

Issues Related to Boundary Mapping in Ireland (5390)

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www.tfpb.ie



- Law Reform Commission requested the Law Society for their vision of eConveyancing - Task Force established & 3 years to publish eVision which contained radical proposals for change
- Move from '*Caveat Emptor*' to 'seller disclosure' for property transactions - responsibility now on vendor
- Land Registry should contain titles of all land in the State and all the interests to that land
 - Registration of all lands currently in RoD to be transferred to LR & close RoD
 - No interest should affect title unless it is registered (no exemptions?) - Title should be definitive, conclusive & all encompassing
- eConveyancing System = Electronic Hub, so professionals need to have confidence in reliability of information supplied by system



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- Irish Institution of Surveyors (IIS) established a Commission on Land Registration in 2006 to investigate & report on issues related to boundary mapping in Ireland
- IIS Green Paper (2008) essentially stated that:
 - **Non-conclusive boundaries are not reliable enough for eConveyancing** - property professionals are not confident in reliability of official mapping data
 - Boundaries need to be properly defined and registered as **conclusive to supply reliability required for eConveyancing**
 - Registration of conclusive boundaries is permitted under **existing legislation**
 - Proposed **gradual approach** over decades for migration towards conclusive boundaries

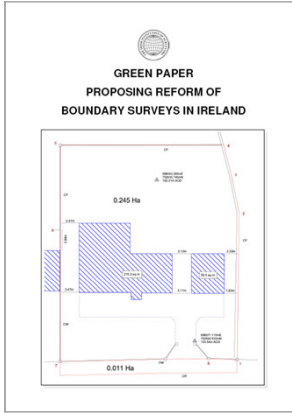


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- IIS viewed **Law Society eVision & IIS Green Paper** as **complementary**, one dealing with information in the folios and the other dealing with information in the mapping
- IIS considered that mapping solutions could not be developed in isolation by surveyors, so needed to involve wider participation for acceptance
- IIS met with members of Law Society eConveyancing Task Force to discuss proposal to establish an Inter-Professional Task Force on Property Boundaries (IPTFPB)
- IPTFPB established in April 2009** - slower progress than initially anticipated, but have now developed a good working relationship with other participants & work now speeding up




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- Presentations by each professional body to identify issues relating to boundary mapping which were of concern from their own perspective
- Colloquium in November 2009 to widen debate and assess if concerns already identified were valid - found that issues were more prevalent than expected, and the investigation was fully vindicated
- Website created at www.tfpb.ie & conducted survey on “**Issues Related to Boundary Mapping in Ireland**”
- Series of CPD workshops during March & April 2011 to present survey results and discuss preliminary proposals for solutions
- Discussions with stakeholders (PRA, OSi, NAMA, Banks, Law Reform Commission & government) about proposed solutions & need for change
- Final report expected by the end of 2011




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- Survey was developed iteratively during spring 2010 and piloted first by members of the Task Force and then by a select group of professionals to ensure questions were understood and the questionnaire was viable
- Survey conducted in two periods from 20th June to 10th September 2010 and then again from 25th January to 30th March 2011 because insufficient responses were received during the first period to ensure sample sizes were representative for each professional group
- Minimum sample sizes were computed using a tool on the Relevant Insights website at www.relevantinsights.com/research-tools to ensure the results had a confidence level of 90% with a margin of error of +/- 10%

