

# SurView NEWSLETTER

by surveyors for surveyors

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## Editorial

The Institute (ISTT) must play its part in operating within the ambit of professionalism and ethics, assisting in combating this deadly Covid-19 pandemic. Members are urged to comply with the guidelines of the Ministry of Health, National Security and other authorities.

A special appeal is once again made for members to contribute any articles on matters of interest to the profession. Articles can be submitted to our Secretariat's email contact at [info@instituteofsurveyors.com](mailto:info@instituteofsurveyors.com) or mailed to the ISTT Module.

The new Web page is actively updated and members are asked to regularly visit and provide feedback on the content. <http://www.instituteofsurveyors.com/> for more information.

**Covid-19 virus & the Real Estate Market** March 2020

G.A. Farrell &amp; Associates Limited

Much has already been written about the Covid-19 virus (also called the Coronavirus) and its possible outcomes. It is a situation that is changing daily. As of the date of writing this, there were over 100,000 confirmed cases with over 3,400 deaths. Locally there have been four confirmed cases and all indications are that this number can be expected to increase as time goes by.

One of the main questions being asked is what will the likely effect be if any on the local economy and by extension, the real estate market. Already, many foreign stock markets have experienced large drops although this does not include our local stock market so far. Unfortunately, the simple answer is we simply do not know as yet as we are in uncharted territory.

Nevertheless, we can look at what we do know or can be expected logically. The first thing to realize is that a major factor will be how long it will take to contain the spread of the virus. If it is not quickly controlled, here are some of the things that could and would likely result, some of which are occurring.

1. It will come as no surprise to state that our economy will be adversely affected. This has already been exacerbated by the drastic drop in energy prices caused to a large extent by the oil price war between Russia and Saudi Arabia. These two elements can have a snowball effect of negative consequences as will be seen below.
2. Some industries will obviously be more affected than others. Examples of these would be airlines, hotels, restaurants and entertainment.
3. As a result of 2 above, retail businesses will also be adversely affected and even more so as shoppers begin avoiding crowded places for fear of contracting the virus.
4. The closing of schools and perhaps non-essential government offices which in turn will affect the livelihood of people in transportation and food businesses.
5. All of the above will lead to employers losing income and might result in lay-offs in a fragile economy already experiencing this.
6. As citizens in almost all walks of life then have less money, they will be unable to buy new homes nor invest in commercial property. Even the ability to pay rent and service mortgages will be negatively affected.
7. This could cause an increase in vacancy rates and a corresponding decline in rental rates.
8. Once this happens, there will be downward pressure on real estate prices. However, an investment in real estate is traditionally a long-term investment with somewhat low liquidity. Any decline in prices therefore takes a little time before it is seen. This is in contrast to other investments like stocks and bonds that can be sold almost immediately and so often suffer adversely due to irrational, emotional market sentiment.

Just as the 2008 US financial crisis affected global markets, it seems that the Coronavirus pandemic, if allowed to get out of control, could have a similar global effect. For now, its impact on our local economy is speculative as the above-described double whammy is still at an early stage. As a nation we have no control over the oil price but as citizens we can do all that is reasonable to stave off the proliferation of Covid-19 by practicing hygiene regimes, as publicised by recognised media sources. In addition, we hope that property owners/investors have been prudent in the management of income by ensuring that reserves are sufficient to cover unforeseen voids and/or loss of income due to the effects of a sustained contraction in the price of oil as well as any possible exponential spread of the virus.

Despite the 'bit' of doom and gloom mentioned above, it is always best to have an optimistic outlook, so let us all hope for a speedy end to these highly unpleasant circumstances so that life can return to a state of normalcy

## Covid-19 and Construction Contracts

Clint Langton, MCI Arb, Quantity Surveyor

When the stay-at-home period comes to an end and life gets back to some semblance of normalcy what can we expect with construction and construction contracts? We need to state that “normalcy” here is really subjective as the experts warn that life may not get back to what we knew it to be prior to Corona. Fetes and large congregations in public maybe quite a way off even when the stay-at-home is lifted. But for construction projects that have been halted since the mandatory stay-at-home was implemented on 30th March 2020 and scheduled to be lifted on 30th April 2020 what can be expected?

### Short answer = Claims

Now claims in itself are not necessarily bad. Because what we are currently experiencing in the construction industry is actually covered in most standard forms of contracts. Force Majeure is defined as an exceptional event or circumstance which is beyond a party's control; could not reasonably have provided for before entering the contract; could not have been avoided; or which is not attributable to either party. This is covered in clause 19 in Fidic Red Book; clause 8.11 in JCT and clause 8.11 in TTIA. Under all these standard forms it allows for the termination of the contract owing to force majeure.

