall remain the property of the Board of Examiners and shall be kept confidential.
- 16.43** The Board of Examiners Appeals Committee may uphold or vary the assessment by the Board of Examiners in a manner consistent with this by-law.
- 16.44** The Board of Examiners Appeals Committee shall forward its decision in writing to the Registrar together with all files and documentation relating to the appeal, and the Registrar shall forward a copy of the decision to the Board of Examiners and to the appellant.
- 16.45** The Board of Examiners shall effect the decision of the Board of Examiners Appeals Committee.

16.46 The decision of the Board of Examiners Appeals Committee shall be final.

Other provisions

16.47 For any procedures not stated in this Part 16, the provisions of Part 15 shall apply mutatis mutandis.

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PART 17

CODE OF ETHICS

Purpose of the Code of Ethics

- 17.1** The Code of Ethics shall be used to govern the professional conduct and ethics of all members in order to uphold and protect the public interest in the delivery of land surveying services by ensuring the competence, integrity, and independence of the members.
- 17.2** Every member shall realize and accept their duty to conduct themselves as a champion of the entire profession, and to further the respect and confidence which they hold in the public mind.

Code of Ethics Applies to all Members

- 17.3** Every member of the Association shall conduct themselves at all times in accordance with the Code of Ethics
- 17.4** Each member shall be responsible for the actions of all persons who perform duties related to the practice of land surveying under the supervision of the member.

Code of Ethics Applies to Corporations and Limited liability partnerships

- 17.5** The Code of Ethics applies to every corporation and limited liability partnership in the same manner as it applies to any member of the association through whom the corporation or limited liability partnership provides professional services.
- 17.6** No corporation or limited liability partnership shall be structured in a way such that it may circumvent the by-laws of the Association.
- 17.7** No corporation or limited liability partnership shall be structured in a way such that any member through whom the corporation or limited liability partnership provides professional service may circumvent the by-laws of the Association.
- 17.8** The corporation or limited liability partnership shall not pass anything in its own by-laws that is not consistent with the Act or the by-laws of the association.
- 17.9** When a conflict arises between the provisions of the by-laws of the corporation or limited liability partnership, and the by-laws of the association, the by-laws of the association shall take precedent.

Practice not consistent with Code of Ethics is an Offence

17.10 Practice by any member, corporation, or limited liability partnership that is not consistent with the Code of Ethics shall be deemed an offence that is subject to discipline by the Association.

Reporting an Offence

17.11 Members shall, in accordance with the Act, submit a complaint against any other member, corporation, or limited liability partnership when it is believed that an offence has occurred.

17.12 Failure to make a complaint when it is believed that an offence has occurred is also an offence.

General Conduct for all Members of the Association

17.13 Every member shall:

- a) conduct themselves with devotion to high ideals of honour, integrity, courtesy, and fairness;
- b) conduct themselves in a professional and competent manner that will foster public confidence in the profession and its members;
- c) serve as a role model for the profession and promote the profession and the purpose of the Association to clients and members of the public;
- d) abide by all by-laws, rules, regulations, guidelines, and standards established by the Association;
- e) participate in the affairs of the Association to the best of their ability whenever called upon to do so;
- f) respond promptly to any communication received from another member, corporation, the Association, or any committee of the Association;
- g) abstain from making statements that are false, misleading or deceiving;
- h) abstain from making statements that may damage the reputation of another member, another corporation, the Association, or any other person;
- i) abstain from advertising or marketing in any form that exaggerates their abilities or level of experience, or that claims their professional abilities are greater than any other member or corporation;
- j) avoid any activity that may bring the status or reputation of the profession or the Association into disrepute;
- k) not engage in any undertaking or act that would unnecessarily expose another member to additional liability;
- l) avoid any activity that is not in the public interest in matters affecting the protection, viability and security of the land tenure system in Manitoba;

- m) avoid entering into any arrangement or participate in any activity or enterprise that would enable a person to falsely portray themselves as a member of the association or as a corporation authorized to provide services under the Act;
- n) avoid entering into any arrangement or participate in any activity or enterprise that would enable the unauthorized practice of land surveying;
- o) report any occurrence or suspected occurrence of unauthorized practice of land surveying to the Association; and
- p) develop and maintain a level of knowledge and skill that is required to practise in a professional manner.

Conduct for Manitoba Land Surveyors

Amended May 2023

17.14 Notwithstanding the generalities of conduct described in section 17.13, every member who is licensed to practise land surveying shall:

- a) practise in a manner that serves to protect public interest in matters affecting the protection, viability and security of the land tenure system in Manitoba;
- b) exercise unbiased and independent judgement with due regard for standards of practice and the legal principles affecting such judgements;
- c) ensure the necessary competencies and expertise are applied to all undertakings to the level of accepted professional standards;
- d) conduct thorough research and consult with other land surveyors, professionals and experts as required;
- e) accept responsibility for all work carried out by all persons who perform land surveying duties under their supervision; and
- f) sign, seal, or certify only those documents which were prepared under their supervision.

Business practices

17.15 All land surveyors, limited liability partnerships, and corporations, when providing land surveying services, shall:

- a) ensure that a land surveyor is the exclusive source of advice or consultations in all matters relating to the practice of land surveying;
- b) ensure that the client is made aware of the timelines associated with any undertaking;
- c) accept an assignment only when sufficient resources are available to permit completion of the assignment within a reasonable timeframe;

- d) disclose any potential conflicts of interest, affiliations, or prior involvement with any matter related to the service being provided;
- e) maintain the privacy and confidentiality of their client at all times, except as otherwise required by law;
- f) not knowingly accept an assignment from a client who has already taken steps to retain the services of another land surveyor for the same assignment;
- g) not solicit any potential client for an assignment by offering payment, commission, or any other type of inducement in exchange for an assignment; and
- h) not access public funding for survey monument restoration at rates that are higher than those being charged to the client.

Land Surveyors as Mentors

- 17.16** All land surveyors shall assume the role as mentors for all of their colleagues, and as such the land surveyor shall:
- a) conduct themselves in a manner that represents the conduct and personal performance expected of their colleagues;
 - b) monitor the performance of their colleagues, and direct them in areas where personal conduct and performance improvements may be realized;
 - c) provide necessary training to ensure their colleagues are given the knowledge that is required to perform their tasks at the expected level;
 - d) provide or approve specialized training to their colleagues when it is so requested for advancement of their knowledge and abilities within the land surveyor's firm;
 - e) encourage all colleagues who are members of the association to undertake a reasonable share of the work of the association when called upon;
 - f) accept the request from any suitable candidate to commence an internship in accordance with the Rules and Regulations of the Board of Examiners, or if the land surveyor is unable to accept the request, then assist the suitable candidate in finding another land surveyor who may be able to accept the request for internship;
 - g) monitor the progress of training of their intern and provide practical assignments to ensure the intern is receiving the correct level of training and knowledge during their internship;
 - h) not advance the status of any intern who has not gained the knowledge and experience required to provide land surveying services to the public at a level of professionalism demanded by the standards of practice; and
 - i) not advance the status of any intern who has failed to demonstrate their ability to conduct themselves in accordance with the Code of Ethics.

Conduct for Land Surveyors in Training

- 17.17** As a land surveyor in training, the member is expected to develop knowledge, skill, competency, and ethics commensurate with those of a licensed land surveyor, and as such they shall:
- a) seek knowledge through their own diligent studies and research;
 - b) apply knowledge and gain experience by practicing independent judgement under the supervision of a land surveyor;
 - c) seek clarification from their mentor or any other land surveyor for any topic that they do not comprehend;
 - d) monitor their own progress in training and take the necessary steps to ensure their training is kept on schedule as provided in their learning plan; and
 - e) not attempt to gain advancement by any means of fraud, cheating, or unethical behaviour.

PART 18

STANDARDS OF PRACTICE

Introduction and Explanatory Notes

This part is prepared to guide Manitoba Land Surveyors in assessing how the individual activities of a member relate to the purpose and the duties of the Association set out in the Act.

18.1 This part is presented firstly with a high-level overview of fundamental concepts and principles that form the basis of the practice of land surveying and the role of the land surveyor as a professional. This is to provide context for better understanding the objectives of specific standards in support of the higher-level principles and concepts. It is intended that a member's actions can be assessed in terms of consistency in support of the higher-level principles and the specific standards.

The Fundamental Components and Principles of the Practice of land surveying as the Basis for Standards

18.2 The Purpose and Duties of the Association are paramount.

18.3 It is incumbent upon each and every member of the Association to champion the purpose of the Association, to conduct their affairs in a manner consistent with the purpose and duties of the Association and to assist the Association in fulfilling the duties of the Association to achieve those purposes.

Legislation and Exclusive Practice

18.4 Legislation of exclusive areas of practice is predicated on core competencies resulting from a unique combination of education, training, experience and professional ethics.

18.5 Recognition of this training allows us to practise with legislated exclusiveness.

18.6 The technical education of the Manitoba Land Surveyor gives rise to a public expectation that the Manitoba Land Surveyor is an expert in science of measurement and boundary location.

18.7 The professional education of the Manitoba Land Surveyor gives rise to a public expectation that the Manitoba Land Surveyor is an expert in the

legislative and regulatory framework further refined by jurisprudence, all associated with dealings with land.

18.8 Furthermore the public expects that Manitoba Land Surveyors are experts in the determination of the location of boundaries and the location of anything relative to those boundaries, but this expectation is fundamentally based on our core competencies underpinning the legislation.

18.9 This part is intended to give guidance to Manitoba Land Surveyors, and the public, with respect to the principles and parameters that provide the relationship between the legislated practice of land surveying, the application of the core competencies which give rise to the exclusive licence to practise and the overall knowledge of the processes and procedures relating to dealings with land in Manitoba.

18.10 This part is not intended to deal with existing legislated requirements but rather to identify the principles guiding how the core competencies should be applied to ensure that the delivery of professional services to the public is done in a consistent and professional manner.

The Land Tenure System in Manitoba

18.11 The maintenance of an efficient and secure land tenure system in Manitoba is crucial to the public interest in the enjoyment of secure and quiet possession of title to land. The financial implications of this security in ownership cannot be overstated.

18.12 The integrity of the land tenure system in Manitoba is based on three fundamental or primary components, namely:

- a) the documents recording the ownership of and interests in land;
- b) the surveys giving clarity and definition of the extent of those documented interests in land; and
- c) the monuments on the ground giving visible and tangible evidence of the location of those surveys and documented rights of ownership related to those surveys.

18.13 Recognition of the importance of the maintenance and protection of the integrity of these fundamental components of the land tenure system in Manitoba is paramount in understanding principles relating to standards of practice for the land surveyor in Manitoba.

18.14 Numerous surveys are prepared for various purposes outside of the existing legislative framework and are not explicitly governed by legislated or

regulatory processes. These surveys are nonetheless legal surveys in every sense of the definition of legal surveys. Other surveys are prepared based on recognition of the core competencies and expertise in the measurement and location technologies and techniques. These surveys are all subject to the standards of practice contributing to the integrity of the land tenure system in Manitoba and the public confidence in the profession.

Non-Compliance

18.15 Flagrant or conscious disregard for the standards is considered to be negligent on the part of the member and subject to discipline.

