

Survey Outline Monument Restoration Program Guidelines

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TERANET® MANITOBA

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1. General Information

a. Purpose of the Program

The Survey Outline Monument Restoration Program (Program) Guidelines (Guidelines) establish a coordinated process for restoring survey outline monuments quickly and consistently, thereby ensuring timely land development throughout the Province of Manitoba.

To assist in the administration of the Program, the Guidelines have been developed in cooperation with the following participants: Association of Manitoba Municipalities (AMM) on behalf of all of its members, the City of Winnipeg's Geomatics Branch (City of Winnipeg), the Consulting Surveyors of Manitoba on behalf of its members, Teranet Manitoba (Teranet), and the Registrar-General of Manitoba (Registrar-General).

b. Program Participants and Roles

The Registrar-General, in accordance with *The Surveys Act*, may direct land surveyors and municipalities in matters related to replacing monuments or remedying disturbances thereto, and monuments shall be restored to the satisfaction of the Registrar-General.

Municipalities, in accordance with *The Surveys Act,* are responsible for protecting monuments and for the cost of replacing lost or disturbed monuments. For the purposes of this Program, municipalities include all members of the AMM, the City of Winnipeg, and the communities, settlements, and other areas of northern Manitoba defined under *The Northern Affairs Act*.

Monuments are a fundamental component of the land tenure system in Manitoba. All Manitoba land surveyors must practise in a manner which perpetuates the availability and accessibility of monuments. These monuments on the ground give visible and tangible evidence of the location of surveyed boundaries and extents of ownership and other interests related to those boundaries.

Teranet is the service provider for Manitoba's Land Titles Registry and is responsible for providing an annual fund of up to $300,000 to assist municipalities with the costs of restoring monuments. Teranet shall provide reimbursement to the municipality when a restoration is completed in accordance with the Guidelines. The eligible amount of the reimbursement shall be determined in accordance with the terms further set out in section 3.c. of the Guidelines.

The Examiner of Surveys represents Teranet and is responsible for maintaining and publishing these Guidelines, as well as for examining and approving restoration sketches and plans.

Successful operation of the Program requires that all participants abide by their agreed-upon roles and responsibilities defined in the Guidelines. Any restoration project not completed in accordance with the Guidelines may require remedy under *The Surveys Act*.

c. Annual Review and CPI Adjustment

The Guidelines will be reviewed annually by the Program participants. The Examiner of Surveys, acting as Teranet's representative for this purpose, will coordinate and lead the review, track proposed amendments, and prepare any draft changes to the Guidelines. The Program participants shall meet to review and ratify any proposed changes before they come into effect.

Notwithstanding the annual review process, the maximum reimbursement amount per monument shall be adjusted annually using the Manitoba Consumer Price Index (CPI) for the previous calendar year, as published by the Manitoba Bureau of Statistics, Finance Policy and Research Division. This CPI adjustment is administrative in nature and does not require ratification by the Program participants unless it is accompanied by other substantive changes to the Guidelines.

The Examiner of Surveys shall update the Guidelines to reflect the adjusted reimbursement amount and distribute the revised Guidelines to the Program participants as soon as practicable after publication of the CPI figure, and no later than June 1 of each year. The adjusted reimbursement amount shall take effect on the revision date of the Guidelines and shall apply only to reimbursement requests received on or after that date.

2. Qualifying and Excluded Monuments

a. Qualifying Monuments

The Program applies only to survey costs related to the remedying of disturbances, damage or loss of a monument, when any of the following circumstances apply to the monument being restored:

i. The monument was placed to define any special survey made under *The Special Survey Act*, on the principle of a block-outline survey;
ii. The monument was placed in accordance with subsection 117(7) of *The Real Property Act*, unless the monument falls within an exception listed in section 2.b.;
iii. The monument was placed on offset lines to evidence block corners in subdivision surveys;
iv. The monument was placed at road intersections or terminations of roads that were monumented on the original plan;
v. The monument defines the limits of an original Dominion Government Survey (DGS) boundary (i.e. sections, parish/settlement lots, etc.);
vi. The monument defines the limits of a highway.