What we are referring to is the unfounded, unjustified, uninformed actions being brought by persons who “just don't know what they are doing” type of claims. In essence the claims are going to be along the line of the contract being affected by Frustration. This is defined as the event / act that, through no fault of either party, makes the performance of the contract impossible. But, can one really justify a one-month suspension, as frustration? This question arises since most standard construction contracts allow for a minimum of a two-month suspension before termination under force majeure can come into effect. So, we have a situation where contracts have been suspended for one month, maybe two (hopefully not more than that!) Then one party decides to terminate the contract because of the delay and claim losses and disruption etc. Or, not termination but claims, for delay, loss, disruption etc.

Either way what will be required is a level head, calm and understanding. Understanding that what you (the client, the contractor, the sub-contractor, the tenant, whoever you are), would have experienced for the stay-at-home period, was also experienced by the others on the project.



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## Perspectives for the 'new normal' for Land Management (post Covid-19 pandemic)

Paula Drakes MRICS, MISTT, Chartered Geomatics Surveyor

In January 2020, despite the advent, and reports, of a new coronavirus emanating from China, very few of us in Trinidad and Tobago anticipated, at that time, that the subsequent Covid-19 pandemic would have caused the global 'lockdown' of the free movement of people and suppression of economic activity as was experienced in March and April 2020. As most public health experts have warned, we should not expect to carry out 'business as usual' after the lifting of the pandemic restrictions. Some have suggested that there will be a 'new normal' which will be very different from life as we knew it in previous years. How will this 'new normal' impact the surveying profession in Trinidad and Tobago? Are there any opportunities for re-engineering the way surveyors work and produce for the benefit of clients and the economy as a whole?

The malaise of Covid-19 also resulted in the grounding of all airlines and the halting of shipping activity (except for emergency trade). The resulting effects were the disruption of global supply chains and the historic first-ever negative value of oil future trades because of low demand for the finite, near-capacity stocks of oil. For Trinidad and Tobago that translates to future challenges for our usual imports, especially food imports.

At the end of April 2020, the Trinidad and Tobago government established a multi-disciplinary committee, referred to in some quarters as "Team 22" to plot a 'roadmap for Trinidad and Tobago post-Covid-19'. Several sub-committees were established, including – Agriculture; Services; Retail and Distribution; Women and Vulnerable and Children; Revenue Investment Energy and related industries; Banking and Insurance; Construction and Development; Manufacturing; Remodeling and rebuilding and Transforming Society. The Institute of Surveyors of Trinidad and Tobago (ISTT) was engaged for discussion as part of the Joint Consultative Council (JCC) for consultation under the Construction and Development sub-committee. While it is understood that sub-committee will look at re-starting construction projects in the short term, it can be argued that all of the sub-committees, especially Agriculture, will require sound land management as a foundation in the short-, medium- and long terms.

The country's available land space is finite with some being lost to coastal erosion. There is now, and will be more, intense competition for different land uses – agriculture, residential, manufacturing, infrastructure and development, energy and quarrying, forestry, recreation and the blue economy. "When an inventory of land does not exist, it cannot be measured. If it cannot be measured it cannot be managed [or protected]. Simply put, it is up for grabs by the many unscrupulous means at the grabbers' disposal." (McKenna, 2020)

A coordinated national cadastre which includes land and marine parcel shape and size, land use, title and value information supported with geo-referenced imagery and topography in a geographic information system (GIS) will be the ideal instrument to manage our land resources. Such information currently exists in bits and pieces across disparate organizations with limited online public access. We need to perform a gap analysis and creatively adopt measures to share and update the information seamlessly. This cadastre should then be instrumental for updating land (and food) policy, for modeling future infrastructure and development works and for modeling the impacts of future climatic and pandemic vulnerabilities. What is needed post Covid-19 is supporting legislation, robust ICT infrastructure, and collaboration among land and property professionals.