General Standards

Professional Responsibilities

18.16 The professional responsibilities of Manitoba Land Surveyors include, but are not limited to:

- a) the maintenance of a high degree of confidence of the public in Manitoba expecting unbiased judgment in the determination of the location of boundaries, expertise in measurement and a well-rounded working knowledge of the law, regulations, processes and procedures expediting the dealings with land and the interests therein;
- b) the protection of the integrity of the land tenure system in Manitoba including the maintenance and perpetuation of the survey monuments and the preparation of plans and documents relating thereto;
- c) the overall well-being of the surveying profession, the Association of Manitoba Land Surveyors and its members; and
- d) the safety and economic well-being of themselves and those who are dependent on their ability to practise in a professional and responsible manner.

18.17 Every member shall respond in a timely manner to any reasonable request made on behalf of the Association or another member.

18.18 A member shall be considered negligent if the member fails to conduct a survey in an impartial manner, or if he or she acts as an advocate for either a client or employer and renders an opinion on the location of a boundary or corner by:

- a) failing to collect and assess sufficient documentary and physical evidence with respect to the true location of the boundary or corner; or
- b) prejudicially favouring some documentary or physical evidence with respect to the true location of the boundary or corner over other such evidence.

Survey Monuments and the Survey Fabric

18.19 Survey monuments are one of the fundamental components of the land tenure system in Manitoba. It is incumbent upon all Manitoba Land Surveyors to practise in a manner which perpetuates the availability and accessibility of survey monuments.

18.20 Every legal survey monument placed or replaced by a member shall be marked with alphanumeric characters in accordance with the following criteria:

- a) the identification shall be stamped or otherwise inscribed with characters large enough and to a depth that will ensure that the identification can reasonably be expected to remain legible for a number of years;
- b) the characters used shall be in the form of a name, initials, abbreviation of a firm or office name, or a number and shall be stamped or otherwise inscribed into the monument;
- c) should a number be used it shall be the licence number of a member associated with a firm or office;
- d) should a firm or office name be used either in full or abbreviated form it shall be reflective of the full name of the firm or office name using the identification;
- e) each identification used shall be applied for in writing to the Registrar of the Association and shall be used only upon the receipt of the approval in writing by the Registrar of the Association;
- f) every Manitoba Land Surveyor shall notify the Registrar of the Association in writing specifying the manner in which all legal survey monuments placed by him/her or his or her firm or office or by him or her for any authority for whom he or she acts, shall be marked;
- g) successors to the practice of any Manitoba Land Surveyor may continue to use the identification used by the original Manitoba Land Surveyor in the succession but should the practice change the identification used, the new identification shall be subject to these criteria and subject to the approval of the Registrar; and
- h) should the coming into force of the Act or the criteria for identification markings dictate that the identification markings in use by a Manitoba Land Surveyor be changed, the Manitoba Land Surveyor shall:
 - i. be allowed to use the remaining bars in their possession;

- ii. apply to the Registrar of the Association for approval of a new identification in accordance with these criteria; and
- iii. notify the Registrar of the Association of the approximate date that the new identification shall be in use.

18.21 All monuments shall conform to standards established by legislated authority or by by-law of the Association. Where there is a conflict, the higher standard shall prevail.

18.22 Monuments shall be placed in locations that promote the longevity of the monument in its original position.

18.23 If legislated requirements dictate that monuments are to be placed in locations where there is a reasonable expectation that they are at risk for destruction, an alternative monumentation scheme shall be considered to otherwise evidence the location of the original monuments, the boundaries and dependent surveys.

18.24 Round iron posts, reinforcing bars, nails, lath, wooden hubs or other commonly available materials shall not be used for the demarcation of boundary corners or terminal points. These commonly available materials may lead to confusion in identifying properly evidenced property corners.

18.25 Iron survey posts used for demarcation or referencing of property corners shall be square with each side dimension a minimum 0.013 m. width unless otherwise required by legislated authority.

18.26 If a survey is being undertaken for the purposes of land development, utility alignment, resource extraction, construction or other improvements to the land, the location of the boundaries of the land shall be determined by survey and survey monuments shall be placed where the location of the boundary is relevant for the purpose of the survey. Factors that may contribute to the relevancy of the boundary include, but are not limited to:

- a) the intent to have the improvements within locations explicitly based on the location of a boundary;
- b) the distance from proposed improvements to nearby boundaries or minimum zoning set back requirements; and
- c) after accounting for the destruction of survey monuments normally associated with land development, sufficient survey monuments shall be set to ensure that another surveyor can unambiguously reset the interests or boundaries of the land being dealt with.

18.27 Where ground conditions do not permit the monumentation of a true corner of a lot or parcel abutting on a street or lane, and where it is desirable to place an offset monument, the said offset monument shall be placed along the side lot line or the straight production thereof and shall not be placed along the street line or back lot line.

18.28 Where subdivision is allowed by metes and bounds description the surveyor shall recommend to the client that a field inspection be conducted to ensure that the proposed description meets the intent of the subdivision.

Dealing with the Public

18.29 Manitoba Land Surveyors shall be knowledgeable in the areas of practice in which they offer services. It is incumbent upon the individual Manitoba Land Surveyor to recognize limitations in their own expertise and either refer the client to someone with the necessary expertise or otherwise avail themselves of the expertise required to provide the services required.

18.30 Manitoba Land Surveyors are responsible for conducting themselves in a professional and competent manner that will foster public confidence in the profession and its members. A Manitoba Land Surveyor will never act as an advocate on behalf of any party in the establishment of boundaries but will exercise unbiased judgment in the determination of the location of boundaries.

18.31 A Manitoba Land Surveyor shall be the primary point of contact with the public or clients and shall be the exclusive source of advice or consultations for matters relating specifically to the practice of land surveying.

18.32 A Manitoba Land Surveyor shall not conduct his or her affairs in any way that may lead any person to believe that someone, who is not a duly qualified Manitoba Land Surveyor, is authorized to practise land surveying.

18.33 A Manitoba Land Surveyor will report any activity that may be considered unauthorized practice by others to the Registrar.

Conflict of Interest

18.34 The public relies on the Manitoba Land Surveyor to act in a quasi-judicial manner in the determination of the location of boundaries. Manitoba Land Surveyors shall avoid situations where the integrity of their ability to provide an unbiased opinion with respect to the discharge of their professional responsibilities may either be compromised or may appear to be compromised.

18.35 It is not simply enough that clients are made aware of potential conflicts arising from their respective relationship with a Manitoba Land Surveyor, but that the surveyor cannot let the client dictate terms or require undertakings that are inconsistent with the standards of practise, the by-laws of the Association or the law.

18.36 Manitoba Land Surveyors shall be cognizant of the fact that there are often multiple owners affected by the placement of corner posts. A significant percentage of private property is adjacent to public rights-of-way and as such the Crown or other public entity that has a legislated mandate to control and maintain the right-of-way is an affected owner as well. It is important that the Manitoba Land Surveyor avoid any perception of impartiality in favour of any affected rights holder.

Practice as an Employer

18.37 Manitoba Land Surveyors who employ other members or non-members are obligated to ensure that their employees are properly supervised and trained in the discharge of their duties as employees. The employer is ultimately legally responsible for the work-related actions of their employees. The employer may be held professionally responsible for the competency and practice of an employee if the employer allows an employee to practise in a manner inconsistent with the standards.

Practice as an Employee

18.38 Manitoba Land Surveyors will find themselves in positions as employees in both the private and public sectors. This in no way diminishes their obligation to conduct themselves in a manner that protects the integrity of the profession and the land tenure system. If a conflict arises between the terms of the employment and the professional responsibilities of the member, the professional responsibilities of the member are paramount. A member who is an employee is professionally responsible to ensure that the terms of his or her employment are not contrary to the Act or the by-laws of the Association.

18.39 Just as a Manitoba Land Surveyor cannot advocate on behalf of a client in the determination of the location of a boundary, an employee cannot advocate on behalf of an employer in matters relating to the determination of the location of boundaries.

18.40 A member who is an employee who becomes aware of activities inconsistent with the Act or by-laws of the Association undertaken by either his or her employer or by fellow employees is professionally responsible to report those

activities to the Complaints Committee or other appropriate committee or authority as the case may be.

Practice as a Policy Maker

18.41 Manitoba Land Surveyors who are in a position to develop, influence or implement policies that affect the broader practice of land surveying or the land tenure system in Manitoba shall do so in a manner consistent with the purpose, duties and standards of the Association. If the expected outcomes of the policies or the conditions under which the policies were formulated have changed, the land surveyor shall be prepared to re-evaluate the policy and make recommendations for change.

Professional Supervision

18.42 The terms professional supervision, direct supervision and supervision all have the same meaning for the purposes of the practice of land surveying and associated activities directly and indirectly related to that practice.

18.43 Land surveyors, in conducting their practices, shall have effective supervision and control over all personnel involved in the making of the survey and preparation of associated documents.

18.44 The land surveyor shall satisfy himself that all personnel involved in any aspect of a survey possess the training, qualifications and abilities needed to carry out their duties in a manner that will maintain the public trust in the profession.

18.45 The land surveyor shall be actively involved and have control over all aspects of the survey and shall discharge his or her professional responsibilities and obligations in a manner consistent with the objectives of the standards of the profession.

Office Procedures

18.46 The Manitoba Land Surveyor will maintain records relating to the practice of land surveying in a methodical and systematic manner which will facilitate the timely retrieval of information relevant to surveys and other related activities undertaken by the Manitoba Land Surveyor. These records will include:

- a) correspondence from all sources;
- b) research of all land related records;
- c) registered and unregistered data relating to the ownership of lands being surveyed;

- d) field notes that are unaltered and accurately record the field procedures together with the observations and rationale that guide the decision-making process in making of the survey;
- e) sketches, plans and other documents either prepared by the Manitoba Land Surveyor or acquired for the purpose of the practice of land surveying; and
- f) financial records.

18.47 The source of documentary data acquired through research shall be recorded or shown on a plan or a document where the source of the data is not apparent to a person reasonably knowledgeable with the land tenure system in Manitoba.

Field Procedures

Field notes shall be prepared for all surveys.

18.48 The observations in the field are critical to the production of plans and documents which is recognized as one of the fundamental components of the land tenure system in Manitoba. A fundamental tenet in land surveying is the concept of “following in the footsteps of the original surveyor”. It is essential that the observations are recorded as they are observed and archived in a systematic manner which will allow for the future retrieval, analysis and determination of the processes, procedures and rationale used in the survey.

18.49 Prior to adapting any technology or techniques, the Manitoba Land Surveyor shall:

- a) validate that the technology or techniques are appropriate for the work being undertaken, and with due regard to the conditions under which the work is to be undertaken;
- b) ensure that personnel are adequately trained to reliably acquire data in a systematic manner and to an accuracy commensurate with the requirements of the work being undertaken; and
- c) ensure that sufficient data is recorded to validate the results and allow other persons to retrace or recreate the processes and results associated with the survey.

18.50 These standards apply to any work undertaken by the Manitoba Land Surveyor where services are being provided based on any reasonable expectation of expertise in measurement or location sciences or technologies

including both work made under a legislated authority and work made for purposes not necessarily defined by legislation or regulation.

