

# Ontario Professional Surveyor



*on the cover...*

**York Geomatics Students  
at 2nd Year Survey Camp**

**also in this issue ...**

**Commissioners of Crown Lands  
The Robotic Invasion into Surveying  
Communicating the Story of  
Women in GIS  
Engineering Education with Passion  
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# ONTARIO PROFESSIONAL SURVEYOR



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## CONTENTS

Occupational Health and Safety for Ontario Land Surveyors - Andrew Lawson .....	4
The ROBOTIC Invasion into Surveying: on the Land, on the Sea and in the Air - Douglas Hunt.....	6
Communicating the Story of Women in GIS - Linda Loubert .....	10
Engineering Education with Passion and Perspective - Janusz Koziński and Marvin James .....	12
Boundary Trees, New Ruling Defines Tree Ownership Responsibility - Peter Wynnyczuk.....	14
Commissioners of Crown Lands (Part 1) - Allan Day .....	16
Five Years as Executive Director - Blain Martin .....	28
Canada's Anti-Spam Legislation (CASL) - Julia Savitch .....	30
Dear DWL .....	32

## REGULAR FEATURES

President's Page .....	2
Calendar of Events .....	29
News from 1043 .....	33
Sites to See .....	33
Educational Foundation .....	34
Book Reviews .....	35
The Last Word - Celebrating Samuel Johannes Holland - The Father of Canadian Surveying .....	36

## ADVERTISERS

Sokkia.....	2nd cover
The Connectors Insurance Group Ltd. ....	3
The CG&B Group.....	5
Teranet Inc. ....	7
DW Technologies.....	9
Topcon Positioning.....	11
Surv.ca .....	13
Hunt Surveys Inc. ....	14
T2 Utility Engineers.....	15
Dias & Dias.....	16
J.P. Morasse Inc. ....	17
Cansel.....	19
Hayward Iron & Metal.....	21
Mark IT Locates.....	23
Nicholson Network Services Inc. ....	25
GENEQ Inc. ....	26
GeoShack Canada .....	27
Northway/Photomap/Remote Sensing Ltd. ....	30
Tekmet Ltd. ....	31
Leica Geosystems Ltd. ....	3rd cover
MicroSurvey Software Inc. ....	4th cover

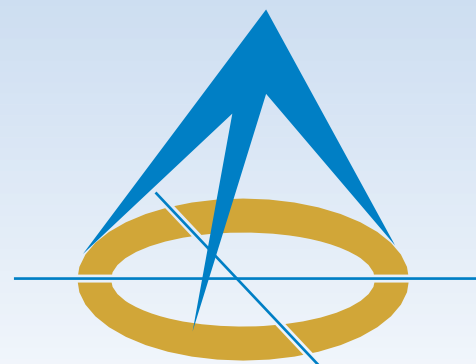
## ON THE COVER ...

Pratik Bhandary (left) and Dmitri Elmov (right) are shown participating in the two-week, 2nd year Field Surveys course at the Lassonde School of Engineering, York University. Pratik is pursuing a Bachelor's degree in Geomatics Engineering. He is working towards his dream of becoming an Ontario Land Surveyor. He says "the surveying course provided us with excellent hands on experience of the equipment and techniques that greatly help us in the job market." Dmitri is majoring in Earth and Atmospheric Science and he also has ambitions of becoming an Ontario Land Surveyor.

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# President's Page

By Dasha Page, Hon. B.Sc., O.L.S.



The third month of my tenure has just started, and I already have a lot to report. Right after our Annual Meeting in Niagara Falls, we held a two day Strategic Planning Workshop to align the direction of the Association from one Council to the next Council. The goal of the workshop was to review the effectiveness of our Association's 2013 strategy and to set the key objectives and priorities necessary for the creation of our 2014 action plan. The results were published in a report prepared by the Association's Executive Director Blain Martin that was featured in the AOLS In Sight e-newsletter on April 4. The workshop group which was composed of members from across the province worked hard to learn from the past successes and failures to craft a new direction but still address the current needs of our association. I was very impressed with everyone's dedication, commitment and passion for our profession. Thank you to all who participated in mapping our strategy which also includes objectives for 2015, key priorities, and a 100 day action plan. A copy of an overview strategy place mat was also published in the In Sight newsletter together with Blain Martin's report. I urge you all to review it and contribute to our common goal to better our profession.

In March, I attended the 109<sup>th</sup> Annual General Meeting and Professional Development Days of the Association of British Columbia (BC) Land Surveyors (ABCLS) held in Richmond, B.C. It was nice to see a lot of young people in attendance. Most of the new surveyors are coming from the University of Calgary with a Bachelor of Science degree in Geomatics Engineering but many are also coming from the College stream with a 2-year diploma in Geomatics Engineering and a Certificate of Completion obtained from the Canadian Board of Examiners for Professional Surveyors (CBEPS).

Attending the seminars and business meetings in different provinces can get confusing. I learned about "Air-Space" parcels and "Strata Plans". Air Space is a term used in B.C. to describe overhead walkways between buildings or building encroachments over a road. I would compare an Air Space Plan to our Strata Reference Plan but with more stringent regulations. A Strata Plan on the other hand is not a three dimensional Reference Plan. According to the B.C. Strata Property Act, the term Strata refers to a development where fee simple land is divided into multiple units, with all unit owners having a right to use the common elements. Yes, our Condominium Plan.

British Columbia's Surveyor General, Mike Thomson, BCLS, oversees the province's land survey system called the Land Title and Survey Authority (LTSA). Unlike our Land Registry Office System, LTSA is a publicly accountable, statutory corporation responsible for operating B.C.'s land title and survey systems. The LTSA is established as a regulatory authority and has the responsibility for delivering legislative programs established by the Province.

Mr. Thomson's presentation described the LTSA as reliable and secure, and maintained through the timely, efficient registration of

land title interests and survey records. The LTSA earns its income from a portion of the service fees it charges its customers. This system provides for the voluntary online digital submission of legal survey plans as opposed to a traditional hardcopy submission. In February 2014, 98.3% of the survey plans were filed electronically in the Land Title Office.

Further in his presentation, Mr. Thomson also mentioned that the province has undertaken a project to upgrade the mapping platform that the LTSA's Online Cadastre uses. The new platform will have increased functionality and a much more user-friendly, "Google Earth" feel to it, while still providing all the cadastral information currently available through the present Online Cadastre.

As we should learn from each other, I must quote a life member BCLS who spoke during the business session: "*Competition is your best friend and you better cultivate it.*"

In April, I attended the 105<sup>th</sup> Annual General Meeting and Convention of the Alberta Land Surveyors Association (ALSA) in Banff, Alberta. Again, I was pleasantly surprised to see so many young surveyors. Students are accepted from geomatics programs at the University of Calgary or the University of New Brunswick. Geomatics programs are also offered at the Northern Alberta Institute of Technology, Southern Alberta Institute of Technology and Lethbridge College; however, additional exams are required through CBEPS to become an Alberta Land Surveyor.

For the past 14 years now, Alberta surveyors have been required to submit their plans for registration in Land Titles in a digital format. The standards and specifications for submission of digital plans of survey for registration were developed by a committee that included representatives from ALSA, the Director of Surveys (the equivalent of our Surveyor General of Ontario), The City of Edmonton and The City of Calgary. The plans must be provided in a CAD format to allow a conversion of the file structure to the layering required for submission. Alberta's Land Titles registration system is a totally electronic system where survey plans, survey control marker data, original township plans, and a wide variety of other land-related information are delivered via a web-enabled Spatial Information System (SPIN).

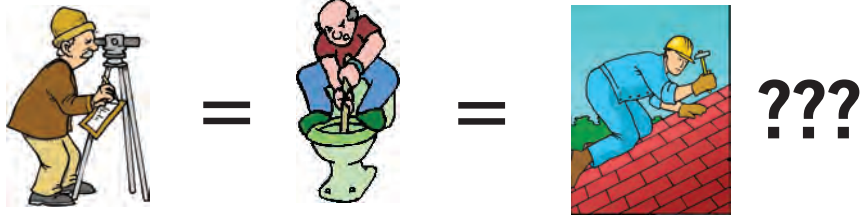
To keep up with the digital age, The City of Calgary just developed an online tool called CASPER (Calgary Automated Survey Plan Evaluation and Reporting) that replaces the manual checking of survey plan submissions. This system was developed to give surveyors the ability to self check their plans for drafting errors, tolerances and incomplete information. Most plans checked through CASPER are accepted by Land Titles without further revisions.

Alberta's Director of Surveys, Ravi Shrivastava's presentation included an interesting discussion about a Hybrid Cadastre on Crown Lands. This pilot project is being developed in collaboration with ALSA. In this system, coordinates would replace survey monuments.

I will close with a fitting quote from Dr. Mark DeVolder, the keynote speaker who opened the Alberta meeting: "*Either we remain paralyzed or move on and accept the change.*"







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# Occupational Health and Safety for Ontario Land Surveyors

By Andrew Lawson

**A**OLS members in the Hamilton & District and Georgian Bay regions have, this year, had the opportunity to attend Occupational Health & Safety seminars specifically tailored for land surveyors. The training has been well received by those attending the information packed presentations.



“Lot more interesting than I expected . . . he did a good job with a dry topic.” One participant provided this feedback after attending the recent training event, “Occupational Health & Safety for Ontario Land Surveyors” at the Georgian Bay Regional Group meeting.

Andrew Lawson, the trainer, uses an interesting combination of lecturing, real-life examples and references to legislation to keep the presentation flowing smoothly. The photo of a man’s mangled hand—suffered by the owner of a woodworking business—is a graphic example of why we need to adhere to basic safety principles. A short home

video, relevant handouts and a brief PowerPoint slide presentation also keep the information flowing in an informative stream.

The presentation gets right to the point with the message that employers and employees are jointly responsible for creating a safe work environment. Andrew presents the legal concept of “due diligence” as a guiding principle that must govern the creation and maintenance of an occupational health and safety program in every workplace. You are provided with a copy of the slide presentation so you may follow along and jot down notes.

The presentation can be tailored to a two or three hour format depending on the needs of your group. If your group is pressed for time, that’s okay. Andrew sails through the information, explaining everything in sufficient detail as well as providing time for questions and answers. He provides sources for further study if needed and always invites participants to contact him for clarification on any content.

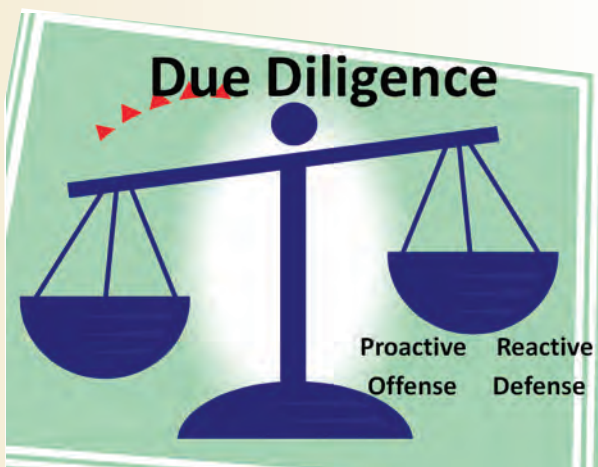
The seminar covers the basics any employer needs in order to comply with the law and to provide a safe environment for yourself, your coworkers and your customers. In addition to the over-arching concept of due diligence, the content covers the basic responsibilities of managers and supervisors as well as the duties of front-line workers.

An area of interest to land surveyors in particular is the definitions of and distinction between the terms owner/employer/constructor/licensee. The **Occupational Health and Safety Act** imposes specific responsibilities on specific parties on a construction site and it is important to know what your status is on a site.

Many land surveyors operate small businesses and need to meet certain health and safety requirements in unique ways. Strategies to meet these challenges are discussed in the seminar. For example, small work places are not required to form a health and safety committee. Andrew explains during the seminar it’s important to have a “committee mindset” whether or not one is mandated by law.

Some other strategies discussed include implementing a safety program and writing policies for a small business. Performing regular inspections and accident investigations can be challenging for a small employer and strategies in these areas are discussed briefly during the seminar as well.

Other health and safety issues covered during the seminar include: work refusals, ergonomics, WHMIS,






harassment and violence prevention and program implementation. Andrew explains that health and safety law is now concerned with emotions as well as the traditional, physical perspective. Today, the workplace parties have to be as concerned with harassment and violence as with slips, trips and falls.

Participants are provided with a copy of a “prevention poster” downloaded from the Ministry of Labour (MOL) website. This handout is particularly useful because it is mandatory that all workplaces post the information provided on the poster and it provides a very basic outline of health and safety responsibilities for any workplace. The poster is also a great source of contact information for the MOL in the case of an emergency or to obtain further routine information.

A paralegal by profession, Andrew constantly updates his content to reflect up-to-date legal research in the area of health & safety law. Recent content updates to this course available to future attendees include a review of recent court decisions that illustrate the serious nature of occupational health and safety responsibilities. Two such decisions involve cases where supervisors were sent to jail for several days, in the words of the court, “as a deterrent.” Under the **Regulatory Modernization Act** courts are permitted to consider any record of provincial offenses when imposing penalties. Lately these penalties

have included jail time for offending employers and supervisors.

