

MINUTES
COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS
Tuesday May 14th, 2019
 9:00 am to 5:00pm

Chair	Al Jeraj	President	Mississauga	1
	Dan Dzaldov	Past President	Thornhill	2
	Andrew Mantha	Vice-President	Windsor	3
	Gavin Lawrence	Senior Councillor	Newmarket	4
	Trevor McNeil	Senior Councillor	Stratford	5
	Andy Shelp	Intermediate Councillor	Ottawa	6
	Anna Aksan	Intermediate Councillor	Toronto	7
	Colin Bogue	Junior Councillor	Toronto	8
	David Kovacs	Junior Councillor	Thunder Bay	9
	George Wortman	Lay Councillor	Stouffville	10
	Peter Meerveld	Lay Councillor	Kitchener	11
	Susan MacGregor,	Surveyor General	Peterborough	12
Staff:	Brian Maloney	Executive Director	North Kawartha	13
	Kevin Wahba	Registrar	Vaughan	14
	Penny Anderson	Recorder	Toronto	15
Absent:	Patricia Meehan	Lay Councillor	Sudbury	
	Miranda Paquette	Lay Councillor	Ottawa	

1. Call to Order

- *Meeting is called to order at 9:03 AM*

2. Review Agenda

Motion 19.17 MOVED: Gavin Lawrence SECONDED: Sue MacGregor

BE IT RESOLVED THAT Council Approve the Agenda as amended

DATE: May 14, 2019 Chair: Al Jeraj Carried: (Unanimous)

3. Reminder of Conflicts of Interest and Confidentiality

- *Council is required to sign the Confidentiality and Conflicts of Interest Declaration and return to Brian Maloney*

4. Reflection of Thanks

- *Being thankful generates more positive energy.*
- *Each Councilor noted something they were grateful for.*

5. Distribution of Previous Minutes

a. March 14th, 2019 Council Meeting

- *Minutes were amended to reflect that Normans Taurins is the Chair, Municipal Surveyors Group and not Al Jeraj.*

Motion 19.18 MOVED: Dave Kovacs SECONDED: Andy Mantha

BE IT RESOLVED THAT Council approves the Minutes from the meeting of March 14th, 2019 as amended.

DATE: May 14, 2019

Chair: Al Jeraj Carried: (Unanimous)

6a. Items on Hold

1. **The Surveyor General will continue research on regulation changes on fee guidelines.**
There was a discussion about having a By-Law enforced regarding provisions of notes and plans.

- *This is still ongoing. This is On Hold until the Constitutional Challenge is complete.*

6b. Old Action Items

1. **Post the Article on PEO magazine.**
 - *This relates to the Lucy Shaw case in which a settlement was reached but did not see the AOLS take action against her as a result.*
 - *There is really no substance for something to be put into the PEO magazine and it was proposed to delete this.*
2. **Brian Maloney and New Discipline Chair to discuss Training for Discipline and Fees Mediation Committee**
 - **Complete** - *This has been investigated and will be discussed under the Discipline and Administrative Law topics of this meeting*
3. **Andy Shelp to follow up with Professional Standards Committee on the EDM Baselines.**
 - *The Committee (with Member Ron Berg) is looking at Calibration Reports*
4. **Meet with Ken Wilkinson and their take on Sketches at the Registry Office. He may have a sense of how prevalent this is.**
 - **Complete** - *The meeting did occur; Ken had no input on the sketches policy*
 - *It's suggested that a meeting with Executive Committee and MGS Relationship stay as Council Action Item*
 - *This will remain on the list on Council Action Items.*
5. **Tom Packowski (CEC Chair) to get some Technical Staff training**
 - *Webinar completed regarding insurance issues; 4PL providing Easement course*
 - *This will be Ongoing and does not need to be a Council action item*
6. **Post the Toronto Land Surveyors Inc. decision on our website once the appeal period has passed.**
 - **Done and Complete.** *This can come off*
7. **Consult with Benveen to determine if we can change the year end earlier so we'll have more time to address year end finances**
 - **Complete** and being addressed in item 17
8. **Andrew M. to consult with GRLC regarding the SHSM staffing proposal**
 - **Complete** – *Brian Maloney met with the Committee and decided not to proceed at this time given the uncertainty regarding teacher funding for next year. John Negru, a teacher involved in the original program provided support for the Windsor session.*

6c. New Action Items

1. **Notify Chester Stanton about the dissolution of the University TF.**
 - **Complete** - *Chester Stanton will also join the Strategic planning*