Now is the best opportunity for land and property professionals to work with the lawmakers to update the 1992 Land Policy and to harmonize same with the Regulations for the disposal of (State) land in the Public Procurement and Disposal of Public Property Act 2015 (and its Amendment in Act No. 5 Of 2016) . Now is also the best time to address outstanding land-based legislation. During the debate for the passage of the Land Surveyors' Act of 1996, Dr. Keith Rowley (now Prime Minister), submitted to the Parliament, on page 32 of the Hansard, the following:

“Mr. Speaker, land surveyors are integral to land management in Trinidad and Tobago. One of the greatest shortcomings we have in the area of public administration, is the question of management of lands both public and private. Because of our history, we have evolved in a certain way and we have a situation where land management in this country is – I do not want to say antiquated – so far behind what it can be that any attempt to upgrade agencies, co-operatives, or factories to deal with land management would, in fact, contribute considerably towards modernizing Trinidad and Tobago, and it is in that context that this bill is to be viewed”

Another three pieces of land legislation which were passed in the year 2000 have not yet been proclaimed.

Land Surveyors – all categories as outlined in the Land Surveyors’ Act of 1996 – need to collaborate to modernize the land-based economy. In the ‘new normal’ the concept of ‘work’ should not merely be considered as a destination but as something one does. Going forward, we must be prepared to -

- Review and redesign business processes;
- Work in the digital space;
- Continue personal hygiene and social distancing etiquette;
- Allow staff to work from home, where possible;
- Contribute geo-referenced information in shared Online databases;
- Support the development and maintenance of a National Spatial Data Infrastructure (NSDI);
- Measure remotely using remote sensing techniques, where possible;
- Suggest revisions to content and the method of delivery of training, CPD and professional meetings;
- Lobby for greater input in development and policy issues; and
- Adjust professional fees to meet the new realities and remain compliant with same.

The way forward may seem daunting but Trinidad and Tobago has most of the foundation systems, data and experienced personnel necessary for the ‘new normal’. There is an opportunity now for land surveyors and other property professionals, post-Covid-19, to forge updated and harmonized structures and processes that will help to create a robust cadastre for effective decision-making in land development, land management and food security to mitigate the effects of the next pandemic.

## **ISTT’s Response to Covid-19**

The Board of Directors along with the members have recognized some elements of the Government’s response to Covid 19 that affect the profession. From the membership consultations the following letters were drafted, sent and responses are ongoing.

- Guidance on the Public Health [2019 Novel Coronavirus (2019-Ncov)] (No. 8) Regulations, 2020
- Public Health [2019 Novel Coronavirus (2019-Ncov)] (No. 81) Regulations, 2020.

The President of the Institute of Surveyors of Trinidad and Tobago (ISTT) Mr. Stephen Joseph Affoo at present sits as a member of the Sub-Sector Committee for Construction with the Joint Consultative Council. Through him, representations on behalf of the membership are being made on “Navigating our way to recovery, post COVID-19”.

11th April, 2020  
The Honourable Stuart Young  
Minister of National Security  
Temple Court 1, 31-33 Abercromby Street,  
Port of Spain

Dear Honourable Minister,

**Re: Guidance on the Public Health [2019 Novel Coronavirus (2019-Ncov)] (No. 8) Regulations, 2020**

The Institute of Surveyors of Trinidad and Tobago (ISTT) is seeking clarification on the Regulations mentioned at caption, specifically ss 3.(2)(x)iv which includes capital market activities as an essential service under the heading of "Financial and Insurance Services".

As you may be aware, Valuation Surveyors (also called 'Valuers') are professionals who are involved in capital market activities, namely the provision of long term investment advice to financial institutions, specifically real estate. This advice is needed even during these unique and perilous circumstances as commercial banks need to provide consumers with access to lending services, and a valuation is a necessary and integral part of that process. Valuation advice would also assist banks in estimating collateral risks for secured lending in order to defer, waiver or re-finance existing mortgages.

While a valuation normally includes a visual inspection of the exterior and interior of the building(s) erected on a site, it is possible in specific scenarios, such as when a recent, prior valuation was done, to conduct an exterior inspection only. In this instance only one valuer is required to visit the property. Subsequent to a site visit, the valuation report would be prepared at home and can be sent electronically to the banks. Based on this revised *modus operandi*, you would appreciate that it is unlikely that any of the Public Health guidelines would be breached. In particular, social distancing can be maintained.

In light of the preceding, we require confirmation that Valuation Surveyors are in fact, essential service providers as described under ss 3.(2)(x)iv of the aforementioned Regulations and therefore are authorised to conduct business during this challenging period.

We thank you for your consideration and due to the urgency of this matter, and look forward to your early response.

30th April, 2020  
The Honourable Terrance Deyalsingh, MP  
Minister of Health  
The Ministry of Health Trinidad and Tobago  
63 Park Street,  
PORT OF SPAIN.