Other up-to-date information includes a review of current Ministry of Labour activities: this year’s priorities include excavation work sites and looking out for new and young workers. This information helps an employer prepare for an unscheduled visit from a MOL inspector during a “blitz” where the inspectors are focused on particular issues or specific workplaces.

Further information including scheduling a presentation for your regional group can be obtained from Julia Savitch (julia@aols.org) or by contacting Andrew Lawson directly at **Learn don’t Litigate**:  www.learnl.ca, anlaw99@yahoo.com or 416-534-3499.

**Andrew Lawson operates the training firm, Learn don’t Litigate, and provides services to small and large businesses throughout Canada and beyond. He brings his many years of experience as a paralegal and legal researcher to the classroom making often dry topics much more interesting and enjoyable than you might expect.**



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# The ROBOTIC Invasion into Surveying: on the Land, on the Sea and in the Air

*A light-hearted look at the impact of ROBOTICS on us 60ish OLS demographic, today and the future outlook in the year 2020*

By Douglas Hunt, O.L.S., M.B.A., B.Sc.

**W**hat do I know about ROBOTS? Short answer: not much. That said, our survey firm recently acquired a new “ROBO-Boat”, known as “Kingfisher”, an unmanned surface vessel (USV). This new (and expensive) survey tool from Clearpath ROBOTICS Inc. (CRI) remotely and semi-autonomously performs bathymetric surveys. We set up a division within Hunt Surveys called Underwater Topographic Mapping to pursue an uncertain but promising marketplace. Thus by default, I have become an early adopter of a new (bleeding edge) technology, and I will be seen as either foolish or visionary.

By the way, vendors (both hardware and software) love early adopters since they will pay too much, and will figure out what is wrong with their stuff.

Aside from our ROBOTIC survey tools of today, the web has innumerable references using the ROBO word, for example: ROBO-bees (yes it is true), ROBO-barbq-grill-cleaners, ROBO-vacs, ROBO-advisors, ROBO-printers, ROBO-cars (beyond park-assist), and of course ROBO-train (Skytrain at Pearson).

The question I asked myself is, “when is something actually a ROBOT?” Or even more broadly, “when is something ROBOTIC?”

Of course to answer questions we turn to the Internet (Wikipedia):

*ROBOTICS is the branch of technology that deals with the design, construction, operation, and application of ROBOTS, as well as computer systems for their control,*

*sensory feedback, and information processing. These technologies deal with automated machines that can take the place of humans in dangerous environments or manufacturing processes, or resemble humans in appearance, behavior, and/or cognition. Today, ROBOTICS is a rapidly growing field, and as technological advances continue, research, design, and building new ROBOTS serve various practical purposes, whether domestically, commercially, or militarily.*

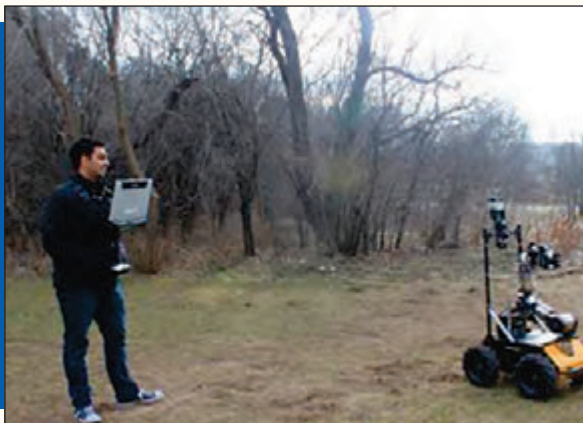
While that answer doesn’t really help much, another question is “when does a remote controlled toy become a ROBOT or ROBOTIC?” That one is easy, “when you spend a ton of money on it, in order to make even more money with it”.

**Regardless of whether we surveyors understand the details of how it/ they work, ROBOTICS has already invaded surveying on the land, on the sea, and in the air.**

## *On the Land*

Actually, ROBOTICS has been in land surveying for over 20 years now, starting with ROBOTIC total stations. Today, some of our ROBO-stations are even fully loaded up with GPS, LiDAR, hi-res cameras, video recording, and wireless communications. Of course all of this costs more than that new sports car you were thinking about buying.

In terms of land surveying, there are already companies testing out ROBOTICS-controlled all-terrain vehicles loaded with GPS, LiDAR, hi-res cameras, and whatever other sensors you want to put on it.



*cont'd on page 8*



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# Teranet and Land Survey Records now have survey plan images available through GeoWarehouse.ca

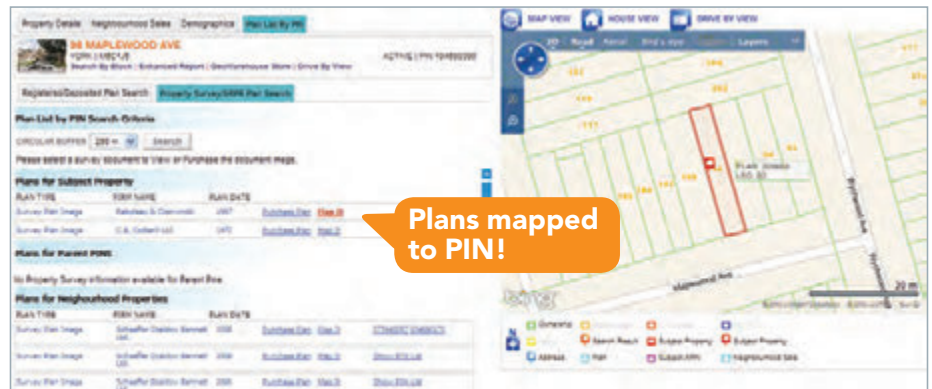
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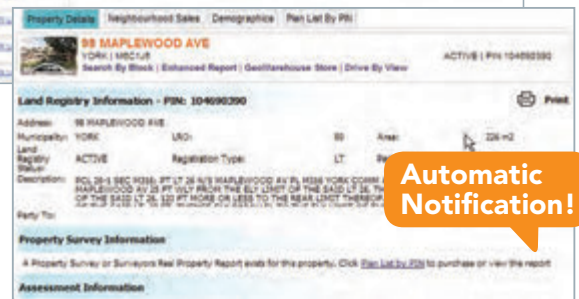
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## On the Sea



As noted above, today Hunt Surveys is already engaged in ROBOTIC bathymetric/ underwater topographic mapping. While the tool is more applicable to ponds, rivers, and small lakes, the reference certainly covers off “on the sea”.

## In the Air



In terms of “in the air”, currently, surveyors can have aerial ROBO-drones to carry out aerial imagery and mapping surveys. I must compliment the “secret-service-spy-arsenal” design on the main providers product.

**I believe most of us in the 60ish demographic find all this new, efficient, and expensive, survey-related technology overwhelming at times. So what is coming next, say in the year 2020?**

In touring the offices of our ROBO-boat supplier, Clearpath ROBOTICS Inc., I became aware of how we are just seeing the first ripple in the waves of the ROBOTIC tsunami soon to come. This will be in all aspects of our lives.

For ROBO-surveying (land, sea and air), I asked our main equipment suppliers for some input into what was coming in the year 2020. As a new technology is like the “Jewel of the Nile” to suppliers, I asked for only generalities and that anonymity would be respected. I list some common threads or trends in point form:

- Demand for survey-related unmanned, autonomous systems, vehicles, or products will be driven by increasing cost/ efficiency pressures and tightening safety controls
- Expect more developments in the human interface, e.g. voice recognition
- Everything will be smaller, lighter, and more powerful. This will allow more payload on land, sea and air ROBOTICS tools
- More smart thinking, better remote controlling, and autonomy
- More real-time processing, use of accelerometers and gyros
- More varied and wider use of current ROBO-tools, e.g. helicopter tools, all terrain vehicles
- More varied and wider use of payload sensors, e.g. remote sensing

- LiDAR and point cloud software will improve and be an everyday tool loaded on any ROBOTICS tool you have
- Someone noted that the increase of ROBOTICS in surveying will not take away jobs; in fact it will open up a whole new set of opportunities.

As a sci-fi buff I was hoping that one of the suppliers would predict the creation of a ROBO-Surveyor by 2020. Imagine a silver helmet loaded up with miniature GPS, a LiDAR scanner, IMU, and cameras. There would be a Bluetooth connection to something like the Google glasses viewing screen, and a wrist watch main processor. On the finger would be the laser pointer linking the EDM signals for xy and z. Or in other words, for Star Trek Next Generation buffs, a prequel to the Borg.

I believe most of us in the nearing-60-something OLS demographic would agree that surveying has been a rewarding career. Adopting the new technologies such as



ROBOTS, has and will be a key success factor of that. If we do go full ROBOTIC android-like in my time left, I will miss the human interaction. That said, after 20 years as an employer I am going to have my ROBO-Surveyor answer me with “yes my lord”.



**Douglas Hunt is President of Hunt Surveys Inc., and was commissioned as an Ontario Land Surveyor in 1982.**



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# Communicating the Story of Women in GIS

By Linda Loubert, PhD

The myriad of technological changes has brought our world into new methods of connecting and interchanging with each other. It is of no surprise that a crowdsourcing map created to depict women who use the tools and techniques of GIS brought together over a thousand women within days of the map's launch. It used much of social media gifts as well as good old fashioned face-to-face methods of communicating together to advertise and promote the project's website that was launched for Women's History Month, which is annually proclaimed to be the month of March in the United States.

This project started as an idea to have a map that told some story of women who worked in a technological field that has only recently been widely recognized as part of the Science, Technology, Engineering, and Mathematics (STEM) fields. GIS has been around since the 1960s when mostly men, starting with the Father of GIS, Roger Tomlinson, who lived in Canada, began using the computer to assist in constructing maps. Today, mostly men are in the field but the tide of that dominance is starting to shift. The numbers of women are not known, but the visibility of women, particularly, in conferences and other gatherings for GIS are duly noted.

This idea to recognize women in GIS morphed into a crowdsourcing map where women of all ranks could add themselves to the map. Social media accelerated the connection to the map's webpage beyond the United States boundaries and it spread across the world.

It was important to map separately women who worked with GIS from government, businesses, nonprofits, education, and students who represent the future of women in the field. In the years that follow, this project will serve as an inspiration on one hand and as an indicator on the other

hand for knowing that the numbers of women in GIS may be relatively low. Yet, at the same time this map gives rise to the female presence in this technological field. The work that these women produce is remarkable and timely.

The storymap<sup>1</sup> that depicts these women serves as an historical marker for years to come. Knowing that places in Africa, Asia, Russia, and South America show few women on the map can inform us on many levels. First, we know that it was through "word-of-mouth" of social media that pointed women to the website and, therefore, women in these places may not know about the map. Second, women in these countries may not have liberty to add themselves to the map due to constrictions from government and/or Internet. Third, we know that there are thousands upon thousands of GISers and the number of women in those roles do

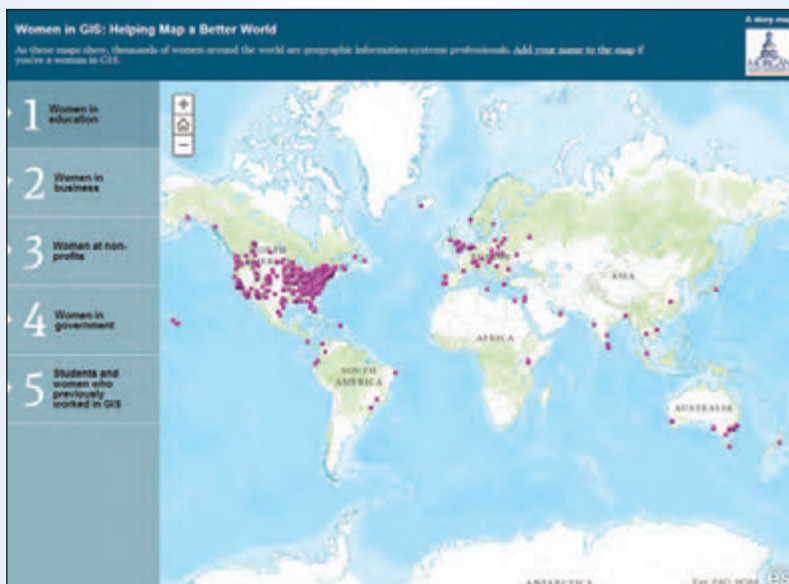
not equal half the numbers in these countries or any other country for that matter.

The representation of women as cartographers, technicians and analysts to surveyors in every spectrum and field is indeed increasing and this project of Women in GIS will only solidify the worth we bring to this technology. It can never be denied that it is our explosion of technology be it social media and/or

GIS that propels us in new and exciting directions for the future. Women are positioning themselves more and more as solid stakeholders in the future of what GIS looks like and who uses it along their career path. A thank you goes out to social media for its help in showing who we are and where we are today.



Linda Loubert, PhD is an Associate Professor in the Economics Department at Morgan State University in the United States. She can be reached by email at [linda.loubert@morgan.edu](mailto:linda.loubert@morgan.edu) for further discussion.



