

**From:** Simeon Roberts <simeon.roberts@ansls.ca>  
**Sent:** March 17, 2025 10:57 AM  
**To:** Office of the Legislative Counsel  
**Subject:** RE: Bill 36 Submission from Timothy Wamboldt President ANSLs to Standing Committee on Public Bills  
**Attachments:** Bill 36 - Timothy Wamboldt President ANSLs Submission\_v2.pdf  
**Importance:** High

You don't often get email from simeon.roberts@ansls.ca. [Learn why this is important](#)

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Many thanks for your reply.

Please find attached an updated version of our submission which replaces the one sent earlier. I apologize for this as there were errors in the original.

Regards, Simeon

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**From:** Office of the Legislative Counsel <legc.office@novascotia.ca>  
**Sent:** Friday, March 14, 2025 1:30 PM  
**To:** Simeon Roberts <simeon.roberts@ansls.ca>  
**Subject:** RE: Bill 36 Submission from Timothy Wamboldt President ANSLs to Standing Committee on Public Bills

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Good afternoon Simeon,

Thank you for your written submission, a copy of which will be distributed to each member of the Public Bills Committee.

**Note:** print and electronic submissions to the Public Bills Committee are public documents and are posted on the Nova Scotia Legislature website following the hearing of the bill. The Nova Scotia House of Assembly cannot be held responsible for redacting all personal information from these submissions.



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**From:** Simeon Roberts <[simeon.roberts@ansls.ca](mailto:simeon.roberts@ansls.ca)>

**Sent:** March 14, 2025 12:58 PM

**To:** Office of the Legislative Counsel <[legc.office@novascotia.ca](mailto:legc.office@novascotia.ca)>

**Cc:** Premier <[PREMIER@novascotia.ca](mailto:PREMIER@novascotia.ca)>; [claudiachender@nsmia.ca](mailto:claudiachender@nsmia.ca); [info@mombourquette.ca](mailto:info@mombourquette.ca)

**Subject:** Bill 36 Submission from Timothy Wamboldt President ANSLs to Standing Committee on Public Bills

**Importance:** High

Good Afternoon,

Please find attached a submission by Timothy Wamboldt (President, Association of Nova Scotia Land Surveyors) to the Standing Committee on Public Bills regarding Bill 36.

Regards, Simeon Roberts

**Simeon I. Roberts (he/him/his)**  
**Executive Director**



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## **THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS**

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March 17, 2025

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**SENT VIA EMAIL:** [Legc.office@novascotia.ca](mailto:Legc.office@novascotia.ca)

### **BILL 36 – Free Trade and Mobility within Canada Act**

**Submission by: The Association of Nova Scotia Land Surveyors (ANSLS) to the Standing Committee on Public Bills, (scheduled for March 17, 2025).**

In past years, land surveyors were licensed as provincial land surveyors or crown land surveyors by the Government under the authority of the Department of Lands and Forests (now Natural Resources). Surveying in Nova Scotia has a rich history, dating back to the early explorers and surveyors such as Cabot, Champlain, Cook, Des Barres, Holland, Wentworth, Morris and Church.

Land ownership registration and land survey systems have evolved differently in diverse jurisdictions. This has created a need for specialized knowledge in each jurisdiction. While the education of a land surveyor includes this information the licensing in a single jurisdiction is only focused on ensuring the professional is competent in that jurisdiction. The experience gained within a single jurisdiction serves to continually reinforce the specific knowledge required there but does not ensure competence in a different jurisdiction.

The Association of Nova Scotia Land Surveyors (ANSLS) was created by provincial statute in 1951 replacing the Land Surveyors Act of 1910. Today, the ANSLS is a self-governing body, constituted by the Land Surveyors Act (Chapter 38 of the Acts of 2010; proclaimed and in force September 10, 2013). The objectives of the ANSLS are to establish and maintain standards of professional ethics, knowledge, and skill among its members; and to regulate the practice of professional land surveying in order to protect the public.

