

September 2020

Dr Brian Ballantyne

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780-850-2408

Advise lawyers, surveyors, administrators, landowners and First Nations on boundary/tenure issues.

Memberships

Law Society of Alberta (non-practicing)
Alberta Land Surveyors Association (Honorary Member)

Experience:

Freelancer	Ongoing
Senior Advisor: Land tenure & boundaries Department of Natural Resources, Government of Canada	2007-2020
Lawyer Challenger Geomatics Ltd., Calgary	2003-2007
Lawyer City of Calgary	2002-2003
Western Canada Surveyors' Chair of Cadastral Studies Assistant Professor – Geomatics Engineering, University of Calgary	1997-2001
Lecturer - Department of Surveying University of Otago, New Zealand	1992-1996
Surveyor (Boundary consultant, party chief, plan checker) Grand River Conservation Authority, Ontario Hydro & City of Burlington	1985-1991

Education:

LLB	University of Calgary	2002
PhD	University of Otago	1995
MASc	University of Toronto	1991
BSc	University of Toronto	1989
BSc	Trent University	1982

Service:

Presented 91 CPD seminars to surveying associations and land administrators
Supervised 19 post-graduate students, including:

- Muthama. *Tenure framework in Mombasa*. PhD. Univ of Calgary. Ongoing
- Fligg. *Agent-based modeling of a First Nation*. PhD. Univ of Waterloo. Ongoing

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Studies – Position papers, research reports & policy analyses:

Client: Tulo Centre of Indigenous Economics. *Case study of land tenure on Reserve.* Ongoing.

Client: Land Title & Survey Authority of British Columbia. *Action Plan: Ten tasks for mending post-quake survey fabric.* May 2020 and ongoing.

Client: USKE. *Loss of community land through flooding and erosion.* Ongoing.

Client: National Aboriginal Lands Managers Association. *Position Paper on Indigenous community-led surveying.* March 2020 and ongoing.

Client: Land Title & Survey Authority of British Columbia. *Analysis Paper: Cadastre - Coordinates or amalgam?* March 2020.

Client: Alberta Land Surveyors' Association. *Review of ALRI re: Law of Property Act.* January 2020.

Client: Alberta Land Surveyors' Association. *Position Paper: Adverse possession.* September 2019.

Client: Land Title & Survey Authority of British Columbia. *Restoring BC parcel fabric post-deformation event using the boundaries-moved principle.* January 2018.

Client: Land Title & Survey Authority of British Columbia. *Boundary Tribunal.* February 2018.

Client: Ontario Surveyor General. *Subdivider's intent for beach as evidence in re-establishing bounds: Boundaries Act applications B-1244 7 B-1246.* July 2016.

Client: Alberta Director of Surveys. *Recommendations for hybrid cadastre.* February 2015.

Client: Indigenous Services Canada. *Review of the Indian Lands Registry.* May 2014.

Client: United Nations Economic Commission for Africa. *13 Guiding Principles.* December 2007.

Client: Land Information New Zealand. *Managing the NZ cadastre after deformation events.* July 2004.

Client: Natural Resources Canada. *Property rights study for Nunavut.* March 2003.

Client: Natural Resources Canada. *Capstone: Flexibility/rigor in Canada Lands surveys.* September 2002.

Client: Indian and Northern Affairs Canada & Natural Resources Canada. *Design Study of Yukon First Nation land registry.* July 2002.

Client: Canadian Council on Geomatics. *Integrated land surveys.* January 2002.

Client: Natural Resources Canada. *Registration & survey systems on Aboriginal lands.* January 2000.

Client: Canadian Council on Geomatics. *Technical, social and legal implications of using coordinates to define boundaries.* August 1999.

Expert witness on various litigation files, including:

McGinn & Peck v Alberta (Alberta Court of Queen's Bench, Action 103-10944): Retained by Plaintiff to produce a written report and affidavit, and to testify at trial. Ongoing.

The Chippewas of Saugeen First Nation v Township of Amabel, et al (Ontario Superior Court of Justice, Action 21521/95 & 03-CV-253768-CM3: Retained by Ontario to produce two written reports, to testify at mediation and at trial. Ongoing.

Hacault v Registrar-General of Manitoba (Manitoba Court of Queen's Bench, Action CI-19-01): Retained by Plaintiff to produce a written report and affidavit. Ongoing.

Jim Shot Both Sides, et al v Canada, 2019 FC 789. Retained by Canada. Qualified at trial as an "expert in surveying and boundary making, including boundary principles, the technical aspects of surveying (e.g. instructing surveyors, marking boundaries, interpreting plans, field notes), and the practice of surveying in western Canada (e.g. surveys of IR and of Dominion Lands)."

Publications:

Books:

Author – *Water boundaries on Canada Lands*. NRCan. 73pp. 2016
<https://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/Water-bound-monograph-English-web.pdf>

Editor & co-author – *Surveys, parcels and tenure on Canada Lands*. NRCan. 162pp. 2010
<https://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/land-surveys/SurveysParcelsTenureCanadaLands.pdf>

Four chapters in books, including:

Aboriginal title: Boundaries & parcels of Aboriginal lands in Canada and Norway. c12. *The Arctic Contested*. pp217-236. Peter Lang S.A. (Brussels). 2014.

Many articles since 2010, including:

Improving land tenure administration in a post-conflict peri-urban Mombasa settlement. *Urban Forum*. 2019. <https://doi.org/10.1007/s12132-019-09382-4> (with Muthama)

Eight conferences since 2013, including:

Land surveying: An institution that has shaped Canada. **Keynote paper:** National Surveyors Conference (Canada-Ontario-Quebec). Ottawa. March 2017.

Boundary disputes: The price of federalism. **Keynote paper:** New Zealand Institute of Surveyors Conference. Dunedin, New Zealand. August 2013.