<sup>1</sup>Story maps are lightweight, open-source web applications. They combine web maps created using ArcGIS Online, Esri's cloud-based mapping system, with multimedia content - text, photos, video, and audio - to let you tell stories about the world. If you are a woman working in GIS visit <http://storymaps.esri.com/stories/2014/womeningis> to add your name to the *Women in GIS: Helping Map a Better World* Story Map.





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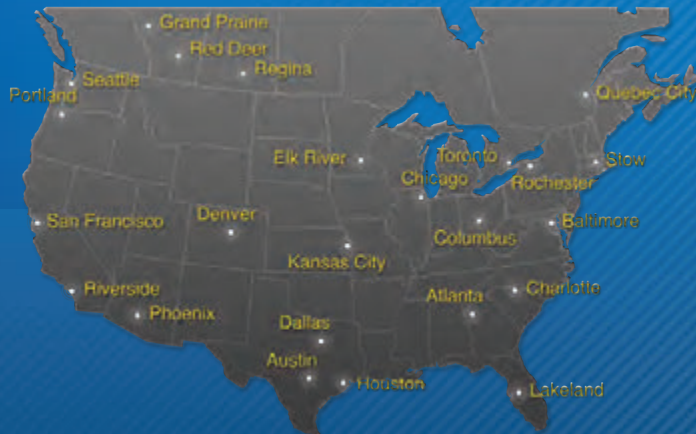
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# Engineering Education with Passion and Perspective

***The new Lassonde School of Engineering at York University is changing Co-operative Education***

**By Janusz Koziński and Marvin James**

**E**ngineering schools are passion-killers. Creative teens arrive at our doors with burning ambition, inquisitive minds and a determination to change the world for the better. All too often much of that desire, that enthusiasm and that sheer excitement is sucked out of them within weeks.

The all-too-familiar reaction of many students when they begin their engineering education is one of disappointment and frustration. Drop out rates are too high and student satisfaction is too low. They're told they must shape up or ship out.

These passionate students come to university to be engineers: to design, to build and to make things. Instead, they are immersed in discrete math and physics until the only survivors are those who bury themselves in textbooks rather than creating or ideating with others.

The result is we lose too many exceptional budding engineers. And it's not because they lack enthusiasm or lack commitment. As engineering educators we are guilty of acting more like drill sergeants weeding out those who do not conform rather than instilling creative confidence, encouraging students to explore their passions and offering permission to fail.

The challenge for educators is how we make our engineering schools places where passions are pursued, ideas are explored and where students smile more than they grimace.

We need engineering education that teaches outside the book. We need to find ways to offer professional training that fuels passion and ignites creativity, without sacrificing technical proficiency.

One of the solutions we must consider as educators is to give students the chance to gain perspective – as well as passion – much earlier in their university careers. The idea of waiting until third or fourth year to go out into the real world seems like a relic of the past not reflective of the future of our economy.

The era of a job-for-life and gold watch at retirement is long gone. Today's students will have portfolio careers that are likely to span many different contracts, industries, countries and projects. We need to give them the perspective they need to thrive in this new reality.

The divide between education and real-world experience should be more like a revolving door, and less like Checkpoint Charlie.

The Lassonde School of Engineering at York University is creating a new educational experience program to reflect

**Lassonde Engineering Design Competition.**



**Back row from left to right: Milandeep Shergill, Jatin Behl  
Front row from left to right: Khady Lo Seck, Manjeet Kaur**

this need to instill passion and perspective in our students and to respond to the demand from employers for graduates with more than just technical competence.

As we often say, we don't want our students to just get jobs; we want them to create jobs. That might be from a new business they set up or from a new division or a new enterprise they are tasked with leading within a major corporation or government agency. Lassonde graduates will

- 1) think in big systems not little silos,
- 2) design with people in mind,
- 3) understand real world consequences,
- 4) take on risk with a bias toward action, and
- 5) ask why not?

A big part of our plan involves offering law and entrepreneurship classes as an integrated element of undergraduate study – not as an add-on or an afterthought. We are partnering with Osgoode Hall Law School and the Schulich School of Business to provide more than a standard engineering degree. The real world doesn't worry about divisions between disciplines or fields of expertise when working on a project or establishing an international team and students shouldn't be forced into pigeon holes while they are at university that don't reflect life beyond the confines of academia.

We're also creating the BEST Program – Bergeron Entrepreneurs in Science & Technology – a rigorous

academic training for our students in what it takes to become a successful entrepreneur. Not every student will create a new start up, but every student needs to have entrepreneurial gusto and a risk-taking mindset to succeed in modern business.

Alongside these initiatives we're establishing a brand new co-op program from a blank sheet of paper. It's a rare opportunity to create a program from the ground up and we're determined to think differently as we do so.

Lassonde's co-op program will be

- 1) entrepreneurial,
- 2) responsive to both students and employers, and
- 3) integrated into the learning experience, not a discrete undertaking.

Those are the principles driving us. We have spoken to many employers as we turn these into a practical co-op program that will be officially launched in September 2014. We need to hear from more - from every sector, with many different perspectives. We'll also be adapting and fine tuning our program as we roll it out. It's by no means fixed, and we plan to learn many lessons along the way.

That's the way we are approaching the creation of the new Lassonde School of Engineering. It's a place to experiment, try new things and fail a few times along the way. And that's the way we see our co-op program, as a prototype with the poten-

tial to change the way we think about professional education.

Engineering education with passion and perspective. It's not a misnomer. It's the change we desperately need. Our new co-op program promises to be a big part of that change.



**Janusz Koziński** serves as Founding Dean of the Lassonde School of Engineering at York University, one of the most ambitious projects in Canadian academia. This \$250 million initiative is creating a new Renaissance Engineering™ program, hiring 100 new faculty and staff, and expanding the student body by 1500. Dr. Koziński writes a regular column on The Huffington Post (<http://www.huffingtonpost.ca/janusz-a-koziński/>) and his vision for the future of engineering education is available to watch on YouTube (<http://www.youtube.com/watch?v=RppJmtOgAg4>).

**Marvin James** is the Co-op Coordinator for the Lassonde School of Engineering. He is responsible for leading all activities for the creation of a brand new Co-operative Education program and developing and managing the processes and business systems that support this initiative. Marvin's main duties include building relationships with organizations, associations and other industry partners to market the Co-op program and to secure co-op opportunities for students. Contact Marvin at [marvin.james@lassonde.yorku.ca](mailto:marvin.james@lassonde.yorku.ca) to get your company involved in the Co-op program.

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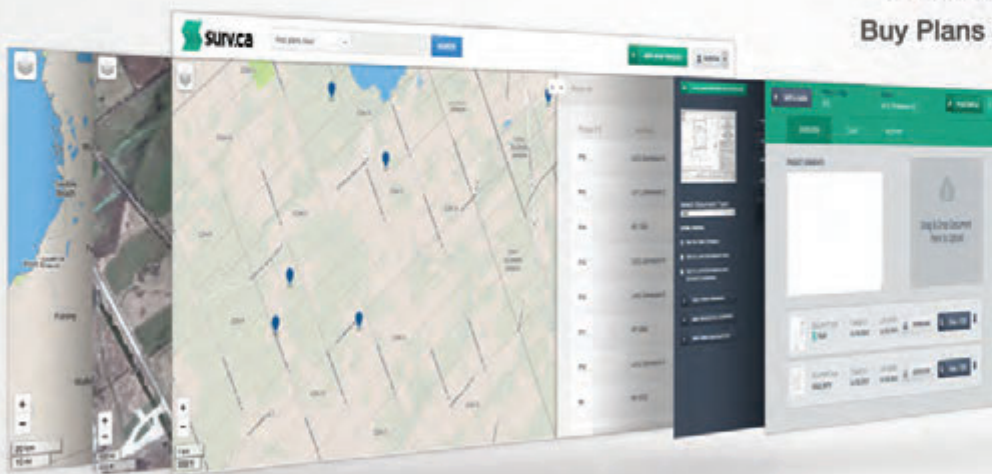
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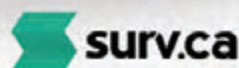
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# Boundary Trees, New Ruling Defines Tree Ownership Responsibility

By Peter Wynnyczuk

**T**rees significantly contribute to our communities with their many health and environmental benefits. Recently, the Supreme Court of Ontario provided a judgement regarding trees that are near, and on, property lines. *Hartley v. Cunningham et al*, 2013 ONSC 2929, COURT FILE NO.: CV-13-472202, DATE: 2013/05/17.

The case stems from a difference of opinion on a tree that was near the common border of two private property owners. One owner, Katherine Hartley felt unsafe around the tree and sought to have the tree removed. When the neighbouring owners found out that a permit to destroy or injure the tree had been issued by the municipality, they became concerned and tried to prevent the 'shared' tree from being removed.

Differences of opinion led to a legal action to prevent its removal. The parties agreed that the Ontario 'Forestry Act',

R.S.O. 1990, CHAPTER F.26, was the applicable legislative authority for this case.

The trial was held and it was found that, based on its condition, the tree did not warrant removal. This judgement was appealed but this was denied. The judge was also able to define how trees on or near property lines are to be addressed.

The result of this trial and judgement is that in cases where trees have trunks which straddle or have portions of their trunks up to their first overhanging branch on two adjacent properties, the tree is now legally considered "co-owned" by both property owners. Both property owners with trees in these situations are to share in the responsibility of the tree's care and any decisions on its removal.

If there are contraventions to this Act, under Section 19 (1) there can be penalties of up to \$20,000.00.

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How does this affect Land Surveyors in Ontario?

Fundamentally, it does not affect your provision of services, but if you are requested to provide survey information related to trees, you can mention this ruling to the client. This can help reduce the likelihood of an owner taking inappropriate action where trees along or on property lines are concerned. This can be a 'Value-Added Service' when in contact with your client.

Furthermore, if you are considering removing trees along property lines to lay out the survey line, advising both property owners of any intended removals ahead of time will help reduce any negative attention that your firm's actions may garner. In rural areas, this may or may not be an issue, so always check with your client to help determine the nature of the relationship with the adjacent property owners to gauge your scope of notification.

This article is not a legal interpretation of the Court case and is based on other publications and sources<sup>1</sup>.



**Peter Wynnyczuk** is a Certified Tree Risk Assessor by the Pacific Northwest International Society of Arboriculture CTRA#727 and a Utility Arborist, Certificate of Qualification #400113535

<sup>1</sup> <http://www.oufc.org/2013/05/25/landmark-court-case-protects-private-trees-in-ontario>



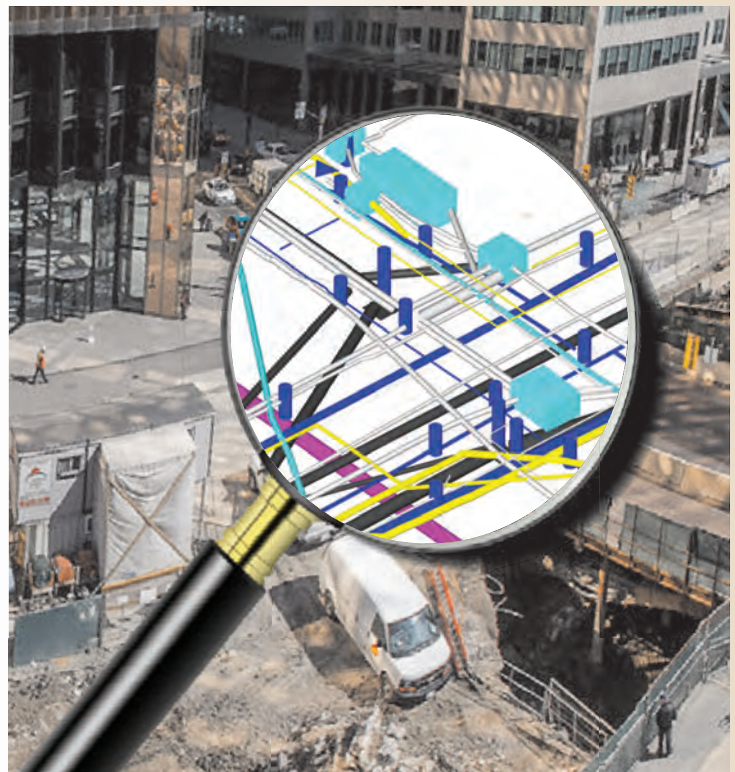
Example of one type of co-owned tree situation where the base of the tree is on the other side of fence. Photo credit: Peter Wynnyczuk.

under the Ministry of Training Colleges and Universities. He is the President of P & A Urban Forestry Consulting Ltd. ([www.paurbanforestryconsulting.com](http://www.paurbanforestryconsulting.com)). He can be reached by email at: [info@paurbanforestryconsulting.com](mailto:info@paurbanforestryconsulting.com) for further information.



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# Commissioners of Crown Lands

By Allan Day

Part 1

**T**here are some interesting gentlemen who were Commissioners of Crown Lands. Until I started doing research for this article I did not know that The Right Honourable Sir John A. Macdonald was a Commissioner of Crown Lands. Antoine-Aimé Dorion served the shortest time in office of 6 days. Timothy Blair Pardee served the longest time in office of just over 15 years. Augustin Norbert Morin and Louis Victor Sicotte each served as Commissioner at two different times. Robert Sullivan was one of two surveyors that became a Commissioner. The other one was Etienne-Paschal Taché a French surveyor. Much more can be said about several of these commissioners but due to space limitations I tried to focus on some of the highlights of their careers.