2. **Email Jeff Buisman and Murray Purcell to look into the work surrounding the broader issue about CAD standards and things of that nature in dealing with Electronic Submissions.**
 - **Complete** – *They have agreed to revive the Task Force*
 - *Had a teleconference meeting with Murray and Jeff last week and they are making progress.*
 - *There will be a request for Information sent out to a dozen or 15 firms*
 - *Will try to do a best practices guide*
 3. **Brian Maloney will contact Dave Urso, chair of NERG to provide him an update related to complaints regarding challenges with the LRO**
 - **Complete** - *Brian Maloney met with Ken Wilkinson, discussed the concerns and then met with NERG; NERG was to consider whether further action was required.*
 - *We have yet to receive a response from NERG*
7. **Discipline**
- a) **General Discussion (Processes and training pieces)**
 - *Brian Maloney looked into two different approaches to mediation training: using an existing offered course on a per surveyor basis and setting up a custom course designed specifically for surveyors*
 - *The existing course is a 4 day advanced alternative Dispute Resolution Workshop which costs approximately \$3020 (with five attending)*
 - *The customized program for Dispute Resolution would consist of 6 days of training broken into 3 2-day sessions.*
 - *The first two-day session could accommodate up to 25 people and would deal with conflict resolution and communication skills; the remaining sessions would include role play and can only accommodate 10 people*
 - *It costs about approximately \$17,000,*
 - *Council discussed if we should get volunteers to do this, or if we select who to train.*
 - *Council discussed if we want Members to be a mediators, or if we wanted a 3rd party mediators.*
 - *We need somebody who has enough knowledge of the practice of how far you can or cannot go*
 - *Looking at this in isolation may not be the way to look at it. Perhaps we should look at this in steps.*
 - *Perhaps we should get some additional legal advice on using this mediation approach*
 - *Both options seemed like too many days of training for the members*
 - **ACTION: Brian, Dave and AI will be the Task Group and bring recommendations back to the next meeting.**
 - b) **Specific cases – see Council Restricted Portal**
 - *Minutes available only at Council Restricted Portal*
 - *Motions 19.19 to 19.21 are intentionally omitted from this version since they contain specific named individuals*
8. **Commission Reports**
- *Professional Standards Commission - no commission meeting yet. One is scheduled next month*
 - *Complaints had met twice, and considered 3 complaints bringing the total to 7 this year*
 - *Digital Plan Submission had a meeting on May 9, and will be considering some work on best practices for broader digital plan submissions*
 - *Discipline Committee had met twice since the last Council meeting*
 - *Insurance Advisory Committee and Fees Mediation Committee are not in this report, but the Insurance Advisory Committee has met (see notes below)*
 - *The ED (Executive Director) has shared the Commission report with the Council*
 - *All Committees are all reasonably active. Those have not been active will be active. Progress is being made across the board*

- *Insurance Advisory Committee – There was some discussion about the ED’s involvement in that committee; in the end the Association is the Insurer, and this represents a significant investment; as such the ED should remain involved. There was some discussion on how to address firms with multiple claims. There was discussion about the increase in deductible and a new letter being sent out to some firms with claims by AJ Gallagher (Mark Sampson) to determine what has gone wrong and how this can be rectified. As a result, no further action is being taken. Council was reminded that the Insurance Advisory Committee does not take minutes of their meeting*
- *Council reminded the Commission Chairs of their responsibility to keep on top of their Committees, and to ensure that we are not at odds or duplication with other committees.*

