

Ontario Professional Surveyor



on the cover ...

**Sergeant-at-Arms,
Sophie-Rose Côté
(Emily Murphy)
presided over the
127th AGM in
Toronto, Ontario**

also in this issue ...

**127th AGM Photos
The Transparency Movement: AOLS Joins Other
Regulators in Making More Information Public
Eastern Regional Group Joins with Chipman Clan to
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ONTARIO PROFESSIONAL SURVEYOR



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ON THE COVER ...

Sergeant-at-Arms, Sophie-Rose Côté chose to portray Canadian women's rights activist and suffragist, Emily Ferguson Murphy (1868-1933). See the article about Emily Murphy in The Last Word on page 36.

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President's Page

By Al Jeraj, O.L.S.



At this year's Annual General Meeting (AGM), I was sworn in as the 128th President of our incredible Association! There are a few moments that are etched in one's memory and the swearing in ceremony at the President's Gala on the evening of February 28th will certainly be one of them for me. I would like to thank our Past President Dan Dzaldov for his leadership, support, guidance and above all, his friendship. I would also like to thank Blain Martin for his incredible service to our Association over the last 9 years and wish him all the best as he enters retirement and starts a new chapter in his life. I am extremely grateful to the membership for entrusting me with the Chain of Office to lead this Association over the next year to new heights and directions. Each one of you has the ability to play an integral role in defining our Association's future. I welcome your thoughts and ideas to help us move forward as we continue on our ever changing journey to better our Association.

"Change is the only constant in life" – Heraclitus of Ephesus.

Everyone experiences change in his or her own way. Sometimes change is embraced, other times we resist it. How you choose to deal with change depends a great deal on what the change is and your attitude towards it. Our AGM reminded us that our Association is changing in many ways. I will highlight some of these in this article. As you read on, think about how you will face these changes. I, for one, see these changes as opportunities for positive growth for our Association.

The first change I would like to highlight is that of our senior staff at the office. As all of you know, we have had three recent hires: Tom Packowski, Manager of the Survey Review Department, Kevin Wahba, Registrar and Brian Maloney, Executive Director. They all bring their own unique perspectives, valuable experience and ideas to their respective roles while sharing a common goal which is to serve and better our Association. I know that all three candidates are well suited for their roles and will build on the success of their predecessors.

This year, we are aiming to develop a new five-year strategic plan. The strategic plan sets the long term vision and objectives for our Association. We have selected an incredible 'strategic' team to develop the plan and I feel

confident that our Association will benefit tremendously from completing this task.

At our AGM, the membership voted in favour of amending Bylaw 2004-02 to allow our Transparency Policy to take effect. Our Policy represents a significant change in how the Association disseminates information to our members and to the public. It brings us in line with the practice of many other self-governing Associations and by adopting this change, it elevates the level of trust we can offer to the public.

The way in which education is offered to students is another change that is on the horizon. Many are aware that the Canadian Board of Examiners for Professional Surveyors (CBEPS) is leading an initiative to create an online national surveying program. They are partnering with many institutions and have the strong support of our sister Associations across the country to bring this exciting idea to fruition. I welcome this change as it tears down many barriers for those who want to pursue a career in surveying but do not have the access to complete the educational requirements, which is the first step towards getting licensed. Imagine taking an online course offered by the Lassonde School of Engineering from British Columbia, or taking a course at UNB while working a full time job in Manitoba. The potential benefits that this change can have on the surveying profession across the country are profound!

Just as the landscape for education will potentially change, the composition of our membership has changed. For many years, we experienced a decline in our membership. However, for the first time in recent years, we are seeing a slight upward trend. This is a great change as it highlights the incredible efforts by our committees to raise our profile to the general public. In addition, we may see even more members join our ranks if James Ferguson's task force is successful in its initiative to attract C of R members back into the fold and have all five branches of surveying under one licence. This could be our last chance to make some strides on this issue.

The Fee for Field Notes Task Force is working to define what constitutes a 'reasonable' fee for field notes. While this task force still has much to do, its work may signify a change to the way field notes are currently exchanged between survey firms. Surveyors are entrusted to protect the public's interest and the cost of field notes cannot be

cont'd on page 4

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Executive Director's Notes

By Brian Maloney



As I am writing this article, I am just about to complete four weeks with the AOLS, with about a week in my position as Executive Director. I am enjoying the pace and the challenges but have lots to learn yet. Blain has been excellent at helping get me up to speed and is making this transition easy. I am going to miss him when the training wheels come off in another week.

Since my time here, I have been able to see the dedication and competence of the staff of the AOLS. They too are making this transition easy and I know I am going to enjoy working with them. There are still many issues for us to consider as self-governing professionals and our President, Al Jeraj, has outlined many of these in his President's Page in this issue. We are currently planning another strategic planning event in May to help us set the course for the next several years. President Al and I are committed to doing our best with this endeavour. It is crucial that we get this right

so that we can focus our limited resources to achieve the most for the public and our members in our evolving society.

As noted in my In Sight article on March 15, which is available on the AOLS website, one of our major strengths is our dedicated volunteers. I will be providing some tools to help members understand the opportunities that are available to them and to help them register their interests.

Lastly, we are moving forward with rebuilding our website that is long overdue for an upgrade. This will be a new build that we hope will serve our members and the public much better than the current site. We expect it to be a corner stone for storing and discovering our professional information.

I look forward to meeting with many of you over the coming year and am eager to hear your ideas to help improve our great profession.



President's Page (cont'd from page 2)

perceived as a barrier to research. It is a serious matter that needs to be addressed by our Association in a thoughtful and careful manner, and that is fair to the membership.

Determining the cost of field notes is one thing, but trying to find them is another. Implementation of the Provincial Survey Records Index (PSRI) would work towards solving this issue. Gone are the days when surveyors carved out their territory, set up shop and for the most part, only surveyed in that area. It is now common for surveyors to accept work all around the province and survey in areas that they typically do not work in. The PSRI (assuming everyone participates) would provide a clear picture of who has worked where and when the work was completed. This leads to better research, which leads to better decisions, and ultimately leads to greater public protection. While Council and the PSRI Task Force realize there are challenges associated with uploading one's records to the database, we are hopeful that the membership views this as a necessary change and

works with the Task Force to overcome any obstacles.

The recent update to the Policy on Sketches has changed the way many of our members offer products to their clients. As I have mentioned before, a significant amount of time was spent by the Professional Standards Committee and by Council deliberating on the content of the Policy before it was released. For those who resist this change, I encourage you to face it with an open mind and give it a chance. I can assure you that Council will monitor the effectiveness of this Policy.

I am extremely excited about the changes we will face together. There are many more changes that await us this year, but I need to save some material for my next article! I am thrilled to be a part of this great Association and lead the charge as we continue on our journey together. At the same time, I am humbled that the members have allowed me to stand as President and I consider it an honour to serve the membership. Our Association has incredibly engaged members, a dedicated team at 1043 McNicoll and a strong Council - all of which makes me proud to represent Ontario across the country.



Sites to See

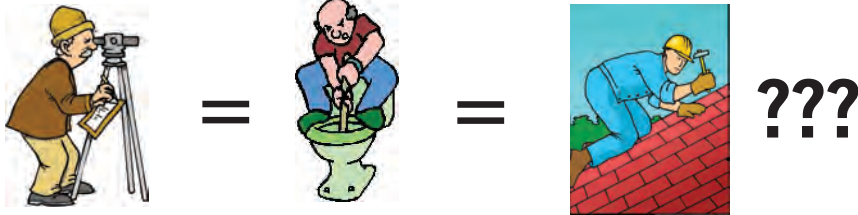
New Rules for Drones in Canada

<https://www.tc.gc.ca/en/services/aviation/drone-safety/new-rules-drones.html>

On January 9, 2019, **Transport Canada** published new rules that will come into effect on June 1, 2019 for flying Remotely Piloted Aircraft Systems (RPAS) or "drones" that;

- Weigh 250 grams (g) up to and including 25 kilograms (kg), and
- Are operated within the drone pilot's visual-line-of-sight

Until the new rules come into effect on June 1st, the current rules still apply.



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The Transparency Movement: AOLS Joins Other Regulators in Making More Information Public



By Richard Steinecke

Beth Ann hires a surveyor for a property she proposes to purchase. After the purchase Beth Ann discovers that errors in Ben's (the OLS) plan of survey are going to prevent her from using the property as intended. Needless to say, Beth Ann is upset. However, when she learns from some of Ben's colleagues that this is the fourth complaint of a similar nature against Ben, but that none of them have been made public, she is livid. Her next stop is her MLA, the Minister, the Toronto Star and social media. How does this play out?

A number of regulators have experienced this situation. In 2013, the Toronto Star published an article titled: "Doctors, dentists, pharmacists: The mistakes you can't know about" by Kenyon Wallace. A number of serious complaints, such as missed diagnoses, medical errors and rude behaviour were kept secret by the regulators of health professionals. As a result the Minister of Health and Long-Term Care insisted that the regulators change their by-laws to make more information public. They did, however, the Minister was not satisfied and amended the legislation in 2017 to require that information about serious complaints and discipline matters be made public.

In 2014, the Toronto Star published a series of articles about how the regulator for lawyers, the Law Society of Ontario, rarely reported apparently criminal behaviour (e.g., theft of trust funds, fraud) to the police. As a result the Law Society amended its policies on the matter.

The Professional Engineers of Ontario have done a systemic review of the kinds of information it has about its members and have developed policies making much of it open to the public.

Last year in May the Toronto Star did another series titled: "Bad Doctors Who Cross the Border can Hide their Dirty Secrets. We Dug them Up." The series identified information that was publicly available with some U.S. medical regulators, but that was considered confidential in Canada. More recently, the California medical regulator has rolled out an app that enables members of the public to automatically receive updates about their physicians, including their discipline history.

These events have reflected societal expectations that regulators of professions ought to make more information public about their activities and concerns about members. At the most recent Annual General Meeting, the

Association decided to take some steps down the road of transparency and openness.