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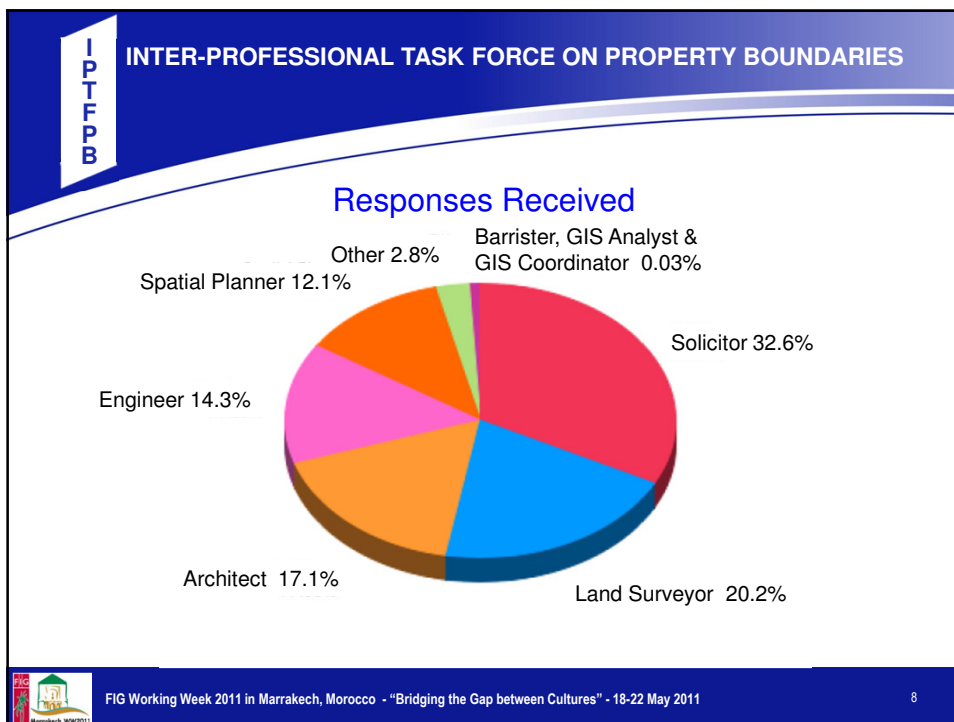
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