Dear Minister,

**RE: Public Health [2019 Novel Coronavirus (2019-Ncov)] (No. 81) Regulations, 2020.**

In or about the 16th of April, 2020, the Prime Minister, Dr the Honourable Keith Rowley, appointed a 22-member Committee to formulate short, medium and long-term recommendations for the reopening of the country after the numerous weeks of shutdown due to the coronavirus outbreak. The Committee has been given until sometime in May to submit its report to the Government.

In this regard we believe it to be critical that the views of the Institute of Surveyors of Trinidad and Tobago (ISTT) and the significant potential contribution of its members, be made available to this Committee for the purpose of having same factored into their final recommendations.

Surveyors are required to work closely with a wide range of professionals including architects, engineers, bankers, ecologists, town planners and property developers. Their services are normally required for the purpose of providing crucial information that the other professionals rely on, to allow them to do their job.

Land Surveyors are normally the first people on any development or construction site. They play an integral role in acquiring spatial data for the purpose of subdivision, planning and design to the final road, utility and landscaping construction. The Quantity Surveyor is required to provide essential services to ensure projects are monitored and maintained within budgetary constraints. They make sure that the financial position of projects is accurately reported and effectively controlled. The Valuation Surveyors are professionals involved in the provision of long-term investment advice to financial institutions, generally and in particular regard to real estate that are both existing and under development. They provide some of the base information required to prepare feasibility and viability assessments and to evaluate returns on capital investment and qualitative cost benefit analysis.

The disciplines of Surveying do not require substantial interaction with members of the public, as such compliance with the stipulated Public Health guidelines would not be a challenge. In the interest of further reducing the risk of the possibility of spreading the virus, each of the survey disciplines have also been working on additional health and safety practices and procedures as it relates to the conduct of work. These practices and or procedures will further reduce and/or eliminate the possibility of the Surveyor's activity in the field, contributing to the spread of the Corona virus.

Having regard to the fact that the services of Surveyors are vital to the successful implementation of any plan to restart the economy and the low risk that their work activity poses to the public, we are respectfully of the view that Surveyors should be among the first group of professionals allowed to resume operation as part of the rebuilding process.

We thank you for your time and kind consideration of our representation and should any further clarification and/or assistance be required, please do not hesitate to contact us at the address stipulated.

## Reverse Mortgages

Dinelle Ramkoon MRICS, MISTT MSc., Chartered Valuation Surveyor

A reverse mortgage is defined by Investopedia (2020) in one word-loan. This allows a homeowner who is approximately 62 years or older and has considerable home equity to borrow against the value of their home. They can then receive the resultant funds in one of the following ways

- a lump sum
- a fixed monthly payment
- a line of credit

Noteworthy, a reverse mortgage does not require the homeowner to make any loan payments, unlike a forward mortgage which is usually utilized for purchase of a car or home. The entire loan balance instead becomes due and payable when one of the following occurs

- the borrower dies
- the borrower moves away permanently
- the borrower sells the home

Some of the Pros and Cons of a reverse mortgage by Bankrate (2020) are as follows:

### Pros

- Increased cash on hand- Upon retirement, many seniors experience a significant income reduction. For most, monthly mortgage payments are their largest expense. However, a senior with significant home equity can utilize this facility to pay off an existing mortgage or they can even refinance or pull cash from the property.
- No relocation necessary- Most seniors want to remain in their home and by extension their community as they age. A reverse mortgage may allow seniors to age in place and be near friends and family rather than move.
- Costs may be lower- In most cases, the costs associated with a reverse mortgage may be lower than that to relocate.
- The money accessed from a reverse mortgage is not taxable- This occurs since these payments are considered loan proceeds and not income. The lender pays the borrower said loan proceeds whilst the borrower continues to occupy the property. Additionally, the interest is not usually deductible until the loan is paid off in full.
- No claims against other assets or heirs-It is quite possible for a reverse mortgage debt to exceed market value since the balance increases over time. Noteworthy, the lender has no claims against other asset or heirs since this facility is an example of non-recourse financing. In such instances, the responsibility to repay the debt can never exceed the property's value.
- You continue to own the home- Although reverse mortgages can be paid off by borrowers, in most cases they are usually terminated when persons move, sell or pass away.