In a Nutshell, what is the Proposal?

The Council of the Association proposed a policy that will set out, in a consistent way, the types of information about its activities and about members that will be made public. Some of this information is already public. However, it is still useful to have all the information in one place. The policy will also allow members and others to know what to expect.

What Information will be disclosed under the Policy?

There are two categories of information that will be made public. The first category is general information about the regulatory activities of the Association that does not identify individuals:

1. statistical information related to complaints and investigations including their nature and outcomes;
2. non-identifying educational information about specific complaints including their nature and outcomes and the reasons for the decision made;
3. periodic summaries of the Association's general financial situation; discipline expenditures; Council special funding; and
4. scheduling of upcoming Council meetings and a summary of the highlights of completed Council meetings.

However, some identifiable information about members and others (e.g., those engaging in unauthorized practice or use of titles) is necessary to enable the public to make informed choices. This includes the following:

5. information relating to upcoming discipline hearings including the identity and practice location of the member, the nature of the allegations, and the status and scheduling of the hearing;

6. disciplinary decisions and reasons;
7. the branch of professional surveying, registration status and date of registration of members; and
8. notification of significant legal proceedings, as decided by Council, brought against or by the Association before a court or a tribunal.

Why are Regulators Providing More Information About Themselves and About Practitioners?

There are a number of reasons why professional regulators are disclosing more information about themselves and their members to the public:

Accountability. Regulators are created by statute to protect the public interest. They collect and spend monies collected from their members. Since Ontario continues to regulate professions using a “self-regulation” model, there sometimes are misgivings as to whether the regulator is protecting their members rather than the public. Therefore regulators should openly demonstrate that they are achieving their public interest mandate (and using members’ money wisely).

Public Confidence. Related to the accountability rationale, regulators have been struggling to maintain public confidence. Secrecy excites suspicion. The public, including members, distrust regulatory bodies if there is a lack of openness. Having a “nothing to hide” approach to public access to information helps instill public confidence.

Improved Decision Making. As a general proposition, organizations make better decisions if they know that those decisions will be scrutinized. Knowing that a decision will be evaluated by the government, the media, the broader public and the profession helps ensure that the concerns of those stakeholders are taken into account. Greater openness is likely to result in more considered decisions.

Fostering Choice. Consumers and employers often feel they have insufficient information to select competent and ethical practitioners, especially when the profession has specialized knowledge that the consumer or employer may not possess. Providing objective and reliable information about individual practitioners can help the public make an informed choice. Members of the public who are harmed by their practitioner and then find out that the regulator knew of problems but did not disclose them are legitimately upset.

Remaining Relevant. The public and policy makers are constantly re-evaluating the necessity of maintaining the burden and experiencing the higher prices that flow from professional regulation.¹ Other models emphasize “right touch” regulation where consumers are empowered to make informed choices for less risky professions.² Many consumers use social media and the internet (e.g., RateMDs) to obtain information about practitioners rather than going to a regulator’s website. To remain relevant as a source of information the public has to see the regulator as the best source of reliable and comprehensive information.

Consistency with other Regulators. Most other regulators provide more information about their activities and

about members than does the Association. While not every regulator has to be the same, such differences in approach raise questions. Unless the Association has clear responses to those questions, it should consider providing more information about itself and its members.

Proactive rather than Reactive Role. Some regulators have found out the hard way that, where change is coming, it is better to be leading change than having the government impose change upon them. Leading the discussion enables the Association to have a larger say in the shape of the transparency modifications that will likely occur anyway. Also, being proactive enhances the reputation of the Association as a progressive and thoughtful regulator.

How Did the Association Come Up with this Policy?

Council identified a need to review this issue and established a task force. The Transparency Task Force is made up of members from Council, the Complaints Committee and the Standards Committee and has spent considerable time considering the rationales and options for enhanced transparency by the Association. Additionally, it received expert legal advice. The Task Force proposed that the Association update its privacy policy and amend its by-laws to provide a reasonable amount of additional information to the public. Council approved the recommendations and directed that they be presented to the members at the Annual General Meeting following a presentation by the Association’s consultant. The members approved the proposed changes.

The Association plans to monitor the impact of these changes and will consider whether any additional changes should be made to the policy.

How Will Information be Made Available to the Profession and the Public?

Information that is available to the public may be provided in an appropriate manner.

For example, a prosecution of an unlicensed person for illegal practice of the profession might require broad dissemination to warn the public (including an ad in the local newspaper). Information about the financial affairs of the Association might be disseminated in an email to all members and in a posting on the Association’s website. An upcoming discipline hearing might be posted on the Association’s website and at the entrance way of the Association’s building on the day of the hearing. It all depends on the circumstances.



Richard Steinecke is a lawyer with over 35 years of experience in professional regulation advising scores of professional regulators. In 2015, he received the Regulatory Excellence award from the Council on Licensure, Enforcement and Regulation (CLEAR). Richard is counsel to Steinecke Maciura LeBlanc. He can be reached by email at rsteinecke@sml-law.com

¹ See, for example: <http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/02523.html>; <https://clear.blogs.com/clear/deregulation-proposals/>.

² See, for example: <https://www.professionalstandards.org.uk/what-we-do/improving-regulation/right-touch-regulation>.

To Suspend or Not to Suspend? The Use of Interim Suspension Motions by Professional Regulatory Bodies

By Jasmeet Kala, with contribution from Alana Spira

Many professional regulators throughout the Province of Ontario consider whether they can or should bring interim or interlocutory motions to suspend members during the investigation phase of a complaints process, or at any other time prior to a disciplinary hearing.

Typically, professional regulators with the authority to bring interim or interlocutory suspension motions against their members will do so in situations where they have reasonable grounds to believe that there may be a risk of harm to the public if the members continue to practice as licensed professionals, pending the continued investigation into, or a hearing of the complaint(s) against them. Certain professional regulators also bring interim suspension motions in circumstances where their members' actions threaten the reputation of the profession. This article will focus specifically on interim suspension motions brought for the purpose of protecting the public.

Tribunals of the professional regulators who hear these suspension motions must carefully consider all of the facts and evidence before them, including members' arguments against the imposition of interim suspensions on their licenses or certificates, as well as whether alternative restrictions are more appropriate than suspensions.

In what circumstances can an interim suspension order be granted?

The starting place for professional regulatory bodies in this context is to first determine whether their governing statutes and/or by-laws permit the granting of interlocutory or interim suspensions. For example, the *Law Society Act*¹ which governs the Law Society of Ontario (the "Law Society") contains a provision whereby its Hearing Division may make an interlocutory order to suspend a member's license where there are reasonable grounds for believing that there is a significant risk of harm to the public.² The Rules of Practice and Procedure of the Law Society's Tribunal Hearing Division also contain provisions related to the Discipline Committee's authority to hear and conduct interim suspension motions³.

Another example of a professional regulator's authority to impose interim suspensions is found in the statute which governs professional health regulatory colleges in Ontario,

entitled the *Regulated Health Professions Act* (the "RHPA")⁴. The RHPA's Health Professions Procedural Code provides the Inquiries, Complaints and Reports Committee (the "ICRC") of a given health regulatory college with the authority to make an interim order directing a Registrar to suspend a member's certificate of registration after receiving a complaint against the member, if the ICRC is of the opinion that the member exposes or is likely to expose the member's patients to harm or injury.⁵

Some professional regulatory bodies in Ontario, including the Association of Ontario Land Surveyors, do not have provisions within their governing statutes or by-laws which provide them with the authority to bring interim suspension motions. Nonetheless, these regulatory bodies may choose or seek to consider amendments to their existing statutes and/or their by-laws to provide them with the authority to do so, particularly in light of concerns regarding public protection.

If a member challenges the suspension motion, the member as well as the professional regulator will be given the opportunity to make their respective cases on why a suspension of the member's certificate or licence should or should not be imposed while an investigation or other aspect of the complaints process is continuing, or a hearing is pending.

When will an interim motion to suspend a member be successful?

A tribunal or panel of a professional regulator that is tasked with deciding a motion to suspend a member on an interim basis for the protection of the public will typically have to determine whether there are "reasonable grounds to believe" that there is a significant risk of harm to the public if the member is not suspended.⁶ This prompts one to ask, what are "reasonable grounds"? As set out often in the jurisprudence and echoed in decisions of professional regulators, reasonable grounds exist when there is an objective basis for the risk of harm, which is based on compelling, as well as credible information. Furthermore, the standard of "reasonable grounds to believe" means something more than mere suspicion.⁷ Therefore, a tribunal will consider the strength of the evidence supporting the allegations against the member, and that the risk of harm is not based on spec-

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ulation. This does not mean however, that the tribunal requires the same level of proof it would to make a determination on whether a member committed professional misconduct. For example, a tribunal conducting a hearing into the allegations of professional misconduct against a member would need to make a determination on a balance of probabilities and would require clear and convincing proof based on the evidence to make a finding of professional misconduct. A tribunal hearing an interim motion for suspension of a member's licence/certificate however, would require a lower standard of proof in determining whether there are reasonable grounds to believe that there is a significant risk of harm to the public, based on an objective review of the evidence.⁸

The tribunal will also take into consideration whether a member's explanation reduces or heightens the concerns with respect to the allegations made against the member.⁹ Additionally, an order for an interim suspension can be seen as necessary where lesser restrictions, such as conditions or restrictions imposed on a member's licence/certificate, have been ineffective or where there is evidence that a member's integrity is being called into question.¹⁰

In the *Law Society of Upper Canada v. Ejidike*¹¹, the Law Society brought an interlocutory motion to suspend a member on the basis of two investigations related to serious allegations against the member. The member faced complaints that she double and triple billed Legal Aid clients. She also faced a separate complaint that she misled the Court when attempting unsuccessfully to adjourn a trial on behalf of a client and then trying to remove herself as the lawyer of record. The Hearing Division of the Law Society concluded that there were reasonable grounds to believe that there was a serious risk of harm to the public based on the strong evidence of the member's misconduct and the fact that the member's integrity and trustworthiness were impeached by the evidence. The Hearing Division also commented that it was important for the Law Society to ensure that the continued investigations into the allegations against the member were done promptly, taking into account the impact on the member's ability to earn a livelihood pending the completion of the investigation. In this regard, the Hearing Division also ordered that the member could, after five months of suspension and by way of a motion, require the Law Society to show the necessity that the suspension order continue. Notably, the member was unsuccessful in her appeal of the decision of the Hearing Division.

