



# THE ESTATE SURVEYOR

JUNE 2021



## MESSAGE FROM THE DIVISIONAL CHAIRMAN SURV. KOFI COBBOLD (FGhIS)

I wish to once again commend members of the Valuation and Estate Surveying Division of the Ghana Institution of Surveyors for various contributions to the growth of the Division. The COVID-19 pandemic brought with it its unique challenges for the past session. However, through the support of members, our Division pulled off a highly successful first ever virtual seminar. The 2020/21 session is still faced with the effects of the pandemic and it is my firm belief that with your support, the various programs outlined for this session will see maximum participation by all members.

The Divisional Committees formed are a good blend of senior members and young surveyors. The Divisional Committee for this session noted the need to revive the dormant VES Newsletter ‘The Estate Surveyor’ to encourage members to contribute to the development of the Division through the writing of papers. The only way of sustaining this initiative is through the contribution of members and I thus call on members in various spheres of VES Practice to optimize this opportunity to sustain the Newsletter.

The creation of faculties for VES practice areas is at the heart of this session’s program. It is important that members consider registering in the various faculties to enable the Division explore emerging areas for VES practice. The various Continuing Professional Development programs have been chosen with the view of furthering interest in the various practice areas.

I wish all members a successful 2020/21 Session. I assure members that the Divisional Committee under my leadership will do its utmost best in ensuring this session is a successful one. I end by encouraging members to familiarize themselves with the Land Act 2020 (Act 1036) which has implications for VES practice.



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# VES 2021/2022 PROGRAMME OF ACTIVITIES

DATE	ACTIVITY	RESPONSIBLE PARTY
<b>June</b>		
	Refresher Courses for Trainees	Board of Examiners (BOE)
18 <sup>th</sup>	Practice Area CPD: Relevance of the Rent Act in Commercial Property Management Practice	Resource Person: Mr. Tony Sekyere
25 <sup>th</sup>	Divisional Committee Meeting	VES Chairman/Secretary
<b>July</b>		
	Regional Visitation/Interaction – Eastern Regional Branch	Divisional Committee
	Refresher Courses for Trainees	Board of Examiners (BOE)
	Visit to Senior Members	Divisional Committee
14 <sup>th</sup>	Practice Area CPD: Valuation of commercial property using the investment approach – a study of the valuation of retail/shopping mall	Surv. Evans Asare (KPMG)
22 <sup>nd</sup>	Practice Area CPD: “The Role of the VES Professional in Large Scale Land Acquisitions”	Surv. Emmanuel Ampiaiw
29 <sup>th</sup>	Divisional Committee Meeting	VES Chairman/Secretary
<b>August</b>		
2 <sup>nd</sup>	Submission of Reports	BOE/Trainees
	Regional Visitation/Interaction	Divisional Committee
19 <sup>th</sup>	Practice Area CPD: Understanding the Real Estate Market Dynamics	Practice Area Facilitators
26 <sup>th</sup>	Divisional Committee Meeting	VES Chairman/Secretary
<b>September</b>		
6 <sup>th</sup>	Written Examination	Board of Examiners
7 <sup>th</sup> - 10 <sup>th</sup>	Oral Interviews	Board of Examiners
7 <sup>th</sup> - 28 <sup>th</sup>	Divisional Seminar	Planning Committee
<b>October</b>		
	Corporate Social Activity	Divisional Committee
14 <sup>th</sup>	Paid Practice Area CPD: <ul style="list-style-type: none"> <li>• Hands on Training on Geospatial Property Identification using QGIS</li> <li>• Training in ADR</li> </ul>	Practice Area Facilitators
21 <sup>st</sup>	Practice Area CPD	
28 <sup>th</sup>	Divisional Committee Meeting	VES Chairman/Secretary
<b>November</b>		
	Corporate Social Activity	Divisional Committee
18 <sup>th</sup>	Practice Area CPD: Improving the quality and reliability of valuation reports; some essentials and relevant disclosures	Practice Area Facilitators
25 <sup>th</sup>	Divisional Committee Meeting	VES Chairman/Secretary

## WRITING AND WINING BY THE TECHNICAL PROPOSAL

Surv. Kofi Cobbold (FGhIS)

### Background

With government procurement moving from sole sourcing to competitive tendering through the issuance of RFPs ("Requests for Proposals"), as opposed to Sealed Bidding and the issuance of IFBs ("Invitations for Bid"), Surveyors (contractors and consultants) have had to adapt to this new way of doing business. International organisations procuring in Ghana in many instances follow a procurement guideline which follows the competitive bidding approach.