9. PSRI Update/Policy

- *We have a data administrator on board, and generating reports*
- *The summary information is shared with Council*
- *The index is being widely used*
- *It is growing in terms of record input and use*
- *Policy Direction – the intention was to move to province wide adoption with historical records being entered within 5 years*
- *There was an exemption where Council has the power to grant a time extension to the five-year period in extraordinary cases (e.g. extensive records that haven’t been organized properly)*
- *Based on feedback from the membership the Task Force has revised its recommendations*
- *The overall direction remains the same. They recommend to still carry on with a day forward requirement to input of all records and input of historical records within five-years but are suggesting to allow Council the ability to grant exemptions on entering historical records where: a survey firm does most of the work in the area, they enter an area of practice record and agree to enter historical records outside of their normal area of practice.*
- *Ultimately this is what forms the basis of the regulation to move forward*
- *The first year of no-cost maintenance runs out in November*
- *We hired the Data Administrator at a cost of \$30K/year; we are using the SC (South-Central) funds for the Data Administrator and they have been focusing efforts on SC data*
- *The cost has yet to be determined for maintenance with MPAC but has been capped at \$100K/year*
- *There was a split support for the funding model in the on-line survey sent out about two years ago*
- *Metric based funding models were discounted since they may introduce an incentive to not completely participate.*
- *We are looking at Government agencies being included as well*
- *The funding model recommendation has a fee to firms based on the number of surveyors in the firm*
- *This methodology provides a simple form of volume equity and would work out to \$283/member in the worst-case scenario*
- *We could also only consider those firms that are currently using it, but that may impact usage and creates difficulty in determining rates; it would also have to change if and when the regulation passes*
- *A per OLS fee would be similar to the current model used in SC except that they also have a CofA cost; This should be considered as well.*

Motion 19.22 MOVED: Trevor McNeil SECONDED: Andy Mantha

BE IT RESOLVED THAT: Council agrees with the revised policy direction related to the Provincial Survey Records Index whereby Council may exempt a firm from entering records of historical surveys where there is limited searching activity of other firms in the area, where a practice record is entered, where the firm agrees to enter records for historical surveys performed outside the normal area of practice and where the firm agrees to provide reasonable response to requests for searches and survey records.

BE IT FURTHER RESOLVED THAT: Council directs the Provincial Survey Records Index Task Force to develop a draft funding by-law and marketing strategy for the next Council meeting.

DATE: May 14, 2019

Chair: Al Jeraj **Carried:** 1 Abstain, 1 Opposed

10. Personnel Policy

An updated Personnel Policy was provided for consideration:

- *It added in a reference to the Harassment Policy*
- *It removed the pay bands requirements since they were not being used*
- *It allowed exception to work hours may being granted by ED*
- *It added a reference to the Employments Standards Act.*
- *It included a requirement for HST reporting on expense*
- *A Substance Abuse policy was included*
- *Add section no contraction with legislation*

Motion 19.24 **MOVED:** Sue MacGregor **SECONDED:** Colin Bogue

BE IT RESOLVED THAT: Council approves the revised Personnel Policy as included.

DATE: May 14, 2019

Chair: Al Jeraj **Carried:** (Unanimous)

11. Administrative Law Course

- *We received two quotes from lawyers for an administrative law course. One was an online program with a fee per attendee but required the AOLS to achieve a minimum attendance. Beyond that minimum attendance costs would be split between the AOLS and the provider. The other quote was for a straight classroom session for a fixed fee.*
- *There were significant differences in price*
- *Council did prefer some form of online course to avoid travel costs*
- ***ACTION: The ED was instructed to go back and see if there was a way to lower the costs for the online submission (e.g. no profit sharing) and to see if the other provider was willing to make their training available online.***

12. Implementation of Transparency Policy

- *At the AGM the membership voted in favor of the Policy*
- *The policy was accepted. The TF (Task Force) was asked to come back with implementation plans*
- *They split them into Non-Member Specific and Member Specific items.*
- *The Task Force made the following recommendations:*
- *For Non-Member Specific Items*
 - *Upcoming Discipline Hearings - With names included*

- *Complaints Committee will be required to have the statistics of complaints ready for November Council meeting. The TF recommended that they be published annually on the public facing website, through the Registrar's report, and in the Ontario Professional Surveyor Magazine*
- *Financial summaries will be published annually as part of the Annual report on the Website*
- *Time & location of Council meetings will be published on the public facing Website and in Insight*
- **Action Item: Penny Publicize Time & Location of Council Meetings, website and Insight (Julia)**
- *Council Minutes will be published on Website in the Members' View Only*
- *Registration Processes will be published on the public facing website as they change*
- *General Policy Information will be published on the public facing website as they change*
- **For Member Specific Items:**
 - *Upcoming Discipline Hearings with names included will be published on the public facing website and in Insight*
 - *Discipline Decisions will be published on the public facing website and in the Ontario Professional Surveyors magazine; there was discussion about how long decisions should remain on the website; most other regulators keep them forever unless there are extenuating circumstances*
 - *Member Register will be made available on the public facing website and will include status of members and any disciplinary actions*
 - *Legal Proceedings will be published on the public facing website as directed by Council*

Motion 19.23 MOVED: Andy Shelp SECONDED: Trevor McNeil

BE IT RESOLVED THAT: Council approves the implementation of Transparency Policy as amended.