When might an interim motion to suspend a member be unsuccessful?

An appeals tribunal or a reviewing Court may overturn a tribunal's decision to order an interim suspension on an appeal if there was insufficient evidence to demonstrate that there was a risk of harm to the public, or if the reasons given by the tribunal were inadequate.

In *Rohringer v. Royal College of Dental Surgeons of Ontario*¹², the ICRC of the Royal College of Dental Surgeons of Ontario (the "College") sought to order an interim suspension of one of its members, after the member was criminally charged with indecent exposure and trespass in Florida, USA. The investigator for the College had written to the member's lawyer that the ICRC intended to make an interim order suspending the member's licence and invited the member to make responding submissions, failing which, a final interim order for suspension of the member would be made by ICRC. The member's lawyer misunderstood the exact deadline to respond and the ICRC proceeded to order an interim suspension against the member in absence of any submissions from him. The ICRC later considered the member's response which it received after the interim suspension was ordered. It also considered an expert's evidence which stated that the member had a diagnosed problem with exhibitionism. The expert had also noted that while exhibitionism could cause harm, the expert did not see the member posing a risk of harm to his patients. After its review of the member's submissions and expert evidence, the ICRC released an Affirming Decision which upheld its order to suspend the member.

The member appealed the ICRC's decision to the Divisional Court. The Divisional Court found there was insufficient evidence to demonstrate that the member was likely to expose patients to harm or injury. The Divisional Court referenced the expert report which indicated that the member did not pose a risk to patients and noted that the ICRC failed to address this adequately in its decision. The Divisional Court also took into account that the member had no prior discipline history and that the majority of his co-workers did not indicate a real concern regarding the member's conduct at the workplace or with patients. The Divisional Court concluded that the ICRC had also not considered whether a less restrictive order was possible to address any concerns with respect to protection of the public. As a result, the Divisional Court quashed the order of the ICRC and awarded costs to the member.

Concluding thoughts

There are key considerations for professional regulators with respect to bringing interim suspension motions against their members. Professional regulators ought to carefully determine whether there are reasonable grounds to believe there is a risk of harm to the public which can be substantiated by the evidence and whether less restrictive measures other than a suspension can be imposed on a member. Despite the challenges that professional regulators may face in determining whether to pursue interim motions to suspend their members, the ability to do so certainly provides them with yet another tool to fulfill their primary mandate of protecting the public.

*Please note that the content of this article is provided for informational purposes only and does not contain any legal advice.



Jasmeet Kala is a lawyer at Keel Cottrelle LLP who engages in a diverse practice involving administrative law, including professional discipline, as well as civil litigation and employment law. She has acted as prosecution counsel for professional regulators and has assisted with developing training materials for Complaints, Discipline and Fitness to Practice Committees. Jasmeet has acted for clients at the appellate level, as well as the Ontario Superior Court of Justice (Civil) and the Commercial List. In addition to her legal practice, Jasmeet is a contributing author to Keel Cottrelle LLP's Professional Regulation Newsletter and is also a member of several professional law associations. Prior to attending law school, Jasmeet was a secondary

school teacher with the Peel Board of Education. She can be reached by email at jkala@keelcottrelle.ca

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¹ *Law Society Act*, R.S.O. 1990, c. L.8, s. 49.27 ("LSA").

² *LSA*, s. 49.27.

³ *Law Society Tribunal Hearing Division Rules of Practice and Procedure*, Rule 21.

⁴ *Regulated Health Professions Act*, 1991, S.O. 1991, c. 18 ("RHPA").

⁵ *RHPA*, Sch. 2, s. 25.4.

⁶ *Law Society of Upper Canada v. Nawab*, 2008 ONLSHP 66, at para. 18 ("Nawab").

⁷ *Mugesera v. Canada (Minister of Citizenship and Immigration)*, 2005 SCC 40 at para. 114;

Nawab at para. 21.

⁸ *Nawab* at paras. 16-18.

⁹ *Law Society of Upper Canada v. Moorsaleen Kaiyume Baksh*, 2010 ONLSAP 18 at para. 47.

¹⁰ *Law Society of Upper Canada v. Jack George McGee*, 2011 ONLSHP 70 at para. 39; *Law Society of Upper Canada v. Borkovich*, 2015 ONLSTH 36 at para. 25.

¹¹ *Law Society of Upper Canada v. Ejidike*, 2016 ONLSTH 69; aff'd *Law Society of Upper Canada v. Ejidike*, 2016 ONSLTA 18.

¹² *Rohringer v. Royal College of Dental Surgeons of Ontario*, 2017 ONSC 6656.

THE AOLS IS PLEASED TO ANNOUNCE THAT THE FOLLOWING ONTARIO LAND SURVEYORS WERE SWORN IN:

Aravinda Basnayaka	2046	January 22, 2019	Don Holstead	2049	January 22, 2019
Scott Dalziel	2047	January 22, 2019	Nicholas McFadzen	2050	January 22, 2019
Andrew Handspiker	2048	January 22, 2019	Leo Liu	2051	January 25, 2019

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EASTERN REGIONAL GROUP JOINS WITH CHIPMAN CLAN TO CELEBRATE A LEGEND – WILLIS CHIPMAN

By Brent Collett, O.L.S.

It all started when Donovan Gray contacted the AOLS office in March 2018. He stated that he was a descendant of Willis Chipman through his great grandfather, Willis's son Harry Chipman. He told of Harry going to what is now Zambia to gather butterfly samples for a museum, but then deciding to stay and marry an African woman, with whom he began to raise a family. Unfortunately, Harry was killed when he was gored by a water buffalo while protecting one of his young sons. This broke the connection to Canada for Harry's African descendants.

With so many unanswered questions, Donovan, who now calls Oklahoma home, decided to research his ancestors, which brought him to the AOLS website, where he discovered Willis Chipman's biography. He spoke with AOLS Administrative Assistant Joyce Tenefrancia who passed his contact information on to Blain Martin. Blain immediately contacted me so that it could be arranged for Donovan and me to meet in Brockville. From that meeting in May 2018 came the decision for the Eastern Regional Group to join in with the already planned Chipman family reunion to celebrate the legend of Willis Chipman.

The following was written as a summary of this event by Grant Lee for the AOLS In Sight newsletter on October 12, 2018.

"It was a milestone two-day event in Brockville when descendants of Willis Chipman, led by Donovan Gray, gathered to remember their ancestor and plan for a way to

preserve the Chipman legacy. Since Chipman was a founding member of the AOLS, the Eastern Regional Group (ERG) welcomed the historical interest of the "Chipman Clan" and joined with them in celebration.

Brent Collett arranged to combine an ERG meeting with the family reunion at the Brockville Country Club on October 5th. Many descendants were unfamiliar with Chipman's background as a founding member of the AOLS, Association of Professional Engineers of Ontario and the Engineering Institute of Canada. He founded Chipman and Power and the survey practice that Brent owns.

Families came from across North America, as well as Norway and Zambia. The reunion was highlighted by speeches and an entertaining presentation by *Charles Wilkins, author of Great Lengths, A Celebration of the Surveyors of Ontario*. History books were given to the descendants, and the ERG passed a motion to pay for an annual \$1,000 bursary to the University of New Brunswick in honour of Willis Chipman.

On October 6th, the Chipman Clan visited the offices of Collett Surveying Ltd. in the Chipman Centre to view artifacts including a stone monument, field notes, plans and photos.

As a side note to the main event, Consulting Engineers of Ontario awarded *McIntosh Perry*, one of Canada's leading consulting engineering and survey companies, the *2018 Willis Chipman Award* for the cleanup of the Deloro Mine.

The award is given to projects that best demonstrate the important contribution of consulting engineering and improving the economic, social and environmental quality of life in Ontario. A fitting celebration of the legacy of Chipman."

When I look at this photo, I only have special memories of the night.

You can also see our president Al Jeraj in the centre of the photo repre-



Members of the Chipman clan and the AOLS Eastern Regional Group.

senting the AOLS office as well as all the surveyors throughout the province. The head table at dinner consisted of: Charles Wilkins (a perfect guest speaker), Conal Cosgrove (Brockville City Manager), Martin Kaldeway and Ken Wiseman (retired local Surveyors with their spouses), Brent Collett (M.C. along with cohost spouse, Karen).

Blain Martin, who had been instrumental in connecting Donovan and me and had been a great supporter of the event, was not able to join us since it was the Friday of Thanksgiving weekend, and his cottage was calling. His presence was not only missed that evening, but in light of his recent retirement, Blain will be missed in the years to come.

I am the present owner of the survey company which was founded by Willis Chipman in 1881.

When I purchased the building at 51 King St. E. in downtown Brockville, I had this vision of honouring him in his hometown and named it the The Chipman Centre.



Above, Brent Collett and Donovan Gray in front of The Chipman Centre. On the right hand side of the photo is a fountain with two survey stone monuments with a tribute sign above it. Here is what the tribute says:

Willis Chipman was born October 1, 1855 in Elgin, Ontario. He went to grade school in Athens and graduated from McGill University in 1876. In November 1881, he commenced practice in Brockville as a Provincial Land Surveyor and a civil engineer. Chipman prepared the plan of Brockville, Compiled Plan 67, in 1883/84. In addition to his practice, he also served for several years as Chief Engineer for the Town of Brockville. Chipman realized the importance of survey records and acquired the field notes of many deceased surveyors. These field notes, as well as the survey

records of Chipman's practice, were passed along with the company over the years by his surveying successors including R. F. Mucklestone, M.H. Kaldeway and W.B Collett.