Our mission is “to uphold the highest standards of professional land surveying in Nova Scotia. Our association will be guided by our act, regulations, by-laws and related governance documents in providing the highest level of land surveying services. Our primary objectives are to protect the public's interests, advance the profession of land surveying and to support our membership.

**“The profession is crucial because it underpins virtually every aspect of the physical development and management of our world. Surveyors provide the essential data and expertise needed for building infrastructure, managing natural resources, planning urban growth, and ensuring legal and financial certainty in land-related matters. Their work has a profound impact on the economy, environment, and society as a whole.”<sup>1</sup>**

Surveying is an interesting, important, lucrative and respected profession. Surveyors analyze, solve problems, resolve disputes, confront issues and address societal needs (they are an important and critical part of the infrastructure development process especially in the planning, mining, oil and gas and construction sectors). Professional land surveyors provide opinions on the extent of ownership and ultimately protect the public, creating social harmony and driving economic development.

The ANSLS supports the spirit and need for labour mobility across Canada including simplification of the movement of goods, services, and workers between provinces. We also understand the Province desires to improve labour mobility between provinces which would enable surveyors to provide service where the demand moves more easily. However, we have concerns regarding the impact of the proposed Bill 36 on regulated professions in Nova Scotia as it is laden with potential risks.

Therefore we urge the Province to reconsider subsections 4(4) and 4(5) of the Bill as they will have important consequences for our profession and significantly affect how we protect the public interest.

As previously mentioned the ANSLS is mandated to protect the public interest. This is accomplished through the implementation of initial licensing and renewal requirements as outlined in our Act, Regulations and Bylaws. Our significant concerns with Bill 36 relate to making invalid the following:

- Section 20 of The Land Surveyors Act states that “No person shall take or use the designation “Nova Scotia Land Surveyor” or “NSLS”, or any derivation or abbreviation thereof or any other words, names or designations, to imply that the person is a member of the Association unless such person is an active member in the Association or is otherwise authorized, pursuant to the by-laws, to use such designation.”
- Section 21 of The Land Surveyors Act states that “No person shall engage in the practice of professional land surveying or shall describe the person’s activities as activities falling within the meaning of “professional land surveying” unless the person
  - (a) Is an active member of the Association; or
  - (b) Is otherwise authorized to engage in the practice of professional land surveying as set out in this Act or the regulations.

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<sup>1</sup> Posted on X (Twitter) 19 July, 2024 @ 11:01am.

In addition "No person shall engage in the practice of professional land surveying for the general public directly or indirectly, whether for or without compensation, unless the person holds the required professional liability insurance as set out in the regulations." This proof of insurance is not a barrier to entry into the market.

The proposed Bill would permit a person "who has met the requisite standards and approvals" in another Canadian jurisdiction to be automatically considered "as if" they were licensed here, without any additional licensing requirements or oversight. This Bill would prevail over all other statutes, and would override the provisions respecting registration and licensing in the existing Land Surveyors Act. This has significant implications. In other words we interpret this to mean that a person who is licensed as a land surveyor in another Canadian Province could practice here without registering with the ANSLs or holding liability insurance that covers their work here in Nova Scotia. It is very important that such liability insurance is valid in our jurisdiction and requiring proof of that is essential for protection of the public.

The proposed wording in Bill 36 implies that a person who would be automatically considered "as if" they were licensed here would not: be practicing in accordance with the ANSLs Standards of Practice; have to provide documentation on conditions or licensing sanctions from other jurisdictions; be subject to professional development requirements imposed on active members; appear on the official ANSLs registry which is available to the public; pay membership fees to the ANSLs; and have an ANSLs stamp which is used to certify survey plans.

The above point needs to be emphasized. For example, Section 6.10 of the ANSLs Standards of Practice states that "A plan shall contain a surveyor's certificate" certifying that the survey represented by a plan was conducted under supervision of a licensed professional land surveyor in Nova Scotia and that the survey and plan were made in accordance with the Land Surveyors Act, regulations and standards and that the surveyor's certificate be accompanied by the member's stamp which shall be obtained from the Association in the form approved by Council. Section 6.13 also states that "A Practice Review Department stamp shall, in accordance with the administrative procedures, be affixed on all original plans and surveyor's location certificates certified by a member in such a fashion that the stamp is legible on all copies of the plan or surveyor's location certificate produced from the original, printed at an appropriate scale."