b. Excluded Monuments

Notwithstanding section 2.a., the Program does not provide for reimbursement of additional survey costs related to the remedying of disturbances, damage, or loss of a survey outline monument, where any of the following circumstances apply:

i. The monuments were originally placed to demarcate a railway right-of-way or station grounds;
ii. The monuments were originally placed to demarcate a public reserve, unless the monument qualifies under section 2.a.(iv) or 2.a.(v);
iii. The monuments were placed on plans that re-subdivide lots or blocks within the framework of an existing plan, including re-subdivisions where no new roads are being created;
iv. The monuments define a township blind line that was not posted in the original DGS;
v. The monuments define the limits, or offsets to a common element within a plan of bare land condominium;
vi. The monuments are discovered to require restoration during a survey conducted for, or on behalf of the Crown or a Crown corporation;
vii. The monuments are covered under a current development agreement within the municipality in which the monument is located;

viii. The monuments are considered unnecessary, including situations where an intersection of roads is already sufficiently monumented and the placement of an additional monument serves no greater survey purpose).
ix. The monuments represent replacement of additional monuments, unless it can be shown they were necessary for the survey being conducted; or
x. The monuments are shown on any plan other than a sketch or plan of survey perpetuating certain monuments prepared in accordance with section 4.g. of these Guidelines.

When there is uncertainty as to whether a monument qualifies under section 2.a. or is excluded under section 2.b., the land surveyor shall confirm eligibility with the municipality before proceeding. The municipality may consult with the Examiner of Surveys where further confirmation is required.

c. Monuments in the City of Winnipeg

City of Winnipeg approval is required before placing a Type J monument (as defined in the Instructions for Surveys and Plans (ISP)) unless the monument being restored was previously a Type J monument.

Subject to availability, the City of Winnipeg will supply 0.029 m X 0.029 m X 1.219 m monuments at no charge to a land surveyor when it is required to use these monuments in a restoration project within the City of Winnipeg.

3. Program Funding and Eligible Costs and Disbursements

a. Annual Funding

Teranet shall provide up to $300,000 in funding annually. The Program's fiscal year shall run from January 1 to December 31. Program funds may only be used to reimburse municipalities for eligible costs associated with the restoration of qualifying monuments.

b. When Annual Funding is Depleted

No further reimbursements shall be paid in a fiscal year once the funding available for that year has been fully depleted. The Examiner of Surveys will notify all Program participants when the remaining funds in any given fiscal year fall below $30,000. Monument restorations may continue to be completed, and reimbursements will continue to be paid in that fiscal year until the funding is fully depleted. Any eligible reimbursement claims submitted after the annual funds have been fully depleted shall not be paid in that fiscal year. Outstanding eligible reimbursement claims for which insufficient funds remain shall be paid in the order they were received in the year before, from the funding made available for the following fiscal year.

c. Reimbursement Amount

Municipalities are eligible to be reimbursed for the costs of restoring a monument under the Program as follows:

i. 50% of up to $1,500 in eligible surveying costs, as defined further in 3.d. below.
ii. 50% of eligible disbursements for survey work, as defined further in 3.e. below.
iii. 50% of eligible disbursements for fulfillment of section 11 of *The Surveys Act*, as defined further in 3.f. below.

Goods and Services Tax (GST) and Provincial Sales Tax (PST) amounts are not reimbursable.

The following examples illustrate the application of the reimbursement policy:

Example A: A surveyor restores one (1) monument and invoices the municipality $1,000 in monument restoration surveying costs plus $50 GST. The municipality qualifies for a reimbursement of $500 (50% of $1,000). The municipality is responsible for the remaining $500 in cost plus the $50 GST.

Example B: A surveyor restores two (2) monuments and invoices the municipality $4,000 in monument restoration surveying costs plus $200 GST, and $600 in qualifying public notice disbursements under section 11 of *The Surveys Act*. Only $3,000 of the $4,000 is eligible to qualify for 50% reimbursement (2 monuments x $1,500), and therefore the reimbursement for surveying costs is $1500 (50% of $3,000). The municipality also qualifies for reimbursement of $300 for public notice costs (50% of $600). The municipality is responsible for the remaining $2,500 in survey costs, $200 in GST, and $300 in section 11 disbursement costs.

d. Eligible Surveying Costs

Surveying costs include the land surveyor's professional, technical, and administrative costs, together with the equipment, materials, vehicle, and supplies required to complete the restoration, where those costs are directly attributable to restoring the monument. These costs shall be claimed as surveying costs and shall not be itemized or claimed as disbursements on the invoice.

e. Eligible Disbursements for Survey Work

Only the following disbursement items are eligible for reimbursement under the Program:

i. Costs for third-party hole coring when it is necessary to core through a hard paved surface to access or install a monument.
ii. Costs for third-party mechanical excavation services when the search for evidence requires excavation of the ground to a greater depth or wider extent than is reasonable to do manually with a shovel or spade.
iii. Costs for third-party utility locating and clearances.

