

# Law and Surveying

Legal Surveys Branch, Ministry of Consumer and Commercial Relations

## Land Description Control Programme

To keep the Profession fully informed on plan examination procedures within the Land Registration System, following is the policy of the Legal Surveys Branch for the control of land descriptions.

Quality control for plans of survey within the Land Registration Systems is maintained through a programme consisting of eight elements. These are:

1. Submission analysis
2. In-depth examination
3. "Check list" examination
4. Monitoring
5. Examination audit
6. Referrals from Land Registrars
7. Overflow from Land Registry Offices
8. Non-compliance approvals

The following is a brief explanation of these elements:

### 1. Submission Analysis

This type of examination is a swift professional analysis of the quality of a plan submitted for approval. It was developed to enable the Branch to maintain a quality control programme for specific plan types in the face of the vastly increased responsibilities assigned to the

Branch as a result of re-organization of Government. Submission analysis operates on three basic principles:

- (a) The expertise of the plan examiner as acquired over many years of professional experience in both field and office practices and procedures.
- (b) An acknowledgment of the professional responsibilities of the surveying profession.
- (c) An extended use of the risk factor inherent in the assurance funds; i.e., substantial, but infrequent claims will be tolerated, rather than staffing to ensure nil claims.

Submission analysis will disclose plans which appear *not* to meet acceptable standards, and these plans will be removed from the "swift" examination stream and forwarded to a Central Office unit for in-depth examination.

### 2. In-depth Examination

This type of examination is confined to those plan submissions that are of substandard professional quality and could result in a claim against the fund or fail,

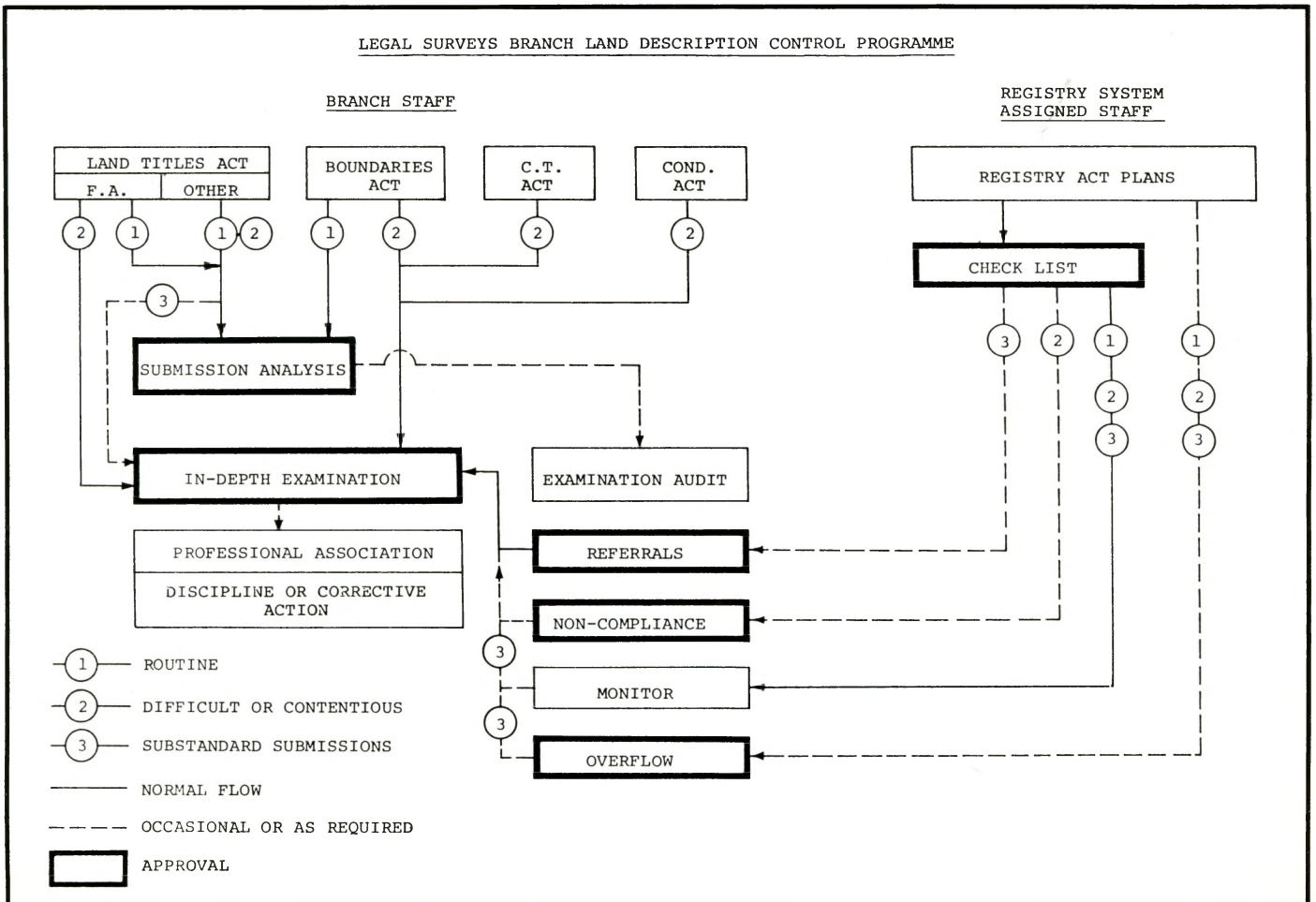
as a registered document, to meet the reasonable expectations of the users of the System.