### Cons

- Reverse financing is not free- The associated costs with such facilities include lender fees, closing costs etc. These costs can result in the borrower having more debt and less equity, as they can be added to the loan balance.
- Interest rates- The amount of equity which can be accessed by fixed rate financing is less than that by an adjustable-rate option.
- You can be foreclosed- Individuals can be foreclosed if property insurance, property taxes etc. are not paid.
- Status change- Complications arise if, for example, the borrower goes to a long-term care facility or even gets married subsequent to obtaining the reverse mortgage. In cases such as these, the services of an attorney must be utilized.
- Estate Situation- There are several options which can be utilized. They can opt to sell the property, repay the debt and keep any equity in excess of the loan balance. They may also keep the home whilst refinancing the remaining balance in the event that the property value is adequate. If however the debt exceeds the property value, the heirs can settle the loan by reinstating title to the lender. A claim to the insurer can then be filed by the lender for the unpaid balance.

Whilst reverse mortgages may not be very popular in Trinidad and Tobago, they are on the rise. More of the Country's seniors are utilizing this facility. This facility was introduced to Trinidad and Tobago in 2002 by the Home Mortgage Bank (HMB).

In the past, reverse mortgages were sold to persons who possessed asset wealth but lacked liquid cash. They are however currently marketed as a way to crack open a 'piggy bank'. Economists, such as Dr. Dhanayshar Mahabir, are of the opinion that the reverse mortgage is skewed in favour of the lender/financial institution. He advised seniors to instead sell their property. Any institution which offers this service should be able to calculate the life expectancy of the homeowner and thus have links within the insurance industry.

Further, it is the responsibility of the Government to analyse the practice so that they may regulate the financial institutions which offer it. They must be in possession of the insurance company's fair accrual values. Additionally, there must be clauses to enable persons to update their property value on a periodic basis. The latter ensures equity and fairness in the system since the financial institutions are able to revise the interest rates at which they lend. The financial institutions eventually remain with a stock of properties in their portfolio which they will sell. Thus, they make profits from both the property and the financing. (Hassanali, 2012)

Financial regulations must require lenders to structure the transaction such that the loan amount does not exceed the property value and the borrower or borrower's estate would not be held responsible for paying the difference in the event that the loan balance does become larger than the property value. The latter can occur due to a decrease in the property value or in the event that the borrower lives a long time. (Investopedia, 2020)

### References

Fontinelle, A., 2020. Reverse Mortgages Definition. [online] Investopedia. Available at: <<https://www.investopedia.com/mortgages/reverse-mortgage/>> [Accessed 01 April 2020]

Miller, P., 2020. Reverse Mortgage Pros And Cons | Bankrate. [online] Bankrate. Available at: <<https://www.bankrate.com/mortgages/reverse-mortgage-pros-and-cons/>> [Accessed 09 April 2020].

Trinidad and Tobago Guardian, 2012. Economist: Reverse Mortgages Unfair. [online] Available at: <<http://www.guardian.co.tt/article-6.2.425189.713e27e50f>> [Accessed 16 April 2020].

## Interacting with the built environment: Pedestrian Crossings

David Bally MRICS MISTT

The built environment is literally all around us. It is where humans live, work and play daily. Therefore, it makes sense to have such an environment designed and constructed in such a way that it harmonizes with our daily activities and maintains a certain standard of living that would reasonably be expected in a civilized society. Why did the chicken cross the road? Well, to get to the other side, preferably by using a pedestrian crossing so it's done safely! Since pedestrians are the most vulnerable road users by no stretch of the imagination, a safe and accessible option to cross the road must be provided.

A profound scientific study into pedestrian crossings was conducted in October 2008 by the Department of Civil & Environmental Engineering, UWI. This Report ("the UWI Report") can be found here:

<http://uwispace.sta.uwi.edu/dspace/bitstream/handle/2139/4114/PEDESTRIAN%20CROSSING%20FINAL%20REPORT.pdf;sequence=1>

However, it is not the writer's intention to critique the contents of the afore-mentioned Report. This article only seeks to highlight the follies and/or inadequacies of existing pedestrian crossings at certain locations in south Trinidad.

For your benefit, let's start with a brief breakdown of the components of a pedestrian crossing which are as follows:

**Zebra markings** – these are the white bands which traverse the paved road and are parallel to the sidewalk. These are used to guide a pedestrian to the proper path for crossing and provides an advance warning to drivers upon their approach to the crossing;

**Zigzag lines** – these are the white lines on either side of the zebra markings which are used to restrict parking, overtaking and stopping of vehicles within the confines of the crossing. By preventing these infringements, pedestrians are afforded increased visibility when using the crossing;

**Two (2) circular amber signals** facing opposite directions of traffic flow. These define the right-of-way for pedestrians at the crossing; and

A pedestrian crossing sign to provide advanced warning to a driver on his/her approach to the crossing.

