

MINUTES
COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS
Tuesday, January 28, 2020
9:00 am to 4:45 pm

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

1. Meeting Called to Order

The Meeting was called to order at 9am and Council was reminded of the confidentiality of this meeting and to declare any conflicts of interest that may arise.

2. Review Agenda

Motion 19.68 MOVED: Colin Bogue SECONDED: George Wortman

BE IT RESOLVED THAT: Council Approve the Agenda as provided.

DATE: January 28, 2019 Chair: Al Jeraj Carried: (Unanimous)

3. Reflection of Thanks

Council held a roundtable of gratitude and shared what they were thankful for.

4. Approval of Minutes of Council

Amended Item 9 regarding the Complaints Review Councilor to say, "Complaints Review Councilor, not reappointed but is needed to stay."

Motion 19.69 MOVED: Colin Bogue SECONDED: George Wortman

BE IT RESOLVED THAT: Council approves the Minutes from the meeting of November 27th and 28th, 2019 as amended.

DATE: January 28, 2019 **Chair:** Al Jeraj **Carried:** (Unanimous)

Review of Action Items:

- *Andy Shelp to provide a technical awards criteria for the next meeting
Still meeting with the ERG regarding this Award. This will come back to the next meeting. Andy noted that he will be leaving the Council Meeting early to attend the ERG meeting.
- * Brian to initiate a review of the insurance liabilities and have a discussion regarding our policy related to addressing insurance surpluses at the next meeting (complete and on the agenda).
- * *Brian to share Ontario's Strategic Plan with other EDs (complete) – Sent out to other EDs as requested.*
- * *Brian to make the SRD Committee aware of the desire to use a risk-management approach and move forward with a review of Council (complete and on the agenda) – will come up in Commission reports.*
- **Brian to send letters of thanks to the Digital Plans Task Force members (complete) – Letters went out and got some feedback.*
- **AOLS Office to work out a process for properly adding legal names and will send out a notice to the membership (complete) – we sent two notices out. We have addressed it on a go forward basis. New members are to supply their Legal names. Our database was also modified to accommodate this.*
- * *Brian to look into the legal requirements for accessibility for the building (complete - no action required, see ED report) There's nothing that's an issue at this time. If we happen to hire someone with accommodation needs, we would have to deal with the requirements at that time. We would have to make one entrance accessible. Our washrooms are not accessible for a wheelchair and that might have to be addressed. If we ever do any modifications to the building, then we have to deal with first floor accessibility as required by the Building Code. As an employer we will have to deal with accessibility should the need arise.*
- **The ED to send Sue a link for her Communications expert to review once we have a better draft. This is still outstanding pending a more complete version of the website. It's not quite ready yet. Most of the images will be stripped out. Some images will remain in respect to areas that make sense. We are making progress moving our CPD to GeoEd, which is good since this was out of scope of the new website. We hope to be able to demonstrate it by the AGM. We'll have to prepare documentation for training and tutorial for the Portal.*

5. Financial Information - Investments

We are leaving everything as it is. We did not change anything. We have a 50/50 mix on equities and bonds for the general funds. On the Insurance side, we have 60% Equities and 40% bonds. We got a return of 9.4% this year, which was great. We are averaging close to 5% annually over the last five years. We are still well protected. Julie Brough did a formal analysis of potential loss in the event of an economic downturn. We have considered that in our insurance reserves to be discussed later.

6. Budget Update

This is still not a completely finished budget since we have not added the yearend figures. We are still receiving receipts for expense accounts.
At the moment, we are about \$2K in the red. We are still processing some expense account. We will be close to the budget on the positive side (i.e. we will have a slight loss that is less than budgeted for).
The Executive Director caught an issue on the budget that was approved at the last meeting. There was an error on the administration amount for Insurance Invoices. This amount has not changed in many years but was included in salary and not as evident as it should be. Additionally, the charges to SRD were not linked in

the spreadsheet and a negative sign was missed that improved the bottom line. As a result, we were in a better position than previously thought and some other lines were adjusted where we were tight for budget and that had been constrained:

- *Council meetings costs were increased to be more reflective of potential costs.*
- *The Council approved project funding was reinstated to \$100K as in previous years*
- *The amount of historic books that we expect to write off as a result of providing them to schools was increased. We have approximately \$90K in inventory and our accountant informed us that these should be written off as the inventory declines. We will try to distribute the books to the schools this year as originally planned. We've enlisted GRLC to get the books out there and have informed most regional groups.*
- *We increased the web maintenance costs.*

The insurance administration costs were added as a new line-item and the salaries were adjusted accordingly. This was also shown for last years.

The rest stayed the same since the last meeting.

In terms of overall balanced budget, we are about \$10K in the red, which includes the \$118K loss for SRD.

We will discuss the Sticker prices for SRD later this meeting.

It's close to a balanced budget.

The status of our audited statements was questioned, and Brian agreed to check with the auditors.

Motion 19.70 MOVED: Trevor McNeil SECONDED: Colin Bogue

WHEREAS: The 2020 Budget approved by Motion 19-66 included two errors and required adjustments as a result

BE IT RESOLVED: That Council approves the revised 2020 Budget as presented.