### Introduction

A Technical and Financial Proposal is a document that lists and defines the technical requirements of a contract or project, and explains the approach and plan formulated to address them with detailed financial requirement to fully execute the contract. All too often, a perfectly capable Surveyor is not selected for award, because s/he failed to adequately address the evaluation factors listed in the solicitation or request for proposal. A proposal may be solicited or unsolicited, it therefore becomes a key marketing tool to enable a consultant or contractor convince the Client about its capabilities.

### The Challenge

Many Consulting firms have not been successful in making a winning tender. Out of frustration, many firms have resorted to making the lowest bid as their competitive advantage. For example, at a bid opening at Ghana Reinsurance for a valuation assignment, the highest financial bid was GH¢84,000 while the lowest bid was GH¢14,000. National Lotteries Authorities was saddled with what to do with bids for valuation

of their assets where three of the firms had quoted an average of GH¢120,000 whilst the least cost was GH¢40,000.

However, it is interesting to note that during a tender at COCOBOD, the highest bidder was adjudged the winner whilst most of the least cost bidders were not selected. The other least cost winner complained during the project implementation about the tight budget to work with. Ironically, a bid at GOIL was cancelled by the management because they found that most of the financial proposals were too low and were wondering how the work could be executed with those quotations.

Due to the need to be in business, many firms are under-cutting and bidding very low. The effect is that, many firms and consultants are becoming poorer and going bankrupt. The net effect is that, value for services in the industry is being cheapened. Clients therefore decide how much to pay for services, knowing that the next person will accept a pittance. However, just as in the GOIL and COCOBOD examples, it is not always true that the lowest bid wins, but rather competitive Technical Proposals win bigger and better contracts.

Every proposal stands on its own and it is important for a proposal to be prepared in a manner that provides information that is responsive to the evaluation factors. Contractors need to be certain that every evaluation factor is addressed clearly and thoroughly. It is no longer enough to be the best contractor, Surveyors now need to be the "best" at putting proposals together as well.

# COMMITTEE MEMBERS FOR 2020/2021 SESSION

## Elected Members

Surv. Kofi Cobbold (FGHIS)  
 Surv. Dr. Benjamin Quaye (FGHIS)  
 Surv. Dr. Mrs. Victoria Aboah (FGHIS)  
 Surv. Timothy Anyidoho (FGHIS)  
 Surv. Leonie Afua Boih-Addo ((MGHIS))  
 Ms. Priscilla Donkoh (MTechGHIS)

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 Surv. Meister Afriyie (FGHIS)  
 Surv. Tony Ntiador (MGHIS)  
 Surv. Obed Ampadu Asiamah (MGHIS)  
 Surv. Naa Lamikai Adofo (MGHIS) WinS Rep  
 Surv. William Offei Botchway (MGHIS)  
 Surv. Kwasi Darko Asare (MGHIS)  
 Surv. Dr. Stanislaus Adiaba (FGHIS)  
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 Surv. Lloyd Quagraine (MGHIS)

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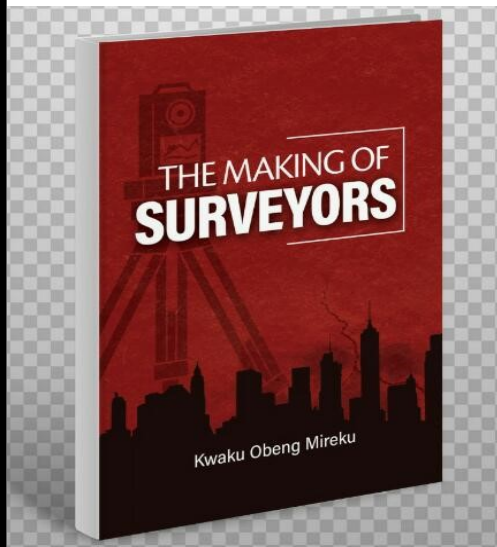
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**VES Reps on Young Surveyors Network (YSN)**