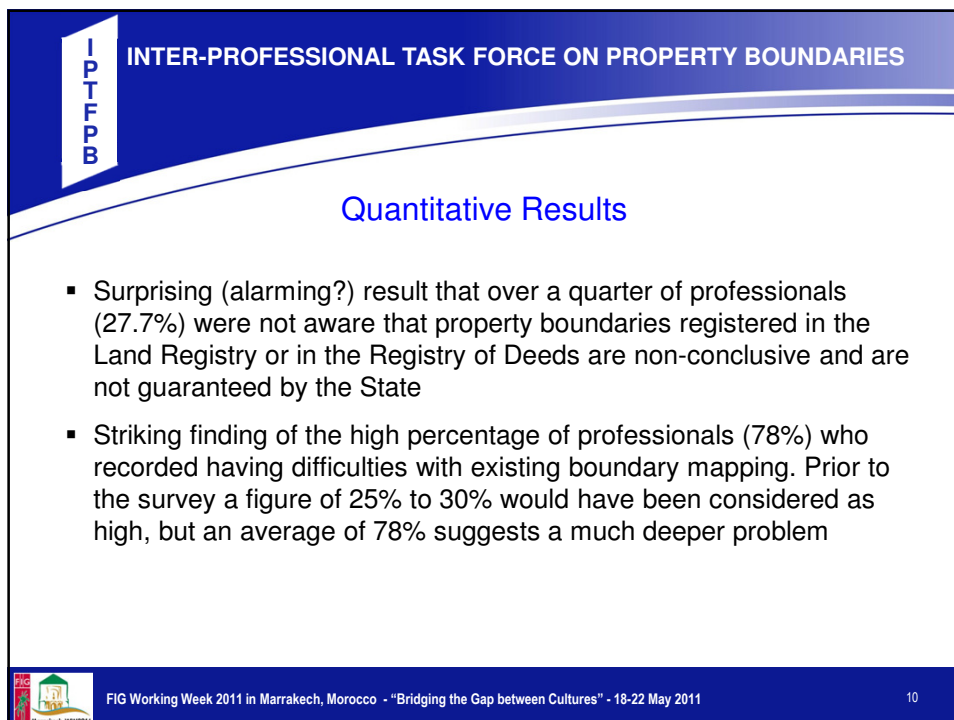
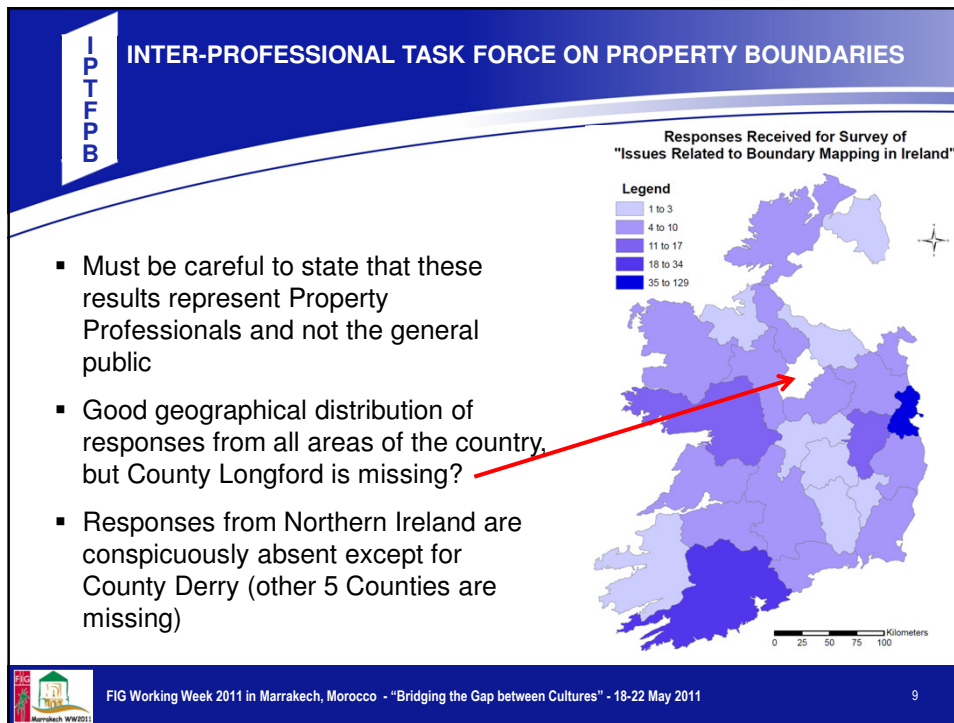
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Responses Received

