

Curriculum Vitae

Serge J. Bernard, a.g., P.Eng., PEILS

Les Arpentages Bernard Land Surveys Inc.
5 Edies Way
Stratford, PEI
C1B 0J7

Land Surveyor

Tel: 902-314-9510
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Professional Land Surveyor

Career Profile

- Commissioned New Brunswick Land Surveyor, January 1995
- Commissioned PEI Land Surveyor, October 1995
- Commissioned Professional Engineer of PEI, January 1995
- Appointed Chief Surveyor, *Land Survey Act*, EC 190-96
- Chair, Distance Education Steering Committee, PEI Director, Canadian Council of Land Surveyors (2001-2005)
- Vice President (97-99), President (99-01), Secretary-Treasurer (05-08), Presided over Complaints & Discipline Hearing, Association of PEI Land Surveyors
- Extensive research and continued professional development on survey law, resolution of boundary uncertainties and tenure of public roads
- Appeared as expert witness at PEI Supreme Court, Provincial Court, and Island Regulatory and Appeals Commission.

Formal Education

B.Sc. Eng. (Surveying), May 1991
University of New Brunswick
Fredericton, NB

Commissions

- **PEILS**, Association of PEI Land Surveyors
- **P.Eng.**, Association of Professional Engineers of PEI
- **Commissioner of Deeds**, *Registry Act* RSPEI Cap. R-10.

Specialty

Survey Law
Tenure of Public Roads

Languages

English & French

Affiliations

- Canadian Institute of Geomatics

Professional Experience

Professional Land Surveyor, April 2009 - Present **Les Arpentages Bernard Land Surveys Inc., Stratford, PE**

- ▶ Owner/Consultant: Professional land surveying services and counsel on boundary law.

Chief Surveyor, January 1995 - April 2009 **Department of Transportation & Public Works** **Government of Prince Edward Island, Charlottetown, PEI**

- ▶ Management of Surveys Section that provides land and engineering surveys, and counsel on boundary and survey law to all Government departments.
 - Personnel and financial management
 - Project management, quality control & plan certification
 - Development & maintenance of survey standards and provide training for work crews within department.
- ▶ Administration of various legislative responsibilities and authority of the Chief Surveyor appointed under the *Land Survey Act*.
 - Review and Approval for registration of survey plans prepared by land surveyors under the *Condominium Act*, and *Oil and Natural Gas Act*.
 - Establish & Maintain PEI's Official Survey Reference System consisting of 4000+ stations.
 - Provide mechanism to resolve boundary uncertainties, s.19 *Land Survey Act*.
 - Develop, review and update legislation related to survey law and tenure of public roads.
- ▶ Provide Counsel on Survey Law and Public Road Boundaries.
 - Collect and assess various evidence to establish the tenure and boundaries of public roads.
 - Research and provide counsel to department solicitors on property and survey law.
 - Appear as expert witness in legal proceedings.

Survey Engineer, July 1992 - January 1994 **Les Services Geomacadie Services Ltd., Bathurst, NB**

- ▶ Survey Engineer responsible for fieldwork supervision, computations, plan preparation and drafting, and direct client liaison on various legal survey projects.

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Significant Reports and Appearances

