

ASSOCIATION OF CANADA LANDS SURVEYORS
BOARD OF EXAMINERS

SCHEDULE III / ITEM 1
ACTS AND REGULATIONS RELATING TO SURVEYS OF CANADA LANDS

March 2006
(March 18, 1999 Regulations)

Notice to Candidates:

On April 1, 2003 the Government of Yukon took over administration of all lands and mineral resources in Yukon. Legislation was created that mirrors the *Territorial Lands Act*, the *Yukon Placer Mining Act* and the *Yukon Quartz Mining Act*. As the new statutes are not yet accessible on the Internet and have not yet been issued as a revision insert to the e-Edition of the Manual of Instructions on which this examination is based, the present three statutes of Canada appearing in Edition 3 of the Manual continue to apply for the purposes of this examination. Candidates who choose to answer questions based on the successor legislation must clearly state this fact in order for marks to be awarded on that basis.

This examination consists of 8 questions on 3 pages

Marks

Q. No

Time: 3 hours

Value Earned

1	A parcel of private land in the Yukon Territory is subdivided pursuant to the <i>Land Titles Act</i> . The plan is processed by the Regional Surveyor, executed by the owners and signed by the approving officer appointed under the <i>Subdivision Act (Yukon)</i> .		
	(a) Will this plan have been confirmed by the Regional Surveyor? Why?	4	
	(b) Are specific survey instructions required for this survey?	2	
	(c) At what time does the plan become binding on the owners?	4	
	(d) What types of survey monuments are authorized for such a survey?	4	
	(e) The <i>Land Titles Act</i> sets out seven implied reservations, exceptions, etc. which apply without specific mention to every certificate of title granted under the <i>Act</i> unless specifically excepted. Describe any three of these.	6	
2	The <i>Yukon Quartz Mining Act</i> and <i>Yukon Placer Mining Act</i> govern the issuance and management of mineral rights in the Yukon. Only one type of survey conducted pursuant to these <i>Acts</i> requires specific survey instructions from the Regional Surveyor. Identify this type of survey.	4	

3	It is the practice of mining recorders not to issue grants of mineral or placer mining claims until the statutory recording time has passed. Why?	6	
---	---	---	--

4	Provide a numerical value only for the following provisions:		
	(a) the maximum acreage of a location which may be granted under the <i>Yukon Quartz Mining Act</i>	2	
	(b) the minimum width in inches of each face of the squared portion of a legal post for a mineral claim located in accordance with the Canada Mining Regulations.	2	
	(c) the number of feet in one chain.	2	
	(d) the preferred number of bearing trees to be used at a location as ancillary monumentation.	2	
	(e) the required plotting accuracy, in millimetres, of the plotting of a natural boundary on an official plan of survey.	2	
	(f) the maximum allowable angular misclosure, in seconds of arc, in an official survey of a parcel having 25 angles.	2	
	(g) the number of Units in Section 24, Grid Area 45°00', 57°45' as prescribed in the Canada Oil and Gas Land Regulations.	2	
	(h) the minimum number of Coordinated Control Monuments which should be utilized in conducting a legal survey within a Coordinated Survey Area	2	
	(i) the number of geometric elements which must be shown for a non-tangential circular curve in the official field notes for a survey.	2	
	(j) the number of the location post under the <i>Yukon Quartz Mining Act</i> which under no circumstances may be marked with a witness post.	2	
	(k) the maximum additional area, expressed in acres, which a Canada Lands Surveyor in certain circumstances may include with a mineral claim of the full size which he is surveying pursuant to the <i>Yukon Quartz Mining Act</i> .	2	
(l) the value of required annual work, in dollars, to maintain a <i>Yukon Placer Mining Act</i> placer mining claim in good standing.	2		

5	The <i>Yukon Quartz Mining Act</i> , the <i>Yukon Placer Mining Act</i> and the Canada Mining Regulations each contain a provision commonly referred to as the "saving clause". Explain the purpose of this type of clause.	10	
---	---	----	--

6	Give the full name of the single official or entity, as the case may be, having the authority or responsibility described in each of the following:		
	(a) granting permission to move a legal post for a mineral claim under the Canada Mining Regulations	2	
	(b) the administration, direction and control of surveys under <i>the Canada Lands Surveys Act</i>	2	

	(c) the issuance of a Certificate of Possession to an Indian who is lawfully in possession of land in a reserve	2	
	(d) amendment of the Schedule to the <i>Yukon Act</i> which describes the boundaries of the Yukon Territory	2	
	(e) establishment of a Coordinated Survey Area under the <i>Canada Lands Surveys Act</i>	2	
	(f) the administration, management and control of the National Parks of Canada	2	
	(g) cancellation in whole or in part or amendments or alterations of a plan of survey filed or registered in the Yukon Land Titles Office	2	
	(h) certifying that a condominium building in the Northwest Territories has been constructed and that the diagrams of the units on a condominium plan prepared under the <i>Condominium Act</i> are substantially accurate and substantially in accordance with the structural plans	2	

7	<p>The City of Whitehorse requires an easement across a parcel of private residential property for a sewer line. The parcel is a corner lot in a typical block in that area, each block having ten lots on each side of a 20 foot Lane, and each lot having a frontage of 50 feet and a depth of 100 feet. An easement width of 6.0 metres is required situated diagonally across the outside corner of the lot. The certificate of title for the parcel describes it as “Lot 20, Block 14, City of Whitehorse, Yukon Territory, Plan 26014”. A field survey to tie in the sewer line confirmed that the original Old Pattern Iron Posts placed in the original survey were in undisturbed condition, were stamped with lot numbers, “R” for Road, “L” for Lane and the year of survey 1962. Measurements between the monuments agreed with the dimensions on the registered plan.</p> <p>Compile a neat and complete explanatory plan at an appropriate scale suitable for submission to the Regional Surveyor for examination. Do not calculate dimensions but simply indicate an estimate for each value required to be shown. Assume any other information necessary to prepare the plan in the prescribed format.</p>	12	
---	--	----	--

8	<p>On February 6, 1978 Myron John Copp located 8 quartz mining claims in the Watson Lake Mining District in Yukon. The location of the claim block afforded him until February 23 to record his claims. On February 19, 1978, the Governor in Council passed Orders withdrawing from disposal and prohibiting entry on certain lands in the Yukon Territory required for construction of the Alaska Highway Gas Pipeline. The affected Mining Recorders were notified of the Orders on February 20 and were provided almost immediately with the necessary map sheets showing the withdrawn pipeline corridor.</p> <p>Copp presented applications to record his claims to the Mining Recorder on February 22. The Mining Recorder refused the claims on the basis that the subject lands were no longer available for disposal because they had been withdrawn from disposition pursuant to legislation.</p> <p>Give your reasoning why the Mining Recorder was justified or not justified in taking this position.</p>	8	
	Total Marks	100	