DATE: May 14, 2019

Chair: Al Jeraj Carried: (Unanimous)

13. President's Report

- *President attended the BC AGM*
- *The Report was posted for Council*
- *There was no discussion*

14. Staff Reports

- a. **Executive Director**
- b. **Registrar**
- c. **SRD Manager**
 - *The Reports were posted for Council*
 - *There was no discussion*

15. Surveyor General's Report

- *As a funding saving initiative, they have taken away voicemail from many civil servants so you may not be able to leave messages for some surveyors*
- *Their PEGO bargaining unit, which negotiates benefits for engineers and surveyors, got a minimal increase for surveyors.*
- *There isn't a desire to look at regulated professions yet*
- *MNRF will be getting a new deputy as the existing one is leaving.*
- *Government has an exit initiative trying to reduce numbers across the OPS*

16 Financial Information

- a) **Investments**
- As of the end of April 6.8% up YTD. We are expecting the remainder of the year to be flat.
 - Insurance Funds are restricted funds.
 - We're on the hook of payment for the entire insurance plan and its recommended to leave these funds here. If we ever did want to access these funds it would require a formal Council motion.
- b) **April Financials**
- We will be over on Salary due to the overlaps between the ED, and Registrar positions.
 - The ODCC money came in last year when it was expected to be this year. This obviously impacts the budget negatively
 - SRD sticker sales are down a bit, but so are SRD costs
 - We're ahead on income from licenses and fees.
- c) **Change of fiscal year**
- Brian talked with Benveen
 - We have to get approval from CRA – write the rationale
 - We will have to file tax for a portion of the year if given permission to change
 - **ACTION: Brian to write CRA**
- d) **U of T Donation for Naming a Bunk House after the AOLS at the Gull Lake Survey Camp**
- It was given to Executive Committee for consideration related to prominence of naming
 - U of T have confirmed the prominence of the naming
 - It was suggested that the money be provided over a 4-year period.
 - **ACTION: Brian will investigate this and move forward.**

17. Committee Appointments and Terms of Reference

- Changes to Committee Appointments were reviewed

Motion 19.25 MOVED: Andy Mantha SECONDED: Dave Kovacs

BE IT RESOLVED THAT: Council approves the following changes to Committee appointments:

- Trevor McNeil is appointed as Council representative to the Fees Mediation Committee,
- Nancy Grozelle is removed from the Legislation and Regulation Task Force and is replaced by Andrea Tieman,
- Terry Dietz is appointed as Chair of the Underground Utilities Committee,
- James Dorland is added to the Underground Utilities Committee, and
- Don Brown is removed from the University and College Student Liaison Committee

BE IT FURTHER RESOLVED: that the Transparency task Force be dissolved.

DATE: May 14, 2019

Chair: Al Jeraj Carried: (Unanimous)

- Updates and new Terms of Reference were discussed; unfortunately insufficient review had taken place and therefor the motion was defeated and will be reconsidered at the next meeting

Motion 19.26 MOVED: Trevor McNeil SECONDED: Andy Shelp

BE IT RESOLVED THAT: Council accepts the Terms of Reference for the Survey Review Department Committee, the Underground Utilities Committee and the Digital Plans Task Force as provided.

DATE: May 14, 2019	Chair: Al Jeraj	TABLED: (Not Passed)
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18. Monument Protection Video

- *It's on the AOLS YouTube Channel, but not posted on our website*
- *When we go to that special provision on the AOLS website – there's a broken link to the ORCGA*
- *That needs to be addressed before launching*
- *The Proposed Special Provision for Municipal General Conditions of Contract needs another look*
- *Feedback: the video may lose the public since it's too much information in a short period.*
- *The video is going out to municipalities.*

19. Action/Communications**Action:**

- Executive Committee meet with MGS to discuss ongoing issues
- Brian, Dave and Al will be the Task Group looking at mediation and will bring recommendations back to the next meeting
- Provincial Survey Records Index Task Force is to develop a draft funding by-law and marketing strategy for the next Council meeting
- Related to the Administrative Law proposals, Brian is to go back and see if there was a way to lower the costs for the online submission (e.g. no profit sharing) and to see if the other provider was willing to make their training available online.
- Penny Publicize Time & Location of Council Meetings, website and Insight (Julia)
- Brian to write CRA requesting a change to the fiscal year

Meeting adjourned at 5:47PM