The land surveyor must notify the municipality before engaging a third party for these services. The municipality may provide the services using its own preferred contractors or personnel and equipment. If the municipality is unable to provide the services, the land surveyor is responsible for obtaining the services from a third-party provider.

f. Eligible Disbursements for Section 11 of *The Surveys Act*

Only the following disbursement items will be eligible for reimbursement for restorations made under section 11 of *The Surveys Act*:

i. Cost of status of title records required to obtain address of record for affected landowners.
ii. Cost to advertise a public notice in a community newspaper having circulation in the affected municipality.
iii. Cost for sending a public notice to affected landowners by registered mail.
iv. Cost for installing public notice signage in the vicinity of the land affected.

The land surveyor is responsible for obtaining these services if necessary.

4. Program Framework: Procedures, and Participant Responsibilities

This section provides a practical framework to guide Program participants through the monument restoration process. It outlines the required procedures and defines the respective responsibilities of each participant from initial notification through to the restoration, plan deposit examination, invoicing, and reimbursement. The intent of this framework is to promote consistency, accountability, and clear expectations across all restoration projects completed under the Program.

a. Municipal Boundary Responsibilities

Municipalities are responsible for protecting monuments and for the cost of replacing lost or disturbed monuments within their boundaries. For the purposes of these Guidelines, when the monument is found on the common boundary between two or more municipalities:

i. Monuments found on the north and east boundaries of a municipality will be the responsibility of the municipality whose north or east boundary is defined by those monuments.
ii. Monuments found at a northeasterly corner of a municipality will be the responsibility of the municipality whose northeasterly corner is defined by the monument.
iii. Where a monument is found on the north boundary of one municipality and the east boundary of another, the monument is the responsibility of the municipality whose north boundary is defined by the monument.

Refer to the *Municipal Status and Boundaries Regulation, M.R. 567/88 R* for complete municipal boundary descriptions.

b. Pre-Approval May Be Required

When a land surveyor determines that a qualifying monument requires restoration, and the restoration is to be carried out pursuant to these Guidelines, the land surveyor must consider the estimated cost to undertake all work necessary to restore the monument. If the surveyor believes the total estimated cost will be greater than $6,000 (pre-tax), then the land surveyor must prepare a detailed estimate to accompany the notice required per 4.c. below.

If the estimated cost is $6,000 or less, the land surveyor may proceed with the restoration work without pre-approval from the municipality.

c. Notice to Municipality When Pre-Approval is Required

A notice to the municipality when pre-approval is required shall be in the form described in Appendix A of these guidelines. The notice shall be accompanied by a written estimate tabulating the land surveying costs and disbursements that may be required to complete the restoration work, and the associated costs of each item.

The land surveyor shall deliver the notice and estimate to the municipality by email no later than 30 days following discovery of the need for the restoration. The land surveyor must not commence any of the restoration work until the municipality has authorized the land surveyor to do so.

d. Municipality to Respond When Pre-Approval is Required

The municipality must respond to the land surveyor within 30 days of receiving the notice and cost estimate. The municipality shall respond in any of the following manners:

i. Advise if additional time is required to review the notice and estimate;
ii. Give approval for the land surveyor to proceed with the work; and
iii. Advise the land surveyor that the work will be tendered for competitive bids, including the expected tendering date.

Where the municipality responds under section 4.d.(i) for additional time, it must specify the additional time required to make a decision, which shall not exceed 60 days from the date the extension is requested. The municipality must respond in accordance with approval under 4.d.(ii) or advise of tendering under 4.d.(iii) within the specified extension time.

If the municipality does not respond within the initial 30-day period, or within the specified extension time, the land surveyor may proceed with the work required to complete the restoration.

e. Notice to Municipality When Pre-Approval Not Required

The notice shall be in the form of Appendix A, found at the end of these guidelines. The notice shall be delivered by email to the municipality no later than 30 days after the monument has been replaced. If circumstances arise that prevent the land surveyor from providing notice within 30 days, the land surveyor shall provide the notice as soon as practicable along with an explanation for the delay.

f. Land Surveyor to Prepare Report

Upon completion of the survey work the land surveyor shall prepare a report. The report shall be delivered to the municipality with the following details:

- Cover page indicating:
  - Municipality in which restoration occurred
  - Survey firm name
  - Survey firm file Number
  - Locations of monument(s) restored described by reference to DGS limits and/or limits shown on a registered plan
  - Municipal file number, if one is provided
  - Date(s) of survey
  - Revision number and revision date of the report
- Table of contents (if report is multiple pages).
- Full legal description of the subject property in the originating survey which caused the need for restoration to be discovered.
- Purpose of the originating survey (i.e. building location certificate, subdivision, etc.).
- Reason why the restoration was necessary to be able to complete the originating survey.
- Where a monument is deemed to be damaged, obliterated, disturbed, displaced or lost, a description of the evidence that was observed and relied upon to determine the most

probable original location of the monument.

