

January,16, 2008

TO: Association of Manitoba Municipalities – T. MacAfee
City of Winnipeg – S. Bossenmaier and R. Sherby
Professional Land Surveyors Group – Al Degner

FROM: Gary Fraser – Examiner of Surveys

The Survey Outline Monument Restoration Program was reviewed December 3,2007 and the following changes have been made to the program guidelines:

- ❖ All submissions are to be in digital format
- ❖ Municipalities will be reimbursed for monument restoration conducted by the Municipality.
- ❖ The fees have been revised. The Maximum per monument has been removed and the hourly rates have been increased to reflect inflation.
- ❖ Appendixes C and E City of Winnipeg requirements have been revised

The parties have agreed to continue the program for this fiscal year of 2008/2009.

These revised guidelines will take effect April 1, 2008. Any field work started prior to April 1st will be processed using the 2007/2008 guidelines.

Yours truly,

Gary Fraser
Examiner of Surveys

cc: All Manitoba Land Surveyors
Rick Wilson

SURVEY OUTLINE MONUMENT RESTORATION PROGRAM

Urban and rural municipalities are responsible for protecting survey outline monuments and for the cost of replacing lost or disturbed survey outline monuments within their boundaries. (Section 6, The Surveys Act R.S.M. S240).

The Property Registry and the Department of Inter Governmental Affairs recognize the importance of survey monuments to both the municipalities and their residents and to The Property Registry for the purposes of issuing secure titles.

The Property Registry has established an annual fund of up to \$180,000 to assist municipalities, on a 50/50 cost share basis, with the costs of re-establishing survey outline monuments. Annual funding is subject to the approval of The Property Registry's business plan by Treasury Board.

Municipalities have developed guidelines (Appendix A) to assist in the administration of this program. Additional requirements for The City of Winnipeg are set out in Appendix C.

In order to maintain the integrity of the program, the guidelines and the priority for the use of the funds will be reviewed annually by the parties and amended as necessary. The review will be included in The Property Registry's annual report. The annual review will be conducted in April of each year. This coincides with The Property Registry's fiscal year. A rate review will be conducted in December of each year. This coincides with municipality's fiscal year. Any proposal for a rate change must be brought forward prior to December 1 of each year.

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

APPENDIX "A"

GUIDELINES

MUNICIPAL RESPONSIBILITIES

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

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

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

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

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

For the purpose of this program outline monuments shall include:

- a. The re-establishment of both lost and disturbed outline monuments.
- b. all survey monuments planted to define any special survey made under *The Special Survey Act*
- c. all survey monuments planted in accordance with subsection 117(7) of *The Real Property Act*
- d. all survey monuments placed on offset lines to evidence block corners in subdivision surveys
- e. all subdivision block corners at road intersections or terminations of roads that were monumented on the original plan of subdivision.
- f. survey monuments defining the half mile marks of a section.
- g. All survey monuments defining the limits of an original Dominion Government survey of settlement or parish lots.
- h. all survey monuments defining the limits of a highway, BC and EC's of curves and deflections in the highway.

For the purpose of this program outline monuments will **NOT** include survey monuments placed to define the limits of:

- a. Railways,
- b. Public Reserves,
- c. Water Control Works,
- d. Re-subdivided lots and blocks within the frame work of an existing plan of subdivision. eg. A re-subdivision of lots where no new roads are being created.
- e. a township blind line that was not posted in the original Dominion Government survey.

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

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

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

Municipalities will be responsible for the administration of the outline monument restoration program and establishing a fee schedule Appendix B

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

All payments are to be made to the land surveyor upon receipt of the Survey Report and satisfactory verification of the survey monuments. Verification will be carried out by the Examiner of surveys. Additional verification may also be carried out by The City of Winnipeg Geomatics Services Branch.

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

THE PROPERTY REGISTRY FUNDING

Through this program The Property Registry will contribute up to \$180,000.00 to municipalities including the City of Winnipeg in any given fiscal year for the re-establishment of lost outline monuments.

- A fiscal year shall be April 1 to March 31.
- All payments made by The Property Registry will be subject to audit.
- Payment will be made to the Municipality upon approval of the Examiner of Surveys.
- The reestablishment of a monument must be approved by the Examiner of Surveys prior to March 31 in order to receive payment from The Property Registry.
- Until such time as an outline survey monument restoration has been reimbursed by the municipality, the Property Registry will not reimburse for monument restoration work.

The Property Registry will not reimburse:

- The Crown or Crown Corporations, for the purpose of their own projects;
- Municipalities for the re-establishment of survey monuments that do not fall within these guidelines.
- Land surveyors for unnecessary monuments. Replacement of monuments will not be covered unless it can be shown they were necessary for the survey being conducted.

