

Article 3

Protection of Ontario's Land Survey Monuments

Submitted by the Association of Ontario Land Surveyors
Monument Protection Task Force

We all have our reasons for needing to know where property limits are on the ground. A homeowner needs to know where to place a new fence and a contractor needs to know that a service being installed is within the road allowance and not on private property. Whatever the purpose, survey markers or “monuments” are vital for marking these limits.

So vital, in fact, that Part XI, Sections 442 and 443 of the Canadian Criminal Code (R.S., 1985, c. C-46) make the wilful damage or removal of monuments an indictable offence carrying a punishment of up to five years' imprisonment.

Under the authority of the Surveyors Act, a licensed Ontario Land Surveyor (OLS) is the only professional who can legally establish and re-establish survey markers.

The Ontario Regional Common Ground Alliance (ORCGA) is mandated in Ontario to enhance safety through the prevention

of damage to underground infrastructure. Survey monuments have been identified as being part of the underground infrastructure.

Unlike typical underground infrastructure, survey monuments are much more difficult to ascribe to an owner. If a monument is removed because of work being performed close to the boundary limit, then the monument should be re-instated as a common “Best Practice”.

Prior to title insurance, survey monumentation was constantly being replaced because new surveys were required for most real estate transactions. Moreover, the continued installation of utilities in public roadways has led to an estimated loss of 75% of the monuments marking their limits over many years. Consequently, interest in monument preservation has increased. The Surveyor General of Ontario's office has received

Examples of Land Survey Monuments

such an increase in inquiries about missing monuments that, in cooperation with the Association of Ontario Land Surveyors (AOLS), a task force was established to find a recourse for the public when they encounter damaged or missing monuments.

The task force reviewed the issue of missing monuments and determined that a large number of monuments are being removed through road corridor projects, either road or sidewalk reconstruction or through utility installations. To address these findings, the task force developed a “Best Practice” document to educate the industry about the issue and also developed a Special Provision (SP) titled “Protection of Survey Monumentation”. This provision was approved by the Council of the AOLS. The document can be found on the AOLS website. https://www.aols.org/site_files/content/resources/public/monument-protection-sp--sept-2014-.pdf

The SP is very clear. A pre-inventory of all the monuments is taken by an OLS prior to the start of construction, and by working with the constructor, monuments are preserved during construction. At the completion of the project a post-inventory is performed, all missing monuments are replaced and the OLS signs off that all the monuments within the project are in place.

The creation of the SP was the start of the education process and gives the industry a sound document to be used in all construction projects. The principles that are outlined in the SP are currently being used by the Ministry of Transportation (MTO) as well as several large Municipalities, and are part of the general conditions of contract, although it will take time to see the benefits of this approach.

Contractors and Excavators can make a difference by being aware of the Special Provision and following Sections 1-2 and 4-33 Protection of Survey Infrastructure in the CCGA/ORCGA Best Practices Manual. Change will happen if we all work together with the same common goal to preserve survey monuments. 