Surv. Lloyd Quagraine (MGHIS)
Surv. Jennifer Adusei (MGHIS)
Mr. Emmanuel Kudze (MTechGHIS)



*This book is about Surveyors and the surveying profession. It is a fact that throughout the world, surveyors keep traffic flowing, water running and people moving. They shape our roads, bridges and tunnels. They manage shopping malls, schools, bus stations and stadiums. They work in mines and on beaches. They value the houses we live in and the places we work in. They create safer homes and happier communities.*

*‘The Making of Surveyors’ tells the rich story of Surveyors in Ghana. For those who may want to become surveyors themselves, it gives the clearest guidance; for readers who use the services of surveyors it tells them the type of surveyor to employ; and for professional surveyors themselves, it provides great insight of their profession. It is hoped that non-surveyors who read this book may come to appreciate that surveying is an honourable profession. The Ghana Institution of Surveyors (GhIS) has verified and endorsed the content of this book as an accurate representation of the surveying profession in Ghana as at the date of publication.*

**TO PURCHASE COPIES**

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# RENEWAL OF GROUND LEASES: WILL COST BE A BARRIER TO THE EXERCISE OF THE RIGHT TO RENEW?\*

Dr. Frank Gyamfi-Yeboah ((MGhIS)); redfgyx@gmail.com  
Mr. Jonathan Zinzi Ayitey, (FGhIS); jonazinzi@gmail.com  
(Senior Lecturers, Department of Land Economy, KNUST, Kumasi)

Leasehold (wasting asset/term certain) interests remain by far the commonest form of ownership held in lands in Ghana. This is largely the consequence of the provisions in the 1992 Constitution that prohibits the grant of freehold interest in stool (communal) lands and the recognition by landowners that granting a freehold interest results in a permanent loss of control over their lands. To maintain possession, use, and exercise of other rights of ownership upon expiration, lessees must renew their leases on new terms.

Before the passage of the Lands Act, 2020 (Act 1036), lessees needed to have the renewal clause in the lease document to be entitled to the right of renewal. Fortunately, Clause 50 of the recently passed Lands Act has made the right to the renewal of ground leases automatic for Ghanaian citizens. In the case of non-citizens, the option to renew must be included in the lease to entitle them to renewals. The provisions in section 50 relating to ground lease renewals have removed the uncertainties surrounding ground lease expirations and whether lessees could be denied the opportunity to renew. The key issue that remains unresolved is the cost associated with lease renewals. As a matter of fact, the difficulties lessees face with the renewal of ground leases do not so much relate to obtaining the right to renew. Rather, it is whether they can shoulder the financial burden as-

sociated with such renewals.

In Ghana, the practice of requiring lessees to pay premiums (a lump-sum upfront payment which conceptually is advance payment of part of the ground rent) in addition to periodic payment of ground rents has become the norm in land transactions. It must be noted that premiums offer lessors opportunities to get upfront part of the ground rent and as a result, the payment of higher premiums typically must result in lower reserved ground rents. It is, however, becoming increasingly clear that the demand for the payment of high premiums as a condition for the renewal of leases is beginning to have dire consequences for lessees. There have been reports of households and businesses encountering difficulties in raising the funds for the payment of premiums demanded by lessors. There are two possible reasons for these challenges.

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*“It is, however, becoming increasingly clear that the demand for the payment of high premiums as a condition for the renewal of leases is beginning to have dire consequences for lessees.”*

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First, households and businesses tend not to be aware of the impending expiration of their leases and fail to make preparations for the financial obligations that would be associated with the lease renewals.