Profession	Population Size	Required sample for +/-10% Error Margin	Responses Received	Sampling Error to Date	Completion Rate
Land Surveyors	375	57	65	+/- 9.3%	17.3%
Solicitors	7,500	67	105	+/- 8.0%	1.4%
Engineers*	400	58	46	+/- 11.5%	11.5%
Architects	2,415	66	55	+/- 11.1%	2.3%
Spatial Planners	700	62	39	+/- 13.0%	5.6%
Barristers	2000	65	1	∞	0.05%
GIS Analysts	?	?	2		
Others	?	?	10		
Total			323		

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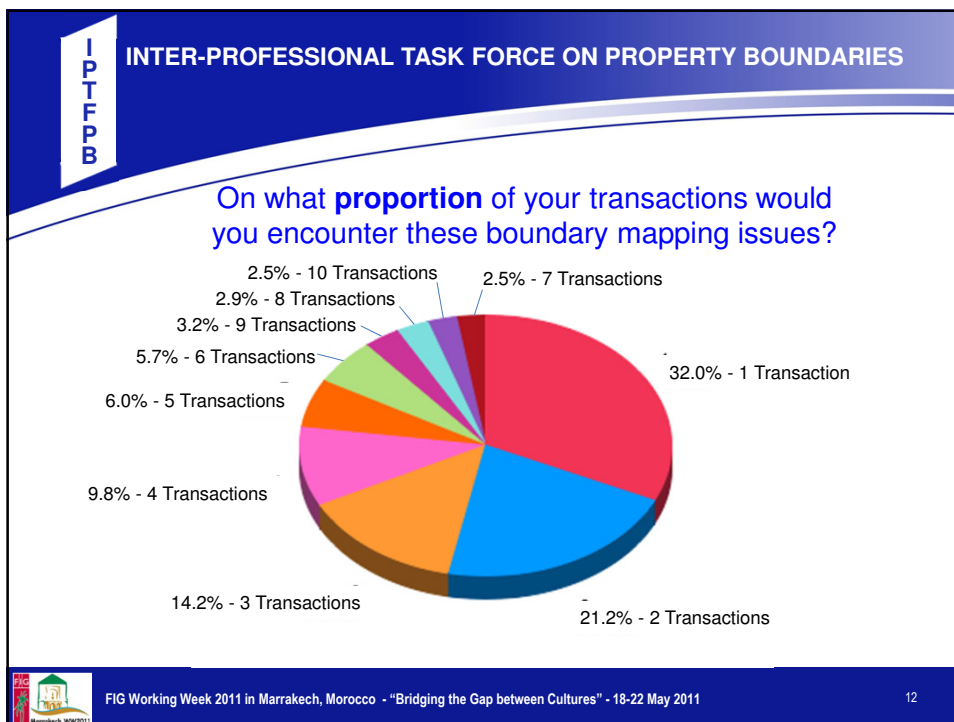


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Incidence of Boundary Mapping Issues Encountered

Have you encountered any of the following boundary mapping issues?	Yes	No	N/A
a) Boundary disputes resulting from mapping issues?	87.3%	11.7%	0.9%
b) Difficulty establishing a boundary on the ground using a Title map?	90.8%	6.7%	2.5%
c) Difficulty resolving a boundary survey with a Title map?	83.7%	12.8%	3.5%
d) Inconsistency between areas on Title maps and areas as measured on the ground?	91.7%	5.4%	2.9%
e) Difficulty resolving Rights of Way and/or Easements on Title maps and Rights of Way and/or Easements on the ground?	67.8%	25.7%	6.5%
f) Differences between two adjoining Title maps? (gaps or overlaps)	72.8%	24.3%	2.9%
g) Differences between two Title maps for the same property?	52.4%	45.0%	2.6%
Total	78.2%	18.7%	3.1%


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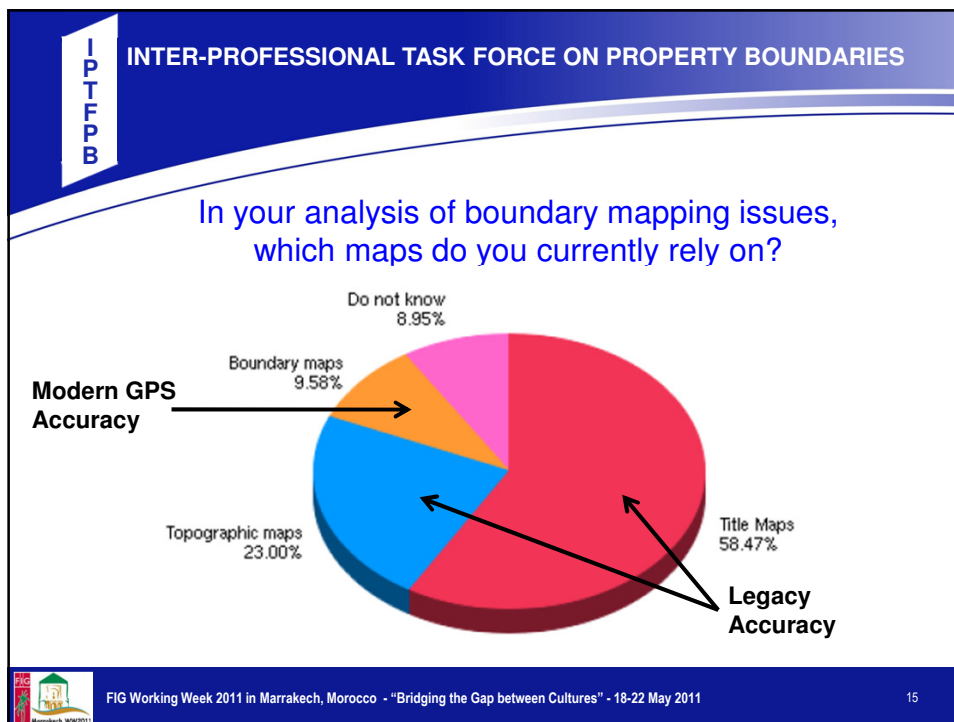
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Results indicate a significant appetite for change