Intensive examination will, through requisitions to the surveyor, attempt to have the plan upgraded to acceptable standards. Should this process fail, or should the profile of a particular surveyor indicate consistently substandard work, the Legal Surveys Branch will forward the relevant documentation to the Association of Ontario Land Surveyors. The submission to the Association will include a recommendation for remedial steps to be taken (i.e., Professional Standards Committee, the Complaints Committee or Discipline Committee).

### 3. "Check List" Examination

This type of examination is confined to plans registered or deposited under The Registry Act and is designed to be compatible with the principles inherent in that Act. To this end, the plan types are checked to ensure proper form (as opposed to form and content for Land Titles Act, Boundaries Act, Condominium Act plans) by the mechanical process of comparison with a pre-designed list of requirements. Normally, the checking is done by assigned staff in the Land Registry Offices. The plan checker may encounter plans which present technical problems beyond his capabilities or appear substandard, and these may be referred to Central Office of the Branch to be examined on a "referral" basis, as discussed later. The plan

*continued on page 9*



## Law and Surveying

*continued from page 4*

checker may also be asked to clear a plan for deposit even though it does not comply with the regulations. Under these circumstances the plan is forwarded to the appropriate examining office of the Branch for assessment and endorsement of a "non-compliance" certificate, if justified. Non-compliance is discussed further in this paper.

Quality control in the "check list" examination programme is maintained by a process of monitoring.

### 4. Monitoring

To ensure that quality control duties are performed to acceptable standards, the Legal Surveys Branch has developed a programme of post-registration examination of plans. Under this programme the Services Co-ordinators or Submission Analysts in the decentralized Branch offices obtain prints of several deposited or registered plans during each scheduled visit to the offices within their jurisdiction. These are forwarded to the Central Office of the Branch and re-examined on a regular basis. The decentralized Branch staff may also elect to audit plans while in the Registry Office and discuss problems with the plan examiners.

The plans are selected on a random basis, without consideration of quality, but attempting to maintain a representative sampling (numberwise) from each Land Registry Office.

In order to make the programme constructive, both the surveyor and the Land Registrar are given a detailed report of the re-examination results. A record is maintained in Central Office, which, over a period of time, will identify

those offices and Ontario Land Surveyors requiring corrective measures in terms of technical education or additional staff.

### 5. Examination Audit

This programme is designed to provide an ongoing or continuous evaluation of the "Submission Analysis" concept applied to plans approved under The Land Titles Act or The Boundaries Act. By necessity, this must be a post-approval audit to ensure that the users of the System are not inconvenienced by an in-house programme. The audit is achieved by having each Submission Analyst submit to Central Office, on a fixed schedule, copies of all material received in a given submission, together with the results of his own evaluation of the plan. The submission schedule must be fixed in order that all supporting data in a given submission can be copied as it crosses the examiner's desk. The programme would be inoperative if it became necessary to re-requisition plans, field notes, etc., from the submitting surveyor.

### 6. Referrals

As mentioned, certain plans prepared for registration under The Registry Act may be of sufficiently complex nature that they present interpretive problems that are beyond the capabilities of the assigned plan checker or are substandard. In such cases, the Land Registrar may refer the plan and supporting material to the Central Office, where it is assigned to a Submission Analyst for professional evaluation. The Submission Analyst will correspond directly with the submitting surveyor and will advise the Land Registrar when the plan is acceptable for registration or deposit.

### 7. Overflow

The Branch provides a service designed to assist Land Registrars, under specific

circumstances, by examining plans of survey on their behalf.

This is provided when:

1. Surges in work load prohibit reasonable turn-around of plans submitted for checking.
2. Plan checker is sick or on vacation and no back-up is available.
3. Plan checker resigned or transferred and position being filled through recruitment.

In order to ensure swift service when these situations develop, the Land Registrar is provided with pre-addressed, distinctively coloured envelopes which are used to forward prints of plans to the Central Office. On receipt in Central Office, a special unit is assigned to check the plans and return a copy to both the surveyor and the Registrar with required corrections marked in red.

The overflow checking unit is confined to a turn-around time of 24 hours from the time the plan is received at Central Office.

### 8. Non-compliance

The Director of Land Registration has extended his authority to the Legal Surveys Branch to approve for registration or deposit those plans that do not strictly comply with the regulations.

A "non-compliance" approval is not extended to expedite deposit of a substandard plan. Approval must stem from a specific request from the surveyor or lawyer, who must state appropriate reasons why he feels that he should be exempted from certain of the regulatory requirements.

The accompanying chart is intended to illustrate this Land Description Control Programme. — COLIN D. HADFIELD, *Director, Legal Surveys Branch.*