The Property Registry will reimburse Municipalities only upon:

- Verification of the surveyors report. The report will be examined by the Examiner of Surveys for verification of the survey monuments and the fees charged. The Land Surveyor and the Municipality or the Geomatics Services Branch will be notified by the Examiner of Surveys once the survey monuments have been verified. Note: Payment will not be made to the Municipality until the report has been verified and approved by the Examiner of Surveys.
- Receipt of confirmation that the Municipality or City of Winnipeg has paid for the monument restoration. There are no forms required. The Examiner of Surveys has enough information in the surveyor's report in order to process the payment. Either faxed copy of the cancelled check payable to the surveyor along with our file number sent to the office of the Examiner of Surveys or a letter from the Municipality certifying that the payment has been made will be sufficient. Fax No. 948-2823. The file number will be provided with the Examiner of Surveyors verification notification.
- Municipalities will be reimbursed for monument restoration in the order that they are approved by the Examiner of Surveys. The approval follows the same process as the examination of plans of survey that are to be registered in the Land Titles Office.

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

SURVEYORS REPORT AND RESPONSIBILITIES

In order to receive reimbursement from the municipality the Land Surveyor shall provide the municipality and the Examiner of Surveys with a written report in a digital format including:

- A legal description of the property being surveyed which required the restoration of the survey outline monument, together with any other information necessary to verify the need of restoring the monument;
- A sketch or Plan of Survey Perpetuating Certain Monuments prepared in metric showing the restored monument with angular and linear dimensions to other nearby monuments, certified by the land surveyor. **NOTE:** A separate sketch or Plan of Survey Perpetuating Certain Monuments will not be required if the monuments being restored are shown on a plan that will be deposited in the Land Titles Office within four weeks of the monument restoration. Instructions are to be obtained from the Examiner of Surveys prior to proceeding with Projects requiring more than six monuments;
- The sketch is to be provided in PDF format. The maximum original size of a sketch is to be 8 1/2" X 11" 8 1/2 X 14" or 11" X 17". Multiple sheets will not be allowed. If the monument restoration can not be shown clearly in one of these standard sheets a Plan of Survey Perpetuating Certain Monuments will be required.
- Where a monument is deemed to be disturbed, there must be a clear indication in the report provided on what evidence was utilized to conclude that the monument was not in the position it was originally planted.
- An itemized accounting of the field and office time required to restore the monument;
- A statement that T-iron marker posts were placed at all corners where practical. T-irons are not to be placed on subdivision block corners.
- A copy of the surveyor's field notes may be provided to the Property Registry. If field notes are provided they will form part of restoration evidence and will be stored with the Land Titles documents for public access.
- A copy of the installation notice to the Municipality (for example see appendix D and E

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

For the purpose of this program, the Land Surveyor will notify the Municipality when a monument is to be re-established prior to the installation of the monument. The notification will be delivered to the Municipality in person, by fax or by e-mail. See Appendix D for the Municipal Form and Appendix E for the City of Winnipeg form. In exceptional circumstances this notification may be extended to within one working day of the date of installation of the monument. This is a notification only and is not a substitute for the Surveyors Report. Note: notification prior to the installation of a monument or monuments would be an estimate of the number of monuments required to be replaced only.

Where under the guidelines a Plan Perpetuating Certain Monuments is required the Land Surveyor will be responsible for registering the plan in the Land Titles.¹

¹There will be no fee for examining or registering a Plan Perpetuating Certain Monuments under this program.

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

The Municipality or the Property Registry will not be responsible for any cost incurred for survey outline monument restoration where the Land Surveyor fails to provide the notice discussed above or fails to submit a final report within 60 days of having provided notification of the intended restoration of the survey outline monument **unless** the restoration is of such a nature that it will require more than 60 days to complete and the land surveyor at the time of issuing notification of the intended restoration to makes a mutually satisfactory agreement for an extension.

APPENDIX "B"

FEE SCHEDULE

The fees charged to the monument restoration program are to only include the additional time required to restore a monument or monuments, in conjunction with work presently being carried out in the area and are the maximum allowable charges. In order to monitor the actual costs associated with the restoration of a monument, a detailed accounting of the additional field and office time necessitated as a result of the monument(s) not being available is required as a part of the returns and should be clearly detailed on any invoice submitted. This will enable all parties to review and if necessary adjust the maximum reimbursement for the restoration of monuments.

The fee schedule does not include costs incurred under Section 11 of *The Surveys Act*. A separate invoicing of these costs will be required when necessary. The invoice may include costs for posting, mailing, delivering and publishing the Notice.

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

Any restoration that requires the restoration of more than six survey monuments will be considered a project. In these instances, a written report, in digital format, describing the extent of the problem, the proposed course of action to be taken to resolve the problem and an estimate detailing the cost associated with the restoration must be submitted to and approved by The Property Registry, the Municipalities and the City of Winnipeg prior to the commencement of any restoration work.

Note: The Property Registry will only reimburse municipalities in accordance with the fee schedule. Any additional charges will not be covered by The Property Registry.

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

Revised April 18, 2006

Schedule "A"- 2001 to 2004

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

If the total costs exceed the sum of \$1,000 per monument, The Property Registry will not be responsible for costs in excess of \$1000 nor proceed without approval of the Lieutenant Governor in Council (The *Surveys Act* Section 6).