**Photo No. 1** shows what I consider to be an example of a well-designed and well-placed pedestrian crossing. It is located on San Fernando Siparia Erin Road at the eastern front of Penal Presbyterian Primary School. Other than the fact that it contains all the elements mentioned above, there is good infrastructure making it easy to enter and exit the crossing since sidewalks are provided on both sides of the zebra markings.

Section 2.2.2 on page 13 of the UWI Report discusses the location of Zebra markings. Zebra markings need to be visible to a driver within a reasonable distance to allow for safe action to be taken and can be so assessed in terms of horizontal alignment and vertical alignment. These are described in detail in the UWI report, but I will briefly explain how visibility is affected by adverse horizontal alignment and adverse vertical alignment. This is to provide a greater appreciation of what comes next.

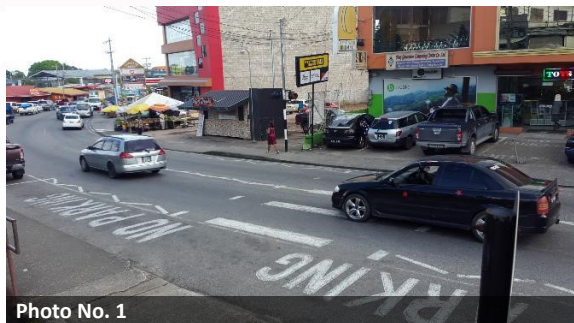


Photo No. 1

**Photo No. 2** is an image of a pedestrian crossing on San Fernando Siparia Erin Road, Debe, approximately 200 metres north-west of Lalbeharry Trace. This is an example of low visibility because of an adverse horizontal alignment – at the top, right-hand corner of the image you will notice the sharp curvature of the road (or a sharp horizontal curve as described in the UWI Report). Vehicles heading towards this crossing (in a north to south direction) are navigating around this curvature which impedes the view upon approach to the crossing. That which may be considered a reasonable distance is compromised and as such would impede a driver's ability to respond safely.

Adverse vertical alignment occurs when the view of the crossing is obscured by a sharp vertical curve. The crossing is at the summit, so it is only seen when getting over the brow of the hill and so it is expected that the driver will not have enough distance to take action safely (see Photos Nos. 3 & 4). This crossing is located on Oliverie Drive, at the western front of Holy Faith Convent, Penal.



In both examples above, you may have noticed the absence of zigzag lines, amber signals and pedestrian crossing signs – likely features which could mitigate low visibility caused by adverse horizontal alignment and vertical alignment.

In reference to **Photo No. 2**, other than that which was explained, do you notice anything strange about this crossing? What is most obvious is that there is a green hedge on the western side of the road in front of the zebra markings; but did you also notice the open concrete box drain?

Look at **Photo No. 5** for a better angled view. There is no safe access to the crossing from this side of the road and no way to exit from the sidewalk on the opposite side. Notwithstanding these features, the location of the crossing seems counterintuitive. Based on my observation, the likelihood of a pedestrian wanting to cross at this location is very low – there are no schools, public buildings or shopping parades in this immediate area which would warrant the provision of a pedestrian crossing. It's as if the worst possible location was chosen to paint zebra markings!

Now take a second look at **Photo No. 4**. The inadequacies are twofold and might be less obvious and severe than those showcased above but in no way acceptable against any standards. The exit and entry to the crossing on one side (on the left of the photo) is a grass verge (no paving); I think it is safe to assume that students' shoes are muddied, in the least. To add insult to injury, students of Holy Faith Convent wear white socks and shoes! The second folly is the fact that the guy wire, which is anchored in the verge, impedes crossing accessibility.



Photo No. 5



Photo No. 6



Photo No. 7

**Photos Nos. 6 and 7** were taken of the crossing at Cipero Road to the southern front of St. John's Anglican School and identifies another instance of a lack of proper infrastructure making such an important element of the built environment not user-friendly. There is but again a grass verge, which on the date of capturing this image, was water-logged; not to mention the presence of a gaping hole (seen in **Photo No. 7**). How do we expect primary school children to navigate safely under these treacherous conditions?