Evidence of the Location of Boundaries of Land

18.51 The principles of evidence and the obligations of the land surveyor in the search for, and evaluation of, evidence have been well documented in numerous academic publications and judicial decisions. Similarly, the quasi-judicial role of the land surveyor as an independent arbiter in the determination of the location of boundaries has also been dealt with at length. The Manitoba Land Surveyor is expected to apply all of the aforementioned principles and will evaluate sufficient evidence in all cases to support the determination of the location of any boundary represented on any survey.

18.52 If boundaries cannot be represented with the certainty commensurate with needs of the survey, then the nature of the uncertainty should be identified. This does not relieve the Manitoba Land Surveyor of any obligation to search for evidence, but rather gives notice of limitations in the quality of the survey. If the uncertainties result from problems with missing or conflicting evidence, then the Manitoba Land Surveyor shall duly notify those responsible for the implementation of legislated remedies.

Plans, Documents and Digital Distribution

18.53 Plans and documents have been recognized as one of the fundamental components of the land tenure system in Manitoba. As such, the Manitoba Land Surveyor is expected to be an expert in the preparation and interpretation of documents for use in the definition of extent of ownership or other interests in land.

18.54 All plans and documents prepared for public use and distribution shall be drafted to professional standards. Clarity and the elimination of ambiguity in the presentation of the data contained in the document are paramount, but the use of the document will ultimately determine the level of detail to which the data is presented. The proposed or intended use of the document should be identified to limit the potential for misuse or misunderstanding of purpose of the document.

18.55 The Manitoba Land Surveyor responsible for the document or plan shall be identified on the document and the document shall be signed by the Manitoba Land Surveyor. The embossed seal of the Manitoba Land Surveyor is prima facie evidence of an original document suitable for distribution and fair use.

The embossed seal should be used on all documents prepared by a Manitoba Land Surveyor where the authenticity of the document may provide the basis of future dealings using the document.

- 18.56** Sources of data shown on a document shall be identified where possible. The document shall specify if data shown is based on a survey in the field or a compilation of records. Any limitations on the use of the data should be identified.

Surveyor's Copyright

- 18.57** Surveyor's copyright is recognized by the courts and legal experts in Canada. A Manitoba Land Surveyor shall conduct their affairs in a manner which will not compromise the integrity of the surveyor's copyright. Copyright may be transferred or otherwise assigned by the owner of the copyright. Copyright is not dependent upon giving notification of the ownership and is applicable to documents with or without the application of a copyright notice.
- 18.58** The Association acknowledges that except in the case of a sole practitioner, individual land surveyors do not own the copyright on the documents that they produce. Copyright is owned by the employer whether the employer be a private enterprise, professional corporation, limited liability partnership, government department or crown corporation.
- 18.59** If possible, the Manitoba Land Surveyor shall identify the owner of the copyright on all documents. The surveyor should not use electronic means of transmission for documents that, if stored or further distributed electronically, would constitute a violation of the copyright unless the document contains statements limiting the use of the document for the purposes for which it was prepared. The indiscriminate distribution of documents using electronic means, may serve to seriously undermine the integrity of a claim to copyright by all surveyors.

Alteration of Documents

- 18.60** No member shall alter, erase or obscure information shown on any document, survey or notes prepared by any other Manitoba Land Surveyor in any manner unless:
- a) the Manitoba Land Surveyor who prepared the original document is not available; and
 - b) the Manitoba Land Surveyor who prepared the original document was associated in a professional relationship with another member or members;
- or

- c) the member who made the alteration is a licensed member of either the originating practice or a practice which is a successor or assigns of the originating practice that prepared the original document; and
- d) the member who made the alteration is clearly identified on the document as being responsible for the document as altered.

Distribution of Plans and Documents

18.61 All official documents issued by a Manitoba Land Surveyor shall be signed and, where not prohibited by a regulatory body, sealed with the embossed seal of the surveyor who is responsible for the document. Documents or plans that have been prepared for distribution by electronic or digital means shall be annotated with appropriate disclaimers and warnings regarding any limitations on the use of the data and shall state it is not an official document. Documents, in which a copyright is being claimed, shall not be distributed electronically without limiting conditions prominently displayed on the document. If it is necessary to send preliminary versions for review or for use by other design professionals, the document should not be signed and should contain watermarking or other notice indicating the nature of the document as being preliminary, a draft, for review or other such wording to indicate the unofficial nature of the document. A statement explicitly and clearly identifying the unofficial nature of the document is acceptable.

Errors or Omissions

18.62 If a Manitoba Land Surveyor discovers an error or omission in a survey prepared by another member, the Manitoba Land Surveyor shall notify:

- a) the other member who is responsible for the error; or
- b) the practice associated with the original survey, or the successors or assigns of the originating practice.

Dealing with Other Members or Practices

18.63 A member shall direct all professional dealings with other practices exclusively through members. All requests for information shall be made directly to a member. The member requesting the information shall indicate why the information is being requested and what the information will be used for. All information released by a member in response to a request shall be vetted by the member releasing the information to ensure that any limitations regarding the quality or potential uses of the data are fully communicated to the member requesting the information. Any member requesting information

that will be used in the determination of the location of boundaries shall independently verify the validity of the information.

Offices

18.64 A Manitoba Land Surveyor shall establish an office for the practice of land surveying. If a Manitoba Land Surveyor wishes to establish any office, other than a consultation office, he or she shall obtain the prior approval of the Registrar.

Amended September 2017

18.65 Any office shall be under the direct personal supervision, direction and control of a Manitoba Land Surveyor. A Manitoba Land Surveyor shall be present at the office at all material times that the office is advertised as being open to the public.

18.66 No office shall operate in such a manner that a member of the public may consider that he or she is dealing with a Manitoba Land Surveyor when that is not the case.

Primary Offices

18.67 A Manitoba Land Surveyor, professional corporation, or limited liability partnership shall maintain a single primary physical office for the practice of land surveying. All Manitoba Land Surveyors associated with a land surveying practice for the purposes of registration, shall be associated with the primary office.

Amended September 2017

Branch Offices

18.68 A branch office is any office other than the primary office which is open to the public more than eight hours a week

18.69 A Manitoba Land Surveyor associated with a land surveying practice for the purposes of registration, may also be associated with a branch office in addition to the primary office.

18.70 A corporation or a limited liability partnership, shall obtain a permit stamp and certificate for the branch office.

Consultation Offices

18.71 A consultation office is an office that is open to the public not more than eight hours a week and at specific hours when a Manitoba Land Surveyor is in attendance. A permit stamp and certificate are not required for any consultation office.

18.72 A member may advertise a consultation office if the advertisement includes the specified hours during which it is open.

Advertising and Communication

18.73 An advertisement shall not:

- a) be misleading by containing a misrepresentation of fact.
- b) claim or imply that land surveying services are being offered in Manitoba by anyone other than a Manitoba Land Surveyor
- c) include the names of any person other than a member who is:
 - i. a Manitoba Land Surveyor; or
 - ii. a Retired Member or Honorary Life Member, provided the advertisement states such member is a consultant to only the Manitoba Land Surveyor or the professional corporation named in the advertisement.

Amended May 2023

18.74 Letterhead is considered advertising.

Specific Standards of Practice

Surveyor's Building Location Certificates (BLC)

18.75 A current search of ownership data shall be made for each survey. The Certificate of Title or Deed used shall be identified on the BLC together with the registered owner(s) and the date of the search. In the case of a Crown Land lease, the lease number shall be shown.

18.76 Sufficient information will be shown on the BLC to allow zoning officials to determine if a property is in conformance with zoning by-law.

18.77 It is good practice to locate the faces of buildings adjacent to the property lines on both sides of the property lines being surveyed. Projections off of these adjacent buildings shall be measured if the projections are close enough to the property line that their location may be questioned.

Amended September 2017

18.78 The BLC will show any encroachments over any boundary of the property being surveyed. Subject to seasonal considerations, the Building Location Certificate shall show any obvious use of the property or adjacent properties inconsistent with the ownership of the property. (Please refer to Sec. 18.108 for details regarding encroachments.)

Amended September 2017

18.79 Data to be shown on Building Location Certificates:

- a) the date of survey;
- b) the Certificate of Title number, Deed number or Crown Lands Lease number;
- c) the names of the registered owners of the property;
- d) the legal description of the property;
- e) the date of the search;
- f) a statement that affecting instruments are not listed or are listed but not investigated or otherwise as the case may be;
- g) units of measurement;
- h) a brief description of all buildings and structures on the property including the number of storeys;
- i) any addresses shown on the structures or a note that the structure is un-numbered;
- j) a notation indicating if any structures are under construction, exterior renovation or demolition;
- k) the materials of the dominant portion of the structure's walls;
- l) a notation indicating if there is an attached garage;
- m) all projections from walls, including eaves and troughs, greater than 0.25' or 0.07m, shall be described and shown. Residential gas entries and power panels need not be shown;
- n) the names or description of any adjacent public or utility rights-of-way if same are apparent;
- o) the lengths of the boundaries of the land. Angles are optional;
- p) dimensions on structures shall be shown to the nearest 0.01m or 0.05';
- q) the shortest distance from each structure either to the boundaries of the land or to the nearest adjacent structure. Dimensions to property lines shall be shown to the nearest 0.01m or 0.05';
- r) "Qualified" certificates may be prepared for a client only when absolutely necessary due to location and/or lack of survey evidence. The reason for, and the scope of, the qualification shall be identified in the Certificate;

- s) when more than one page is required, a statement as to each page being part of the entire certificate shall be endorsed on each page. Each page shall be signed and sealed with the approved seals or permit stamps of the supervising Manitoba Land Surveyor. The name of the Manitoba Land Surveyor shall be clearly annotated on each page of the document; and
- t) each page shall display the copyright symbol and shall contain the statement:
“(Name of surveyor or firm), (year).
All rights reserved. No person may copy, reproduce, transmit or alter this document and no person may distribute or store copies of this document, in whole or in part”.

Updates of Surveyor's Building Location Certificates

- 18.80** Copies of Building Location Certificates which are not "UP-TO-DATE" shall not be issued. An existing Surveyor's Certificate of any type cannot be considered to be "UP-TO-DATE" unless:
- a) the same has been prepared in accordance with these standards;
 - b) upon a field inspection being done, it has been determined that no changes have taken place since the original certificate was signed; and
 - c) a new Land Titles Office search has been made and same is reflected on the Building Location Certificate.
- 18.81** If a client requests a replacement copy of an original Building Location Certificate within 6 months of the issue of the original Building Location Certificate, a Manitoba Land Surveyor may re-issue a copy of the original Building Location Certificate if:
- a) it is the same client that ordered the original Building Location Certificate;
 - b) the buildings shown were not under construction at the time of the original survey; and
 - c) it can be reasonably expected that there have been no changes to the property since the time of the original survey.
- 18.82** The Manitoba Land Surveyor who issues a copy of a Building Location Certificate shall realize that the document may be used to make representations to third parties and the Manitoba Land Surveyor is professionally liable for the Building Location Certificate as if it were current at the date of release.