Considering the above issue it is important to recognize that under the current regime once a retracement plan is complete, the surveyor, or their client can register it with the Land Registry as a public record. Whereas, a subdivision plan needs to be approved by a municipal development officer and then forwarded to the Registry of Deeds. Under Bill 36 a person automatically considered "as if" they were licensed here, without any additional licensing requirements would not be a member of the ANSLs or have an official stamp. Therefore they would not be able to certify a plan and hence would not be able to

register a plan unless changes were made to the Land Registration Act.

In essence Bill 36 would create two “classes” of land surveyors in the Province: Those who are licensed by the ANSLs, and those who are licensed elsewhere. Those licensed with the ANSLs are subject to the Land Surveyors Act, Regulations, Bylaws, Complaints-Discipline process and the Standards of Practice. Those not licensed with the ANSLs would fall outside the ANSLs’s provincial jurisdiction. If a client has a complaint about the services provided by the (“non-resident”) land surveyor, there would be no recourse with the ANSLs. The client would need to seek recourse with an extra-provincial regulator who would have limited ability to address conduct occurring in Nova Scotia.

“With the exception of Canada Lands, property rights fall under provincial and territorial jurisdiction within the Canadian Constitution. Land Survey principles ensure a consistent approach to boundary establishment and also ensure a robust model of boundary definition. Although there are differences between the Civil Code and Common Law, the land surveying community in Canada strives to provide common levels of professionalism in providing services to the citizens of Canada.”<sup>2</sup>

Professional land surveying within different provincial and territorial jurisdictions of Canada requires knowledge specific to that jurisdiction of relevant provincial statutes and regulations, system of recording land title and cadastral survey systems. Any conditions that a labour mobility candidate has to satisfy in order to provide land surveying services in Nova Scotia were designed to minimize the barriers to entry while ensuring the professional is aware of the scope of specialized knowledge required in the jurisdiction. This ensures the public is protected.

The proposed Bill 36 does not acknowledge that there is already a Mutual Recognition Agreement on Labour Mobility for Land Surveyors in Canada (MRA) between Canada’s land surveying regulators that has streamlined the licensing process for professional land surveyors.

Through the MRA, the ANSLs has supported the removal of barriers for licensure across the country with many licensed land surveyors availing themselves of this reciprocity agreement to practice land surveying in the Province, which appears to be the intent of Bill 36. However, public expectation is that regulated professionals require some differing considerations (e.g., specialized knowledge and passing a jurisdictional examination) in order to ensure that care is provided competently and without harm. Those considerations have been addressed through existing legislation and the MRA, which would be removed with the potential passage of this Bill. We believe Bill 36 does not consider this and as such it is a serious flaw. Therefore, we advise the Government of Nova Scotia to integrate or reference the current MRA. We also welcome an opportunity to work with the Province regarding a review of the current MRA and if the Province desires changes the ANSLs is well positioned to negotiate any such changes with the other jurisdictions.

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2 Canadian Generally Accepted Land Surveying Principles, Canadian Council on Geomatics, 2014, p.1.

Canada's land surveying regulators entered into the MRA in order to comply with their obligations under the Canadian Free Trade Agreement (CFTA) and its successors. The purpose of the MRA is to establish the conditions under which a land surveyor who is licensed in one Canadian jurisdiction will have his/her qualifications recognized in all other Canadian jurisdictions that are signatory to this Agreement.

Canada's land surveying regulators determined that there is a high level of commonality with respect to:

- The threshold levels of competence for the practice of land surveying;
- Professional standards and ethics;
- Scope of practice among land surveyors;
- Having complaints and disciplinary procedures in place;
- Requirements for initial licensing, given that all associations currently require,
  - Equivalent levels of academic qualification;
  - Successful completion of professional examinations;
  - Successful completion of an articling process, except for the Association of Canada Lands Surveyors which requires an Affidavit of Experience and Practical Training.