Secondly, the amount of premium demanded by lessors is often substantially higher than what one would expect to pay in such circumstances. Also, the quantum of premium in most cases is not determined objectively and professionally. Sometimes it depends on the financial needs and wishes of the lessors. In fact, lessees should have a reasonable expectation that lessors would not charge the full market value of properties as consideration for extending the term of their leases. Such an

expectation is grounded in equity and fairness. In the first place, ground leases put the risk of developing the land on lessees and it is through their ingenuity and investments that the lessor can expect to obtain a valuable piece of property upon the expiration of the lease. It would, therefore, be unfair for the lessor to seek to extract all the gains by charging the full market value of the property especially where the lessee is seeking the renewal to remain in possession and use. Not surprisingly, the section 50(14) of the Lands Act acknowledges this fact by stating that any new terms agreed to by the lessor and lessee must take into account improvements of the land by the lessee. Unfortunately, the Act did not provide any guide as to the determination of the premium. It is the hope that the Legislative Instrument that would be developed to operationalize the Act will provide some pointers to guide the determination of premium, if it is needed at all.

To avoid conflicts and destabilization of households and businesses as a consequence of the

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*“In fact, it would not be out of place to advocate for the abolishing of premium payment and make the payment of ground rent the only consideration for lease renewals.”*

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challenges in extending the term of ground leases, the country must set out a clear policy that would govern the renewal of ground leases, especially in the areas of premium and rent determination.

As a first step, the land sector agencies, professional organizations such as the Ghana Institution of Surveyors, academic institutions and civil society

organizations must educate the public about the fact that leasehold estates are wasting assets and lessees must prepare adequately to meet the obligations associated with lease renewals. It would, for instance, be prudent for lessees who desire to renew their

leases upon expiration to set up a sinking fund to raise the amounts that would be required in the future to pay lease renewal expenses especially the payment of premiums. More importantly, there is the need for a vigorous debate on whether the current practice of demanding premiums for lease renewals should continue and how it can be determined in a transparent, fair and objective manner if we choose to maintain the practice. In fact, it would not be out of place to advocate for the abolishing of premium payment and make the payment of ground rent the only consideration for lease renewals. In Hong Kong, for instance, where most lands are leaseholds, the policy on lease renewals prohibits the charging of premiums. Instead, the policy provides for the payment of annual ground rent pegged at 30% of the annual rateable value (annual rent) for the property. This is certainly a good public policy as it removes a major barrier to lease renewals. In addition, it provides a clear framework within which negotiations for the setting of ground rents can be carried out. Government, acting through the Lands Commission must engage the key stakeholders in the land sector to begin discussions on a policy framework for renewal of ground leases. It should be possible to provide a policy blueprint on ground lease renewals for both the state and customary lands sector agencies. Doing this will prepare the country for the impending mass expiration of ground leases over the next decade and provide an assurance for orderly, fair and transparent dealings between lessors and lessees.

\*\*First Published in the Business and Financial Times on April 27, 2021 and Daily Graphic on May 4, 2021.



Activity	Date
Deadline for submission of synopsis -Electronic copies should be sent to zinzireal@gmail.com/ tryphaenaabrokwa@yahoo.com	30th April, 2021
Refresher course (Virtual classroom—Zoom)	May - July 2021
Submission of reports	2nd August 2021
Written examination	6th September, 2021
Oral Examination (Interviews)	7th - 10th September 2021

## ELIGIBILITY

### Professional Trainees Part I and II

#### Part I

Trainees should have had at least one (1) year post-registration experience/training in an approved office. In other words, the candidate should have been admitted as a Professional Trainee on or before 31st October 2020.

#### Part II

All Trainees who have passed the first-year examinations or are exempted from the first-year examination.

Professional Trainees must submit a synopsis on a project topic related to their schedule of duty/work and approved by their Trainer.

Prepare and Submit Three (3) Reports

- Capital Valuation,
- Rental Valuation,
- Technical Report/ Essays on the approved topic.

Take Written and Oral Examinations.

### Technician Surveyors

#### Becoming a Technician Surveyor

Applicants are to submit Two (2) Valuation Reports (Capital and Rental) after at least two (2) years post-registration experience in an approved office.

