

“THE MISSING PLAN SUBMISSION FORM” – Misuse or Abuse?

Submitted on behalf of the Survey Review Department Committee by David Norgrove, O.L.S., O.L.I.P., Manager, Survey Review Department



By-Law 94-4, which calls for the application of the A.O.L.S. “Plan Submission Form” to cadastral survey drawings, has now been in effect for some eleven and a half years. Prior to the passage of this By-Law, the plan submission form was only applicable to deposited and registered plans entering the land registration system and the By-Law was struck to help equalize costs for the “firms” and to include all cadastral surveys within the “inspection program”.

By-Law 94-4, Clause 1 calls for the application of the *Plan Submission Form* to one paper print of every deposited or registered plan as submitted to the land registration system. In this instance, the Land Registry system provides the built-in control that ensures that the member complies in full for each and every submitted survey.

By-Law 94-4, Clause 2 calls for the application of the same *Plan Submission Form* to every original plan of a Surveyor’s Real Property Report and/or Plan of Survey. Unfortunately, there is no built-in means to monitor “sticker” application and we are now finding that not all applicable documents are being affixed with the compulsory *Plan Submission Form*.

Due to the Review process, the department is becoming aware that many firms have adopted the following non-compliant labels to their non-registered and non-deposited plans such as:

1. Plans are being labeled:

“Certificate Showing Building Location on ...” or “Plan Showing Location of Buildings Situate on ...” or similar, none of which exhibits a *Plan Submission Form*.

These drawings illustrate little or no survey evidence nor monumen-

tation to mark the exterior limits of the parcel under survey, yet at the same time the plan represents the bearing and distance for each parcel limit together with the dimensional relationship between structures and boundaries as re-established. In essence, these plans look very similar to the “Building Location Survey” evident in the 80’s, which were replaced by the Surveyor’s Real Property Report consistent with the Performance Standards.

Surveys, in this form are both mislabeled and non-compliant with Performance Standards. O. Reg. 42/96, Section 26 under the Surveyors Act requires a survey that locates a building/structure on a unit of land be entitled a Surveyor’s Real Property Report, be further compliant with Sections 27 & 28 and thus, must bear a *Plan Submission Form*. Should the survey not involve a full “unit,” the plan title should be titled a plan of survey with the *Plan Submission Form* affixed.

2. Plans are labeled: “Boundary and Topography Survey of Lots ...” or “Topographic Survey of Part of ...” or “Plan of Survey Showing Topographic Information ...” etc. Common to this type of survey, of course is the illustration of topographic information, but in many instances it is also very evident that the executing surveyor has completed significant cadastral survey retracement to re-establish some or all of the boundaries of the parcel(s). The respective plan shows found and/or planted monuments together with the survey

methodology to reset the parcel limits, often with comparison measures as may be required to complete the presentation. Once the bounds of the parcel are being reset within the current field procedures, it is the department’s understanding that a plan of survey showing topographic information has been prepared, the plan must bear the *Plan Submission Form* and the survey is subject to consideration by the Survey Review Department.

In contrast, should your topographic plan simply adopt and acknowledge the boundary information from a previous plan, the *Plan Submission Form* becomes redundant, as a cadastral survey has not been completed. We suggest that drawings in this form should be entitled either as a “Plan Showing Topographic Information On ...” or simply “Topographic Information Of ...” The word “survey” should not appear in the plan title, unless the plan was prepared for the purpose to establish, locate, define or describe a line, boundary or corner of a parcel of land. [O. Reg. 42/96, s. 11]

3. Plans are also labeled: “Sketch Showing Lot ...” or “Sketch Showing Topographic Information on Lot ...” etc.

We frequently see the term “Sketch” misused as an identifier to topographic surveys or other plans that effectively represent retracement of some or all the limits as illustrated. It seems the executing surveyor believes this term automatically to negate application of the *Plan Submission Form*. Again, as previously stated,

should the plan reflect a cadastral retracement, a sticker is required.

Care must be taken with “Sketch” as the plan identifier, in that the Interpretive Guide to the Performance Standards, Section 22 to 32, both inclusive sets out the purpose of a sketch and makes every effort for the resultant document to take on an image vastly different from a traditional survey plan. A “Sketch” has been envisioned to deal with planning issues, such as building permit application, land severance approval, etc. with the title block defining the purpose of the plan and the geographic descriptors appearing within the body of the plan but not stated within the title block. In addition, the surveyor should not sign the sketch unless required by the approving agency, and it should

bear the following note:

Caution: This is not a plan of survey and shall not be used except for the purpose indicated in the title block.

By making the plan look so dissimilar from a standard Plan of Survey/SRPR, etc., it has always been hoped that this document will be utilized only for the purpose as intended and not be directly involved within a real estate transaction. Obviously, a “sketch” used in the intended manner does not require the *Plan Submission Form* as the boundaries represented thereon have yet to be either surveyed or resurveyed.

4. Periodically, we have also identified the same *Plan Submission Form* applied to more than one survey drawing. Each instance has

been resolved by the department with explanations ranging from the misunderstanding that one sticker was sufficient for all plans within a project to simply not bothering to purchase new *Plan Submission Forms* when the company no longer had supply. The services of the Registrar have only been invoked when necessary.

In summary, we submit three questions to each Certificate of Authorization holder/government department or agency:

- Does your “firm” apply the required uniquely identified *Plan Submission Form* to each cadastral survey plan?
- Are your plans/surveys/sketches titled appropriately?
- Is the term “Sketch”, when used, compliant with Performance Standards?