## HISTORY / BACKGROUND

The Department containing the largest quantity of historical data relating to Ontario is that of the Crown Lands. It is the successor to the office of the Surveyor General dating back to the cession of Canada. In 1764 Samuel Holland was appointed for the Province of Quebec. In the same year Holland appointed John Collins as Deputy Surveyor General. In 1784 Holland appointed Philip Frey to be one of the Deputy Surveyors in the Upper District of the Province of Quebec and his territory being Niagara and Detroit. In 1788 William Chewett, Patrick McNiff, James and Hugh McDonell, Alexander Aitken, who were then and for some time previously engaged as surveyors, were appointed by John Collins as Deputy Surveyors to receive claims and applications for land. In the same year the five old Districts were formed including Gaspé, surveys proceeded and the records of settlement began to accumulate.

At the organization of the Province David William Smith was Surveyor General and was succeeded by Messrs. Chewett and Ridout conjointly in 1802. Then followed Charles Wyatt and Thomas Ridout, William Chewett (acting) and Samuel Hurd in 1832, John Macaulay in 1836, Kenneth Cameron in 1840 and Thomas Parke in 1841 when the office was consolidated with the Department of Crown Lands.

The Commissioner of Crown Lands was a member of the Executive Council for the Province of Canada responsible for administering the surveying and sale of Crown land, the forests, mines, and fisheries of the Province reported by the Surveyor General to be open for sale. The purchase moneys of these lands when received were carried to the credit of the funds to which they belonged in distinct books under the headings of Crown Lands, Clergy Reserves, Military Reserves, Six Nations Indians, Big Island Indians, Port Credit Indians, and Mississauga Indians. From 1841 to 1867

the Department of Crown Lands was the biggest of the Province of Canada's departments. It functioned on a dual basis, with each branch divided into two separate sections, one for Upper Canada and one for Lower Canada. After Canadian Confederation in 1867, responsibility for provincial crown land and for natural resources was assigned to the provinces of Ontario and Quebec while responsibility for fisheries and Indian Affairs was transferred to the new federal government.<sup>1</sup>

The terminology "*Crown Lands Department*" remained for seventy-eight years or until 1905 when by special legislation it was changed to the "*Department of Lands and Mines*". The year following in 1906 the title was changed again to "*Department of Lands, Forests and Mines*" each of the changes respectively admitting the growing importance of the mining and forestry industries. Because of the continued growth of the mining industry a further name change was made in 1920 when a separate and distinct "*Department of Mines*" was created, the parent Department becoming known as "*The Department of Lands and Forests*".

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## UPPER CANADA 1827 – 1841

**Honourable Peter Robinson** (17 July 1827 – 14 July 1836) By 1817 he had been elected to represent the east riding of York in the Legislative Assembly of Upper Canada. Starting in 1823 through to 1825 he administered the passage and settlement of over 2500 poor Catholic families mostly from County Cork, Ireland to settle in the hinterlands of Lanark County, Carleton County and Scott's Plains. Scott's Plains was re-named Peterborough in his honour. In 1827 he was the first Commissioner of Crown Lands and was appointed "Commissioner for the Sale and Management of Crown Lands in the Province of Canada" — his instructions from the Lords of the Treasury were dated 18 July 1827. He was also appointed to the office and trust of "His Majesty's Woods and Forests" by Commission bearing the same date. He had a seat in both the Legislative and Executive Councils. In 1836 he resigned with the rest of the Executive Council from his responsibilities on the Council to protest the Council's treatment by Lieutenant Governor Sir Francis Bond Head.

**Honourable Robert Baldwin Sullivan**,<sup>2</sup> QC<sup>13</sup> (14 July 1836 – 9 February 1841) was a lawyer, an office holder, a politician, and a judge. In 1835 he was elected to town council and was chosen to be the second mayor<sup>3</sup> of Toronto. In 1836 he became the Commissioner of Crown Lands. In

1838 he was appointed Surveyor General for the province which he held until 1840 and became a member of the Legislative Council. Although criticized by many as a turn-coat, he was an able administrator. He supported the union of Upper and Lower Canada and was appointed to the Legislative Council for the united provinces.

## LOWER CANADA 1827 – 1841

**Honourable William Bowman Felton**<sup>4</sup> (1827–1836) was a British naval officer, political figure in Lower Canada, and in his time the most influential man at Sherbrooke, Quebec. The Feltons had a long association with the Royal Navy, and William also served with the British fleet in the Mediterranean and at Gibraltar during the Napoleonic Wars. In 1814 he was appointed British Consul at Livorno. He amassed a considerable fortune as naval storekeeper at Port Mahon, Minorca. In 1815/16, at the end of the Napoleonic Wars, he came to Lower Canada where he was granted large tracts of land in the Eastern Townships. He served in the local militia, becoming a lieutenant-colonel, and also served as justice of the peace. In 1822, he was named to the Legislative Council of Lower Canada. In 1827, he was named Commissioner of Crown Lands. He was suspended from this position in 1836, after having been accused of improperly selling crown property as if it were his own<sup>21</sup>. He

*cont'd on page 18*

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attempted to establish a colonization company to encourage development of the region, without success. In the fall of 1826 a financial panic killed chances to raise the necessary capital. When it was revived as the British American Land Company<sup>5</sup> in 1833, Felton was no longer involved.

**Honourable Louis-Tancrède Bouthillier**<sup>4</sup> (1837–1841) was Sheriff of Montreal, a Canadian officer, merchant and landowner. The 1830s marked the rise of his career. In 1833, Bouthillier obtained eight plots of land in Montreal by auction. He also acquired some of the properties belonging to his deceased parent. He was named Commissioner of the Lachine Canal in 1835, and Commissioner of the Lands of the Crown in 1838. From 1850, he held the post of Custom Duty Collector in Montreal, a position he left in 1863 to become Sheriff of the city for nearly ten years.

### PROVINCE OF CANADA 1841 – 1867

**Honourable Robert Baldwin Sullivan**,<sup>2</sup> QC<sup>13</sup> (10 February 1841 – 30 June 1841) Despite his political success in the 1840's Sullivan's heavy drinking and fecklessness in business matters nearly destroyed his career. The Act of Union between the Provinces of Upper and Lower Canada was passed in 1840 and was announced by proclamation to come into effect on 19 February 1841. The first Council of the Act of the Union was formed 13 February 1841 and Sullivan was a member of that Council. He continued to hold office after formation of the Baldwin-Lafontaine<sup>6</sup> administration which took place 16 September 1842. From the time of the union and up to the time of his resignation in 1843 he was the senior member of the Council and leader of the Government in the Legislative Council. In 1848, he was appointed to the Queen's Bench.

**Honourable John Andrew Davidson** (23 July 1841 – 12 October 1842) was a merchant, civil servant and political figure in Lower Canada. He represented Dorchester in the Legislative Assembly of Lower Canada from 1814 to 1827. He was a militia officer, first serving in the Quebec division as a major in 1812 and then moving to the Lotbinière division in 1813. He established himself in business at Quebec City. Davidson served as a member of the board of examination for flour inspectors, as a justice of the peace, as inspector of forests, as Clerk of the Crown in Chancery and as Commissioner with respect to the Department of Crown Lands. He was opposed to the proposed union of Upper and Lower Canada.

**Honourable Augustin Norbert Morin** (13 October 1842 – 11 December 1843) was a lawyer, judge and politician. He was educated at the Quebec seminary; and in 1828 he was called to the bar of Lower Canada. In 1830 he was elected to the Legislative Assembly of Lower Canada for the County of Bellechasse, and became a supporter of Louis Joseph Papineau. In 1834 he was deputed with Denis Benjamin Viger to lay before the British parliament the views of the Lower Canadian Assembly. Though not actually under arms during the rebellion of 1837, a warrant was issued for his

arrest on the charge of high treason and he spent the winter of 1837-8 in hiding. In 1841 he was returned to the Legislative Assembly of Canada until his elevation to the bench. In 1842-3 he was Commissioner of Crown Lands in the first Baldwin-Lafontaine administration; from 1848 to 1851 he was speaker of the Assembly; and in 1851 he became the chief colleague of Francis Hincks in the Hincks-Morin administration, holding the portfolio of Provincial Secretary.

**Honourable Denis-Benjamin Papineau** (3 September 1844 – 7 December 1847) was Joint Premier of the Province of Canada for Canada East from 1846 to 1848. His joint premiers for Canada West during this period were William Henry Draper and Henry Sherwood. Papineau was a seigneurial agent, bookseller, seigneur, merchant, office holder, justice of the peace, and politician. His brother was Louis-Joseph<sup>7</sup>. He was named a justice of the peace for Montreal district. In 1822, he became seigneur for the fief of Plaisance. He was elected to the Legislative Assembly of the Province of Canada representing Ottawa district in Canada East in 1842 and served until the end of 1847. Besides serving as Joint Premier, he also was Commissioner of Crown Lands and of Public Works from 1844 to 1847. Papineau's short political career ended during the governorship of Lord Elgin Bruce; influenced by Viger's resignation the previous year, Papineau gave up his duties in 1847. He retired to Plaisance fief, where he remained, embittered by illness, until his death. Historians generally agree that Denis-Benjamin Papineau played a minor role as a politician. Though he provoked controversy in this capacity, he seems more important as a seigneur and seigneurial agent.

**The Right Honourable Sir**<sup>8</sup> **John Alexander Macdonald, GCB**,<sup>9</sup> **KCMG**,<sup>10</sup> **PC**,<sup>11</sup> **PC (Can)**,<sup>12</sup> **QC**<sup>13</sup> (8 December 1847 – 10 March 1848) was the first Prime Minister of Canada from 1867 to 1873 and then again from 1878 to 1891 and one of the Fathers of Confederation of Canada. The dominant figure of Canadian Confederation, he had a political career which spanned almost half a century. Macdonald served 19 years as Canadian Prime Minister; only William Lyon Mackenzie King served longer. He articulated with a local lawyer who died before Macdonald qualified, and Macdonald opened his own practice, although not yet entitled to do so. He served in the legislature of the colonial Province of Canada and by 1857 had become premier under the colony's unstable political system. Macdonald agreed to a proposal from his political rival, George Brown, that the parties unite in a Great Coalition to seek federation and political reform. Macdonald was the leading figure in the subsequent discussions and conferences, which resulted in the British North America Act and the birth of Canada as a nation on 1 July 1867. Macdonald was designated as the first Prime Minister of the new nation, and served in that capacity for most of the remainder of his life, losing office for five years in the 1870s over the Pacific

*cont'd on page 20*

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Scandal corruption in the financing of the Canadian Pacific Railway. After regaining his position, he saw the railroad through to completion in 1885, a means of transportation and freight conveyance that helped unite Canada as one nation. Macdonald is credited with creating a Canadian Confederation despite many obstacles, and expanding what was a relatively small colony to cover the northern half of North America. Macdonald called an election for 5 March 1891. The Liberals were heavily financed by American interests; the Conservatives drew much financial support from the Canadian Pacific Railway. The 76-year-old Prime Minister collapsed during the campaign and passed away on 6 June 1891 from a stroke.

**Honourable James Hervey Price** (11 March 1848 – 27 October 1851) was an attorney and political figure in Canada West. He studied law at Doctors' Commons<sup>14</sup> in London and came to Upper Canada in 1828. He settled in York Township. He studied law with George Rolph and William Henry Draper and was admitted to practice as an attorney in 1833. He was appointed City Clerk for Toronto in 1834. Price helped found the Bank of the People in 1835 and served as its solicitor. He was arrested in 1837 because he was suspected of having been involved with William Lyon Mackenzie but freed two weeks later. In 1841, he was elected to the Legislative Assembly of the Province of Canada for the 1st riding of York as a Reformer. He criticized Governor Metcalfe for ignoring the Executive Council's advice in making patronage appointments. When the second La Fontaine–Baldwin ministry came to power, Price was made Commissioner of Crown Lands, a post he held from 20 April 1848 to 27 October 1851. In 1849, after a powerful speech in support of the ministry's Rebellion Losses Bill, his lodgings in Montreal were attacked during the riots that followed its passage. He supported the Rebellion Losses Bill and the secularization of the Clergy Reserves. Price left Toronto in 1860 and settled near Bath in England. He died at Shirley near Southampton in 1882.