Chipman had a national reputation as an active and influential surveyor and engineer. His numerous accomplishments included the development of separate storm and sanitary water sewers in Canada, providing thousands of Canadians with safer sources of drinking water.

Willis Chipman was the driving force behind the founding of the Association of Ontario Land Surveyors and its incorporation in 1892. He was the first Secretary-Treasurer from 1886-1890, the Vice-President in 1895 and the President in 1895. He continued to work for the Association throughout his remaining years, being primarily responsible for the research and compilation of over 270 former surveyors' biographies.

Willis Chipman died January 3, 1929 and is buried in the family plot at the Old Brockville Cemetery in Brockville, Ontario.

Ken Wiseman (my articling surveyor), who turns 90 years old this year, was a mentor/second Dad to me. He was born the same year of Willis' death. Willis Chipman would have been 164 years old this year and is like a Great, Great Grandfather to me. I have the records of many surveyors, however, it was a particular honour to share Chipman's legacy with my fellow Surveyors and the Chipman Clan.



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Unionization in the Surveying Industry – Do you know how to protect your business?



By Michael G. Sherrard and Heather Raymond

The following article has been prepared from Michael G. Sherrard's portion of a presentation called "Positive Employee Relations & Remaining Union Free" which was given at the South Central Regional Group Winter Meeting in January.

Unions have a renewed interest in the practice of land surveying in Ontario. Union certification can happen extremely quickly and have an extraordinary impact on a business. Being unionized means an employer is required to negotiate with a union in respect of its employees' terms and conditions of employment, including, but not limited to, items such as wages, benefits, hours of work, overtime, layoffs and recall, etc.

This article considers how unions could impact the practice of land surveying in Ontario, outlines the union certification process, and offers practical tips on what an employer can, and cannot, do to respond to a union organizing campaign.

Unionization

Who can form a bargaining unit?

Ontario's *Labour Relations Act, 1995*, prohibits managers and licensed professional land surveyors from being included in a bargaining unit. A manager is someone who exercises managerial functions or, at a minimum has a significant role in decisions related to the economic well-being of other employees (i.e., hiring and firing, granting raises, promotions, scheduling, etc.). As a general rule, a "party chief" may be included in a bargaining unit, if their level of responsibility is restricted (i.e. they do not have the ability to hire and/or fire other workers). The exclusion for a licensed professional land surveyor refers to an Ontario Land Surveyor. All other employees engaged in land surveying may be included in a union's proposed bargaining unit.

Is a land surveyor in the construction industry?

As explained in greater detail below, different considerations and rules apply to the unionization of employees in the construction industry. Whether a group of employees is in the construction industry depends on the nature of the work they perform. The practice of land surveying does not fall neatly into either category (construction or non-construction).

An employee engaged in preparing a layout for a construction site may be considered part of the construction industry. However, an employee engaged in the preparation of a real property report may be considered part of the non-construction industry. As a result, a union's organizing campaign of employees engaged in land surveying may be subject to either set of rules, depending on the nature of the work performed by the employees in the proposed bargaining unit.

Union Certification Process

The *Labour Relations Act, 1995* provides two different processes for union certification: vote-based certification, which is available to all unions, and card-based certification, which is only available to unions with an established trade union practice in the construction industry ("construction industry unions").

Vote-Based Certification

A union may initiate the certification process by filing an application with the Ontario Labour Relations Board (OLRB) asking to be certified to represent an identified group of employees working for a particular employer. The union needs the support of only 40 per cent of employees to file the application.

An employer then has two business days to file its response to the application, including providing its view of which employees fall within the union's proposed bargaining unit, and deciding what legal positions the employer wishes to take on the issues raised in the application.

The OLRB will typically conduct a vote of the employee group five days after the application has been filed. The union will be certified if it receives the support of more than 50 per cent of the employees who vote. That means if a proposed bargaining unit is for 100 employees, only 10 employees vote, and six vote in favour of the union, the entire 100-employee group is unionized.

Card-Based Certification

A construction industry union can be certified without a vote if it files an application for certification with more than 55 per cent support of its proposed bargaining unit (except in rare cases where a vote must be held). If a construction industry union applies for certification with between 40 per cent and 55 per cent support of the proposed bargaining unit, the OLRB will conduct a vote. An application with less than 40 per cent support will be dismissed.

Similar to vote-based certification, an employer has two business days to file its response to a construction industry union's application.

Responding to a Union Campaign

Once an application for certification has been filed, an employer (construction and non-construction) has limited time and options. Addressing union organizing proactively, **before** an application is filed, can therefore be extremely valuable.

Many employers, and even legal counsel, misunderstand what an employer is and is not permitted to say and do during a union campaign. A common misunderstanding is that an employer must remain neutral. In Ontario, like most Canadian jurisdictions, an employer actually has a legislated, protected right of free speech that entitles it to express

its preference that employees not be unionized, provided it does so in a manner that is not coercive, intimidating or threatening. An employer can also point out the benefits of working in a non-unionized workplace and some of the negatives of being unionized (i.e. the requirement have union dues deducted from their paycheques).

It can be a mistake for an employer to refrain from exercising its right of free speech because, while some employees may be committed to a union, often a number are undecided. It is therefore critical that employees hear and understand management's perspective.

That said, employers must respect that the decision whether or not to join a union is to be made freely by the employees. If an employer unduly interferes with an employee's decision to join a union, the OLRB has broad authority to make a remedial award which could include ordering a vote or outright certifying the union *even where a majority of employees voted against the union*.

In light of the serious potential consequences of a response to an union's organizing campaign, an employer may want to consider proactive training of its management team so they are ready to respond to organizing, including knowing what they can and cannot say and do during a union campaign.

cont'd on page 16

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In addition, an employer may reduce the risk its employees might seek representation by a union by proactively implementing a plan to establish and maintain positive employee relations.

Under the *Labour Relations Act, 1995*, an employer, and anyone speaking on behalf on an employer (which can include a supervisor or other management employee), is prohibited from doing any of the following in relation to a union campaign:

- Threaten or intimidate employees, i.e., “if our workplace gets unionized, everyone will lose their jobs”.
- Interrogate employees about their interactions with union representatives or their opinions about unionization.
- Make promises to employees, i.e., “if you vote against unionization, you will get a promotion”.
- Spy on employees, including inquiring about employee attendance at union meetings.

Significantly, an employer may tell its employees it does not want to have a union, and explain how unionization may affect the terms and conditions of employment, as long as this does not engage in words or

deeds that amount to threat or intimidation.

Bottom line: Unionization can have a drastic effect on business; and happen almost overnight. Employers must therefore know their rights, understand the process of unionization, plan and execute proactively and work closely with labour counsel knowledgeable of and experienced with union organizing drives.



Michael G. Sherrard and Heather Raymond are lawyers with **Sherrard Kuzz LLP**, one of Canada’s leading employment and labour law firms, representing management. Michael and Heather can be reached at 416.603.0700 (Main), 416.420.0738 (24 Hour) or by visiting www.sherrardkuzz.com

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127th Annual G



Barry Pokroy, Clinical Psychologist, Organizational Behaviour and People Performance Expert, was Keynote Speaker I on Wednesday.



Tracey Adams, Professor and Chair of Sociology at the University of Western Ontario, delivered the Charge to the New Surveyors at the Convocation Lunch. A copy of her speech can be found on page 24.

The 127th Annual General Meeting was called to order as the Sergeant-at-Arms Sophie-Rose Côté laid down the Standard Measure, which historically was used to control the accuracy of surveys in Upper Canada.



Incoming President Al Jeraj (left) presented the Past President's gavel to Dan Dzaldov.

Members Commissioned in the Last Year

Front row from left:
Scott Dalziel,
Owen Healey,
Surendran Sukumarsath,
Kevin Haddad,
Shan Goonewardena

Middle row from left:
Leo Liu,
Donald Holstead,
Annie Fernandes,
Sofia Losyev,
Kate Sonier,
Andrew Musil,
Rocky Shanmugarajah,
Aravinda Basnayaka



In recognition of his many years of dedicated service as the AOLS Registrar, Bill Buck (left) was presented with the President's Award by Dan Dzaldov. Bill's family attended the President's Dinner and Dance for the special celebration of his retirement.



Eric Ansell, who was not able to attend, is the recipient of a Life Membership Award for his significant contribution to the Association and the surveying profession. It was presented by Dan Dzaldov (centre) and Trevor McNeil to Brian Maloney (left) who accepted it on Eric's behalf.

General Meeting



Robert Hawke, speaker, comedian and author, was Keynote Speaker II on Thursday.



Back row:
Michael Van Lankveld,
Piotr Banaszek,
Pawel Bienkowski,
Nicholas Muth,
Riley Chapple,
Bill Webb,
Nicholas McFadzen,
Ben Restivo,
Michael DeMarco,
Andrew Handspiker,
Jason Elliot
Missing from photo:
Jason Kelsall



Shawna Dzaldov (right) presented the AOLS medallion to Samra Hashim-Jeraj.



Bruce Baker was presented with a Fellowship Award for his substantial contribution to the surveying profession from Dan Dzaldov (far right). Joining in the presentation were (from left to right) Gavin Lawrence and Andrew Mantha.



Mike Power was presented with a Fellowship Award for his substantial contribution to the surveying profession from Dan Dzaldov (far right). Joining in the presentation was Brian Maloney (left).

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The Connectors Insurance Group represented by Leslie and Bob Morrow



iLOOKABOUT represented by Mike Power



Protect Your Boundaries represented by Maja Krcmar, Saša Krcmar and Tom Krcmar



The Welcoming Party; time to catch up with old friends and visit with the Exhibitors.



Thanks to (from left) Lena Kassabian, Penny Anderson and Julia Savitch who sold tickets for the Exhibitors' Draw at the Welcoming Party.



At the Convocation Lunch, many friends and family members came to celebrate our 24 new surveyors. In the forefront, the Chapple family.