#### Progression to Professional Member

Open to Member Technicians who wish to progress to professional status. The applicant must have served a minimum of six (6) years as a Technician.

Applicant goes through Parts (1) & (II) requirements of Professional Trainees.

### Mature Candidate

Candidates must hold a university degree in a core programme accepted by the VES Division.

Candidates must be at least forty-five (45) years of age with a proven track record of VES Practice and experience for an aggregate period of fifteen (15) years in an approved office.

Candidates are to submit three (3) Reports:

- Capital Valuation
- Rental Valuation,
- Essay on any relevant topic relating to the applicants' schedule of duty

- Attend an interview.

- The following legislations, as provided in section 282(1) of the Act, have been repealed by the Act:
  1. Land Development (Protection of Purchasers) Act, 1960 (Act 2);
  2. Farm Lands (Protection) Act, 1962 (Act 107);
  3. Land Registry Act, 1962 (Act 122);
  4. Administration of Lands Act, 1962 (Act 123);
  5. State Lands Act, 1962 (Act 125);
  6. Section 11 of the Survey Act, 1962 (Act 127);
  7. Lands (Miscellaneous Provisions) Act, 1963 (Act 161);
  8. Public Conveyancing Act, 1965 (Act 302);
  9. Rent Stabilisation Act, 1966 (N.L.C.D. 49);
  10. Rent Stabilisation Act (Amendment) Act, 1966 (N.L.C.D. 103);
  11. Conveyancing Act, 1973 (N.R.C.D. 175);
  12. Public Lands (Protection) Act, 1974 (N.R.C.D. 240); and
  13. Land Title Registration Act, 1986 (P.N.D.C.L. 152).

- **Protection of land and Interest in Land**

Section 12 provides sanctions against persons who

- a. prevent land owners from developing their land
- b. unlawfully hold themselves as the supervisors of the development of lands in which they have no interest.
- c. extort money or other benefits from a person who has an interest in land
- d. either by himself or through another person unlawfully uses force or violence to prevent a person who has an interest in land from having access to the land or drives away that person with an interest in land from the land

Such persons commit an offence and are liable on summary conviction to a term of imprisonment ***of not less than five years and not more than fifteen years.***

- **Establishment of Customary Land Secretariats**

Sections 14 to 18 provide for Customary Land Secretariats.

Customary Land Secretariats (CLSs) first piloted under Land Administration Project 1 have been given legal recognition under Sections 14-18 and are mandatory.

They are to be set up and owned by the customary land owners. They are to record customary land transactions whether they are oral or documentary.

The main sources of revenue to sustain the CLSs are the revenue accruing to the customary authorities and the District Assemblies and fees and charges for services provided by the secretariats.

# FROM THE EDITOR

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*The Valuation and Estate Surveying Division of the Ghana Institution of Surveyors has had a long standing tradition of pursuing growth in the knowledge of the profession through sharing of knowledge. This has often been expressed through various continuing professional development seminars and workshops. The Newsletter forms an essential pivot through which members can share knowledge and also harness their paper writing skills on topical issues to help build the Institution.*

*The world experienced the COVID-19 pandemic which stifled a lot of physical meetings. In so doing, the world has learnt to depend more on virtual meetings and extensive writing as viable alternative media for communicating with colleagues. The VES Newsletter, '**The Estate Surveyor**', provides the opportunity required for members to share the varied experiences in their fields of practice to help enhance the profession. The VES Committee has approved three Newsletters for this session and this edition is the first in the series.*

*In this edition, members will find among other things information on the various sub-committees formed, the calendar of activities for the year, an academic paper and most importantly a message from the VES Chairman about his vision for the division for this session.*

*It is the fervent hope of the Social and Publicity Affairs Sub-Committee that all members will contribute to making '**The Estate Surveyor**' a permanent feature of the Division and a relevant source of information.*

## EDITORIAL

Do you have any reports, opinion papers, research papers, discussion papers for publication in *The Estate Surveyor*?

CONTACT

Timothy Anyidoho  
EDITOR