**Honourable Dr. John Rolph** (28 October 1851 – 17 August 1853) was a physician, lawyer and political figure in Upper Canada. He studied law at the Inner Temple<sup>15</sup> in London. He arrived in Upper Canada during the War of 1812 and served as the paymaster for the London District militia. In 1817, he resumed his education in England, studying law and medicine. He was called to the bar in England in 1821 and returned to Upper Canada in the same year and was also called to the bar there. In 1824, he was elected to the 9th Parliament of Upper Canada representing Middlesex County. In 1826, he became a member of the Royal College of Surgeons of England and, in 1829, was licensed to practise medicine in Upper Canada. He supported allowing American-born settlers in Upper Canada being given all the rights of British subjects. He spoke for the separation of Church and State and against imprisonment for debt. In 1835, he helped found the Bank of the People and served as its first president in 1834. He resigned from

Council when he was passed over for the position of mayor. In February 1836, he was appointed to the Executive Council of Upper Canada by the new Lieutenant Governor Sir Francis Bond Head and he resigned the next month when the Governor chose to ignore the opinions of the Council. He won a seat in the 13th Parliament of Upper Canada in 1836 representing Norfolk County, one of the few reformers elected to the legislative assembly in that year. Although Rolph was aware of the preparations for the Upper Canada Rebellion, he did not advise the authorities and he expected to be part of a new government if the rebellion had been successful. He advised the rebels to advance their time table when he learned that William Lyon Mackenzie was to be arrested. On December 5, he carried a message to the rebel leaders from the Lieutenant Governor under a flag of truce, advising them to return home. On December 6, fearing that his involvement would soon be discovered, he fled to the United States. He was expelled from the legislature in January 1838. After spending several years in Rochester, New York, he returned to Toronto in 1843 after being granted amnesty. In 1851, he was appointed Commissioner of Crown Lands and was elected to represent Norfolk County in the Legislative Assembly. He also established a medical school, the Toronto School of Medicine. In 1854, the school became affiliated with Victoria College in Cobourg. He suffered a stroke in 1861 and finally retired in 1870.

**Honourable Louis Victor Sicotte** (17 August 1853 – 26 August 1853) was a lawyer, politician, and judge. In January 1848 Sicotte stood as a Reform candidate in Saint-Hyacinthe but was defeated by Thomas Boutillier a doctor, who was also a Reformer. After this setback, Sicotte won the seat by a large majority in 1851. He identified himself at that period as one of the dissident Reformers, a group that stood somewhere between the supporters of La Fontaine and the Rouges. As soon as Sicotte entered parliament, Augustin-Norbert Morin offered him the portfolio of the Crown Lands Department, but he declined because the government of Francis Hincks and Morin had no plans for the abolition of seigneurial tenure and the secularization of clergy reserves

**Honourable Augustin Norbert Morin** (31 August 1853 – 26 January 1855) On the collapse of this government in 1854 he became the chief colleague of Sir Allan MacNab in the MacNab-Morin administration, with the portfolio of Crown Lands. But in 1855 he resigned from the government, and was appointed a judge of the Superior Court of Lower Canada. Some months later, in January 1855, Morin resigned from the government because of failing health. He was appointed as a judge of the Superior Court, from which he had to take long periods of rest. However, the indefatigable and energetic intellectual managed to found a legal journal, the *Law Reporter*, with Thomas Kennedy Ramsay, a Montreal lawyer. His withdrawal from public activity paved the way for the final work of his life. Because of his competence as a jurist and the quality of his personal judge-

ment, the government asked him to become a member of the commission charged with codifying the civil law of Canada East. Morin consented on February 2, 1858, but he was not officially appointed until February 4, 1859. His colleagues were Charles Dewey Day and René-Édouard Caron, the latter acting as Chairman. Morin attacked this colossal task with uncommon energy. As the person responsible for civil law, he noted down every possible reference on all pertinent subjects, set out the law as established by judicial decisions based on a library of more than 400 legal works, and drew up a new text. The last report of the commission was submitted in November 1864 to the Legislative Assembly, which studied its seven reports in 1865. The new civil code of Canada East, a masterpiece of its kind, came into force on August 1, 1866.

**Honourable Joseph Edouard Cauchon, PC<sup>11</sup>** (27 January 1855 – 30 April 1857) was a prominent Quebec politician in the middle years of the nineteenth-century although he held a variety of portfolios at the federal, provincial and municipal levels. He received a classical education at the Petit Séminaire of Quebec from 1830 to 1839, and subsequently studied law. He was called to the Quebec bar in 1843, but never practised. Instead he turned to journalism, working for *Le Canadien* from 1841 to 1842, and launching his own *Le Journal de Québec* in December of the latter year. This paper was known for its sharp polit-

ical wit and generally supported Louis-Hippolyte Lafontaine's French Canadian Reformers during its early years. Later in 1855, Cauchon was appointed to the McNab-Étienne-Paschal Taché cabinet as Commissioner of Crown Lands. He resigned 30 April 1857, when his government refused to allocate funds for a railway on the north shore of the Saint Lawrence River. Cauchon was re-elected in the general election of 1857. Cauchon voted against his party on some occasions in 1858, and spoke out against its early support of Canadian Confederation. Nevertheless, he was appointed in 1861 as Minister of Public Works in the George-Étienne Cartier-Macdonald cabinet, and held this position until the Cartier-Macdonald government was defeated in the house the following year. Cauchon was returned by acclamation in the general election of 1861. Cauchon's term ended on December 1, 1882, although he remained in Manitoba after this time. Already wealthy from his business activities in Quebec, he had made a further fortune on railway speculation in the western province, estimates of his earnings range from half a million to a million dollars. He then moved to the Qu'Appelle Valley and lived in somewhat reduced circumstances until his death the following year.

**Honourable Sir<sup>8</sup> Étienne-Paschal Taché<sup>2</sup>** (16 June 1857 – 24 November 1857) was a Canadian doctor, politician and

*cont'd on page 22*

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one of the Fathers of Confederation. He was also a French Canadian surveyor, civil engineer, illustrator and architect. He devised Quebec's provincial coat-of-arms and motto *Je me souviens* ("I remember"). As the son of a cabinet minister and future premier Taché's early education was quite extensive, but also took place in various locations because of movements to the government. He studied in both the Petit Séminaire de Québec and at Upper Canada College in Toronto, Ontario. In 1856, Taché took a three year course in surveying, and in the course of his education successively studied under Frederick Preston Rubidge, Walter Shanly, and finally Charles Baillairgé. In 1861 he began working for the Department of Crown Lands, and in 1869 he became the Assistant Commissioner of Crown lands for Quebec, a position in which he was subordinate only to the elected Minister of Crown Lands. He held this post until his death. During his time as Assistant Commissioner, Taché also did extensive architectural work. Although he hadn't studied it formally, Taché learned a great deal from books and journals that he read. He designed the second Empire style Parliament Building in Quebec with three towers in Quebec City from spring 1876-1887. He designed the new court house, and various other buildings, including a monastery.

**Honourable Louis Victor Sicotte** (25 November 1857 – 1 August 1858). Sicotte appeared, then, to have entered the ranks of the Liberal-Conservative party. In fact, in August 1858, he refused a ministerial post in the government of George Brown and Antoine-Aimé Dorion, finding himself quite unable to betray his principles in order to join Brown. Justifying his decision, he explained: "I will never have dealings with those who insult and cast aspersions on my religion and ... I will never give power to those who have used ... their fanaticism and bigotry as means of advancement." The Brown-Dorion government was defeated 48 hours after it had been sworn in, and Sicotte again found himself in a Liberal-Conservative government, this time as Commissioner of Public Works under Cartier and John A. Macdonald. When the government faced the issue of the choice of a capital, and, despite the vote of the house, affirmed that it would defer to the Queen's selection of Ottawa, Sicotte resigned his portfolio on 10 January 1859. He became the leader of the opposition from Canada East, and in May 1862, when the Cartier-Macdonald government was overthrown on the Militia Act, Sicotte formed a ministry with John Sandfield Macdonald. This government brought together the moderate Liberals of the two sections of Canada, Sandfield Macdonald now leading the Reformers from Canada West and Sicotte having gradually replaced Dorion in Canada East after the latter's defeat in the 1861 election. Sicotte succeeded in gaining the support of men of talent and experience such as Thomas-Jean-Jacques Loranger, François-Xavier Lemieux, Lewis Thomas Drummond and Thomas D'Arcy McGee.

**Honourable Sir<sup>s</sup> Antoine-Aimé Dorion, PC<sup>11</sup>** (2 August

1858 – 6 August 1858) was a French Canadian politician and jurist. He was the son of Pierre-Antoine Dorion, a merchant and member of the Legislative Assembly of Lower Canada who supported Louis-Joseph Papineau. A lawyer by training, Dorion served as a member of the Legislative Assembly of the Province of Canada from 1854 to 1867 and was a Reformer. Dorion was a supporter of reciprocity with the United States, the separation of church and state in Lower Canada and had a favourable view of American political models. In 1858, Dorion served as Co-Premier of the Province of Canada with Clear Grit leader George Brown but the government quickly fell. From 1863 to 1864 Dorion again served as Co-Premier, this time with John Sandfield Macdonald as well as taking the position of Attorney-General but refused to participate in the Great Coalition government formed in 1864 by Brown, John A. Macdonald and George-Étienne Cartier. Following the Quebec Conference of 1864 he denounced the proposed Canadian Confederation and led the opposition in Lower Canada to the project. Nevertheless, when Confederation became a reality, Dorion won a seat in the new Canadian House of Commons as Liberal Member of Parliament for Hochelaga. He was re-elected three times in succession for Napierville and served as Minister of Justice in the Liberal government of Alexander Mackenzie from 1873 until 1874 when he was named Chief Justice of the Court of Queen's Bench of Quebec. He died on 1891 after suffering a stroke.

**Honourable Philip Michael Matthew Scott VanKoughnet** (7 August 1858 – 18 March 1862) was a lawyer, judge and political figure of Ontario. His mother had originally planned for him to become a minister in the Church of England. However, after he served in his father's militia battalion during the Upper Canada Rebellion, he went on to study law with George Stephen Benjamin Jarvis at Cornwall and then with another firm at Toronto. VanKoughnet was called to the Upper Canada bar in 1843. He lectured in law at the University of Trinity College and also served on its council. He became a Queen's Counsel in 1850. In 1856, he was named to the Executive Council as President and Minister of Agriculture; he was elected to the Legislative Council of the Province of Canada for Rideau district later that same year. During his campaign, he expressed the belief that the ownership of the northwest regions should be transferred from the Hudson's Bay Company and that it should become part of the Province of Canada. In 1858, VanKoughnet was named Commissioner of Crown Lands and, in 1860, the first Chief Superintendent of Indian Affairs. In 1861 he was seeking imperial financial support for the building of the Intercolonial Railway by Nova Scotia, New Brunswick, and Canada. He was named Chancellor of the Court of Chancery of Upper Canada in 1862 and became Chancellor of Ontario in 1867. Philip died in Toronto in 1869.

**Honourable George Sherwood** (27 March 1862 – 23 May 1862) was a judge and political figure in Canada West.

*cont'd on page 24*



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He was born in Augusta Township in 1811. He studied law, was called to the bar in 1833 and set up practice in Prescott. He was named Queen's Counsel in 1856. He represented Brockville in the 1st Parliament of the Province of Canada and served until 1851; he was re-elected in 1857 and served until 1863. He served on the Board of Railway Commissioners later known as the Canadian Transport Commission and as Receiver General from 1858 to 1862, when he became Commissioner of Crown Lands. In 1865, he was appointed judge of the court for Hastings County.

**Honourable Sir<sup>8</sup> William McDougall, PC,<sup>11</sup> CB<sup>16</sup>** (24 May 1862 – 29 March 1864) was a Canadian lawyer, politician and one of the Fathers of Confederation. McDougall received his education at Victoria College in Cobourg, Upper Canada, and in 1847 began practising law as an attorney and solicitor in Upper Canada. In 1862, he was called to the Upper Canada Bar. He was elected as a Member of the Legislative Assembly in 1858 and served as Commissioner of Crown Lands and Provincial Secretary. He attended all three Confederation Conferences, and then served as Minister of Public Works in the Macdonald government. In the federal election of 1867 he was elected in the district of Lanark North, for the Liberal-Conservative party. McDougall was appointed Lieutenant Governor of Rupert's Land and the North-Western Territory in 1869. The only travel route at the time was through the United States with the permission of U.S. President Grant. However, when he tried to enter that jurisdiction from North Dakota up the Red River, he was turned back near the border by Louis Riel's insurgents before he could establish his authority at Fort Garry. He requested for 1,000 British troops to be sent on the authority of Queen Victoria. She responded that she would prefer a more amicable settlement of the jurisdiction issue. He returned to Ottawa, and campaigned against Manitoba becoming a province because of its very few inhabitants at that time. The area of Fort Garry was about 50 square miles (130km<sup>2</sup>). He also continued to serve as an interim leader of the Northwest Territories provisional government from Ottawa until Adams George Archibald, took over on May 10, 1870. In the federal election of 1872, he ran again for the Liberal-Conservative party in Lanark North but was defeated. In 1875, he was elected to the Parliament of the Province of Ontario. He served as an Independent-Liberal from June 1, 1875 until September 9, 1878 for the electoral district of Simcoe South. In the federal election of 1878, he ran in Halton and was re-elected in the election of 1882 in Algoma and Grenville South. In the election of 1887 he was defeated. In 1890 he was promised a Senate seat, but did not pursue an appointment because his health was failing. During the conferences preceding confederation, McDougall was personally in favour of electing members to The Senate of Canada. He was also offered a federal judgeship in British Columbia, which he turned down. McDougall and Galt went to Washington D.C. to meet with President Abraham Lincoln

to renegotiate the Reciprocity Treaty. Abraham Lincoln explained that he had an important event to attend and had to travel to Pennsylvania. Since he and McDougall had so much in common, and were friends, Lincoln invited McDougall to accompany him on his trip by train and coach. They stayed the night at the private home of David Wills<sup>17</sup> a wealthy 32-year-old Gettysburg attorney. The next day, November 19, 1863, at the opening ceremonies of the new Gettysburg cemetery for fallen soldiers of the American Civil War, many great orators spoke for hours. Abraham Lincoln's speech was brief. The Canadian and British press wrote positively about Lincoln's speech. Generally, the American press condemned it for its brevity. To this day, most people don't know about the many speeches of that day. They do remember Abraham Lincoln's speech which became known as the Gettysburg Address. McDougall died on May 29, 1905.