Digital Distribution of Building Location Certificates

- 18.83** A digital copy of a Building Location Certificate may be sent to a client if:

- a) the Building Location Certificate is up-to-date in accordance with this part;
- b) the digital version of the Building Location Certificate does not contain any signatures, seals or stamps that may be copied by the recipient of the file;
- c) the file cannot be readily edited or altered;
- d) an archive record of the digital version of the Building Location Certificate and transmission is maintained; and
- e) there is an additional disclaimer added to each sheet of the digital version of the Building Location Certificate that states:

“NOTICE: (Name of Manitoba Land Surveyor of Firm) is providing, by agreement with (name of client), certain materials stored electronically. These documents are protected by copyright and further distribution by electronic means or by any other means are prohibited. Ownership of these documents is retained by (Name of Manitoba Land Surveyor of Firm).”

The parties recognize that data, plans, specifications, reports, documents, or other information recorded on or transmitted as electronic media are subject to undetectable alteration, either intentional or unintentional, due to, among other causes, transmission, conversion, media degradation, software error, or human alteration. Accordingly, all such documents are provided to the parties for informational purposes only and not as an end product or as a record document. Any reliance thereon is deemed to be unreasonable and unenforceable. The signed and sealed hard copies of the Manitoba Land Surveyor's Building Location Certificate are the only true contract documents of record.”

Surveyor's Staking Certificates

18.84 A current search of ownership data shall be made for each survey. The Certificate of Title or Deed used shall be identified on the Staking Certificate together with the registered owner(s) and the date of the search. In the case of a Crown Land lease, the lease number shall be shown.

18.85 The Staking Certificate will show any encroachments over any boundary of the property being surveyed. Subject to seasonal considerations, the Staking Certificate shall show any obvious use of the property or adjacent properties inconsistent with the ownership of the property. Data to be shown on Staking Certificate:

- a) the date of survey;
- b) the Certificate of Title number, Deed number or Crown Lands Lease number;
- c) the names of the registered owners of the property;

- d) the legal description of the property;
 - e) the date of the search;
 - f) a statement that affecting instruments are not listed or are listed but not investigated or otherwise as the case may be;
 - g) units of measurement;
 - h) a legend showing what symbol or symbols are used to indicate where survey monuments have been placed;
 - i) a civic address if same is displayed on the property;
 - j) the names or description of any adjacent public or utility rights-of-way if same are apparent;
 - k) the lengths of the boundaries of the land. A sufficient number of angles to unambiguously determine the shape or geometry of the property being staked are required;
 - l) when more than one page is required, a statement as to each page being part of the entire certificate shall be endorsed on each page. Each page shall be signed and sealed with the approved seals or permit stamps of the supervising Manitoba Land Surveyor. The name of the Manitoba Land Surveyor shall be clearly annotated on each page of the document,
 - m) each page shall display the copyright symbol and shall contain the statement:
 “(Name of surveyor or firm), (year)
 All rights reserved. No person may copy, reproduce, transmit or alter this document and no person may distribute or store copies of this document, in whole or in part”.
- (Please refer to Sec. 18.108 for details regarding encroachments.)

Amended September 2017

Construction Stakings

- 18.86** Construction stakings are surveys where a boundary or boundaries are demarcated in situations where it is known, or should be known, that construction or other improvements to land based on the survey are imminent. Improvements include, but are not limited to, the erection of new buildings, renovations of existing buildings, fence construction and general site development or landscaping.
- 18.87** Construction stakings of parcels, the area of which are less than 25,000 square feet, shall include the placement of monuments at each corner of the parcels.
- 18.88** A Surveyor's Staking Certificate will be issued for all construction stakings.

Surveyor's Plans

18.89 From time to time surveyors are called upon to prepare plans other than Building Location Certificates, Staking Certificates and for specific purposes other than registration.

18.90 These plans include but are not limited to:

- a) title plots;
- b) proposals to subdivide;
- c) proposals for construction, renovation or additions where the location of the proposed structure relative to a boundary requires the confirmation of a Manitoba Land Surveyor, but not necessarily including general site plans for residential or commercial construction;
- d) encroachment agreements;
- e) location of utility infrastructure;
- f) location of specific improvements under construction or recently completed on a larger site containing other existing structures; and
- g) accident scenes, court cases or insurance claims.

18.91 When preparing these plans, the specific purpose of the plan shall be noted on the plan. Any limitations on the use of the data shall be identified.

18.92 Where ownership data is shown, a current search of ownership data shall be made for each survey. The Certificate of Title or Deed used shall be identified on the plan together with the registered owner(s) and the date of the search. In the case of a Crown Land lease, the lease number shall be shown.

18.93 Data to be shown on Surveyor's Plans:

- a) the date of survey if a survey in the field is required. If no survey is required, then it shall be noted that the plan is not based on a survey in the field and the sources of information shall be identified;
- b) the legal description of the property and an indication of which part of a property is being dealt with or otherwise not being dealt with;
- c) the date of the search;
- d) units of measurement;
- e) a brief description of all buildings and structures shown on the plan including the number of storeys. If some buildings are not shown, a note to that effect including a brief description of the buildings and structures not shown and an indication if any of those structures are under construction, exterior renovation or demolition;
- f) any addresses shown on the structures shown on the plan;

- g) if any structures shown are under construction, exterior renovation or demolition, then annotations indicating same;
- h) any notes required to clarify what the measurements shown were made to;
- i) the names or description of any adjacent public or utility rights-of-way if same are apparent;
- j) the lengths of the relevant boundaries of the land or some indication of which particular boundaries of a parcel of land are being dealt with;
- k) "Qualified" plans may be prepared when necessary and the reason for, and the scope of, the qualification shall be identified on the plan;
- l) when more than one page is required, a statement as to each page being part of the entire plan shall be endorsed on each page. Each page shall be signed and sealed with the approved seals or permit stamps of the supervising Manitoba Land Surveyor. The name of the Manitoba Land Surveyor shall be clearly annotated on each page of the document; and
- m) where applicable, each page shall display the copyright symbol and shall contain the statement:

“ (Name of surveyor or firm), (year)

All rights reserved. No person may copy, reproduce, transmit or alter this document and no person may distribute or store copies of this document, in whole or in part”.

Topographic Surveys

18.94 The surveyor shall recommend to the client that the boundaries of the land that are affected by the development or near the land subject to development be staked.

18.95 Each plan of a topographic survey shall include a statement that either:

- a) the underground structures are not shown; or
- b) the location of underground structures is shown based on records supplied by a third party, in which case the source of the records should be identified; or
- c) the location of underground structures is shown based on locates, in which case the provider of the locates should be identified.

18.96 The plan shall include appropriate disclaimers and warnings with respect to underground structure locations.

Digital Distribution of Topographic Surveys

18.97 A digital copy of a Topographic Survey may be sent to a client if:

- a) it is up-to-date;
- b) the file is easily editable, the file has been stripped of title data, signatures, stamps, permits etc. than can be copied or edited;
- c) there is an additional disclaimer added to the digital version of the survey that states:
“NOTICE: (Name of Manitoba Land Surveyor of Firm) is providing, by agreement with (name of recipient), materials stored electronically. These documents are protected by copyright and further distribution by electronic means or by any other means are prohibited. Ownership of these documents is retained by (Name of Manitoba Land Surveyor of Firm).”

The parties recognize that data, plans, specifications, reports, documents, or other information recorded on or transmitted as electronic media (including but not necessarily limited to "CAD documents") are subject to undetectable alteration, either intentional or unintentional, due to, among other causes, transmission, conversion, media degradation, software error, or human alteration. Accordingly, all such documents are provided to the parties for informational purposes only and not as an end product or as a record document. Any reliance thereon is deemed to be unreasonable and unenforceable. The signed and/or stamped hard copies of the survey and documents are the only true contract documents of record.”

Utility Alignment Surveys

- 18.98** When a survey is made to establish a line to be used for alignment to facilitate the installation of utility plant and the proposed location of the installation is based upon property boundaries, the survey shall be related to monumented boundaries.
- 18.99** If there are no existing monuments referencing the boundaries, then new monumentation shall be established to reference the boundaries.
- 18.100** The position of all existing monuments used for the alignment shall be verified in accordance with the generally accepted rules of good survey practice.
- 18.101** Field notes of the survey shall be made and maintained in accordance with the generally accepted professional standards for same.
- 18.102** Where an existing monument is found and accepted which is not of record in the Land Titles Office, a plan of survey perpetuating certain monuments or a

restoration sketch, as the situation may dictate, shall be submitted to the Land Titles Office.

18.103 The survey shall not be considered complete until all returns have been submitted.

Resource Extraction Site Surveys

18.104 In areas that have been subdivided by the Dominion Government Survey or the provincial equivalent thereof, the Surveyor shall find, restore or re-establish sufficient monuments to define at least one boundary of the land affected.

18.105 Where the boundaries of the extraction site or related facilities terminate on, are coincidental with or purport to define a property boundary or boundaries, the said boundary or boundaries shall be surveyed, and survey monuments shall be placed at sufficient locations defining the boundary or boundaries to facilitate the unambiguous re-establishment of the boundaries or locations of the original survey of the site.

18.105.1 Where the specified coordinates of an extraction site or drill path are referenced to the Dominion Government Survey, the Surveyor shall find, restore or re-establish sufficient monuments to define all relevant boundaries.

Amended December 2017

18.106 The type of monuments placed or found during the survey shall be shown on the plan and those placed shall conform to the Instructions for Surveys and Plans issued by the Examiner of Surveys as per monuments required for section and 1/4 section monuments and those monuments shall be recorded in the Winnipeg Land Titles Office in accordance with the Surveys Act.

Plans prepared for Petroleum Licencing

18.106.1 The licencing for this industry pursuant to The Surface Rights Act, The Oil & Gas Act, The Oil & Gas Production Tax Act and The Gas Pipe Line Act (hereinafter referred to as “the authority”), requires digital plan submissions for licencing purposes and will not retain physical copies of plans. Plans submitted for licensing are then made available to the public.

As the authority does not require a physical plan, it is a common request by clients that they receive only digital copies of these types of plans.

In such cases, the firm that prepared the plan shall retain the physical, signed, sealed and dated original plan and disclaimer the digital copies appropriately.

Sample wording as follows:

“This is a copy of an original plan, signed and sealed by XXX XXXXX, Manitoba Land Surveyor, on XXX XX, 20XX. The original plan is held on file at the office of XXXXXXXXXXXXXXXX.

This document has been prepared for distribution via electronic and other means. Should there be a discrepancy between this document and the original document, the signed, sealed original shall govern”.

Amended December 2017

Condominium Surveys

18.107 The plan of a condominium, as opposed to a bare land condominium, is an as-built survey of the building and units. Where the boundaries of the units of a condominium are defined by reference to the buildings, each individual unit shall be measured. The measurements of the units can only be made after there are sufficient structural elements in place to reasonably relate the unit to the adjacent exterior building walls or the demising walls between units. There can be no assumptions that there are typical units. The dimensions of the unit boundaries shown on the plan shall be directly related to the measurements made in the unit.

Encroachments, Structures and Fences

18.108 One of the most common questions asked of a surveyor is whether or not a particular feature or object is encroaching onto a property. The answer is not simply a matter of the location of the feature relative to the boundary. A boundary is a theoretic mathematical concept that has no width or thickness. Therefore, any physical feature will always be on one or both sides of a boundary in whole or in part. To determine whether or not a particular feature represents an encroachment, factors other than simply the location of the feature should be considered, including but not limited to:

- Is the feature a result of natural occurrences such as trees or build up from soil drift?
- Was the construction of the feature intended for the mutual benefit of the owners of the land adjacent to the feature? Notwithstanding the location of the feature, or that the feature may have been constructed or erected by only one of the owners, the feature may still serve to the mutual benefit of the owners of the adjacent land.
- Does the feature deprive one of the owners of the adjacent lands of the reasonable enjoyment or use of the land?
- Was the feature erected or constructed without the knowledge or consent of both of the owners of the adjacent lands at the time of construction?