1. **Co-Presenter:** *"Surveys: They Work Great if you Know How to Use Them"*, w. Geoff Connolly, Q.C. P.Eng. - Law Society of Prince Edward Island AGM, February, 2019
2. **Expert Witness, Boundaries:** Appearing on behalf of the Defendants, *MacKay v. MacKenzie*, PEI Supreme Court, Charlottetown, PEI, Case No. S1-SC-30553, June 2015, expert opinion upheld on appeal, *MacKay v. MacKenzie*, PEI Court of Appeal, Charlottetown, PEI, Case No. S1-CA-1315, October 2016.
3. **Event Chair:** *The Role of a Land Surveyor as Public Officer and Expert Witness by Izaak De Rijcke, Are Surveys Obsolete or the Most Important Document in a Land Transfer presented by Bob Aaron, Moderated by Geoff Connolly*, Property Law Seminars - 47th Annual AGM - Association of PEI Land Surveyors, Charlottetown, PEI, October 2015.
4. **Expert Report:** *Establishment of the Perimeter Boundaries of PID 177238 Being Lands in Possession of Sterling R. Gunn, Alvin B. Gunn & Margaret R. Gunn at West St.-Peters*, Submissions were part of a Petition made pursuant to a Quieting of Titles application, April 2012.
5. **Presentation:** *Gaining Peace of Mind in Modern Day Land Transactions* - title and boundary assurances, the role of lawyers and land surveyors and title insurance - Presentation to the PEI Real Estate Board Continuing Education Program, November 2007.
6. **Briefing Paper:** *Background and Pertinent Notes on the History and Tenure of Public Roads on Prince Edward Island* - Prepared and submitted for review to Hon. J. Armand DesRoches for counsel on the tenure of the "Old Queens Road", June 2006.
7. **Presentation:** *Towards Providing a Mechanism to Resolve Boundary Disputes on PEI* - Prepared and presented to Members of the Legislative Assembly, Caucus meeting, June 2006; also to the Real Property Committee of the Law Society, March 2006; and the Association of PEI Land Surveyors, December 2006.
8. **Accident Survey:** Expert witness appearing on behalf of the Crown during preliminary inquiry, presented evidence and data used for accident reconstruction - *R. vs. Calvin George Yeo*, PEI Supreme Court, Charlottetown, PEI Case No. S-1-GC495, August 2005.
9. **Summary of Findings:** Expert opinion on behalf of Respondents on the tenure of a certain road referred to as the "Old French Road" - *re. Quieting of Titles Application - Westech Agriculture Ltd., Applicant - Town of Alberton, Respondents*, PEI Supreme Court, Charlottetown, PEI Case No. S2-GS-4634, April 2005.

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Significant Reports and Appearances (Continued)

10. **Summary of Findings:** Investigation into the Establishment of the Ordinary High Water Mark along Saltwater Marshes and Preparation of Survey Plan - *re. Quieting of Titles Application - Ms. Esther Goldsen, Applicant - Government of Prince Edward Island as represented by the Minister of Transportation & Public Works, Adverse Claimants*, PEI Supreme Court, Charlottetown, PEI Case No. S1-GS-20472, October 2004.
11. **Expert Witness in Survey Law and Public Roads:** Appearing on behalf of the Plaintiff - *Government of Prince Edward Island as Represented by the Minister of Transportation & Public Works vs. Wilfred Gillis*, PEI Supreme Court, Charlottetown, PEI Case No. S1-GS-19243, February 2004.
12. **Expert Witness on Public Roads:** Appearing on behalf of the Appellant - *Alan Roper vs. The City of Charlottetown*, Island Regulatory and Appeals Commission, Case No. LA00102, Order no. 03-01, October 2002.
13. **Provided Evidence on Public Road:** Appearing on behalf of the Crown - *The Queen vs. Garnhum*, Prince Edward Island Provincial Court, Georgetown, PEI, Case No. 03401500101, July 2003.
14. **Presentation:** *NAD 83 - New Datum for Land Surveyors and PEI Geocalc* - Technical Presentation to the Association of PEI Land Surveyors, June 2003.
15. **Presentation:** *Recent CCLS Initiatives* - various initiatives of the Canadian Council of Land Surveyors presented to the Quebec Order of Land Surveyors, St. Adele Que., June 2003.
16. **Presentation:** Proposed Changes to the *Land Surveyors Act*, supporting the Minister of Transportation and Public Works, Second Reading of the *Land Surveyors Act*, PEI Provincial Legislature, Charlottetown, PEI., Fall Session 2001.
17. **Presentation:** *Private Rights of Ways and Public Roads* - Public town hall meeting held to discuss concerns over the Government's position to discontinue maintenance on private lanes, Stanhope Community Hall, Stanhope, PEI.
18. **Presentation:** *Resolution of Boundary Uncertainties - Adapting concepts of "Bornage" in Common Law*, Cadastral Studies special lecture, University of New Brunswick, February 2002.