**Honourable Sir<sup>8</sup> Alexander Campbell PC,<sup>11</sup> KCMG,<sup>10</sup> QC<sup>13</sup>** (30 March 1864 – 30 June 1867) In 1836 Alexander Campbell received an unusually good education by the standards of early-19th-century Canada. He went to the office of Henry Cassady as a law student. Following Cassady's death in September 1839 he transferred his articles to John A. Macdonald. In 1843 Campbell was admitted to the bar and became Macdonald's partner. The partnership, which in itself was not particularly important, was dissolved in 1849. What was important was the political alliance formed by these two young men in the 1840s. They would remain intimate associates until Campbell abandoned politics in 1887. Campbell's public career began on Kingston's city council: from 1850 to 1852 he was an Alderman, representing Victoria Ward. In 1858, and again in 1864, he was elected to the province's Legislative Council for the Cataraqui division, a large constituency that included Kingston and all of Frontenac and Addington Counties. He served as Speaker of the Council from February to May 1863. In late 1861, when Macdonald, now Attorney General for Upper Canada, was desperately attempting to form a cabinet, he asked Campbell to take office. Campbell agreed to do so only if Thomas Clark Street and John Hillyard Cameron were included, but Macdonald did not comply. The incident would appear to indicate that Campbell's contacts with Tory factions in Toronto and western Upper Canada were better than Macdonald's. Campbell's most serious political weakness was his lack of an independent power base he operated from Kingston, the centre of Macdonald's strength. During the last years of the union era he did have a base of electoral power, albeit a weak one, as an elected Legislative Councillor. Ontario had only five ministers in that cabinet; three of the Ministers Adam Johnston Fergusson Blair, William Pearce Howland, and William McDougall being Liberals, the two Conservatives being from Kingston, and only Macdonald having a seat in the Commons. He could not threaten Macdonald's leadership, but he could further it.



**Allan Day** worked in the Office of the Surveyor General, Ministry of Natural Resources for 28 years as a Survey Records Information Officer. He now owns a survey and research business in Peterborough. E-Mail [surveyresearch@cogeco.ca](mailto:surveyresearch@cogeco.ca)

The documentation in this article was found in the following places ...  
 "Renewing Nature's Wealth" Centennial History of the Public Management of Lands, Forests & Wildlife in Ontario 1763-1967 by Richard S Lambert, MA and Paul Pross, MA Pages 22-3 and 101-2, "Canadian Dictionary of Biography", "Dictionary of National Biography 1885=1900 Volume 35", "First Report - Bureau of Archives" by Alexander Fraser Archivist 1903" Pages 18-21,"Report of the Minister of Lands and Forests 1928" Pages 7-9, "Acts, Orders and Regulations respecting Crown Lands, etc in Ontario" compiled by The Honourable Arthur Sturgis Hardy, CCL Pages iii-vii "The Quebec History Encyclopaedia", Biography of Robert Baldwin Sullivan found on the AOLS web site Annual Report 1899 Pages 181-87. "ask.com" and Wikipedia,

<sup>1</sup> For more information regarding the history of the Crown Lands Department see "Renewing Nature's Wealth" Centennial History of the Public Management of Lands, Forests & Wildlife in Ontario 1763-1967 by Richard S Lambert, MA and Paul Pross, MA "The Department Takes Shape" Chapter 7, Pages 101-123.

<sup>2</sup> One of two surveyors to be appointed as a Commissioner of Crown Lands.

<sup>3</sup> From 1834 to 1857, and again from 1867 to 1873, Toronto mayors were not elected directly by the public. Instead, after each annual election of aldermen and councilmen the assembled council would elect one of their members as mayor. For all other years, mayors were directly elected by popular vote, except in rare cases where a mayor was appointed by council to fill an unexpired term of office. Prior to 1834, Toronto municipal leadership was governed by the Chairman of the General Quarter Session of Peace of the Home District Council.

<sup>4</sup> I was unable to locate any documentation stating what day or month that they entered and left office of the Commissioner.

<sup>5</sup> The British American Land Company was formed in 1832 to promote settlement and land development in the Eastern Townships of Lower Canada in a manner similar to that of the Canada Company in Upper Canada. In 1834, it received a Royal Charter which provided that certain Crown lands were to be conveyed to the Company in return for "valuable considerations." Initially the Company prospered and large

numbers of settlers located on its lands. Heavy financial responsibilities and the political unrest resulting from the Rebellion of 1837 worked to the detriment of the Company however, and in 1841, it was forced to return over 500,000 acres of its original allotment to the Crown. The British American Land Company was supported and managed by several prominent individuals, including Sir Alexander Tilloch Galt who held the position of Commissioner from 1844-1855.

<sup>6</sup> Louis-Hippolyte LaFontaine and Robert Baldwin were lawyers from Montreal and Toronto who started their public careers as members of their respective Assemblies around 1830. They came together in 1841 over the common cause of opposing the British administration's attempts, following the Rebellions of 1837, to assimilate the French Canadians into the culture of English-speaking Upper Canada and to maintain power in the hands of the colonial elite. The two leaders of Lower and Upper Canada, respectively, then worked together after the 1841 Union to create a reformist movement for responsible government run by elected citizens instead of a colonial governor. It was during the "Great Ministry" of 1848-51 that the two politicians implemented laws that created a more equitable country. They revamped judicial institutions, created a public education system, made bilingualism official, designed a network of public roads, began a public postal system, and reformed municipal governance.

<sup>7</sup> Louis-Joseph Papineau was a politician, lawyer, and the landlord of the *seigneurie de la Petite-Nation*. He was the leader of the reformist Patriote movement before the Lower Canada Rebellion of 1837-1838.

<sup>8</sup> **How a person becomes a Sir.** A knighthood (or a dame hood, its female equivalent) is one of the highest honours an individual in the United Kingdom can achieve. While in past centuries knighthood used to be awarded solely for military merit, today it recognises significant contributions to national life. Recipients today range from actors to scientists and from school head teachers to industrialists. A knighthood cannot be bought and it carries no military obligations to the Sovereign. The Queen (or a member of the Royal Family acting on her behalf) confers knighthood in Britain, either at a public Investiture or privately. The ceremony involves the ceremonial dubbing of the knight by The Queen, and the presentation of insignia.

<sup>9</sup> The **Most Honourable Order of the Bath** (formerly the **Most Honourable Military Order of the Bath**) is a British order of chivalry founded by George I on 18 May 1725. The name derives from the elaborate mediaeval ceremony for creating a knight, which involved bathing (as a symbol of purification) as one of its elements. The knights so created were known as "Knights of the Bath". George I "erected the

*cont'd on page 26*

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Knights of the Bath into a regular Military Order". He did not (as is often stated) revive the Order of the Bath, since it had never previously existed as an Order, in the sense of a body of knights who were governed by a set of statutes and whose numbers were replenished when vacancies occurred. The Order of the Bath is the fourth-most senior of the British Orders of Chivalry, after The Most Noble Order of the Garter, The Most Ancient and Most Noble Order of the Thistle, and The Most Illustrious Order of St Patrick (now dormant). The last of the aforementioned Orders, which relates to Ireland, still exists but has been in disuse since the formation, in December 1922, of the Irish Free State.

<sup>10</sup> The **Most Distinguished Order of Saint Michael and Saint George** is an order of chivalry founded on 28 April 1818 by George, Prince Regent, later King George IV, while he was acting as Prince Regent for his father, King George III. It is named in honour of two military saints, St Michael and St George. The Order of St Michael and St George are awarded to men and women who render extraordinary or important non-military service in a foreign country. It can also be conferred for important or loyal service in relation to foreign and Commonwealth affairs.

<sup>11</sup> **Her Majesty's Most Honourable Privy Council**, usually known simply as the **Privy Council**, is a formal body of advisers to the sovereign in the United Kingdom. Its membership is mostly made up of senior politicians who are (or have been) members of either the House of Commons or the House of Lords.

<sup>12</sup> The Langevin Block, home to the Privy Council and prime minister's office The **Queen's Privy Council for Canada** (QPC) (French: *Conseil privé de la Reine pour le Canada* (CPR)), sometimes called **Her Majesty's Privy Council for Canada** or simply the **Privy Council**, is the full group of personal consultants to the monarch of Canada on state and constitutional affairs, though responsible government requires the sovereign or her viceroy, the Governor General of Canada, to almost always follow only that advice tendered by the Cabinet.

<sup>13</sup> **Queen's Counsel** postnominal **QC** known as **King's Counsel** postnominal **KC** during the reign of a male sovereign, are jurists appointed by letters patent to be one of *Her [or His] Majesty's Counsel learned in the law*. Membership exists in various Commonwealth jurisdictions around the world, while in some other jurisdictions the name has been replaced by one without monarchical connotations, such as "Senior Counsel" or "Senior Advocate". Queen's Counsel is a status, conferred by the Crown that is recognized by courts. Members have the privilege of sitting within the Bar of court.

<sup>14</sup> Doctors' Commons, also called the College of Civilians, was a society of lawyers practicing civil law in London. Like the Inns of Court of the common lawyers, the society had buildings with rooms where its members lived and worked, and a large library. Court proceedings of the civil law courts were also held in Doctors' Commons.

<sup>15</sup> The Honourable Society of the Inner Temple, commonly known as Inner Temple, is one of the four Inns of Court professional associations for barristers and judges in London. To be called to the Bar and practise as a barrister in England and Wales, an individual must belong to one of these Inns.

<sup>16</sup> The **Chief Baron of the Exchequer** was the first "baron" (i.e., judge) of the English Exchequer of Pleas. In the absence of both the Treasurer of the Exchequer or First Lord of the Treasury, and the Chancellor of the Exchequer, it was he who presided in the equity court and answered the bar i.e. spoke for the court. Practically speaking, he held the most important office of the Exchequer of Pleas. In 1875, the Court of Exchequer became the Exchequer Division of the High Court. Following the death of the last chief baron, the division and that of Common Pleas were merged into the Queen's Bench Division.

<sup>17</sup> Wills was the principal figure in the establishment of the National Cemetery at Gettysburg, Pennsylvania. As a result of his efforts, the Gettysburg Address was given by Abraham Lincoln. Wills was Lincoln's host while in Gettysburg. In 1853 he became a law student in the office of Honourable Thaddeus Stevens at Lancaster, PA, and in 1854 he was admitted to the Bar of Pennsylvania. He opened a law office in Gettysburg in 1853. He was elected Burgess of the Borough of Gettysburg. He was elected the first County Superintendent of Schools of Adams County, and on him devolved the organization of the new school system. He was also elected director of the Bank of Gettysburg in 1854 and served until 1860. He was a trustee of Wilson College, Chambersburg. He was also a trustee of the Dickinson School of Law, Carlisle. He was for more than twenty years a trustee of Pennsylvania College. In 1874 he was appointed President Judge of the 42nd Judicial District composed of Adams and Fulton Counties.

<sup>21</sup> I e-mailed a copy of the article to a friend asking his opinion on it. He e-mailed me back this reply ....One line caught my eye in the paragraph on William Bowman Felton: "He was suspended from this position in 1836, after having been accused of improperly selling crown property as if it were his own." He sounds like the 19th century public service counterpart of our very own Conrad Black, who of course treated Hollinger Inc funds as if they were his own.



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# Five Years as Executive Director

By Blain Martin, O.L.S., C.L.S., P.M.P., M.B.A.

**T**he Executive Director is the senior staff officer of the Association, responsible to the President and Council of the Association. In addition to formal roles as Secretary to Council and Treasurer of the Association, the Executive Director implements decisions of Council, promotes the welfare and image of the Association, promotes liaison between all segments of the Association and other organizations, government bodies and the public and ensures the efficient day-to-day operation of the Association offices.

The above paragraph outlines in an overview fashion the activities of the Executive Director but it does not illustrate how enjoyable and satisfying this role is. For me, fulfilling this position has required a combination of all the skills I have acquired over the course of my career including those developed through education, those developed through work experience and those developed through communication with my colleagues. I am going to try to outline some of the things that I feel have been successful during my five years and some of the issues I see on the horizon.

## Administration

The Association's staff complement currently includes a total of 11 full time staff (including 4 Ontario Land Surveyors). In addition, we have 4 Ontario Land Surveyors on contract to assist the Survey Review Department with the Peer Review Program. The listing of staff members and their key tasks is on our website at:

<http://new2011.aols.org/directory/aols-staff-directory>.

I said the following in my last Annual Report but I thought it worth repeating here. One of my younger and newer staff members said that she has observed that the Association as a whole is more than a profession, it is a community! I thought that was a wonderful turn of phrase because in a few words it sums up the depth of the relationships that many of us have with each other.