Not all of these questions can be answered with absolute certainty, but they can be considered when attempting to determine whether a feature constitutes an encroachment.

For the purposes of Surveyor's Building Location Certificates and Surveyor's Staking Certificates, encroachments generally refer to structures or buildings constructed or erected above sidewalk level, or portions thereof or projections fastened to said structures.

Encroachments generally do not include landscaping, vegetation and other natural features notwithstanding the fact that the presence of same is not by natural occurrence. Nor do encroachments include boundary fences and other features that can reasonably be assumed to have been constructed or placed, at the time of construction, for the mutual benefit of the owners of the adjacent properties notwithstanding the fact that these improvements may not be located on or near a boundary.

The Land Surveyor must use a judicious abundance of caution in the exercise of professional judgment prior to declaring that a structure, other than a building, constitutes an encroachment. Buildings are often easier to quantify because it is easier to apply the considerations noted above with a reasonable degree of certainty.

The Land Surveyor should be aware of the provisions of *The Law of Property Act*, C.C.S.M. c. L90 and be able to provide advice accordingly.

Showing the Location of Fences on Documents or Plans

Boundary fences are fences erected to represent the extent of an owner's, or owners', interest in their land. Boundary fences are generally constructed by one or more of the owners of the lands benefitting from the presence of the fence. Although boundary fences are intended to represent the extent of an interest in land, they are often not located exactly on the boundary. The fence may be a replacement fence built to one side of a previous boundary fence. The fence may have been intentionally built on one side of a boundary by one of the owners of the land. Often the location of fences is not based on an actual boundary survey, but rather by using other indirect sources of information such as Surveyor's Building Location Certificates, building permit sketches or just by the general agreement of the adjoining owners.

For the purposes of surveys and in particular, the preparation of Surveyor's Building Location Certificates or Surveyor's Staking Certificates, it is generally not advisable to show boundary fences that are near the actual boundary. One of the roles of the surveyor is to assist the public in the enjoyment of the quiet possession of title to land. Showing fences close to boundaries but not on the

boundary does not serve the public interest because of the sometimes-tenuous relationship between adjacent owners.

However, another of the role of the surveyor is to assist in the due diligence processes associated with the transfer or acquisition of land. There is an expectation by the public that the surveyor will, in addition to locating structures on or near the property, report on uses of the land inconsistent with the title to the surface of the land. This gives rise to the inevitable question; how far from a boundary does a boundary fence have to be before it represents a use of the land inconsistent with the title to the surface of the land? It is difficult to give an empirical answer.

Professional judgment must be exercised to determine when it is appropriate to show a fence not on a boundary. For example, a boundary fence on a large agricultural holding may reasonably represent use consistent with the title if it is within a metre \pm of the boundary. On a residential property in a neighbourhood characterized as compact urban form, the one metre \pm distance may not be appropriate. The specific instructions of the client and requirements of local zoning authorities are to be considered. Other considerations may include, but are not limited to:

- the nature of the construction or value of the fence;
- the use of the land adjacent to the fence;
- the direction and connectivity of fences of similar construction or other conditions which may assist in determining the purpose of the fence or which property is intended to benefit from the fence; and
- testimonial evidence with respect to the origin and/or the purpose of the fence.

The City of Winnipeg, by virtue of the City of Winnipeg Zoning Bylaw, attempts to license fences built onto streets, lanes or Public Reserves by owners of the adjacent properties. The position of the City of Winnipeg is somewhat contradictory as the zoning bylaw exempts structures which predate the zoning bylaw. Furthermore, some fences constructed by the City of Winnipeg have been wrongly attributed to the owner of the adjacent property. Fences which may have been constructed on the adjacent property may be found to be “on the street” after a block outline Special Survey re-defines the limit of the street.

In conclusion, it is recommended that judicious professional judgment be exercised when dealing with fences. It would not be considered unacceptable to consider fences on residential property as being on a property line where any portion thereof is within 0.15 \pm metres of a private property boundary. It is recommended that, as a standard of professional practice, fences be noted on a document where the fence clearly represents an egregious use of the land inconsistent with the title to the land or where the location of the fence may be an impediment to the orderly development of the land being surveyed. It is recommended that, as a standard of professional practice, no statements be

made with respect to whether or not the location of a fence represents an encroachment unless there is absolutely indisputable evidence regarding the origins of a fence.

Manitoba Land Surveyors must also be cognizant of the provisions and limitations contained within *The Boundary Lines and Line Fences Act*, C.C.S.M. c. B70.

Note: Nothing in this section is intended to affect the professional application of the accepted principles of evidence as same relates to the consideration of lines of possession relating to the position of original monuments. Nor is this section intended to give guidance to the Manitoba Land Surveyor with respect to sound field techniques and the necessity to record and consider the location of fences in the process of the determination of the location of boundaries.

Amended September 2017

Certification of Lot Grades

18.109 The certification of lot grading is generally a pre-requisite to obtaining a refund of funds based on substantial compliance with the intent of a professionally certified design. Normally these certifications are required as part of the land development process. The specific requirements for certifications can generally be defined based on the nature of the development as either commercial or residential styles. The same general principles apply to both commercial and residential grading certifications.

General Principles of Lot Grading and Certification

The purpose of the lot grading design is to ensure that there are no adverse effects to either the subject property, adjacent or nearby properties, improvements thereto or to land drainage infrastructure caused by water from any natural or reasonably foreseeable artificial sources which either ponds, drains or does not drain. The purpose of the certification is to provide assurances to both the client and approving authority that the grading complies with the intent of the grading design and the regulatory infrastructure guiding same.

The certification of lot grading, or rejection thereof, must be based on recorded measurements and sufficient analysis to ensure that the overall objectives of the design have been met. A plan of the survey must be prepared and made available to the client.

Requirements for a Lot Grade Certification Survey and Plan

These requirements apply to lots that are:

- urban residential where the entire lot is being graded, or;
- commercial lots where the entire lot is being graded, or;
- commercial lots where a portion of the lot is being graded and catch basins, manholes or other underground infrastructure has been installed to facilitate the drainage of the lot, or;
- rural residential lots where the design slopes are less than 0.25% or where there is a design requirement for specific swales and retaining walls;
- all properties where all or portions of the property are at or below the official flood protection level elevation for that property.

These requirements do not apply to large residential lots where the grading requirement consists solely of perching around the building or buildings.

All Certifications must be supported by a certified document displaying the following information:

- certification by a Manitoba Land Surveyor;
- plan title – Plan of As-built Lot Grades;
- date of survey;
- name of the company that produced the certificate;
- legal description and municipal address of the property;
- surface condition of the lot or portions of the lot, such as clay, topsoil, sod or landscaped;
- scale of drawing or a note that the drawing is not to scale;
- building footprints are to be shown but not necessarily dimensioned;
- north arrow;
- legend if required;
- reference to a benchmark and vertical datum that was used to obtain as-built elevations (CGVD28, CGVD2013 or local);
- name of the client and;
- drainage easements where same are shown on plans registered in the Land Titles Office;
- a standard vertical offset to be applied to elevations or grades shown to convert the elevations to mean sea level elevations.

Grades shown as elevations above mean sea level (subject to a vertical offset if applicable) and referenced to validated benchmarks will be shown at sufficient locations to support the certification or rejection thereof including:

- designed or as-built common property drainage swales and any side-lot internal swale inverts;
- as-built elevations of structures, such as retaining walls and parking pads;
- as-built elevations of catch basins, manholes, culverts and other drainage infrastructure on which the drainage of the lot is dependent with the exception of the public drainage infrastructure in a public right of way;

- as-built common property drainage swale and any side-lot internal swale invert elevations opposite the corners of the building, for locations that are more than 3 metres from a design point;
- all break point elevations;
- house corner grades at least the four major corners or deflections or in the foundation, rear foundation grade as-built elevations and any additional elevation required to validate the certification;
- other as-built elevations, as required, including drainage swale inverts;
- as-built elevations of rough grades or landscaped grades on adjacent properties sufficient to verify compliance with the intent of the grading plan, otherwise a note that the adjacent property has not been rough graded yet, and;
- location and elevation of water in retention ponds which are adjacent to the property.

Grades that exceed tolerances or that need to be remedied for whatever reason shall be marked with an asterisk (*) or other identifier as indicated in the notes or legend. If it is necessary to show design grades, they shall be shown boxed or as otherwise shown in the notes or legend.

If the survey and analysis reveals that the as-built grades are deficient and cannot be certified in their current state, a preliminary sketch may be issued to the client with instruction or notations thereon that indicate the nature and magnitude of the deficiencies. It is not necessary for a preliminary sketch to be in full compliance with all conditions for a certification sketch, but it must be noted that it is “preliminary” and supplied for remediation purposes only.

If a residential lot has been rough graded but not fully landscaped, the grading may be certified based on existing conditions and the presumption that typically somewhere between 0.07m and 0.2m of topsoil and sod will be added to the existing grades.

The primary difference between commercial and residential lot grading is the predominance of hard surfaces and internal drainage infrastructure on commercial sites. On commercial sites with well-defined drainage patterns and internal drainage infrastructure on hard surfaces, the density of the measurements is only what is necessary to record and validate that the drainage infrastructure is in place and that the finished surfaces support the intent of the design. The grades of the landscaped surfaces adjacent to the perimeter of the property must be measured and recorded in a manner consistent with the aforementioned requirements to ensure compliance.

Establishing the non-monumented side of a Government Road Allowance

18.110 When establishing the southern limits of the southwest or southeast quarter sections or the western limits of the southwest or northwest quarter sections respectively, in the absence of evidence to the contrary, the said southern or western limits shall each be defined and delineated as single straight lines terminating at the intersection of:

1. in the case of the southwest or northwest quarter sections, the said western limits terminating at the intersection of the northern and southern limits of said quarter section or;
 2. in the case of the southwest or southeast quarter sections, the said southern limits terminating at the intersection of the eastern and western limits of said quarter section;
- as said terminating limits are defined as straight lines by the original survey of said section or quarter section.

Similarly, at section corners located on the non-monumented side of the Government Road Allowance opposite the northeast corner of a section, no deflections on the limits of the adjacent quarter sections are defined or created by virtue of the deflections of the monumented lines connected to the said northeast corner.

Where blind line section limits in the Third System of Survey intersect the non-monumented side of the Government Road Allowance, the intersection shall be defined in a manner similar to quarter lines with each limit of the road allowance being defined as a single straight line drawn parallel with and perpendicular distant the nominal width of the road allowance and each line terminating at their respective intersections with the section boundary defined by the blind line.

If evidence on the non-monumented side of the Government Road Allowance is found referencing a deflection of the Government Road Allowance that is not coincident with the intersection of the quarter line and the non-monumented side of the Government Road Allowance, the location of the evidence shall be recorded, then, where practical, the evidence shall be obliterated or removed and the intersection of the quarter line and the Government Road Allowance shall be defined and monumented in accordance with the above referenced standard. If the evidence at the deflection is shown on a plan on record in the Land Titles Office, notification of the removal of the evidence at the deflection shall be forwarded to the Examiner of Surveys.