If prior to the installation of a monument, clearance ² is required by one or more utilities and it is required to meet the utilities on site to receive the clearance, the following maximum additional charges will be allowed.³

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

Allowable Hourly and Unit Rates:

Clerical	\$50.00/hr
M.L.S.	\$165.00/hr
Field Crew	\$170.00/hr
GPS Equipment	\$80.00/hr
Drafting/Computations/CAD	\$95.00/hr
Mylars	\$50.00 each
Paper Prints	\$5.00 each
Survey Monuments (1" x 1" x 36")	\$15.00 each
Survey Marker Posts (T-irons)	\$35.00 each

The above fees are maximum rates. The hourly and unit rates charged to the municipality shall not exceed the hourly and unit rates charged by the surveyor, to their client for the work being undertaken in conjunction with the survey monument restoration.

Note: All fees are subject to audit.

Revised April 18, 2006

² This extra charge will only be allowed if the clearance is necessitated solely in conjunction with the restoration of a monument pursuant to the program. If the service is being preformed for the client a claim for clearance should not be made.

³ Copy(ies) of the signed utility clearance sheet must be submitted along with the report

Revised January

APPENDIX “C”

RETURNS REQUIRED BY THE CITY OF WINNIPEG:

In all cases a fully digital submission of the Land Surveyor’s restoration report to the City of Winnipeg which includes a coordinate file containing the initial evidence collected along with the final posting information must accompany any invoice submitted for the work completed.

EXCEPTIONS:

Survey monuments that are covered under a Development Agreement and are the responsibility of the developer should not be replaced without prior approval from the Planning, Property and Development Department. Upon receipt of the restoration request, the Geomatics Branch will review the restoration area and notify the Land Surveyor in cases where the restoration falls within an area covered by a Development Agreement.

PAYMENT

Payment will be made to the Land Surveyor upon receipt and approval of the report and sketch tentatively approved by the Winnipeg Land Titles Office.

REPORT CONTENTS

The surveyors report shall consist of the following information:

- table of contents;
- the date of the survey;
- all field notes associated with the restoration;
- pdf copies of all plans or other documents, which were used in the determination of the restoration of a monument that is not on record at the Winnipeg Land Titles Office;
- the purpose of the initial survey being done for the client (i.e. BLC, staking etc.)
- an opinion as to what may have caused the disturbance or removal of the monument(s) and reason in support of that opinion;
- pdf copy(ies) of all utility clearance sheets signed by the utility company, (where applicable);
- a detailed explanation of the legal principles, and physical and documentary evidence used to re-establish the position of the monument(s) restored or reset;
- a pdf copy of any letter to other survey firms requesting information that could be used to help re-establish and verify the position of any missing monument(s) encountered, including a list of the survey firms which responded to the solicitation, and an indication of how these notes aided in the boundary determination;
- any appreciable discrepancies with previous surveys and an explanation of how they were dealt with;
- observations regarding the state of the monuments in the surrounding area when noted and recommendations for rectifying any problems observed;
- when there is no plan being prepared, a sketch drawn to acceptable professional standards, signed and dated by the surveyor, showing the monuments restored together with angular and linear ties to all adjacent monuments used;
- when there is a plan being prepared, a “sworn to” pdf copy of the plan attached as part of the report;
- an accounting of the additional field and office time necessitated as a result of the monument(s) not being available ⁴;
- if the surveyor believes there is nothing to report on any of the above, a statement to that effect should be made;
- copies of any invoices being claimed as a disbursement; and
- any other matters that the surveyor believes to be relevant to the survey;
- where applicable, a copy of The Property Registry Memorandum on Examination;
- all returns shall be in metric.

⁴ This accounting of costs must also clearly itemize on the invoice submitted for the restoration work done.

APPENDIX "D"

NOTIFICATION FORM

Chief Administrative Officer

Rural Municipality , Town or City of _____

RE: Restoration of Survey Outline Monuments

Urban and rural municipalities and all persons making improvements are responsible for protecting survey outline monuments under Section 4 of The Surveys Act (Manitoba). The cost of replacing lost or disturbed survey monuments may be the responsibility of the municipality under Section 6 of The Surveys Act (Manitoba).

The Property Registry has established an annual fund of up to \$180,000 to assist municipalities, on a 50/50 cost share basis, with the costs of re-establishing survey outline monuments.

The survey monuments listed below will be re-established in accordance with the guidelines established and approved by Association of Manitoba Municipalities, The Property Registry and the Professional Land Surveyors Group. Under the provisions of this program, please consider this faxed letter notification that _____ have been retained to perform a survey in _____ which is in your municipality. It may be necessary to restore monuments at the following locations:

The survey monuments will be restored on or before date

Yours truly,



**SURVEY MONUMENT RESTORATION NOTICE
UNDER THE PROVINCIAL RESTORATION PROGRAM**

Date of Request	
Requesting Firm:	
Firm File Number	
Contact Person:	
Phone:	
No. of Monuments:	
Plan No(s).	

Location(s) / Remarks:

Or Sketch Attached: ☺

The above noted Monuments will be restored on or before _____

Office Use Only:

Job Number: _____

Contract Number: _____

Received by: _____

Approved by: _____

Note: This form is to be filled out and emailed to **roddavis@winnipeg.ca** within 48 hours of the restoration required being identified