The President's Dinner and Dance included a special celebration for Registrar Bill Buck who retired at the beginning of this year. Bill was joined by his wife Mary (to his right), their three children and two of their childrens' spouses. Al Worobec, in the forefront, also joined the family at their table.



Hockey at the Mattamy Centre! Sponsored by Pat Hills and Cansel

The 15th annual hockey game at the AGM was held this year in the hallowed halls of the former Maple Leaf Gardens. I was sure I spotted the ghosts of Turk Broda and Johnny Bower fighting over a bag of cheese straws in Loblaw's. It gave me goose bumps. Then we played; one hour of raucous shinny with friends, old and new. The locker room banter helped kill time on the yellow school bus as we made the 2.7 kilometre trip back to the hotel in a blistering 50 minutes. See you all next year! Pat Hills

Veterans' Dinner



Brian Maloney was the Master of Ceremonies at the Veterans' Dinner.



Front left: Peter Lamb, Harland Moffatt, Chester Stanton, Leslie Higginson, Colin Bogue
Back left: Bob Jordan, Paul Riddell, Adam Kasprzak, Robert Harris, Grant Bennett



Front left: Martha Burchat, Susan MacGregor, Maureen Mountjoy, Bob Mountjoy, Erich Rueb
Back left: Kim Husted, Andrew Smith, Al Roccaforte, Bruce Baker, Gary Auer, Gerald Hickson, Doug Jemmett, Normans Taurins



Front left: Andy Shelp, Ron Denis, Ron Dore, Jack Keat, Jack Monteith
Back left: Steve Gossling, Andrew Mantha, Paul Edward, Kirk Stidwill, Russ Hogan, Ron Jason, Ed Herweyer, Brian Maloney, Jim Statham



Front left: Brent England, Richard Emode, Helmut Grander, Doug Culbert
Back left: Bill Webster, Rodney Geyer, Ivan Wallace, Vladimir Krcmar



Front left: Norm Sutherland, Murray LeGris, Ted Williams, Lorraine Petzold, John Hiley
Back left: Richard Dixon, Doug Hunt, Paul Miller, Murray Shantz, Al Worobec, Bob Clipsham, Brent Collett, James Ferguson

NEWS FROM 1043

Changes to the Register

MEMBERS DECEASED

Andrew Kenneth Orr	1329	June 17, 2018
Ross Arnett	725	Jan. 5, 2019
David P.J. Schultz	1083	Jan. 5, 2019
Dan Cybulski	793	Jan. 8, 2019
Kenneth Amer	932	Jan. 9, 2019
Ernest William Kerr	1277	Jan. 21, 2019
Donald Yates	964	Jan. 24, 2019

RETIREMENTS/RESIGNATIONS

Marc Payette	1778	Jan. 1, 2019
Guy Fletcher	1992	Jan. 1, 2019
Roger Avis	1525	Jan. 1, 2019
S. Daniel McLeod	1741	Jan. 1, 2019
Lynn H. Patten	1410	Jan. 1, 2019
F. Dale Eplett	1764	Jan. 1, 2019
Andy Cameron	1314	Jan. 1, 2019
Francis Bowers	1565	Jan. 1, 2019
Robert Fulton	1676	Jan. 1, 2019
Robert Pearlman	2022	Jan. 1, 2019

REINSTATEMENTS

R. Dean Dunlop	1726	Jan. 1, 2019
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December 31, 2018
Rockland, ON

COFA APPROVED

JBF Surveyors
December 19, 2018
Lakefield, ON

Altimap Land Surveyors Inc.

January 2, 2019

Toronto, ON

Surveyors in Transit

Chris Musclow is now the managing OLS at **JBF Surveyors** located at POB 70 (44 Clementi Street), Lakefield, ON. K0L 2H0. Phone: 705-652-6198.

Guido Consoli is now the managing OLS at **Altimap Land Surveyors Inc.** located at Unit 83, 7181 Yonge Street, Toronto, ON, L3T 0C7. Phone: 647-668-6051.

Rob Leiper has moved to **Stantec Geomatics** in Victoria, B.C.

Simeon Mitrev is now with the **City of Mississauga**.

James Silburn is now with the **City of Mississauga**.

Juzer Noman is now with **Stantec Geomatics** in Markham, ON.

Rugged Geomatics Inc. in Timmins, ON is now a Consultation Office. **Michael Haines** is the OLS to contact and the business hours for the office are every second Tuesday of the month from 11 a.m. to 3 p.m.

Douglas F. Jordens is no longer with **TBT Surveyors Inc.**

David Green is now with **McIntosh Perry Surveying Inc.** in Perth, ON.

Peter Raikes is the managing OLS for **Eplett Worobec Raikes Surveying Ltd.** in Barrie and Midland.

Calendar of Events

May 1 to 2, 2019

BeSpatial'19 – URISA Ontario

Thornhill, Ontario

<https://bespatialontario.ca>

May 1 to 3, 2019

National Surveyors' Conference 2019

Halifax: Historic Gateway to Canada

Halifax, Nova Scotia

<https://www.acls-aatc.ca/national-surveyors-conference-2019>

May 3 to 5, 2019

GISTAM 2019

Heraklion, Crete-Greece

<http://www.gistam.org>

June 4 to 6, 2019

40th Canadian Symposium on Remote Sensing & Geomatics Atlantic 2019

Fredericton, New Brunswick

<https://crss-sct.ca/conferences/csrss-2019>

June 10 to 12, 2019

UAVg 2019

Unmanned Aerial Vehicles in Geomatics

Enschede, The Netherlands

<http://www.uav-g.com>

July 15 to 20, 2019

29th International Cartographic Conference

Tokyo, Japan

<http://icc2019.org>

EDUCATIONAL FOUNDATION NEWS

The AOLS Educational Foundation Henriette Verhoef Award

The **Henriette Verhoef Award** was established at the Lassonde School of Engineering, York University, in memory of Henriette Verhoef who passed away in 2017. Henri loved being a professional land surveyor and working outdoors. She was very committed to preserving the environment. She also had a very special connection with her colleagues in the surveying community; they were like a second family for her, offering support, friendship, mentorship and fun. This award recognizes a female student who embodies the supportive and community nature that Henri shared so much with her surveying family. The award is co-sponsored by the North Western Regional Group.

The first recipient of the Henriette Verhoef Award is **Victoria Donko**. She is a 3rd year student enrolled in the Geomatics Engineering program, who demonstrates good academic standing and a commitment to helping her fellow students and the community at the Lassonde School of Engineering.



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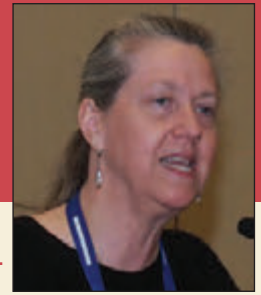
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Convocation Address Charge to the New Surveyors



By Tracey L. Adams

I was honoured to be invited to deliver this address. I have the utmost respect for land surveying, one of the earliest and noblest of all professions in Canada, and arguably one demanding the most diverse skill set. I feel privileged to be here at the Annual General Meeting, and especially fortunate to address a group of professionals about to embark on what I hope will be long, fulfilling, and meaningful careers.

Congratulations new surveyors! You have worked hard to get here, and this moment marks both a culmination of everything you have worked towards thus far, and a new beginning on the road towards what is yet to come. As you prepare to embark on your professional careers, I wanted to say a few words about professionalism. I have devoted decades to researching Canadian professions, and it has given me a sense of their importance, their challenges, their privileges and their responsibilities. I want to share some of what I have learned with you.

First, though, it is helpful to define the term *profession*.

Profession

Unfortunately, researchers cannot agree on a precise definition of ‘profession’. Still, it is generally accepted that professions differ from ordinary occupations partly through the depth of their skill and knowledge, but especially through their mandate to use that skill and knowledge in the public interest. This can entail considerable sacrifice on the part of professionals who sometimes put the needs of their profession or client ahead of their own.

I have had the privilege of reading about your profession’s history, and you yourselves may have heard of your forebears trekking across the Canadian wilderness, with nothing but the equipment and clothes they could carry, through dangerous and hazardous conditions, to complete their work. You may never need to endure such hardship, but the fact remains that professionals often make sacrifices, whether small or large, for clients and the public more generally. As professionals you are skilled, knowledgeable, and you are expected to exercise your skills to benefit others.

I’d like to take a moment to break this down a bit more and highlight three elements of professionalism that I believe are particularly significant.

Balancing Privileges and Responsibility.

Professions are an important mix of privileges and responsibility. As members of a profession you are privileged with the right to exercise your skills and take on the important, restricted work of land surveying. With these privileges comes the responsibility to ensure that you are

practising in the public interest. It is, of course, crucial to understand that these go hand in hand, and failure to protect the public interest could have negative implications both for individual practitioners, and the profession more broadly. Professional privileges can be taken away, if they are not exercised responsibly.

The Public Interest

It is commonplace, in the professional world, to argue that regulated professions must practice in the public interest. But what does that mean? What exactly the ‘public interest’ might be is not always easily discernable. Quality and accurate services seem to be at the centre. Public safety and well-being is as well. But increasingly, within professions, we are having difficult conversations about how best to balance cost, efficiency, and quality services, and what mix might be best to serve the public interest. I don’t think there are easy answers here, but having an awareness that the public interest is not *always* straightforward can be helpful, I believe.

When practising in the public interest, there are at least two additional aspects to consider. First is the understanding that the interests of the public and the interests of your clients *may or may not* be the same. There may be times when your clients ask you to do things that benefit them, that are not in the broader interest. While it is expected that professionals are providing services to clients responsibly and seek to fulfill clients’ needs, there may be times when you have to turn down a client’s request, if you feel it is not for the greater good.

Second, there may be a need to consider both the short-term and the long-term implications of what you do. This may be old news to land surveyors who, it appears to me as an outsider, may be frequently building on and relying on surveys and markers laid by their predecessors in the conduct of their work. Of course, the work you do is not simply for the present. It has an impact on the work and life experiences of others, potentially for generations to come. I think it behooves professionals to have that longer-term view, and to understand that what is done today, although it may be small, may have lasting implications for the future. Practising in the public interest, then, requires not just considering what is right for people ‘right now’, but what might be beneficial in the long run.