Nothing in this standard shall affect the determination of the location of boundaries on the non-monumented northern or eastern limits of Government Road Allowances where evidence is found that was not originally placed to accommodate deflections in the Road Allowance occurring at either the section corner or quarter section corner. Judicious exercise of professional

Part 2 of a Plan of Condominium is required to show the following per Section 15(1)(a)(ii) of the Condominium Act:

- a) each unit by reference to the buildings, and
- b) any common elements or parts of them that are described in the declaration for the use of the owner of a designated unit

Part 3 of a Plan of Condominium is required to show the following per Section 15(1)(a)(iii):

- Plans
- Exterior elevations
- Building sections required to convey the general building assemblies for each building in which one or more units are located

18.113 The following table shall be used as the basis of criteria when comparing Part 1 of the Plan of Condominium to Part 3 of the Plan of Condominium in order to meet the conditions required under Section 15(2) of the Condominium Act.

Table 1 - Comparison of Part 1 to Part 3

		Yes	No
Horizontal Boundaries	Is the area shown on the site plan reasonably legally described by using either the underlying legal description or the current land legal description?	OK to Certify	New Site Plan ¹ Required by Architect
Buildings	Have the same number of buildings been built in accordance with the site plan or in accordance with the phasing plan?	OK to Certify	New Site Plan Required by Architect
	Do the constructed buildings resemble those shown on the site plan?	OK to Certify	New Site Plan Required by Architect
	Are the constructed buildings depicted as shown in the site plan?	OK to Certify	New Site Plan Required by Architect
	Does the constructed building(s) have the same number of levels as the site plan?	OK to Certify	New Plan Required by Architect
	Are levels of the building without units shown (such as an underground parkade)?	OK to Certify	New Plan Required by Architect
Survey monuments	Survey monuments are outside the scope of practice of Architects and references to survey monuments can be ignored.	OK to Certify	OK to Certify

¹ Site Plan means a plan indicating the location of the building(s), site layout and identification of all accessory structures (Manitoba Association of Architects - Practice Bulletin A.4 retrieved from <https://www.mbarchitects.org/docs/PB-A-4.pdf?v=2>)

18.114 The following table shall be used as the basis of criteria when comparing Part 2 of the Plan of Condominium to Part 3 of the Plan of Condominium in order to meet the conditions required under Section 15(2) of the Condominium Act.

Table 2 - Comparison of Part 2 to Part 3

		Yes	No
Unit Data	Do the same number of units per floor exist?	OK to Certify ¹	Amended Plan Required by Architect
	Are units generally in a similar geometric configuration?	OK to Certify	Amended Plan Required by Architect
Common Element	Are the hallways and other common elements shown in the proper relative location?	OK to Certify	Amended Plan Required by Architect
	Are major vertical penetrations shown in the proper relative location?	OK to Certify	Amended Plan Required by Architect
Exclusive Use Common Element	Are amenities such as balconies shown?	OK to Certify	Amended Plan Required by Architect
Unit Identifications	Does the Unit identification on the Architect's Plan correspond with the identifications on the plan?	OK to Certify	OK to Certify The plan prepared by the Manitoba Land Surveyor should have priority over the Architects plan.

¹ Sometimes two or more areas, shown as separate units on an Architect's plan, are joined to form a single unit on the plan of condominium prepared by the Manitoba Land Surveyor. In this case, the number of units will not technically correspond to the number of units shown on the Architect's plan. An amalgamation of architectural units into a single condominium unit is not considered to be a conflict or grounds to have the plan amended by the Architect.

18.115 All other details of the Architect's plans are irrelevant to the definition of land and unit boundaries and are not subject to the certification. These details include, but are not limited to:

- interior rooms, usage of rooms and floor plans inside the unit;
- location and quantity of appliances;
- plumbing and HVAC infrastructure;
- usage of common elements such as:
 - common rooms, exercise rooms, guest rooms;
 - elevators;
 - stairways;
 - indoor or outdoor swimming pools and other recreation areas;
 - parking (unless the parking stalls have been identified as either units or exclusive use common element).

Sections 18.111 to 18.115

Added May 2023

PART 19

Amended in its entirety November 2018

THE COMPLAINT PROCESS

Informal Resolution of Complaints

An informal method of resolving alleged misconduct is where the relevant parties resolve the matter by mutual agreement. The parties shall deal with each other in good faith which includes providing the opportunity for each to consider and respond to each other.

19.1 Advantages of informal resolution include:

- a) resolution by agreement;
- b) resolution by the parties involved;
- c) quicker resolution of matters; and
- d) greater likelihood of maintaining a good relationship between the parties.

19.2 An informal process may be appropriate where:

- a) there is a situation such as a dispute between two colleagues who normally have a good working relationship; or
- b) the appropriate remedy for a misconduct is not a disciplinary action; or
- c) a member, who is the subject of the complaint, is genuinely unaware that they have acted inappropriately and once made aware, is willing to correct his or her behaviour.

19.3 An informal process may not be appropriate where:

- a) an alleged misconduct may warrant disciplinary action; or
- b) an alleged misconduct is a matter for the courts.

Procedure for an Informal Process

19.4 Upon receiving a referral of a complaint from the Registrar, the chair of the Complaints Committee shall:

- a) determine the preferred method of communication with the complainant, being electronic or written submission;
- b) recommend to the complainant by the preferred method of communication, that an informal resolution is the Complaint Committee's preferred method of resolution of the complaint and the reasons why;
- c) advise the complainant that they have ten (10) business days to respond with their acceptance or rejection of the recommendation for an informal resolution;

- d) advise the complainant of the complaint process; and
- e) advise the complainant that they may be accompanied by a Manitoba Land Surveyor, a lawyer, or any other person of their choice to counsel them in the resolution meeting.

19.5 If it is acceptable, the Chair of the Complaints Committee shall inform the complainee, by the preferred method of communication:

- a) that the Committee has received a complaint;
- b) that the complainant has accepted an informal resolution process;
- c) of the date, time, and place of the resolution meeting; and
- d) of the nature of the complaint.

19.6 The complaints committee as a whole will act as conciliators for all complaints that are to be resolved under the informal process. Committee members who have a conflict of interest for a complaint will be excused from conciliatory duties. Conciliatory duties must be carried out by a group consisting of at least one member of the Association in good standing and one public representative. When this minimum number of committee members is not available because of conflicts of interest, the complaints committee will appoint conciliators from outside the committee as necessary to fill each position such that there is at least:

- a) one Manitoba Land Surveyor in good standing who has no conflict of interest; and
- b) one public representative as defined in Section 1(1) of The Land Surveyors Act C.C.S.M. c L60 who has no conflict of interest.

The conciliators shall be supplied with all information regarding the complaint. The conciliators will arrange a joint or separate resolution meeting(s) with the complainant and the complainee at a time and place that is mutually agreeable.

Amended May 2023

Resolution Meeting

19.7 The resolution meeting(s) will allow the complainant to state his or her concern and the reason for the complaint. The complainee will be allowed to respond. All proceedings of the resolution meeting(s) will be audio recorded and each party will be notified of this fact prior to commencement of each resolution meeting.

19.8 At the conclusion of the resolution meeting(s) the conciliator will inform the parties that a resolution will be drafted and presented to each party for approval.

Resolution

19.9 The resolution will:

- a) contain the particulars of the complaint and the suggested resolution;
- b) provide timelines for any remedial actions required;
- c) be drafted and delivered by the conciliators within ten (10) business days of the date of the conclusion of the resolution meeting(s); and
- d) be forwarded by the preferred method of communication to each party and include a signatory line for each party indicating their acceptance of the resolution.

Response

19.10 The parties have ten (10) business days from the date of notification of the resolution to respond with an affirmation of the resolution, suggested changes or rejection. Responses shall be by the preferred method of communication.

Resolution Accepted

19.11 If the resolution is accepted by both parties, they will forward the signed resolution back to the conciliators who will forward the resolution onto the Complaints Committee. The Complaints Committee will arrange for the resolution to be placed on the member's file and will oversee any actions required by the resolution.

Resolution Rejected.

19.12 Should the resolution be rejected by either party, the complaint will be directed back to the Complaints Committee.

Resolution Accepted with Changes

19.13 Should the complainant or the complainee partially accept the resolution and offer alternative measures to the resolution; the conciliators may amend the resolution and supply the amended resolution to each party for their approval.

Guidelines for Conducting Appeals to Council

19.14 A complainant may appeal a Complaints Committee decision made under subsections 34(1) (b), (d) or (f) of the Act to council.

19.15 Council is required to consider an appeal but is not required to hold a hearing

Notice of Appeal

19.16 The complainant shall file a written notice of appeal with the Registrar within thirty (30) calendar days of receiving the notice of the Complaints Committee's decision and shall state the grounds for the appeal. The complainant will be advised by the Registrar that all appeals are considered by council within thirty (30) calendar days of receiving the request for an appeal.

Timing of Appeal

19.17 The appeal shall be scheduled within thirty (30) calendar days of receiving a request for an appeal. If council decides to hold a hearing after considering the appeal, the hearing shall be scheduled within sixty (60) calendar days of receiving the request for an appeal. The Registrar will advise the complainant of the time and place of the hearing.

Focus of the Appeal

19.18 The purpose of an appeal is to enable an independent review of the decision of the Complaints Committee. It is important the appeal focuses on reviewing the process followed and the appropriateness of the decision. The following points should be considered:

- a) were the principles of natural justice applied;
- b) was a thorough and sufficient investigation conducted;
- c) was the decision of the Complaints Committee reasonable based on the evidence relating to the case;
- d) was the Complaints Committee's actions reasonable, given the circumstances of the case; and
- e) was the matter handled fairly and appropriately and in a manner consistent with the Act and By-laws of the association?

Written Submissions

19.19 Council shall give the complainant and complainee an opportunity to make written submissions. The Registrar will advise the complainant and complainee of the date when council will consider the appeal and submissions must be provided to council no later than ten (10) business days prior to the appeal.

The Appeal

19.20 The appeal will be conducted by:

- a) the council chair, or
- b) legal counsel for the association if so desired by council.

Council will meet with legal counsel to set out parameters for the appeal if the appeal is to be conducted by legal counsel.

The Hearing

19.21 The complainant and complainee have the right to be accompanied by a Manitoba Land Surveyor, a lawyer, and any other person of their choice to counsel them at the hearing. If either party is intending to have any counsel present, they will inform council no later than ten (10) business days prior to the hearing. Council will have legal counsel present in all cases.

19.22 The parameters of the hearing will be set out to the complainant and the complainee.

19.23 Hearings are open for the public to attend but not to participate in. Deliberations of council are not open to the public.

The Decision-Making Process

19.24 The council chair or legal counsel for council shall guide the decision-making process. Considerations of council shall include but not be limited to:

- a) the seriousness of the misconduct;
- b) the investigated member's previous record;
- c) the appropriateness of the Complaints Committee decision;
- d) decisions of previous Complaints Committees on related matters; and
- e) any mitigating circumstances.