- A detailed review of appreciable discrepancies with dimensions recorded in previous plans and surveys, and an explanation of how they were dealt with.
- A detailed explanation of any matters related to real property law and principles of land surveying which guided the land surveyor in their decision making.
- An accounting of any testimony provided by landowners and the effect that the testimony had on the land surveyor's decision making.
- Where the monument is determined to be lost and Public Notice is required:
    - A copy of the public notice that was required to be posted, delivered and published in accordance with section 11 of *The Surveys Act*.
    - A copy of each status of title showing the mailing address used to contact the affected landowners.
    - A copy of the registered mail record showing delivery details for each affected landowner.
- An opinion as to what may have caused the disturbance or removal of the monument being restored.
- Any other matters that the surveyor believes to be relevant to the restoration project.
- A provisional copy of the sketch or plan required per section 4.g. below.
- A copy of the surveyor's field notes upon request by the Examiner of Surveys or the municipality.

g. Land Surveyor to Prepare Sketch or Plan of Survey Perpetuating Certain Monuments

To be eligible for reimbursement under this Program, the restoration must be shown on a sketch, or a plan of survey perpetuating certain monuments. Restorations shown on any other plan type will not be eligible for reimbursement under this Program.

Minimum Sketch Requirements:

- One page, formatted for plotting on 8 ½" X 11" in, 8 ½" X 14" in, or 11" X 17" in paper sizes
- Minimum lettering size is 2.0 mm
- Scale of the drawing (or a note 'Not to Scale' is acceptable)
- Sketch must be prepared in metric units and a label identifying the sketch is in metric
- Winnipeg Land Titles Office (WLTO) deposit number
- Examiner of Surveys approval memorial in the following format:

    Approved
    This ___ day of _____, 20__

    _____
    Examiner of Surveys

- Certification of the Manitoba Land Surveyor (MLS) in the following format:

    Dated this ___ day of _____, 20__

    _____
    (Surveyor's name), MLS

- Registration memorial in the following format:

  Entered and filed in the Winnipeg Land Titles Office this ___ day of _____, 20__ as Plan No. _____.

- Title to include:
  - The exact title of 'Survey Outline Monument Restoration Sketch'
  - Reference to the DGS
  - Name of city, town, village, municipality, etc., and province

- Notes to include:
  - Subsections b, c, and e of ISP chapter 6.1.1
  - If applicable, ISP chapter 6.1.2
  - Survey date(s)

- Sketch portion:
  - North arrow
  - Angular and linear dimensions relating restored monument(s) to all other found evidence.
  - ISP chapter 4 applies, unless otherwise noted above
  - Any information the surveyor believes to be relevant to be shown on the sketch (i.e. measurements to occupational evidence such as fence lines, centerline of roads, etc.)

Minimum Plan Requirements:
A plan of survey perpetuating certain monuments shall be prepared in accordance with the ISP.

h. Land Surveyor to Deposit Sketch or Plan and Report
The land surveyor shall deposit the sketch or plan to the WLTO through the Plan Deposit Submission (PDS) service. The report required per section 4.f. above shall be included with the deposit.

Teranet will waive all examination fees related to a sketch or plan prepared under this Program.

The land surveyor will simultaneously deliver a provisional copy of the sketch or plan and a provisional copy of the report to the municipality.

i. Land Surveyor to Complete All Work Without Delay
The land surveyor shall complete all work described in the previous sections within 60 days after installing the monument or, where municipal consent is required, within 60 days after receiving consent or being otherwise permitted under these Guidelines to proceed with the restoration.

When it is not possible to meet this timeline due to circumstances beyond the reasonable control of the land surveyor, such as weather conditions, site access restrictions, remote location, safety concerns, regulatory or utility delays, or other exceptional circumstances, the land surveyor shall notify the municipality within the initial 60-day period, providing the reason for the delay and a proposed revised completion date.

j. Teranet to Provide Notice of Completion of the Restoration

In the case where a sketch was prepared, the file shall be considered complete when the Examiner of Surveys grants 'OK for Copies' to the sketch.