The relationships in the AOLS office reflect that as well! The morale is very high and everyone helps when needed. There have been many improvements in systems and processes over the last five years and the changes have been embraced by all staff to make the whole operation at the AOLS office as efficient as possible.

## Council and Strategic Planning

I have been involved in annual meetings with Executive Directors from all of the provinces. We have helped each other by adopting best practices, creating an ongoing information exchange and working on specific initiatives that are of national scope. One of the topics that we discussed early on was how Council changed each year and how we could best use our position to move the profession forward while paying attention to the changes in each successive Council.

During my first year I felt that I needed a more detailed direction and contacted my Queen's University Strategic

Planning Professor to see what help I could get. He suggested a strategic planning session in the fall and Council thought the idea was good so we proceeded. That strategic planning helped align the Council of the day with a vision of the future.

The next year we completed the strategic planning exercise in the spring shortly after the installation of the new Council and we have done that each year since. I find that the facilitated session lets the new Councillors understand what happened the previous year and creates the roadmap for the following year. This procedure has been a tremendous help in making the job of Executive Director more manageable.

## Member Engagement

Members of the Association have always been engaged but I believe this engagement has increased over the last five years. There are various initiatives that have contributed to this.

One of those initiatives is the ongoing professional development that all members must now participate in. It is not an onerous program but it does encourage attendance at various meetings such as local Regional Group Meetings and the Annual General Meeting (AGM). I have had many members come up to me and say, "I was forced to come to the AGM to get my Continuing Education hours and now that I am here, I feel sorry I have missed it for so many years." I will say that hearing that is tremendously rewarding.

Another initiative is the newsletter, "In Sight", which is emailed to all the members and many others every two weeks. Julia Savitch has taken on this task and in the last two years she has not missed one issue. It did start slowly with Julia soliciting input but these days we go over the list of potential articles every two weeks to see what is timely and what we can put off for the next issue.

Of course our "quarterly" continues to play a key role as it has for many years. Maureen Mountjoy does a fabulous job of ensuring that it goes out each quarter along with making it pay for itself through advertising. I have heard our magazine described at the premier surveying magazine in North America.

The final piece used for communication with the members and the public is the AOLS Website. I will readily admit that building the new Website is the hardest thing that I have faced. There are many hurdles when creating a website that is robust by providing more functionality than simply "brochure ware". The Website Committee had the vision of creating a new website that can be maintained and updated by AOLS staff. They wanted one that allowed for online payments, had a secure back office for Committee and Council endeavours while all the time looked good as our public interface. Under the leadership of Ken Wilkinson this vision was achieved and I have received many compliments from AOLS members and from outsiders just visiting the site.

Another component of member engagement is wrapped up

with peer review. After providing the Association with many years of dedicated service, Dave Norgrove retired as manager of the Survey Review Department (SRD). Tim Hartley has taken the reins and developed a new direction for the Department. Keeping in mind the ongoing need for Professional Development, Tim is turning the department to be more focused on education. He attends many Regional Group Meetings to give information and training to the members and this level of communication appears to be appreciated by all.

### Member Numbers

Membership numbers continue to be a concern with the aging of our membership. This appears to be a continued trend in our sister organizations and in society generally with the aging of the baby boomers. That said the two western provinces seem to have developed solutions to encourage younger people to join. I believe that the demographics of our Association will create huge opportunities for new surveyors as many of the current members retire.

The overall numbers for 2014 are as shown below. We seem to continuously be experiencing a reduction in the numbers of the under 50 group regardless of the initiatives that we have established over the last few years to encourage members to join.

Demographics									
2014 Number of Surveyors by Age, July 7, 2014									
Age	2011	2012	2013	2014	Cad	Photo	Hyd	Geod	GIM
20-29	6	3	3	6	6	0	0	0	0
30-39	32	26	31	31	30	0	0	0	1
40-49	162	143	130	111	94	1	0	3	13
50-59	244	247	242	238	209	5	0	4	20
60-69	128	137	139	135	117	3	0	2	13
70-79	46	48	41	39	37	0	1	1	0
80+	8	6	9	8	8	0	0	0	0
<b>Total</b>	<b>626</b>	<b>610</b>	<b>595</b>	<b>568</b>	<b>501</b>	<b>9</b>	<b>1</b>	<b>10</b>	<b>47</b>
Percentage Over 50	68%	72%	72%	74%	74%	89%	100%	70%	67%
Percentage over 60	29%	31%	32%	32%	33%	33%	100%	30%	23%

New members come from many sources. The Pathways Project was developed to encourage Foreign Trained Professions to come to Canada and practice their profession here. There has been some success with this on an international basis but the project has also helped with the process for training people from Ontario. Our own Academic and Experience Requirements Committee used several of the initiatives developed by Pathways to streamline the standard articling process while maintaining the quality of the articling system.

The above systems combined with the work that our Public Awareness Committee and the Geomatics Recruitment and Liaison Committee have completed have led to us having 58 students in the articling process. This is a high for recent years.

In looking at the future of the profession I would say that the aging profile of the members is one of the largest concerns. The overall numbers do not scare me as much the ages and the possibility of members retiring in the next few years. As I said earlier, this is going to create great opportunities for new surveyors.

### Annual General Meetings

Each year the Annual General Meeting (AGM) is a highlight for members with functions relating to business, social and education. The proportions change slightly with each AGM but the AGM Planning Committee ensures that all three areas are always covered.

The upcoming meeting is at Deerhurst Resort near Huntsville during the last week of February. The theme is tied to Broader Geomatics Community and related to the National Session that President Dasha and I participated in a few weeks ago. It should be an exciting meeting at a beautiful resort in Muskoka.

I also want to highlight the 2017 meeting in Ottawa. This meeting will recognize the 125<sup>th</sup> year of our Association along with the 150<sup>th</sup> year of Canada. To commemorate this we are planning the publication of a book on the history of the Association. This history will recognize the various “chapters” of Association history such as the influx of new surveyors after the Second World War.

### Thank You

In conclusion I sincerely want to thank the AOLS staff, the various Councils that I have worked with and the membership in general. These five years seem to have gone by in a flash and I have enjoyed every moment of them!



# Calendar of Events

**September 8 to 11, 2014**

**GIS-Pro 2014  
URISA's 52nd Annual Conference**

*New Orleans, Louisiana*

[www.urisa.org/education-events/gis-pro-annual-conference](http://www.urisa.org/education-events/gis-pro-annual-conference)

**October 6 to 8, 2014**

**2014 ISPRS/IGU Joint Conference**

*Geospatial Theory, Processing, Modelling and Applications*

*Toronto, Ontario*

[www2.isprs.org/2014GeoTPMA/home.html](http://www2.isprs.org/2014GeoTPMA/home.html)

**October 7 to 11, 2014**

**GeoConference 2014**

*Revisiting our World*

*Quebec, Canada*

[www.geocongres2014.ca/en](http://www.geocongres2014.ca/en)

**November 3 to 5, 2014**

**Geomatics Atlantic 2014**

*St. John's, Newfoundland*

<http://geoatlantic.org>

**November 9 to 11, 2014**

**Digital Earth Summit 2014**

*Nagoya, Japan*

[www.isde-j.com/summit2014](http://www.isde-j.com/summit2014)

**November 19, 2014**

**GIS Day**

*Discovering the World Through GIS*

[www.gisday.com](http://www.gisday.com)



# Canada's Anti-Spam Legislation (CASL)

By Julia Savitch

If you are on a mailing list of some organizations, such as businesses, educational institutions, or interest groups, you might have received messages from some of them in recent months asking for your consent to continue to receive communications from them. Those messages would mention Canada's new Anti-Spam Legislation, or CASL. What is CASL and how does it affect the AOLS?

In order to clarify the meaning of the new legislation for our association and make sure we are prepared when it comes into effect, I attended a CASL workshop organized by the Canadian Society of Association Executives. The workshop took place in Toronto on April 29, 2014, and was presented by Brian Bowman, a business lawyer with Pitblado Law. I would like to share the relevant information from that workshop in this article.

Canada's new Anti-Spam Legislation takes effect on July 1, 2014. The law prohibits sending unsolicited *commercial*

*electronic messages (CEMs)* without express or implied consent of the recipients.

A commercial electronic message is defined as "a message across any electronic media sent with the purpose of encouraging participation in a commercial activity or purchase, sale of a product, good or service". So, if the AOLS sends out information on association activities, updates from Council and committees, articles on members in the community, and similar informational pieces, these do not fall under the "commercial electronic message" definition. However, our newsletter and other electronic messages might also include information on a seminar or a conference that involves a registration fee, in which case the message would be considered commercial.

There are several exceptions to the law when obtaining consent is not required. One of them is providing information about an ongoing subscription, membership or account. So, if the AOLS sends a message to its members



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**- Missed the Spring 2014 Photo Season?  
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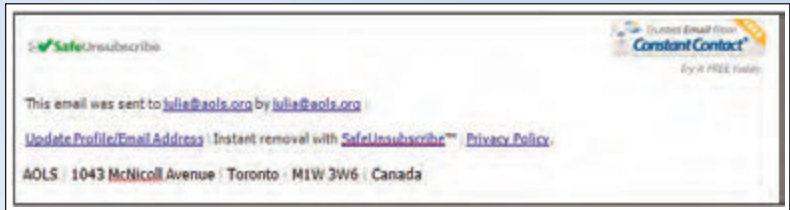
related to their membership dues, their regional group dues, or their AOLS website account, consent is not required.

There also are a number of cases in which consent is **implied** – the Anti-Spam Law presumes the recipient has already provided their consent to receive the CEM. One of such cases applies when a CEM is sent to a person with whom the sender has an “existing non-business relationship”. Definitions of such a relationship include situations when the recipient has made a donation to, volunteered at, attended a meeting of, or had a membership with the sender *within the last two years*. AOLS electronic communications to our members, such as the In Sight newsletter and other emails, fall under this category of implied consent, and thus, we are not required to obtain express consent from our members.

However, some of the electronic messages that the AOLS office sends out go to non-members of the association as well, such as suppliers, Executive Directors of other associations, and evaluated students. We will be contacting all those recipients before July 1, 2014 to obtain their express consent.

CASL also imposes requirements on what needs to be

included in every CEM. Each message must include a relevant (not misleading) subject line, an unsubscribe mechanism, and an identification of the sender (identity of the sender, physical address, email address, web page, or phone number). If you have a look at the bottom of one of the electronic messages that you have recently received from the AOLS, such as AOLS In Sight, you will notice that the required information is already included there:



We look forward to continuing to communicate with our members electronically and, as always, welcome your content suggestions for our communications.



**Julia Savitch** is the Program Manager at the Association of Ontario Land Surveyors. Email [Julia@aols.org](mailto:Julia@aols.org)

<sup>1</sup>“Canada’s Anti-Spam Legislation Quick Reference Guide”, TC Media, 2014



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# Dear DWL

*The following letter was sent in anonymously by a former student*

Professor David W. Lambden, your life is very precious to me. I honestly believe that I was truly blessed for having crossed your path. It happened during a period of your life where you were tasked with taking the above average mathematics student and having him/her turned into an above average Land Surveyor. It took me a few years to realize this, but it took me no time at all to appreciate it. It also took an above average time to get through your four law courses because you failed me twice. There are times when someone can knock you down on your face once and you still get up with a chip on your shoulder. It took twice for me and I can thank you for it because I am a better person today for the experience.

All of my years through the public school system for some reason I never “got it”. All the months I spent at the University of Toronto before hitting your courses I never “got it”. After failing your Law 1 and Law 2 courses in the same year, I still never “got it”. I could never understand up to that point how one could fill their mind with so much knowledge and understanding and come out the other end without a clue in the world about what it all means. Today I get it and I still remember very well the moment it actually hit me. It has stayed with me loud and clear since that fateful day. After you failed me the second time and all of my buddies in my study group were dumbfounded, I conceded defeat and made that dreaded march down the hall every student hopes they never have to make...I confronted you in your office on campus. That day had a profound effect on my life.

You sat at your desk with an air of confidence in what you were doing at that place that at first put the fear of God in me. I asked you one simple question, “Why are you failing me?” I explained to you how I had read every last word of all the mountains of reading material you asked us to read through. I explained how I had dedicated my time to learning the subject as best I could and studied hard in a study group with my peers. So much so that one of them said to me, “How can this be? You knew more than all of us!” You sat there patiently as I pleaded my case until I ran out of reasons why I thought this was all one big mistake. Then it was your turn to respond and I heard the three words that changed my life that day, “You can’t write!” I stood there staring at you for what seemed like forever and you never flinched. In the time I stood there staring I remember thinking that I was always great in mathematics. I picked a career that I thought would allow me to use my skills and excel at it. Now my biggest deficit, that I had managed to squeak by in life without up to that point, had been called out. I could have just turned on my heels and marched out, like I know some students, one personally, who did just that. I have been a fighter and a scrapper all my life and I was not letting someone with this much

power over my future take me down. My response that day, which I’m sure you remember as well, was “Can you teach me?” It was almost as if you had been sitting up in that office just waiting for this day to prove a point many of your students, like myself, never understood. You casually reached behind your desk and grabbed a stack of papers you had sitting there and dropped them on the desk in front of you and said, “These are several past exams for my courses over the years. I want you to take them home and write out the answer to each question and I will grade you on your writing. I know you know the subject well, but if you can’t write you’ll never be a surveyor worth your salt!”

For the next few months I did just what you had asked me. Through the following fall session, while I repeated your Law 1 course while becoming engaged during lectures like I had never done in any other course thus far, you graded my writing. When we returned to our first lecture after the final exam you stood at the front of the class and asked me to stand up. I had no idea what you had in store for me, but any time I had been put in this position in my life before, it was for a thorough bawling out! You stood there and you announced to the class, “This student got the highest mark on the exam out of all the registered students in this course!” I’m sure it had a lot of students in that class scratching their heads over the importance of that statement you just made, but from that moment forward “I got it”!


A couple of years later when I had finished the last course I would have with you I went up to your office to pay a visit. We chatted for some time and you unwrapped a recent package you had received from a printer of an order you had commissioned. You had several of these produced and you were going to sell them to students who wanted them at the cost of producing them, \$10 each. It was a sheet of paper with writing on it in elegant calligraphy mounted on framing board and this is what it said, “Neither the words of a deed, nor the lines and figures of a plan can absolutely speak for themselves. They must in some way or other be applied to the ground.” A famous quote from a law case we studied in your course. You sold me the very first one and as I look at it now it still has written on the bottom left-hand corner, “DW Lambden, 31/10/89”.

Over these last 25 years this framed piece of writing has never been very far from my sight. It survived already one flood with nothing worse than water stains and now really shows its age. From the beginning it has always really said to me, “Neither the thoughts in your head nor the ideas and theories in your mind can absolutely speak for themselves. They must in some way or other be logically applied to paper.”



There were and are probably as many opinions of you as there were students in your class over the years. Some that I remember were that you were an arrogant, know it all, SOB. All of them fitting. Over a dozen years ago I made a special trip up to see you in Fergus, Ontario and we had a nice visit together and we enjoyed a beer at the local pub. You said to me then that you were always saddened that I did not go on to become a surveyor and an OLS and that you thought I would have made a very good one. The real irony in that statement is that in fact I have gone on to

make a living with this profession, on the electronics side of it...my first real love and the career my late father led all his life.

Thank you for making a difference in my life that has paid off for me more than any way I could ever repay, but every day I try to pay it forward. From scolding my kids for their sloppy texts they send to me to poorly written and lazy emails we all have to contend with today, you taught me the importance of doing it right. Or, perhaps I should say "doing it write!" 

## NEWS FROM 1043

### Changes to the Register

#### MEMBERS DECEASED

Howard M. Gibson	1107	Dec. 24, 2013
David Sweezey	866	Feb. 24, 2014
Stefan Eperjesi	1470	May 17, 2014

#### MEMBERS REINSTATED

Allard V. Flim	1790	April 1, 2014
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#### RETIREMENTS/RESIGNATIONS

Lois R. Boynton	CR116	Jan. 1, 2014
Paul J. Benedict	1800	Jan. 1, 2014
John P. Nouwens	1497	Apr. 24, 2014
John H.M. Farstad	1743	June 3, 2014

#### COFA'S RELINQUISHED

R.D. Tomlinson Ltd. King City		Jan. 20, 2014
J. Halsall Hydrographic Surveys Richmond Hill		Feb. 19, 2014

#### COFA'S REVISED

Was: Delph & Jenkins Limited  
Is: Delph & Jenkins North Ltd., Aurora, June 10, 2014

### Surveyors in Transit

**Brian Maloney** has not retired his licence and is now with ODCC.

**Hugh S. Coutts** and the records of **Coutts and Flim Surveying Inc.** are now with **Ivan B. Wallace Ontario Land Surveyor Ltd.** in Bowmanville.

**David R. Watt** is now with **GM Blue Plan Engineering**, 75 International Blvd., Suite 304, Toronto, ON, M9W 6L9, Phone: 416-703-0667.

**Daniel B. Robinson** is now with **Farley Smith & Denis Ltd.** in Ottawa.

**Charles T. Strongman** is no longer with **C.T. Strongman Surveying Ltd.**

**Dearden and Stanton Limited** has acquired **C.T. Strongman Surveying Ltd.** and **Chester J. Stanton** is the managing O.L.S. The Midland office of **Dearden and Stanton Limited** is now a Consultation Office.

**Vineetha S. Rathnayake** is now with **Strabag Inc.**, 2200 Altona Road, Pickering, ON, L1V 2P9.

**John D'Amico** is now with **AECON**, 800 – 20 Carlson Court, Toronto, ON M9W 7K6, Phone: 705-795-2044.

**Hugh Goebelle** has moved his office to the **London Land Registry Office Building**, 100 Dundas Street, Ground Floor, London, ON, N6A 5B6. Phone: 519-675-7600, ext. 241, Fax: 519-675-7611.

**Frank B. Delph** is now a consultant at **Frank B. Delph, O.L.S.**, 21 Millmere Drive, Toronto, ON, M1G 2A9. Phone: 416-439-0212.

**D. Culbert Ltd.** is now located at 50 North Street, Goderich, ON, N7A 2T4. Phone: 519-524-5321, Fax: 519-524-5780.

**Ganesh Sundar** is now with **Hopkins, Cormier & Chitty Surveying Consultants Inc.**, 634-636 Norris Court, Kingston, ON, K7P 2R9. Phone: 613-384-9266.

**Mart Himma** is no longer with **MMM Geomatics Limited.**

### THE AOLS IS PLEASED TO ANNOUNCE THAT A NEW ONTARIO LAND SURVEYOR WAS SWORN IN:

Dacian Nicolae Popa

1973

June 12, 2014

## Sites to See

<http://www.craymer.com>

### Mike Craymer's On-Line Geodesy Resources

Michael R. Craymer, PhD is the Coordinator, Reference Frames & Earth Dynamics, Geodetic Survey Division, Natural Resources Canada. This website features Mike's personal collection of geodesy and geodesy-related resources on the Internet.



# EDUCATIONAL FOUNDATION

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## EDUCATIONAL FOUNDATION NEWS

### Congratulations to our Spring 2014 Award Winners and Additional 2013 Award Winners

**Loyalist College (2014)** - **Andrew Belanger** received the Eastern Regional Group Award, which is co-sponsored by the Eastern Regional Group. This award is presented to a graduating student for scholastic achievement and leadership in the Survey Technician Program.

**Fleming College (2014)** - **Aaron Mulcaster** was the recipient of the GIS Award, which is presented to the student in the GIS Applications Specialist Program who exemplifies leadership in project management. **Yaoyi Mi** received the Kawartha-Haliburton Surveyors Scholastic Award which is presented to a student in the GIS Applications Specialist Certificate program who attended Survey Camp and exemplifies leadership in the participation of assignments, and prepared exemplary field notes. It is in honour of Bruce Pettit, OLS, a long-time professor in the Geomatics program at Fleming College.

**York University (2013)** - An awards ceremony was held at York

University on May 14 to recognize all of the 2013 Geomatics Engineering award winners. **Benjamin Brunson** and **Peter Dunsworth** were the recipients of the First Year Entrance Awards. **Haw Hye Kim** received recognition for the Highest GPA in 1<sup>st</sup> and 2<sup>nd</sup> year; **Alec Mantha** and **Dennis Sherman** for the Highest GPA in 3<sup>rd</sup> year and **Dennis Sherman** was the recipient for the second time of the Hubert. J. Reinthaler Award, which is presented to a well-rounded student with a combination of high academic performance and evident characteristics of enthusiasm, leadership and professionalism. **Ayodele Dada** and **Fariya Farhad** were the top two students in ENG 4170 (Survey Law II). **Kevin Majcher** received the David W. Lambden Award, which is sponsored by the South Central Regional Group, for finishing with the top mark in ENG 4160 (Survey Law I) and **Scott Dalziel** and **Sam Sarraf** tied for second place.

**University of Waterloo (2013)** - Awards were presented to **Jonathan Van Dusen** and **Zhong Yao Lin** for their academic excellence in the Geodesy (Geog 310) course in the Geomatics program, Faculty of Environment.

The AOLS Educational Foundation is dedicated to *Investing in the Future* of our profession.

# BOOK REVIEWS



Published by McGill-Queen's  
University Press  
ISBN 978-0-7735-4208-2

## Before Ontario The Archaeology of a Province

Edited by Marit K. Munson and Susan M. Jamieson

**B**efore Ontario there was ice. As the last Ice Age came to an end, land began to emerge from the melting glaciers. With time, plants and animals moved into the new landscape and people followed. For almost 15,000 years, the land that is now Ontario has provided a home for their descendants: hundreds of generations of First Peoples.

With contributions from the province's leading archaeologists, *Before Ontario* provides both an

outline of Ontario's ancient past and an accessible explanation of how archaeology works. The authors show how archaeologists are able to study items as diverse as fish bones, flakes of stone, and stains in the soil to reconstruct the events and places of a distant past – fishing parties, long-distance trade, and houses built to withstand frigid winters.

*Information taken from the back cover.*

## The Land Between Encounters on the Edge of The Canadian Shield

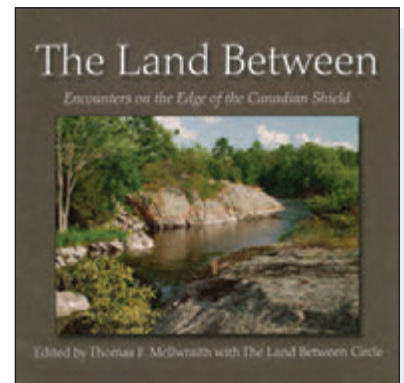
Edited by Thomas F. McIlwraith with The Land Between Circle

**T**he Land Between is one of Canada's undiscovered ecotones – a complex irregularly shaped strip of land 240 kilometres long and 20-40 kilometres wide that stretches from Georgian Bay in the west to the outskirts of the Frontenac Arch in eastern Ontario. Here you will find some of the highest biodiversity in Ontario as the region marks the most southern range for a host of animals such as moose, wolf, and river otter, and the most northern range for such animals as the chorus frog, eastern

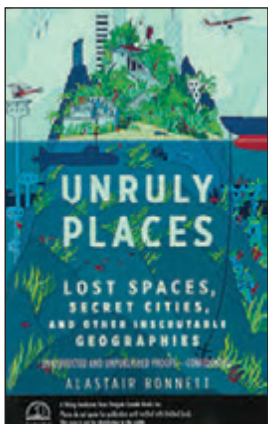
cottontail, and big brown bat.

The historic relationships and present-day culture are a result of the area's uniqueness. First Nations have honoured this area as a medicine place, meeting area, and a travel corridor from time immemorial. Today, visitors and residents express their relationships through interdependent trade and economies that keep communities alive.

*Information taken from inside the front cover.*



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## Unruly Places Lost Spaces, Secret Cities, and Other Inscrutable Geographies

By Alastair Bonnett

**A**lastair Bonnett's tour of the world's most unlikely micro-nations, moving villages, secret cities, and no man's lands shows us the modern world from surprising new vantage points, and is bound to inspire urban explorers, off-the-beaten-trail wanderers, and armchair travelers. He connects what we see on maps to what's happening in the world by looking at the places that are hardest to pin down: inaccessible zones, improvised settlements, and multiple cities sharing the same place.

Consider Hoby, a real-life pirate capital on the coast of the Indian Ocean, or Sealand, an aban-

doned gun platform off the English coast that a British citizen claimed as his own sovereign nation, issuing passports and making his wife a princess. Or Sandy Island, which appeared on maps well into 2012, despite the fact that it never existed.

Illustrated with original maps and drawings, *Unruly Places* gives readers a new way of understanding the places we occupy. It's a stunning testament to how mysterious the world remains today.

*Information taken from the back cover.*



# The Last Word

## Celebrating Samuel Johannes Holland – The Father of Canadian Surveying

*Plans to mark the 250th anniversary of Samuel Holland's survey of P.E.I.*

“Samuel Holland’s meticulous survey work shaped the settlement patterns of large regions of Canada. Born in the Netherlands, he undertook strategic surveys for the British military in North America during the Seven Years War. He was appointed Surveyor General of northeastern North America in 1764 and member of the Legislative Council of Quebec in 1779. His high standards contributed greatly to the development of surveying and cartography in Canada.

From a location he named Observation Cove, with the help of Deputy Surveyor Thomas Wright, engineers, volunteers and soldiers from Fort Amherst/Fort-la-Joye, Holland set out to complete the survey of P.E.I., enduring harsh conditions through the winter of 1764-65. He divided the Island into a system of counties, lots, parishes and town sites — much of which is still present today.” <http://www.pc.gc.ca>

As reported in the Prince Edward Island Guardian, starting in the summer of 2014 and continuing into 2015, there will be a series of commemorative activities pertaining to the first Surveyor General of British North America who, as a warm up



Samuel Holland Map – 1775 Thomas Jeffreys

to beginning the enormous task of surveying all of the British territory north of the Potomac River, started by surveying what was then known as St. John’s Island. The strong connection between Holland and his surveying team and the Mi’kmaq and the Acadians will also be highlighted. Information on some of the events can be found on the Tryon & Area Historical Society website: <http://tryonareahistoricalsociety.com>.

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