Decision

19.25 Three possible decisions can be reached. Council may:

- a) make any decision that in its opinion ought to have been made by the Complaints Committee;
- b) quash, vary or uphold the decision of the Complaints Committee; or
- c) refer the matter back to the Complaints Committee for further consideration in accordance with any direction council may make.

Notice of Decision

19.26 Within ten (10) business days of the date of the conclusion of the appeal, council shall provide written notice to the complainant, the complainee, the Complaints Committee and the Registrar of the result of the appeal and the reasons for the decision.

Registrar to maintain register of complaints

19.27 The Registrar shall maintain a register of all complaints against members in the format set out in Appendix 19-A.

PART 20

Added May 2023

CONTINUED COMPETENCY REVIEW COMMITTEE

20.1 Council shall appoint annually a committee for the purpose of assessing continuing competency of Manitoba Land Surveyors.

Practice Review Questionnaire

20.2 The committee shall prepare annually a questionnaire which shall be used to assess the continuing competence of Manitoba Land Surveyors.

20.3 The Committee shall cause the questionnaire to be distributed to the practicing membership no later than June 1st of the current year.

20.4 Each Manitoba Land Surveyor shall submit to the Chair of the Continuing Professional Competence Committee, a fully completed copy of the questionnaire on or before June 30th of the current year.

Noncompliance with the Questionnaire

20.5 The committee shall review each submitted questionnaire no later than September 30th of the current year.

20.6 Upon review, should the committee determine a questionnaire is incomplete or not in accordance with section 17.13 g) of By-law No. 1 General By-laws of the Association of Manitoba Land Surveyors, the chair of the committee, or any committee member as delegated, shall contact the member or members and inform them of the committee's findings.

20.7 The committee shall allow the member or members an opportunity to amend their questionnaire within a specified time as determined by the committee.

20.8 Should a questionnaire be deemed incomplete or not in accordance with section 17.13 g) by the committee, and following due communication as outlined in Sections 20.6 and 20.7 with the member in question, a complaint shall be submitted with the Association pursuant to Section 17.11.

SCHEDULE A (Membership Category and Rights Matrix)

Membership Category	Description/Qualifications	Initials or Professional Designation	Eligible for Council and Statutory Committees	Eligible to Propose Motions or Resolutions	Voting Eligibility (Schedule B)	Subject to Fees	Subject to Other Fees and Levies	Subject to Code of Ethics and Discipline
Manitoba Land Surveyor	Licensed to practice	MLS	✓	✓	All	✓	✓	✓
Retired Member	Retired	MLS (Ret)	✓	✓	5, 6 and 7	✓		✓
Honorary Life Member	Retired	MLS (Ret)	✓	✓	5, 6 and 7			✓
Land Surveyor In Training	In accordance with Rules and Regulations of Board of Examiners	AMLS-LSIT			5, 6 and 7	✓		✓
Associate Member	Licensed in another jurisdiction or working in industry	None			6 and 7	✓		Cancellation by Registration Committee
Student Member	Student enrolled in recognized geomatics program	None			None			Cancellation by Registration Committee
Non-practicing Member	Notifies Registration Committee of intent to become Non-practicing	None			6 and 7	✓		✓
Honorary Member	Recognition for contributions to the Association or the profession	None			None			Cancellation by Council
Cancelled Membership (No reinstatement of licence)	Cancelled because of lack of payment of fees or because of discipline related matters	None			None			✓
Suspended Member	Suspended because of non-payment of monies, no proof of insurance coverage or discipline related matters	None			None	✓		✓

Amended: September 2017; September 2018; August 2020; May 2023

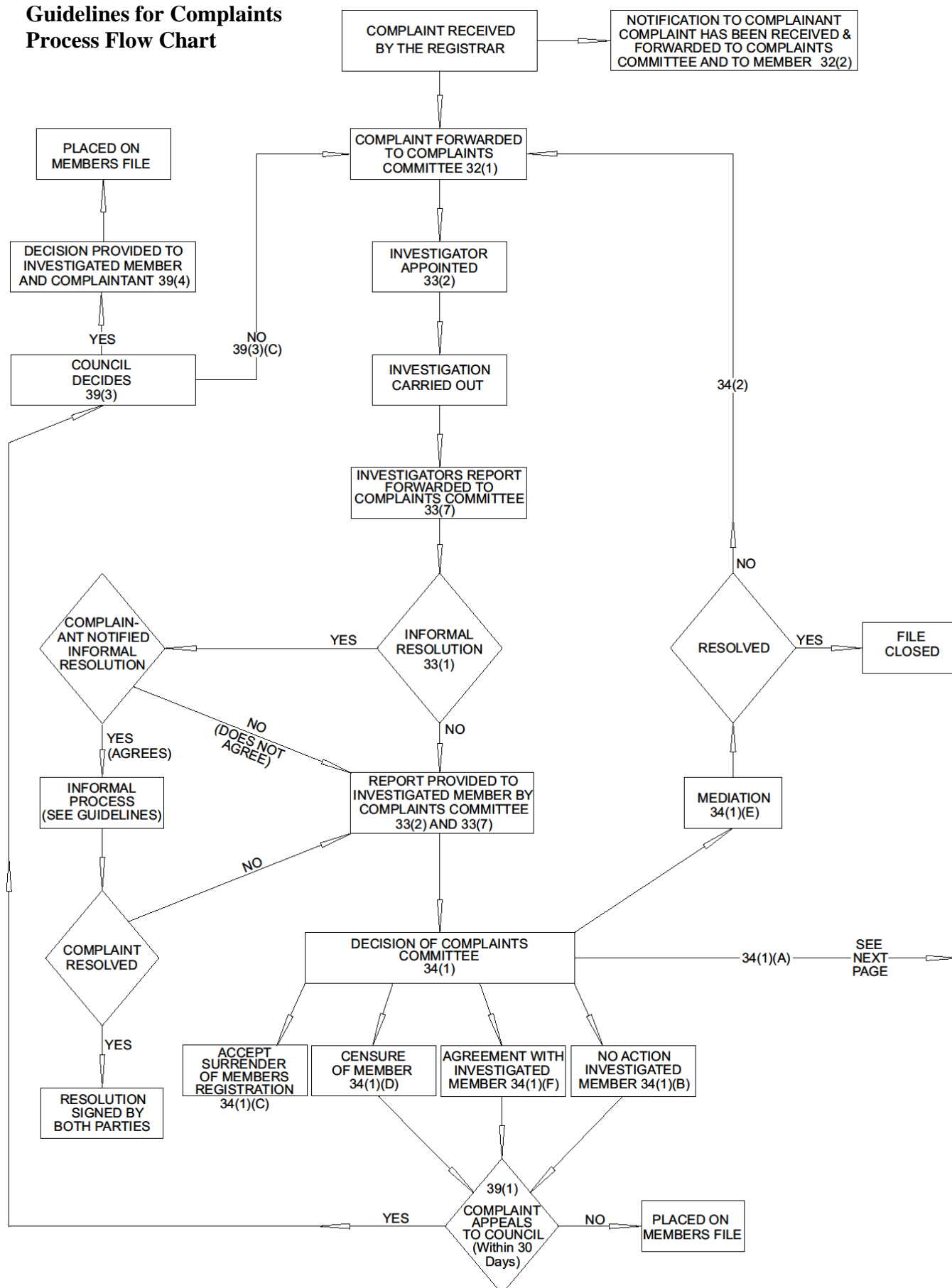
SCHEDULE B

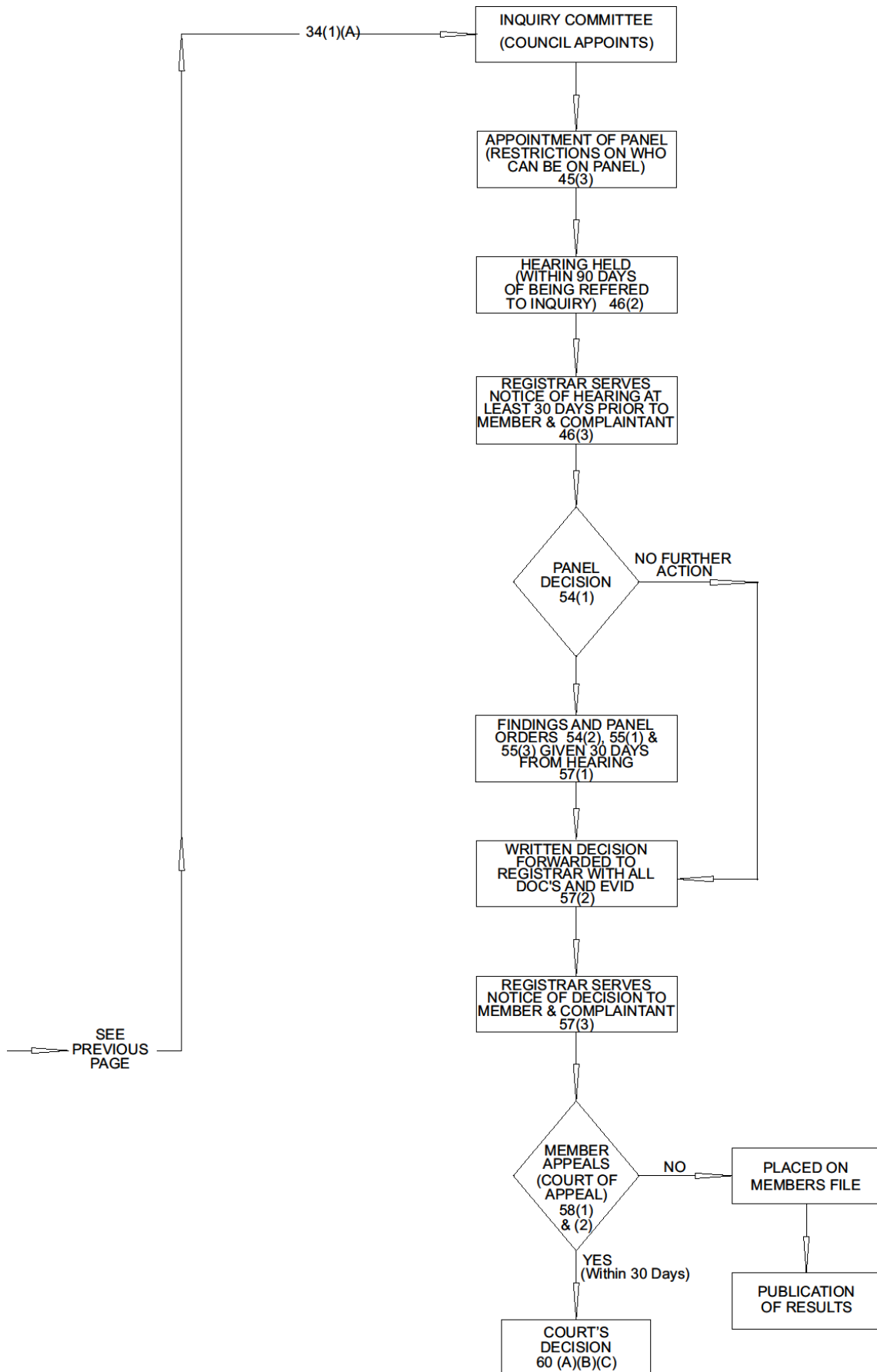
**Table of Proposed Motions, By-law Types or Elections of Officers
(used to determine voting eligibility of different member categories) Category**

Category or Class	Type	Description
1	Financial Resolutions or By-laws	Budgets, Fees, Levies etc.
2	Professional Practice	Standards of Practice, Entrance Requirements
3	Statutory By-laws or Resolutions	Affect Statutory Committees, registration, licensing, membership categories or resolutions regarding the Act
4	Statutory Elections	Voting in Elections of Officers
5	Administrative By-laws	Management of Meetings and non-statutory Committees, Honorary Memberships, Honorary Life Memberships
6	Resolutions for the Guidance of Council	Non-binding instructions for Council
7	Resolutions on Policy or Position Endorsement	Endorsement of General Statements of Principle or Policies in accordance with Sec 6(4) (the Purpose of the Association)

SCHEDULE C

Guidelines for Complaints Process Flow Chart





SCHEDULE D
Notice of Motion to Enact, Amend or Repeal a By-Law
of The Association of Manitoba Land Surveyors

Moved by:

Seconded by:

Be it resolved that *{insert the concise wording of the motion to be presented to membership. This is the wording that will be presented to the floor, and for which the vote will be called}*.