In the case where a plan of survey perpetuating certain monuments was prepared, the file shall be considered complete when the mylar plan print is received at the WLTO for registration and the Examiner of Surveys endorses approval on the plan mylar.

The Examiner of Surveys will notify the municipality and the land surveyor by email when the restoration is completed, along with a copy of the finalized report. A copy of the sketch or plan will not be provided.

k. Land Surveyor Invoice to Municipality

The surveyor shall provide a detailed invoice to the municipality upon receipt of 'OK for Copies' status on the deposit submission.

The invoice shall include only those costs that are directly attributable to restoring the monument(s). Costs for work that would have been performed for the originating survey regardless of the restoration shall not be included.

Rates charged to the municipality shall not be higher than the rates charged to the client(s) for whom the originating survey was conducted.

The invoice shall provide the following details:

- The name and mailing address of the municipality.
- Reference to the deposit number for the sketch or plan.
- Total number of monuments restored.
- Total units of labour, materials, and other expenditures, and the hourly rates and unit costs for each. Alternatively, these details may be shown in a separate document which must be attached as an appendix to the invoice.
- Individual lines for each eligible additional disbursement if applicable. (See section 3.e. for a list of eligible additional disbursements).
- Individual lines for each eligible additional disbursement, if applicable, for public notice made in accordance with section 11 of *The Surveys Act*. (See section 3.f. for a list of eligible disbursements related to public notice).
- The following statement: "This restoration has been carried out in accordance with the Survey Outline Monument Restoration Program Guidelines, and the fees charged herein include only the additional time and expenses required to restore the survey outline monument(s)."

The surveyor shall attach proof of payment for all eligible disbursements, which shall be charged at cost without mark-up.

l. Municipality to Review and Pay Land Surveyor Invoice

The municipality is responsible for reviewing the invoice to ensure it is complete, accurate, and consistent with the requirements of these Guidelines. If the municipality believes that any portion of the invoice is incorrect, unreasonable, or does not comply with the Guidelines, the municipality must

raise those concerns directly with the land surveyor. The land surveyor is required to respond to any concerns raised by the municipality and make reasonable efforts to resolve those concerns.

The municipality is responsible for paying the invoice from the land surveyor when the restoration is considered complete in accordance with section 4.j. above.

The municipality is under no obligation to pay the invoice until they have received notice from the Examiner of Surveys that the restoration is considered complete.

Teranet has no responsibility for and is not a party to any matters related to the invoicing of costs from the land surveyor to the municipality, and Teranet's role does not include mediation of any disputes arising from such matters.

m. Municipality Invoice to Teranet

After making payment in full to the land surveyor, the municipality shall provide proof of payment and an invoice to Teranet for the reimbursement amount calculated in accordance with section 3.c. of the Guidelines.

The invoice submitted for reimbursement shall contain, at a minimum, the following information:

- The invoice shall be made payable to Teranet Manitoba LP;
- The total amount of reimbursement being requested; and
- A reference to the deposit number associated with the sketch or plan in PDS.

Proof of payment and invoice must be delivered by email to mb.smrp@teranet.ca no later than six months from the date of the notice of completion issued by the Examiner of Surveys per section 4.j. above. Failure to submit the required documentation within this timeframe will result in the forfeiture of eligibility for reimbursement for that specific monument restoration under this Program.

n. Teranet to Review and Pay Municipality Invoice

Upon receipt of the required documentation, invoice and proof of payment from the municipality, Teranet shall review the claim for accurate amounts and confirm the restoration qualifies for reimbursement.

If the invoice and attachments are satisfactory, Teranet shall issue payment of the reimbursement amount to the municipality, except where Program funds have been depleted. When Program funds are fully depleted, Teranet shall pay the municipality in accordance with section 3.c. of the Guidelines.

Any deficiencies found in the information received from the municipality will cause the reimbursement to be rejected. Teranet shall notify the municipality of the discrepancies and allow the municipality to correct and resubmit the invoice and attachments accordingly.

Appendix A

Survey Outline Monument Restoration Notice Form

Date of Notice:	
Municipality Name:	
Location(s)/Dominion Government Survey Reference(s):	
Affected Plan Numbers:	
Number of Monuments to be Restored:	
Survey Firm:	
Survey Firm File Number:	
Survey Firm Contact Person:	
Survey Firm Contact Phone Number:	

Sketch Attached: ☐
The estimated cost of this restoration exceeds $6000. An estimate is attached: ☐
The above-noted monuments were restored on or;
The above-noted monuments will be restored on or before

Municipal Office Use only:
Job Number:
Contract Number:
Received by:
Approved by: