

Loss Control

Bulletin

Land Surveyors

Professional Liability Insurance

Measurement

Introduction

This Bulletin deals with the issues of measurement and professional liability of land surveyors. The first section is a general discussion and the second deals with a specific consequence of errors in measurement. Both sections were written by Land Surveyors.

Measure Twice, Cut Once

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“Measure twice, cut once” is the often-cited carpenters’ motto. I am sure that we have all been in the situation of doing odd carpentry jobs where we have measured so carefully only to find we have measured from the wrong side and ended up with a wasted sheet of plywood or other piece of material.

Let us think of this little motto in terms of some of the work we do as land surveyors. How often do we place a point from an off-set line without doing an independent check, or set an important benchmark by an intermediate turning point, without closing the loop?

Each one of these simple exercises can easily result in costly errors that show up in significant insurance claims. Every one of them can be avoided by following proper survey procedures. Like carpentry, plain surveying tasks are relatively simple technical exercises within the capabilities of most people. A surveyor, in training, learns the necessity of doing sufficient cross-checks in measuring procedures to

eliminate or at least reduce the chance of error. Depending on the nature of the work, and to reduce the risk of liability, an increasing number of measurements are taken to eliminate the possibility of blunders, and to increase the overall accuracy of the measurements.

So why then, when we are laying out the foundations for a multi-million dollar building, do we rely on single measurements? Why do we establish elevations for the drilling of expensive oil or gas wells and not close our work? Why, when we are taking instructions over the phone, do we not confirm them in writing to ensure the instructions are correct and clear to both parties? All of these simple problems have resulted in major claims under the CCLS professional liability insurance program. Each one could have been avoided with a few simple precautions – precautions which surveyors through their extensive education and experience are trained to undertake as routine procedures to ensure that their work is not subject to errors, mistakes or omissions.

Very few insurance claims result from true technical errors. The performance of strict technical operations sometimes will result in a difference of opinion but very seldom result in significant errors that end up as insurance claims.

The client engages you as a professional to do a professional job. He is passing the risk onto you because of your expertise. Do not let the client compromise your risk and expertise by demanding that you do a less than proper job. This is not an excuse for not doing what you know is necessary. Do not take shortcuts. Do not let the urgent usurp the important. Measure twice, cut once!

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How Far Do You Go to Measure a Building for a Strata Plan? A Duty of Care

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In B.C., there have been recent insurance claims resulting from strata plans conflicting with existing space or walls of a condominium. A question has arisen about the responsibility of the land surveyor in measuring a building in the preparation of a strata plan. It seems there may be at least three possible routes a commissioned surveyor could take to achieve the end product. The surveyor may choose to rely on the architectural building plans and draft a strata plan from the design, performing a location survey with a few overall field checks and a visual inspection to complete the plan. This surveyor may also choose to not rely on any construction drawings and diligently go to the field during the construction phase and carefully measure the as-built structure(s), preparing the plan, documenting fully from field measurements. The third option is somewhere in between where the architectural design is used as a guide and all or most dimensions are confirmed by field measurements.

It is important to remember that eventual real estate sales may be by area or mathematical size. As well, the subsequent proportioning of expenses in a condominium will be based on your interpretation of each strata lot and your calculation of unit entitlement. Throughout the life of a strata plan, each new owner of a strata lot will likely look at dimensions on the strata plan and try to rationalize them against the area they occupy. If you have an error, your liability exposure will increase, the longer it goes undetected.

For example, you create a strata plan for a simple duplex that allots unit entitlement of 40 to strata lot A and 60 to strata lot B. In fact, the unit entitlement should have been split 50/50 and the error occurred because you proceeded with the plan at the design stage and you did not detect a significant change when you did a few cursory field checks about the foundation.

Ten years go by and every year strata lot A pays \$400 in common expenses and strata lot B pays \$600. Lot B sells several times over a 10-year period but the same owner keeps strata lot A.

In year 10, a new owner of B notices that something is wrong and does some measuring and realizes there should be a split of 50/50 on the maintenance costs, not 60/40 and seeks compensation from the owner of strata lot A; over a 10-year period a \$1,000 liability plus interest has been accumulated. Although this particular problem was from first-hand experience and while the financial liability in this case was not huge, please consider an extrapolation of this sample over a longer period in strata developments where there are 50 or more units. As well as damages, there is an enormous loss in professional time to resolve issues from a simple lack of check measuring.

To initially measure the walls and space of each unit and to take a final walk through just prior to the signing of any strata plan to ensure the plan prepared represents the structure on the date of signing, is cheap insurance; as well as maintains a relatively stress-free practice in land surveying.



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