Professional Ethics

Professional practice is guided by codes of ethics. These codes help professionals make the link between the day-to-

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day realities of practice, and more lofty professional responsibilities to clients and the public. Daily challenges and the minutiae of doing the work can be meaningful and rewarding, but at times can also fill our minds to the point that we could lose the bigger picture.

To capture such experiences we commonly use phrases like, ‘getting lost in the weeds,’ or ‘not seeing the forest for the trees.’ (Given land surveyors’ superior navigation skills these outcomes may not happen to you literally.) Nonetheless, we all have times where we get so caught up in our day-to-day concerns that we lose perspective. Codes of ethics help us navigate the weeds, and find our way out. They remind us to keep the bigger picture – the public interest – in sight. Sometimes following ethics means a loss in the short-term – turning down business for example - but practising in an ethical manner usually pays dividends in the long run.

Overall, working as a professional land surveyor is an honour and a privilege, and I encourage you to keep that in mind even if the challenges of practice encourage you to forget.

Challenges ahead

While professional membership has its privileges, there are challenges ahead for professions. I have been reflecting on these lately as I have been invited to speak with a variety of professional groups in the past few months on the future of professions. While I am no prognosticator, I do see several trends occurring now which could influence professions in the years to come.

I will simply summarize these, but changes include technological change, which alters how you do your work, and potentially what you do as well. Changes to professional education may be important. The changing demographics of your profession – from retirements to the entrance of new practitioners, and increasing diversity, may be impactful.

More broadly, all professions are currently facing certain trends such as government discussions over the future of professional self-regulation, and changing regulatory structures, growing public skepticism of professions and their

claims to expertise, technological change, increasing diversity, globalization, and many others.

All of these trends are combining to provoke change in professions over the next several years.

Opportunities ahead

Challenges, of course, provide opportunities, and I have already heard about how land surveyors have embraced new technologies in surveying work. Other opportunities lie before you. They include the following:

- ◆ Opportunities to spread the word about your profession and the important work you do to an un-informed public.
- ◆ Opportunities to promote your skills and knowledge. While land surveying is not a profession that is always foremost in the public’s mind, that can be a good thing. Other professions feel that all they get is bad publicity. Sometimes, no news is good news. But you can promote more good news about your profession by sharing information. This may help to win over a sometimes skeptical public.
- ◆ You also have the opportunity to promote good practice, and to continue to promote good relations with governments.
- ◆ You have the opportunity to continue to promote diversity in your profession and to support fellow members, new and old.
- ◆ Finally you have the opportunity to drive change, not simply let it happen to you. You have the opportunity to develop a vision for the profession and work to see it achieved.

I encourage you to seize these opportunities before you.

I would like to conclude with a final message for new surveyors. All is within your grasp: fulfilling work, and a meaningful career that not only provides you with enjoyment, but makes an important contribution to society. I wish you the best of luck as you navigate your way into your future.

Congratulations.



Sites to See

Earth Challenge 2020: A Citizen Science Initiative

<https://www.earthday.org/2018/10/22/earth-challenge-2020/>

April 22, 2020 marks the 50th anniversary of Earth Day. In recognition of this milestone Earth Day Network, the Woodrow Wilson International Center for Scholars, and the U.S. Department of State are launching *Earth Challenge 2020* as the world’s largest coordinated citizen science campaign.

Earth Challenge 2020 will engage millions of global citizens and will aggregate and collect more than one billion data points in areas including air quality, water quality, biodiversity, pollution, and human health. Citizen science volunteers around the world will collect and share Earth science data on an unprecedented scale, providing new insight on the state of our environment to drive meaningful action. The process is open to the public and they are encouraging everyone to participate.



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Survey Review Department Forum – The Surveyor’s Duty to Make and Preserve Field Notes – Part 2



By Tom Packowski, O.L.S., Survey Review Department Manager

Hanging on the wall of my office is a copy of our Code of Ethics. When I arrived here at the AOLS office, it had been on display for about 35 years and was looking noticeably worse for wear. I was issued a new one. If you do not have the Code on your wall, I would recommend you add it to your décor. If your copy of the Code has seen better days or has been ‘lost or destroyed’, write or email us here at the AOLS office and we’ll be sure to send you another copy.

In order to serve the Public Interest, the second point in the Code of Ethics states that every Member shall abide by the standards of Practice. There are many Statutes, Regulations, By-Laws and Bulletins that outline the standards of practice for professional land surveying.

In the last issue of the OPS magazine we reviewed a Surveyor’s duty to make and preserve regular field notes. We began with Ontario Regulation 216/10 under the Surveyors Act which is also known as “Performance Standards for the Practice of Professional Land Surveying”.

We referred to some of the standards of practice that apply to field notes including:

1. The Interpretive Guide and Supplement to the Performance Standards for the Practice of Cadastral Surveying (Ontario Regulation 216/10).
2. Guideline for the Preparation of Field Notes.
3. Field Notes and Field Procedures.
4. Guidelines for use of Total Station and Radial Methods for Legal Surveys.

The above four documents are all readily available to you from the AOLS website or from CanLII. Let’s re-examine the performance standards as outlined in Ontario Regulation 216/10, the “Guideline for the Preparation of Field Notes” and “Field Notes and Field Procedures” and how they apply to your field notes.

In Part II of Ontario Regulation 216/10 of the Surveyors Act, Section 15 gives a brief statement of the requirements for field notes made during the preparation of a cadastral survey. This section requires that the surveyor, represented by the field crew, for each survey, prepare in the field a clear and detailed account of everything found, observed and done in the performance of and relevant to the survey. That is, to say the least, a tall order.

So, with your trusty copies of the standards and guidelines referred to above, what does all this mean to you, the practitioner? Suppose you have been retained to retrace a Township

lot line as a portion of a larger project which will include the eventual deposition of a reference plan on behalf of a client. You decide in your professional opinion that the most appropriate method of survey in your set of circumstances is to retrace the lot line using a total station traverse beginning at a pair of observed reference points (ORPs) and ending on a second pair of ORPs.

Consider two examples:

In the first, the Surveyor is in a remote location and obtains the coordinates for his four ORPs after a few hours of observations on each ORP using the Precise Point Positioning (PPP) service from NRCAN. The Surveyor gets a printed report back from NRCAN on each of the four ORPs, setting out the CSRS values of the coordinates, their degree of uncertainty, the scale factors and numerous other reports relating to the reliability of the observations. If the results were acceptable, one could confidently rely on the coordinate values knowing that they are within the allowable error limits set out in the Regulation. If there is any significant misclosure in the field results, the practitioner can reasonably assume that it probably arose from the total station traverse rather than the ORPs. If there is no significant misclosure (within the limits set out in Reg. 216/ 10) you would usually proceed to balance the traverse using the known starting points and known ending points.

In the second, the Surveyor is in an urban setting. Again, the Surveyor decides on the same approach, starts with two observed ORPs, traverses, then closes on two other observed ORPs. In this instance the coordinates for the ORPs are obtained directly using GPS observations and a Real Time Network service. How does the practitioner confirm that the coordinates obtained from the GPS observations are within the accuracy limitations cited in Regulation O. Reg 216/ 10 Sec. 14? Coordinates obtained through a Network do not come with a printout as to their statistical reliability, such as in the first example. When obtaining observations through a Network, the GPS can be set so as not to accept a result less than some pre-determined minimum accuracy amount. But how does the Surveyor confirm this minimum accuracy? In the network example, the onus is on the professional to substantiate the observations in order to fulfill the regulatory obligations, and to take extra precautions such as the appropriate number of redundant measurements, and to analyze the HRMS, VRMS, PDop, satellite geometry and the baseline vector.

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In both examples, you are performing an integrated survey within the definition of O. Reg 216/10 S. 14 (1) with the accuracy standards as set out in 14 (2). What represents your field notes in these two examples? Suppose you were asked to explain your results to a professional colleague or in Court.

The first and most obvious item in each of the two examples are your **Field Pages**. These pages graphically illustrate what you did. Each page would include the usual prompts for project name or number, date of the field work, field crew, location, north arrow, page number and general weather conditions, particularly when weather or ground conditions may have a significant effect on your data acquisition or observations. They would show unique identifiers to distinguish your ORPs from your total station traverse; the traverse line from the boundary line; point numbers illustrating the progress of the traverse; evidence found along the boundary such as occupation, fencing (age and type), found survey monuments (including type, identification, condition and position relative to the occupation) and any and all other evidence that relates to the boundary or to the determination of the boundary.

From the “Guideline for the Preparation of Field Notes” and “Field Notes and Field Procedures” (available on the AOLS website under Survey Review, Survey Review Resources) your field notes should contain a sketch illustrating the general configuration of the site, including lot, plan or concession and legal description. The notes should

show all angles and distances measured, set, or proportioned (and marked accordingly), or starting and ending point numbers that represent courses. The field notes should be clear, with legible writing and be easy to photocopy or scan. The notes must show all survey monumentation found or set along with their identification markings; all boundary features including evidence such as fences, lines of vegetation, or any other physical features on or near the boundary, preferably shown on the proper side of the boundary, along with a tie to the boundary. As a minimum, the notes must show the various features observed with point numbers marking the beginning and end of each particular feature. The field notes must include the basic lot fabric and include, widenings, daylightings, references to underlying surveys and plans, along with appropriate comparisons to dimensions on these documents. The notes must include sufficient information to identify which monuments you have found and where they are located relative to the lot fabric. It is worth repeating that property lines must be labelled or otherwise distinguished from the traverse lines. References to any verbal evidence given by local residents or others with specific knowledge of the site and its boundaries must also be included with the field notes. For survey monuments set, the field notes must include an independent method to verify the location set.