Rationale for Motion:

- 1. What is the origin of this motion?**
{describe the work, meetings, or discussions that resulted in the belief that this motion should be presented}
- 2. What is the problem that this motion is intended to resolve?**
{describe the issue or problem that has resulted in the belief that this motion should be presented}
- 3. What is the overall intent of this motion?**
{describe the desired outcome that will result by passing of this motion}
- 4. How is this motion in the public interest?**
{with consideration for the purpose and the duties of the association as set out in The Land Surveyors Act, describe how this motion is in the public's interest for administration of the profession}
- 5. Was anyone outside the Association consulted for the proposed enactment/amendment/repeal?**
{describe any advice or direction received from any person or organization that is not a member of the association}
- 6. Are there any perceived financial implications for the Association related to this motion?**
{describe any financial implications that the Association may face subject to this motion being either CARRIED or DEFEATED}

Frequently asked questions:

{describe any questions that may have been brought up during the process of preparing this motion, and the answers to those questions}

General Comments:

{The Mover of the motion may wish to add additional comments about the motion, which are not already discussed in the previous sections}

FOR USE BY THE SECRETARY-TREASURER

Received: _____, 20____

Distributed to Membership: _____, 20____

Notice has been given to each member in accordance with section 14.25 of the By-Laws of the Association of Manitoba Land Surveyors.	Y	N	N/A
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Notice has been given to each member in accordance with section 14.26 of the By-Laws of the Association of Manitoba Land Surveyors.	Y	N	N/A
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Notice has been given to the Secretary-Treasurer in accordance with Section 14.27 of the By-Laws of the Association of Manitoba Land Surveyors.	Y	N	N/A
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This Notice of Motion shall be presented at a General Meeting of the Association, which is scheduled to be convened on the _____ day of _____, 20____

CATEGORY OF MOTION:

{See Schedule B}

This Notice is in accordance with Section 14.29 of the By-laws of the Association of Manitoba Land Surveyors and requires a simple majority vote.	Y	N
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This Notice is in accordance with Section 14.30 of the By-laws of the Association of Manitoba Land Surveyors and requires a 2/3 majority vote.	Y	N
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SCHEDULE E

POLICY FOR REIMBURSEMENT OF EXPENSES

This policy is established by the Executive Council of the Association of Manitoba Land Surveyors in accordance with section 6.9 of the By-Law No. 1 of the Association.

1. General Guidance

An expense incurred by any member or public representative of the Association while carrying out the business of the Association shall be reimbursed in accordance with this policy only. The Association will reimburse expenses that are reasonable, and appropriate for the activity undertaken. Members and Public Representatives incurring expenses on behalf of the Association shall bear in mind the following principles:

- The financial resources of the Association are limited and are entrusted to the Executive Council by the membership.
- The membership expects that the Executive Council will apply the financial resources of the Association with care and good judgement, and with consideration for the financial sustainability of the Association.

The Finance and Administration Committee may approve an exception or diversion from this policy; however, such exemption or diversion must be pre-approved by the Finance and Administration Committee before the expense is incurred in order to be reimbursed. The committee will report such instances to the Executive Council at the next regular meeting of the council.

Any committee chairperson, member, elected or appointed officer, employee, or public representative who expects to incur frequent or regular annual expenses on behalf of the Association shall make a request in writing to the Secretary-Treasurer for inclusion of a budget amount in the annual budget of the Association. The budget is subject to the approval of the membership at each annual general meeting.

The following terms shall be taken into consideration for all claims for expenses made in accordance with this policy:

- a) The person claiming the reimbursement must be the person who incurred the expense.
- b) The claimant should neither gain nor lose personally as a result of incurring an expense.
- c) All receipts, bills, and completed claim forms in the prescribed Form K, must be submitted to the Secretary-Treasurer in electronic or hard copy form before any reimbursement may be issued. The Association reserves the right to request original copies of all receipts and forms for a period up to 2 years after the date of claim. The Association is under no obligation to provide reimbursement for expenses that cannot be confirmed or justified.

- d) All requests for reimbursement of expenses must be submitted within 30 days of the expense being incurred, and no later than December 31st of the budget year in which the expense was incurred. The Association is under no obligation to provide reimbursement for claims that are submitted later than the 30 day period.
- e) Only the President, Vice-President, or any other delegate appointed by the Executive Council for a specific event or purpose shall be authorized to claim travel expenses for Association business conducted outside the province of Manitoba.
- f) The President, Vice-President, or any other delegate appointed by the Executive Council to attend an annual meeting of another professional association may be accompanied by an accompanying person, and the reasonable expenses incurred on behalf of both parties shall be reimbursed to the claimant.

2. Travel Expenses

2.1 Travel by Motor Vehicle

Carpooling or other methods of cost sharing by members is strongly encouraged when incurring an expense on behalf of the Association. If carpooling is not possible and travel is necessary, the rental of a vehicle may be preferable to the use of a personal vehicle (based on the Association's accepted rates for mileage claims). The costs should be examined to determine whether the cost of a rental vehicle and gas is more or less expensive than a mileage claim for the same trip. If a rental vehicle is lower in cost, it is the preferred option. The cost of travel by motor vehicle must not exceed the cost of airfare and ground transportation at the destination for the same voyage.

If a claim for mileage on a personal vehicle is submitted to the Association:

- a) The total mileage claimed shall be the most direct route of travel using public streets and thoroughfares.
- b) Reimbursement for the mileage shall be computed using the Kilometric Rates in effect at the time of the claim, which are tabled in Appendix B under the Travel Directive of the National Joint Council of the Public Service of Canada. The rates may be found online at the following website address: <http://www.njc-cnm.gc.ca/en>

The Association reserves the right to confirm the total kilometres being claimed by use of any map, software, internet application, or any other means of estimation.

2.2 Air Travel

Expenses for travel by air will only be reimbursed for economy fare rates available at the time of booking the travel.

The Association will not provide reimbursement for any personal travel rewards points or packages that the individual uses to obtain the air travel tickets. The Association does not expect the individual to utilize their own personal travel rewards points. Doing so is at the discretion of the individual.

When travel by car is required between the individual's place of residence or work and the departure airport, and between the arrival airport and the final destination, and vice versa, the preferred mode of transportation used shall be the lowest cost option of the following modes of transportation:

- a) Taxi, car for hire, or shuttle.

- b) Personal vehicle (with consideration for cost of mileage and parking at the airport).
- c) Rental vehicle (with consideration for fuel and the daily cost of the vehicle for the duration of the event).

2.3 Hotel/Accommodation Expenses

Reimbursement for hotel accommodation will be paid for members and public representatives incurring expenses on behalf of the Association.

Hotel accommodation shall be sought in a business-class facility with private bath, as close as is reasonably possible to the location of the business function.

The individual shall not claim any additional costs incurred for accommodation as a result of sharing the accommodation with any other person, except;

- a) as may be permitted by Section 1 f) of this policy, or;
- b) where accommodation is shared by more than one member or public representative travelling for the same purposes.

There shall be no reimbursement made for any accommodation that is provided by family or friends of the member or public representative.

2.4 Meals

Reimbursement for meals shall be reimbursed at cost, not to exceed the maximum daily meal allowance using the allowances which are tabulated in Appendix C under the Travel Directive of the National Joint Council of the Public Service of Canada. The rates may be found online at the following website address: <http://www.njc-cnmc.gc.ca/en>.

All claims for meal expenses must be accompanied with a copy of the receipt.

2.5 Additional Costs for Registration Fees, Etc.

The President, Vice-president, or any other person appointed by the Executive Council as a delegate, along with their accompanying person, may be invited to attend the meeting of another professional association where registration fees are required for various activities held at the event.

The Association will pay reasonable expenses incurred for these fees, subject to the availability of funds in the budget item for president's travel. The association reserves the right to determine if the fees are reasonable.

2.6 Travel Health Insurance Coverage

Out-of-Province (but within Canada) medical services require the President, Vice-president, or any delegate appointed by the Executive Council, along with their accompanying person, to carry his/her valid provincial health card, and to present the card to the facility and/or medical practitioner when insured services are provided.

Out-of-Canada medical services require the President, Vice-president, or any delegate appointed by the Executive Council, along with their accompanying person, to have or obtain and carry his/her valid travel health insurance for the period of travel.

Any travel health insurance coverage obtained by the President, Vice-president or delegate and/or their accompanying person shall be at their own expense. The Association accepts no responsibility for any health-related costs.

3. Committee Meeting Expenses

Committees shall hold meetings at the most practical location, taking convenience and cost into account. In some cases, teleconferencing will be the least expensive method and will be the preferred meeting method. If regular meetings of the committee are expected to have an associated cost, the committee must have a budget to cover these costs.

The Chairperson of the committee may purchase a dinner for the committee when:

- a) The committee has been required to meet for the purposes of conducting the business of the association for at least 4 consecutive hours, and;
- b) The committee must continue to work beyond the time of 6:00 PM local time.

The dinner expense for each committee member that is present at the meeting shall be reimbursed at cost, not to exceed the maximum dinner allowance using the allowances which are tabulated in Appendix C under the Travel Directive of the National Joint Council of the Public Service of Canada. The rates may be found online at the following website address: <http://www.njc-cnm.gc.ca/en>.

4. Miscellaneous Expenses

4.1 Committee Travel Expenses

The Executive Council may request the attendance of any committee chairperson, or another person appointed by the chairperson, to attend a regular meeting of the Executive Council. The chairperson, or the person appointed by the chairperson to attend the meeting, may claim reimbursement for the following expenses:

- a) The first 50 kilometres of travel shall not be reimbursed. Travel distances exceeding 50 kilometres round trip between their place of residence or place of business and the location of the meeting shall be reimbursed as prescribed in section 2 of this policy;
- b) Parking fees; and
- c) In the event of sudden bad weather that makes travel unsafe for the individual to return to their place of residence, hotel accommodation and meals in accordance with section 2 of this policy.

4.2 Other Travel Expenses

Any other member or public representative who has been called to appear before Executive Council, or a Committee of Council, for the purposes of participating in the business of the Association shall be reimbursed in accordance with this policy.