What information is currently not included in this map that you like to be included?	Yes	No	N/A
a) Title boundaries (line of registered boundaries)?	87.4%	3.9%	8.7%
b) Physical features (including annotation of type)?	85.0%	5.1%	9.8%
c) Occupation line (current limit of occupation)?	67.2%	18.6%	14.1%
d) Legal boundary (the intentions of the parties)	89.4%	4.3%	6.4%
e) Land area (extent) of property?	86.6%	6.9%	6.5%
f) Dimensions and coordinates?	91.4%	4.1%	4.5%
g) Rights of way and easements?	94.2%	2.1%	3.7%
h) Other? (please specify below)	32.3%	9.2%	58.5%
Overall Result	84.5%	6.1%	9.4%

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- 65% of professionals stated that they were concerned with certifying Certificates or Declarations of Identity for title maps which are based on non-conclusive maps
 - If the State Agencies supplying these official maps do not accept the risk relating to them, why should property professionals be required to accept this risk? Essentially, property professionals are using their professional indemnity insurance to mitigate the additional risks involved
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Qualitative Results - Analysis Methodology


Stage	Tasks Performed
1	Create a report from www.survevgizmo.com of all the responses which included tables and charts of the quantitative results.
2	Create reports from www.survevgizmo.com for each profession using filters available, extract qualitative responses into word, colour code for each professional group, and combine groups into one document.
3	Initial classification of answers into a) Advocating Change, b) Neutral to Change, or c) Not Advocating Change
4	Secondary classification of qualitative data into main categories, such as: a) OSi Mapping b) PRA Map - Issues already completed c) PRA map - Accuracy Issues d) PRA Map - Rectification e) Declarations/Certificates of Identity
5	Identification of issues from within each main category
6	Formulation of preliminary proposals to resolve main issues identified and prepare a 1 page summary for each issue setting out a) Current Procedure, b) Difficulties being experienced, and c) Proposed Solutions
7	Host a series of CPD workshops to inform, discuss and collect feedback on the survey results and the solutions proposed.

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ACCESS TO PRA DIGITAL MAPPING


Current Procedure	Current Difficulties	Proposed Solution
<ul style="list-style-type: none"> ▪ Digital vector maps are not supplied by PRA to property professionals to confirm boundaries ▪ Digital vector maps are supplied by PRA to public bodies (to comply with EU INSPIRE Directive?) ▪ Paper copies of maps originally submitted for registration are only supplied to the landowner or their solicitor 	<ul style="list-style-type: none"> ▪ Lack of access to digital vector maps: <ul style="list-style-type: none"> ○ Promotes inefficiency because it necessitates additional costs for clients (for scanning & geo-rectification) ○ Degrades accuracy of work carried out ○ Necessitates duplication if boundaries re-digitised in some cases 	<ul style="list-style-type: none"> ▪ PRA should provide access to their digital boundaries for property professionals, (via www.landdirect.ie) ▪ Access also necessary for: <ul style="list-style-type: none"> ○ Original maps submitted for registration ○ Previous versions of PRA maps in certain circumstances

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RECTIFICATION OF BOUNDARIES


Current Procedure	Current Difficulties	Proposed Solution
<ul style="list-style-type: none"> ▪ Boundaries can be corrected by Land Registry staff if a deed of rectification is submitted and accompanied by an agreement of neighbours to the correction ▪ Boundary corrections can also be ordered by the courts 	<ul style="list-style-type: none"> ▪ Boundary differences between older deeds and www.landdirect.ie has stimulated an examination of new digital boundaries ▪ Boundary movements will continue with updates of OSi mapping ▪ Deeds of rectification are expensive and prolonged, so many discrepancies found are not rectified 	<ul style="list-style-type: none"> ▪ Transparent & speedy new process required (inter-professional panel?) to rectify discrepancies found ▪ New PRA procedure required to proactively resolve obvious discrepancies ▪ State to bear cost of rectifying discrepancies from digital mapping project

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AREAS OF PROPERTIES


Current Procedure	Current Difficulties	Proposed Solution
<ul style="list-style-type: none"> ▪ Purchasers interested in area, because it gives a measure versus value ▪ Areas from PRA maps & folios are non-conclusive, so should use them with care ▪ Areas now provided to 3 decimals of a hectare for all properties in www.landdirect.ie (to comply with EU INSPIRE Directive?) 	<ul style="list-style-type: none"> ▪ Areas on folios regularly do not correspond with areas supplied on www.landdirect.ie & these rarely correspond with areas from site surveys ▪ None of these areas are supplied to any identifiable standard ▪ Areas are derived from boundary coordinates ▪ Which area takes precedence? 	<ul style="list-style-type: none"> ▪ For non-conclusive - OSi to a) improve absolute accuracy of boundary coordinates and b) re-institute means to identify features bounding area quoted ▪ Adopt standards for conclusive registrations to significantly improve boundary coordinates & areas

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CERTIFICATES (DECLARATIONS) OF IDENTITY

Current Procedure	Current Difficulties	Proposed Solution
<ul style="list-style-type: none"> ▪ An additional legal document needed to minimise the risk to investment of financial institutions and certainty for purchasers because Land Registry map is non-conclusive ▪ That buildings & services are wholly confined within the registered title boundary and that the property has title to access a public road 	<ul style="list-style-type: none"> ▪ Unrealistic expectation that a conclusive opinion can be based on non-conclusive data ▪ Significant difficulties in housing estates ▪ Certificates are transferring risk associated with non-conclusive boundaries from PRA & OSi to PI Insurance of property professionals 	<ul style="list-style-type: none"> ▪ Procedure not standardised and resurveys are rare, so PRA map errors are perpetuated ▪ Establish a working group (LS, EI, IIS & RIAI) to develop a good practice procedure

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Majority of Respondents Advocating Change

- 30 pages of comments from respondents (results to 28th February)
 - Advocating Change - pages 1 to 24
 - Neutral to Change - pages 24 to 29
 - Against Change - Page 30
 - Colour coded to identify from which professional group particular comments came from
 - Numbered for the question in which the comment was supplied to give context
 - Additional 40 responses received in March to be included yet



Sense of the Importance of Issues Advocating Change

- Comments on OSi maps - 1.5 pages
- Comments on PRA maps (issues already completed) - 2 pages
- Comments on PRA map accuracy - 4 pages
- Comments on PRA map scale - 1 page
- Comments on PRA map (areas) - ½ page
- Comments on Qualifications & Accreditation of Professionals preparing & submitting PRA maps - 2 pages
- Comments on PRA map (measurements, coordinates & monuments) - 1 page
- Comments on PRA map accessibility - ½ page



Sense of the Importance of Issues Advocating Change

- Comments on Rectification of PRA map - 1 page
- Comments on PRA map (easements, rights of way, etc) - 2 pages
- Comments on non-conclusive & conclusive boundaries - 3 pages
- Comments on PRA map (other issues) - 2 pages
- Comments on Certificates/Declarations of Identity - 3 pages
- Comments on Boundaries associated with Dynamic Features - ¼ page
- Comments on boundaries to the centre of the public road - ¼ page
- Comments on Multi Unit Developments - ¼ page
- Comments on Registry of Deeds - ¼ page



Thank you for your attention

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