The second item would be the **Raw Data Printout** which is the record of all observations made at the time of your field

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pages. If you are using a total station and recording your observations on an electronic data recorder, your field pages alone do not represent a complete record of your observations. Remember that Section 15 of O. Reg. 216/ 10 states that for each survey, field notes shall be prepared in the field and shall contain a detailed account of everything found, observed and done in the field relevant to the survey. Today with the prevalence of electronic data recording, your Raw Data Printout is an integral part of your field notes and the record of everything observed.

The third item you would include is your **ORP Printouts**. The ORP printouts contain the list of the coordinates that represent your starting points and ending points along with a clear description specifying the coordinate system by datum and map projection, for example NAD83 (original) with the UTM projection and zone number, or NAD83 (CSRS) (Epoch #) with the MTM projection and zone number. In the first rural example your printout will also include statistics as to the reliability of the observed coordinates. In the second example, in an urban setting, it is up to you the professional to include data on the integrity of your starting and ending ORPs and data as to their compliance with the accuracy standards set out in Sec 14 (2). Each Real Time Network service provider has their own way of ensuring the reliability of the observations. You must know what applies to the equipment you are using. If you do not know, you are strongly encour-

aged to contact your service provider to ensure you have the means of defending your results if they are challenged.

The fourth and final item comprising your field notes is a printout of your **Field Closures**. By starting your traverse on a known pair of ORPs and closing on a known pair of ORPs, you can balance the angular observations and distance observations. This method ensures that you are able to close your field work and demonstrate that the field traverse results are within the limits set out in O. Reg. 216/ 10 Sec. 9.

So, to summarize, your field notes for the retracement and survey of a Township lot line as a portion of a larger project, beginning with a pair of observed reference points (ORPs) and ending on a second pair of ORPs, consists of a field “package” that includes the field pages which show all items set out in the guidelines and standards; raw data print showing everything observed and measured; a printout of your observed reference points together with their coordinate values, the coordinate system used and a statistical analysis of the reliability of your observed reference points and finally, field closure sheets attesting to the integrity of your observations.

If you follow what has been outlined in this article and meet the requirements that are laid out in the regulations and guidelines when preparing and preserving field notes, you will be serving the Public, yourself and your fellow surveyors when they come to you for research.



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THIRTEENTH Annual AOLS Graduate Student Geomatics Poster Session Award Winners



FIRST PLACE: Sepideh Dibadin, Masters Student and Xuyang Han, Masters Student, Geomatics Engineering, Lassonde School of Engineering, York University, supervised by Dr. Mojgan Jadidi and Dr. Costas Armenakis.

Development of Crowdsourced Bathymetric Mapping System for the Arctic Regions of Northern Canada

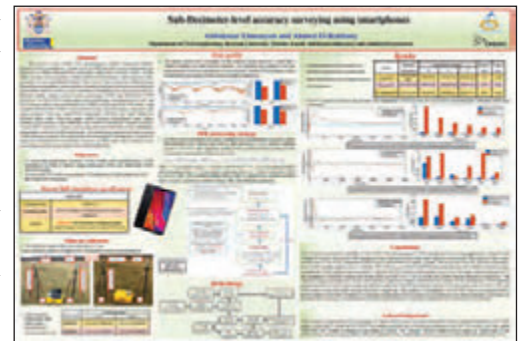
ABSTRACT — Bathymetry databases are important for many applications (e.g. navigation and sea pollution monitoring). But collecting the bathymetric data is challenging due to the lack of hydrography infrastructures and excessive costs. Only 10% of Canada's Arctic is surveyed and only 1% of the surveys follow modern standards. Therefore, having a system for collecting/managing bathymetric data is very valuable due to the advancement of technologies and

involvement of citizen participants for collecting and sharing the data. Crowdsourcing, defined by gathering data from the crowd on a volunteer basis, has changed the way of sharing knowledge in the recent decades. The objective of the project is to develop a database and a web mapping system providing a Canadian Arctic's bathymetric data portal using a crowdsourcing approach. The developed Crowdsourced Bathymetric (CSB) system consists of several components: the user interface (UI), the application server, the web server, and the database. The geospatial database and data management platform are designed and developed following international/national standards (e.g. IHO, OGC and CGDI). The crowd can upload data through UI, then the data are processed and stored in the PostgreSQL database using Django framework. Django Object-relational Mapping (ORM) is used for user information and metadata management. In this poster, we will present the basic functionalities of the CSB User Interface such as user registration, data access and online visual analysis. Visual analytical tools, such as dashboards and reporting utilizing open-source Mapbox and Python Dash to visualize the data and related statistical analysis will also be presented. Email: sepidehd@my.yorku.ca, hanxuyang0826@gmail.com

SECOND PLACE: Abdelsatar Elmezayen, Ph.D. student, Department of Civil Engineering, Ryerson University, supervised by Dr. Ahmed El-Rabbany.

Sub-decimeter-level Accuracy using Smartphones

ABSTRACT — The release of the world's first dual-frequency Global Navigation Satellite System (GNSS) smartphone, Xiaomi mi 8, in 2018 provided a great opportunity for surveyors to obtain high-precision positioning using ultra low-cost sensors. In this study, Xiaomi mi 8 smartphone, which is fitted with Broadcom's dual frequency chip, is tested in various positioning modes. Raw GNSS measurements from this android-based smartphone are made available through a Google App, which can be converted to RINEX format using an Application Programming Interface (API). Data sets in static mode are collected using Xiaomi mi 8 smartphone, along with two Trimble R9 geodetic receivers in an open sky environment with a baseline of about one metre. Smartphone data are processed in two different modes, namely precise point positioning (PPP) and differential GNSS (DGNSS). For PPP, L1/L5 carrier phase and pseudorange measurements for GPS and E1/E5 carrier phase and pseudorange for Galileo are processed in PPP mode using extended Kalman filter (EKF) as the estimation filter. The final precise ephemeris and clock products from the multi-GNSS experiment (MGEX) are used. Relativity, satellites phase center offset and phase center variation, tropospheric delay, phase windup, ocean loading, and Earth tides are effectively mitigated. Trimble Business Center (TBC) software is used to process the data sets from both of the smartphone and geodetic receivers in differential mode. The positioning output of the latter is taken as the reference solution. It is shown that the Xiaomi mi 8 smartphone is capable of achieving decimeter-level positioning accuracy in PPP mode and centimeter-level positioning accuracy in carrier-phase-based differential mode. Email: abdelstar.elmezayen@ryerson.ca



THIRD PLACE: John Aggrey, Ph.D. student, Department of Earth and Space Science and Engineering, Lassonde School of Engineering, York University, supervised by Dr. Sunil Bisnath.

Improving Multi-GNSS PPP Convergence

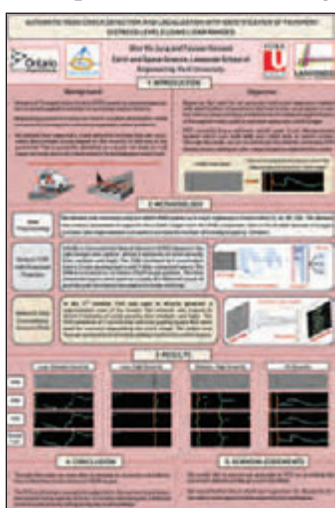
ABSTRACT — Traditional GNSS Precise Point Positioning (PPP) processing makes use of the dual-frequency, ionosphere-free linear combination to mitigate the ionospheric effect. With new and modernized GNSS satellite constellations transmitting three (or more) frequency signals, there is the potential of noise amplification through various linear combinations. Hence, it becomes necessary to address GNSS PPP performance with the aim of improving solution initialization and convergence by mitigating atmospheric (ionospheric and tropospheric) errors with a priori information. GNSS positioning performance has been shown to improve with the ingestion

of data from Global Ionospheric Maps (GIMs) and tropospheric zenith path delays, which are produced by, e.g., the International GNSS Service (IGS). For both dual- and triple-frequency PPP processing, the significance of GIM and tropospheric products in processing is not obvious in the quality of the solution after a few hours. However, constraining the atmosphere improves PPP initialization and solution convergence in the first few minutes of processing. The general research question to be answered is whether there is any significant benefit in constraining the atmosphere in multi-frequency PPP. A key related question is: regarding time and position accuracy, how close are we from RTK performance in the age of multi-GNSS PPP-AR?



To address these questions, this study provides insight into the conceptual analyses of atmospheric GNSS PPP constraints. Dual- and triple-frequency scenarios were investigated. Over 60% improvement in convergence time was observed when atmospheric constraints are applied to a dual-frequency multi-GNSS PPP-AR solution. Considering a horizontal threshold of 10cm, the atmospheric constrained solutions with ambiguities resolved, achieved convergence in less than 2 minutes. Future work would involve enhancing solution quality and accuracy by multi-frequency PPP-AR with the goal of attaining RTK-like performance. Email: jeagrey@yorku.ca

FOURTH PLACE: **Won Mo Jung**, Masters Student and **Faizaan Naveed**, Masters Student, Department of Earth and Space Science and Engineering, Lassonde School of Engineering, supervised by Dr. Baoxin Hu.



Automatic Road Crack Detection and Localization with Identification of Pavement Distress Levels using LiDAR Ranges

ABSTRACT — With deteriorating infrastructure, particularly roads, the Ministry of Transportation Ontario (MTO) is seeking an autonomous system to detect asphalt cracks for re-servicing major roads in Ontario. Current methods of crack detection rely on multi-sensor integration, typically LiDAR and cameras, which is costly and difficult to operate. Furthermore, existing studies do not yield accurate crack detection results that can be used in cohesion with road repair services. In this study we propose to exploit deep learning methods for semantic segmentation of the asphalt road cracks in real time using only LiDAR ranges. The detected cracks are labelled according to severity of distress, hence making it feasible for road repairing services.

In this study we propose to examine different Convolutional Neural Network (CNN) based segmentation architectures (Fully Convolutional Networks, and CNNs with structured predictions) to segment instances of cracks on the major highways (21, 34, 89, 138) in Ontario. In addition, we also detect instances of cracks based on the level of distress in the pavement. We divide the cracks into 3 categories of distress (Low, Medium and High). Ultimately, we will examine the current state of the art system

being used by MTO called the LCMS Pavemetrics with a CNN with structured prediction for localization of crack pixels and a Fully Convolutional Network for semantic segmentation of crack instances based on different levels of distress in the pavement. Email: dnjsah94@my.yorku.ca, fazanham@my.yorku.ca

FIFTH PLACE: **Sowmya Natesan**, Ph.D. student, Department of Earth and Space Science and Engineering, Lassonde School of Engineering, supervised by Dr. Costas Armenakis.

Tree Species Classification using UAV image-based Deep Learning

ABSTRACT — Tree species classification using remotely sensed images is driven by diverse applications in forest management. Recently, unmanned aerial vehicles (UAV) are widely used for remote sensing of forests since the very high spatial resolution imagery collected by UAVs provides a detailed characterization of canopies. Latest advancement in deep learning has gained attention for several classification tasks because deep learning approaches do not need manual feature extraction, unlike other machine learning algorithms. In this study, we use Convolutional Neural Networks (CNN) to classify different tree species using RGB images acquired by UAV. The images employed in this work are from various UAV flight campaigns conducted in consecutive years at Petawawa Research Forest, Ontario. Tree crown delineation was performed on an orthoimage mosaic generated by the acquired UAV RGB images. Then, the tree species of each individual tree crown was identified and labelled. The labelled tree crowns were extracted as individual tree images and used to train the CNN. For the required CNN training we propose to create a novel dataset of 6000 high-resolution images of labelled tree crowns from six different tree species. Initially we apply our approach towards the classification of two species and then we plan to expand to six species encompassing both hardwood and softwood. The CNN ResNet-50 architecture has been employed since it is efficient on standard image classification problems. Due to the limited availability of labelled data for training, we will speed up the learning process by applying transfer learning from ResNet-50 model which is pre-trained on ImageNet database. We will randomly select 70% of the images for training the network, while 25% will be used for validation. In this work, we intend to demonstrate the ability of CNN to classify individual trees into specific tree species. Email: sowmy@yorku.ca



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EDUCATIONAL FOUNDATION NEWS

Congratulations to our Fall Award Winners

York University – Lassonde School of Engineering students **Luciano Marchesan** and **Timothy Kehoe** were the recipients of the Geomatics Engineering or Geomatics Science Entrance Awards as students entering either program with the highest final average high school mark. **Victoria Donko** was the recipient of the **David W. Lambden Award** for the highest grade in LE/ESSE 4660 Cadastral Surveys and Land Registration Systems. **Mitch Palmer** received an award for the 2nd highest grade in the course.

Report from the 2019 Annual General Meeting

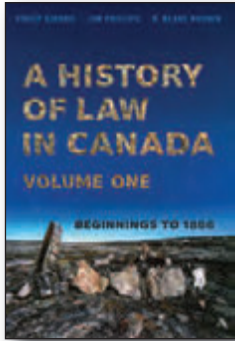
The Foundation's Board of Directors would like to thank the Exhibitors who donated prizes for the **Exhibitor Draw at the Welcoming Party** and all of the members and

guests who purchased tickets. This is a major fundraiser for the Foundation. The members of the Board would also like to thank Lena Kassabian, Penny Anderson, Julia Savitch, Gitte Monteith and Mel Truchon for helping to sell the tickets. This year our Master of Ceremonies was one of our newest surveyors, Bill Webb who did a fabulous job. Thanks Bill.

The 13th Annual Graduate Student Geomatics Poster Session attracted 15 posters from graduate students from Ryerson and York Universities. Prizes from 1st to 5th place are provided by the Foundation. Many of the students were able to attend the meeting this year. They expressed their appreciation to be given the opportunity to showcase their research projects. Thank you to our judges: Boney Cherian, Brian Coad and Reuben Mc Rae who spent many hours judging the posters. The five winning posters can be found on page 32.

BOOK REVIEWS

A History of Law in Canada, Volume One Beginnings to 1866



Published by
University of
Toronto Press

ISBN 978-1-4875-0463-2

By Philip Girard, Jim Phillips and R. Blake Brown

A History of Law in Canada: Beginnings to 1866 is the first of two volumes. It starts at a time just prior to European contact and continues to the 1860s, while volume two will start with Confederation and end at approximately 2000. The history of law includes substantive law, legal institutions, legal actors, and legal culture. The authors assume that since 1500 there have been three legal systems in Canada – the Indigenous, the French, and the English. At all times, these systems have co-existed and interacted, with the relative power and influence of each being more or less dominant in different periods.

The history of law cannot be treated in isolation,

and this book examines law as a dynamic process, shaped by and affecting other histories over the long term. The law guided and was guided by economic developments, was influenced and moulded by the nature and trajectory of political ideas and institutions, and variously exacerbated or mediated intercultural exchange and conflict. These themes are apparent in this examination, and through most areas of law including land settlement and tenure, and family, commercial, constitutional, and criminal law.

Information taken from inside the front and back covers.

Disappointment River Finding and Losing the Northwest Passage

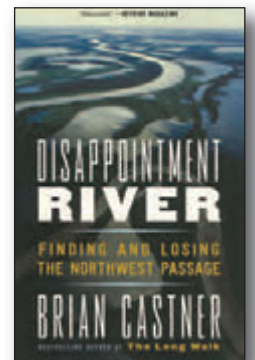
By Brian Castner

Fourteen years before Lewis and Clark, Alexander Mackenzie set off to cross the continent of North America with a team of voyageurs and Chipewyan guides in an attempt to find a trade route to the riches of the East. What he found was a river that he named “Disappointment.” Mackenzie died thinking he had failed. He was wrong.

In this book, Brian Castner not only retells the story of Mackenzie’s epic voyages in vivid prose, but also personally retraces his travels, battling exhaustion, exposure, mosquitoes, white-water

rapids, and the threat of bears. He transports readers to a world rarely glimpsed in the media, one of tar sands, thawing permafrost, remote indigenous villages, and, at the end, a wide-open Arctic Ocean that could become a far-northern Mississippi of barges and pipelines and oil money. What he reveals is a world that Mackenzie dreamed of but could never have fully imagined.

Information taken from the back cover.



Published by
Anchor Books, a division of
Penguin Random House
LLC, New York

ISBN 978-0-7710-2397-2

Fruits of Perseverance The French Presence in the Detroit River Region, 1701-1815

By Guillaume Teasdale

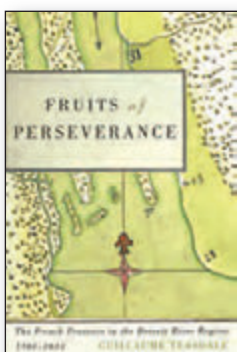
Founded by French military entrepreneur Antoine Laumet de Lamoignon Cadillac in 1701, colonial Detroit was occupied by thousands of French settlers who established deep roots on both sides of the river. The city’s unmistakable French past, however, has been long neglected in the historiography of New France and French North America.

Exploring the French colonial presence in Detroit, from its establishment to its dissolution in the early nineteenth century, *Fruits of Perseverance* explains how a society similar to the rural settlements of the Saint Lawrence valley developed in an isolated place and how it survived well beyond the fall of New France. As Guillaume Teasdale describes, between the

1730s and 1750s, French authorities played a significant role in promoting land occupation along the Detroit River by encouraging settlers to plant orchards and build farms and windmills. After New France’s defeat in 1763, these settlers found themselves living under the British flag in an Aboriginal world shortly before the newly independent United States began its expansion west.

Fruits of Perseverance offers a window into the development of a French community in the borderlands of New France, whose heritage is still celebrated today by tens of thousands of residents of southwest Ontario and southeast Michigan.

Information taken from the back cover.



Published by McGill-
Queen’s University Press
ISBN 978-0-7735-5501-3

The Last Word

Emily Ferguson Murphy (1868-1933)

Canadian women's rights activist and suffragist Emily Gowan Ferguson was born in Cookstown, Ontario in 1868. She grew up in a household where lively discussions of law and political events were commonplace. While she was a student at Bishop Strachan School, she met Arthur Murphy; they married in 1887 and moved west to Manitoba and then to Alberta in 1907. Her work for women's rights was strongly supported and encouraged by many of the rural women. She was motivated to pressure the Alberta government into passing the Dower Act in 1911, which protected a wife's right to a one-third share of her husband's property in the event of its sale. Her strong interest in the protection of women and children frequently brought her before the courts and led her to be appointed as the police magistrate for the city of Edmonton in 1916, becoming the first woman magistrate in the British Empire. However, during her first case, Emily's ruling of a guilty verdict was protested by the defendant's lawyer to be invalid because she was a woman and under the BNA Act of 1867 was not a legal person. This led Emily to begin a long campaign to overturn the law. She allowed her name to be put forward as a candidate for the Senate. However, it was turned down by Prime Minister Robert



Borden because the *British North America (BNA) Act* did not recognise a woman as a person.

In March 1928, the Famous Five, a group of prominent women activists, which included Emily, Nellie McClung, Louis McKinney, Henrietta Edwards and Irene Parlby asked the Supreme Court of Canada to answer the following question: "Does the word 'Person' in section 24 of the British North America Act, 1867, include female persons?"

In April 1928, the Supreme Court ruled that women were not considered "persons" and were ineligible for appointment in the Senate. Undeterred, the five women took their case known as "The Persons Case" (officially *Edwards v. A.G. of Canada*) to the Judicial Committee of the Privy Council in Britain (at the time, the highest court of appeal). On October 18, 1929, the Privy Council overturned the decision and ruled "the word 'persons' in sec. 24 does include women, and that women are eligible to be summoned to and become members of the Senate of Canada." This recognition meant that women could no longer be denied rights based on a narrow interpretation of the law. Unfortunately, Emily was never appointed to the Senate but was still involved in social activism when she died in 1933.



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