Furthermore Canada's land surveying regulators have agreed to license an applicant provided that the applicant:

- Pays applicable fees;
- Proves membership in good standing in the home association;
- Is not the subject of any pending, ongoing, or outstanding complaints or discipline proceedings, that relate to the competence or conduct of the applicant, in any home association, as per Agreement on Internal Trade, Chapter 7 (Labour Mobility), Ninth Protocol of Amendment, Article 706, 4, (a);
- Demonstrates they meet any language requirement in place in a jurisdiction in which they are applying;
- Demonstrates competence in jurisdictional knowledge by successfully completing a jurisdictional examination;
  - Schedule B of the MRA states that a jurisdictional exam "shall be available expeditiously" and "For the first attempt at the jurisdictional examination by an applicant the examination will be available within a maximum 30 calendar days of receiving the completed application."
  - This model aligns with the directive from the Prime Minister and premiers, for the Committee on Internal Trade to work with the Forum of Labour Market Ministers, to develop a service standard of 30 days or better to get people working faster.
- Complies with any other administrative requirements normally associated with the granting of a license within the host association and not related to academic or experience requirements.

Land surveying associations across Canada have been providing examinations dealing with the laws and application of legal boundary principles in each jurisdiction successfully for many years. These have not been onerous by any means and many professional surveyors have been able to practice and obtain licensure in other provinces. Thus supporting an ethics driven approach to land surveying in Canada while ensuring the protection of the public's interests in property.

We believe the requirements that exist under the Mutual Recognition Agreement on Labour Mobility for Land Surveyors in Canada as a responsibility of the licensing body, whether provincial or national, to ensure the professional practicing in multiple jurisdictions is aware of the scope of the specialized knowledge required in each jurisdiction.

We strongly believe that Canadians have access to land surveyors who are highly qualified professionals with consistent standards for licensing or certification across the country. "The Canadian public has entrusted the profession of land surveying with the responsibility to protect their interests in land and contribute to a governance model that underpins all activity on land. Canadians must have confidence in a land surveyor's work" and Bill 36 is proposing to do just the opposite. Further, "all Canadians should expect the same quality of professional service, regardless of where a project is situated in Canada. This qualification standard includes a consistent level of technical qualification, practical training and a strong understanding of the land administration regimes in a land surveyor's jurisdiction of practice."<sup>4</sup>

In conclusion, we urge the Province to reconsider Bill 36 especially subsections 4(4) and 4(5) and engage with ourselves and other regulators to ensure our existing legislation and Mutual Recognition Agreement on Labour Mobility for Land Surveyors in Canada are protected. In addition, as the Prime Minister and premiers have directed the Committee on Internal Trade to work with the Forum of Labour Market Ministers to provide a Canada-wide credential recognition plan by June 1 we urge the Province to open a dialogue with us regarding the points we have made in this submission.

Sincerely,



Timothy Wamboldt, NSLS

President

Association of Nova Scotia Land Surveyors

cc: Hon. Tim Houston, Premier  
Hon. Claudia Chender, Leader of the Opposition  
Hon. Derek Mombourquette, Liberal Party of Nova Scotia

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<sup>4</sup> Canadian Generally accepted Land Surveying Principles, Canadian Council on Geomatics, 2014, p.3.



## **Regulatory Organizations of Land Surveying in Canada**

The Association of Newfoundland Land Surveyors

The Association of Prince Edward Island Land Surveyors

The Association of New Brunswick Land Surveyors

L'Ordre des Arpenteurs-Géomètres du Québec

The Association of Ontario Land Surveyors

The Association of Manitoba Land Surveyors

The Saskatchewan Land Surveyors Association

The Alberta Land Surveyors' Association

The Association of British Columbia Land Surveyors

The Association of Canada Lands Surveyors