A pedestrian crossing is a public service and as such is provided by the State. This also means that taxpayers finance such expenditure. Therefore, is it not a reasonable request that taxpayers get at least a commensurate return from such investments? The crossing at Debe (Photos Nos 2 & 5) in my opinion, is a clear case of money gone down the drain! The other two references (Cipero Road and Oliverie Drive) seem to me to negatively affect the public's utility derived from using the crossings.

Since resources are finite especially when the COVID-19 pandemic and the Russia-Saudi Arabia oil price war have created such incredibly uncertain economic conditions, we need to adopt a more careful and thoughtful approach in utilizing available resources. Consideration of the wellbeing of others should also be of equal importance. I do not doubt that we as a nation have the knowledge and expertise to rely on for the provision of public services, including pedestrian crossings. I hope that the above raises your attention levels and you yourself may now come across your own examples of inadequacies, not only at pedestrian crossings but also in other elements or features of the built environment. It is hoped that, collectively, we can make a difference going forward.

## Conflict of interest in land surveys

Kamal Sant MSc., TTLS

### What is a conflict of interest?

Wikipedia defines: "A conflict of interest is a set of circumstances that creates a risk that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary interest." Primary interest refers to the principal goals of the profession or activity, such as the protection of clients, the health of patients, the integrity of research, and the duties of public officer. Secondary interest includes personal benefit and is not limited to only financial gain but also such motives as the desire for professional advancement, or the wish to do favours for family and friends.

Secondary interests are not treated as wrong in and of themselves but become objectionable when they are believed to have greater weight than the primary interests. Conflict of interest rules in the public sphere mainly focus on financial relationships since they are relatively more objective, fungible, and quantifiable.

A conflict of interest in business normally refers to a situation in which an individual's personal interests conflict with the professional interests owed to their employer or the company in which they are invested. A conflict of interest arises when a person chooses personal gain over the duties to an organization in which they are a stakeholder or exploits their position for personal gain in some way. Each of these "organizations" expects the person to have its best interest first. Thus, a conflict arises.

A conflict of interest can exist in many different situations, involving personal loyalty and loyalty to a private employer, a government employer, or a professional relationship.



## Types of Activities that Give Rise to Conflict of Interest:

Several common activities that can create a conflict of interest by surveyors are -

Nepotism is the practice of giving favors to relatives and close friends, in matters of hiring, promotion, transfer, or termination. The term comes from the word for "nephew," it was common practice in ancient times. Nepotism is considered a conflict of interest because the relative may not be the best person for the job.

Self-dealing is an action taken by a corporate fiduciary (someone who has a fiduciary duty) for that person's personal gain, rather than for the benefit of the company. Examples including using corporation funds as a personal loan, or buying company stock based on insider information (also an insider trading violation).

Excess compensation. In a non-profit organization, setting compensation or benefits for officers, directors or trustees may result in a conflict of interest. For example, paying an employee in a position of substantial authority excessive compensation serves a private interest.

## Other Actions That Can be Conflicts of Interest

Some other examples of conflict of interest:

Asking for or accepting bribes (giving something with the intent to influence), such influence can be monetary or "in-kind" or for a future favour.

Asking for or accepting gifts because of an official position in a government organization (some businesses also have policies against taking gifts from customers).

Misuse of an official position to get something not entitled to that would not be properly available to other individuals in your situation, like doing personal business on company time or avoiding a speeding ticket by showing a government ID.

Asking someone else to do something that's not available to others in your position, like asking an assistant to run personal errands.

Presenting a false claim to an employer for a payment or benefit, like filing a false timesheet for time not worked or falsifying the training of a Land Surveying Graduate.

Improperly disclosing or personally using confidential information gained through the job, like accessing Public records for which there is a cost via their employed position and using that data on survey jobs.

Taking a second job that conflicts with duties with the primary job. Just taking a second job isn't necessarily a conflict of interest. But if an employee in a surveying department had a second job with an surveying firm that did work for the employer, that could be a conflict.

A public surveyor whose personal interests' conflict with their expected loyalty to the organization.

A surveyor who has a position of authority in one business that conflicts with his or her interests in another business or organization.

A surveyor who attempts to represent both parties in a common boundary dispute, except when appointed by the Courts.



**"What conflict of interest?! I work here in my spare time."**

## Conflicts of Interest in the Workplace

Workplace situations in which conflicts of interest in the survey workplace occur are:

An employee may work for one company but he or she may have a side business that competes with the employer. In this case, the employee would likely be asked to resign or be fired.

A common workplace conflict of interest involves a manager and an employee who are married or dating and have a relationship. This is a conflict because the manager has the power to give raises or promotions to the employee. Discussions about the company between the two people may also breach confidentiality restrictions.

An employee who has a friendship with a supplier and allows that supplier to go around the bidding process or gives the supplier the bid has a conflict of interest.

A former employee may take his former company's customer list and directly compete. Non-compete agreements are often required of executives and business owners for this reason.

Many organizations have policies and procedures that don't allow a conflict of interest, to avoid a potential problem before it occurs. For example, in the situation above, many businesses have policies against hiring relatives in certain situations.

## How are Conflict of Interest Administered?

Like other types of illegal or unethical activities, conflict of interest activities for surveyors carries the risk of consequences. These consequences vary depending on the circumstances and the policies applicable in the case.

In the Trinidad and Tobago Civil Service, conflict of interest carries the possibility of investigation and charges by the Public Service Commission. Under the Trinidad and Tobago Civil Service Regulation Chapter 23:01, Regulation and Section 137:

"An officer shall not, directly or indirectly be involved in any financial or other interest or undertaking which could compromise, or rationally be said to compromise that officer's job performance or office"

"Where an actual or potential compromise arises, the officer shall inform the Permanent Secretary or Head of Department."

The Permanent Secretary or Head of Department shall determine the nature and degree of compromise, decide upon an appropriate course to resolve it which may include assigning the officer to other duties, and advise the officer accordingly.

Even the appearance of a conflict can be prohibited. A public employee, for example, who acts in a manner that would make a reasonable person think they can be influenced could be investigated and subsequently charged with conflict of interest.

Further, in the Code of Ethics in the Third Schedule to the Land Surveyor Act 1996, states it is required of registered surveyors by Article 10:

They shall not become associated in responsibility for work with surveyors who do not conform to the published code of conduct for members published in these Regulations:

(a) They shall not use the advantage of a salaried position to compete unfairly with another surveyor.

The participation of Government employed land surveyors is not prohibited, but there exists an additional requirement to avoid unfair competition with other registered surveyors from the Private Sector. Unfair competition may arise from the improper use of Government equipment, Government chainmen, computer resources, access to public records, expedited checking of RPA plans or Survey Orders and the checking of coworker plans and submissions.

The penalties for violating the code of Ethics of persons registered under the Land Surveyors' Act vary from admonition, to imposition of a fine not exceeding \$5,000 to partial or complete suspension of registration as a Surveyor.

## Conflict of Interest After Employment

Even after someone leaves a position, conflict of interest can take place. Many government and private entities have specific restrictions against this kind of conflict. In Trinidad and Tobago, there is no conflict of interest legislation which bans the person from working for anyone other than the government entity on a matter that they worked for the entity doing.

## Conflicts of Interest in the Survey Professions

Land Surveyors are bound by the Code of Ethics of the Land Survey Board of Trinidad and Tobago, the Institute of Surveyors of Trinidad and Tobago and any other professional body that they may have membership. Surveyors must take care to check for potential conflicts before accepting a client. As a professional service provider, a surveyor must be familiar with the regulations, codes and requirements of the practice of his profession.

The training of staff and implementation of appropriate policies plays an important role in minimizing and eradicating conflict of interest situations. Policies need to be comprehensive and at a level for all staff to understand and avoid disputes. Further, they must be addressed expeditiously to ensure compliance and avoid damage to the organization.

An employee could be unaware that their behavior conflicts with their employer's. However, innocent or not, it is an employee's responsibility to determine if their actions are ever at odds with their employer's interests. And if so, to disclose it fully to their employer. Asking new employees to disclose potential conflicts during the hiring process can prevent future problems and misunderstandings. Also, it can be beneficial to have a system in place for existing employees to report conflicts of interest. Catching conflicts of interest and eliminating them can be essential to a company's success.

It is essential for Land Surveyors and their employees to declare conflicts of interest in order to maintain their independence and show transparency in cultivating trust with both the public and other professionals.



## Humour of the day

Stop Using that thing to spy on the neighbors



This image is intended for humour. ISTT does not encourage unethical practices of surveyors.



The Professional Centre  
11-13 Fitzblackman Drive  
Woodbrook  
Port of Spain

1 (868) 468-3356  
[info@instituteofsurveyors.com](mailto:info@instituteofsurveyors.com)  
[www.instituteofsurveyors.com](http://www.instituteofsurveyors.com)

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