DATE: January 28, 2019 Chair: Al Jeraj Carried: (Unanimous)

There was a question regarding Mr. Houghton's appeal. The Executive Director noted that the Divisional Court heard the case on December 16th. Arguments were made but there remained an issue with respect to the appropriate test to be applied on the appeal. There were decisions being issued by the Supreme Court of Canada on the following Thursday. As a result, Mr. Houghton's lawyer was given three weeks from the date of the release of the Supreme Court decisions to make additional written arguments. The AOLS was provide two weeks beyond that to respond to the arguments. Divisional Court will then decide.

7. Insurance Reserve

The Association collects funds to pay for our professional liability policy, which includes funds for a \$550K self-insured retention with maximum individual claims capped at a \$150K, which includes the members deductible of \$5k. As claims get resolved we pay funds from the self-insured retention fund. It often takes several years for claims to be resolved and such funds sit in bank and investment accounts earning interest. Over the last several years we have accumulated a significant amount of interest. Although we must ensure that we have enough funds available to pay for the deductibles when called upon, we have reserves that go well beyond that.

We know the amount we potentially must pay out once the all the claims are resolved.

That money must be protected, which must account for any risk associated with the funds.

This raises several questions:

- *What is the correct mix of investments versus bank held funds for the reserves?*
- *How large of a reserve is appropriate for the AOLS?*
- *If the current reserve is larger than the recommended reserve how should it be addressed?*

Returned to paying firms (if so on what basis)?

Used to lower future insurance bills?

Used to provide programs to potentially lower future claims (e.g. development of tools and training)?

Should any funds accrue to the AOLS as manager?

Other or a combination of those above?

The Insurance Advisory Committee considered these questions and had the following recommendations:

- *Retain \$550K in the bank and invest the remainder (Since we collect \$550k for the self-insured retention fund on an annual basis, it makes sense to have that directly available to address calls for deductibles from the insurer. The remainder should be invested since our likely investment returns are higher (we have averaged approximately 5% annual growth in investments versus 1.9% interest rate in the bank account))*
- *Discount invested funds by 20% when considering their value (If we were categorized as an insurer we would be subject to a minimum capital test guideline; the worst case would require a discount of 18%. Our Financial investor estimated that based on our current portfolio a 35% reduction in the stock market (we have had only one decline greater than 30% over the last 20 years) would result in a decline in value of 13.3%. Being risk adverse, the committee agreed on a 20% discount which will ensure enough funds are available.)*
- *Retain a \$300k reserve to account for member uncertainty (although we have had a stable membership using the insurance program, there is a possibility for members to leave the program which could result in the AOLS having a liability. A \$300k reserve protects from the worst-case scenario envisioned.)*
- *Return the remainder of the unrequired insurance reserve to the insured companies.*

Subsequent to the recommendations the Executive Director raised concerns about potential AOLS liability and member dissention if the funds were not seen as being distributed fairly. He recommended that further homework be done including hiring a lawyer with experience in such matters to provide advice. As a result, Council considered sending this back to the Insurance Advisory Committee to determine how best to distribute the funds in a fair manner and ensure that we have completed due diligence.

It was suggested that we should have a policy on this which would allow us to deal with this into the future. Insurance Advisory will consider the policy. Brian agreed to arrange for legal advice over the next week.

Action: Brian to follow-up with the Insurance Advisory Committee and arrange for legal advice

Motion 19.71 MOVED: Dan Dzaldov SECONDED: Anna Aksan

WHEREAS: The Executive Director has undertaken a review of the required insurance surplus funds and has determined that excess funds exist.

AND WHEREAS: The Insurance Advisory Committee has recommended that certain policies be adopted with respect to the funds and that excess funds be distributed back to firms.

AND WHEREAS: Council believes that further considerations are required in determining exactly how and when funds should be distributed.

BE IT RESOLVED: That Council directs the Insurance Advisory Committee to consider options of how and when the funds should be distributed and report back to Council by its next meeting in February.

DATE: January 28, 2019

Chair: Al Jeraj Carried: (Unanimous)

On a related note it was suggested that there be an annual report to council about the number and nature of claims (no claim details would be included). This would allow Council to see any trend.

Action: Brian to follow-up with the Insurance Company to get statistics.

8. Presidents Report

Dan Dzaldov represented the President at the New Brunswick meeting. Their AGM is split into 2 days. First day focused on education seminars with topics that included wetlands, driveway site line definitions, septic systems and such...It is clear they get involved in more planning areas than typical for OLSs. The second day is the business meeting with various reports and by-law approvals. One item that was approved was a bringing back the requirement for full monumentation on SRPRs and they passed a motion to that effect. Another approval was to add PK nails to Standards.

They do PDF submissions of plans and have a great relationship with their provincial gov't Registry office. They were short a council member. They called for nomination on the floor and a council member was nominated and then acclaimed with the rest of the new Council members. Next year AGM is in St. Johns. Dan reported on the President's Forum: Alberta reported on the Canadian Association of petroleum producers (CAPP) and they will be sending something out to other jurisdictions looking for support from all survey associations; Alberta reported that they are trying to abolish adverse possession from the legislation. They are starting to talk about a deferred monumentation again. Other presidents gave their reports. Amongst discussion items was Transparency and as such the AOLS Transparency Policy was shared with the other Provincial Associations.

AI attended the SCRG Meeting where James Dorland was there to present the regulation changes. He noted that a lot of members had not read the changes.

9. Staff Reports

*We had an RFP for the survey record costing. We got no response after posted on Biddingo. The Executive Director cold-called some companies with capabilities and forwarded the RFP to a couple of them. He will follow-up with them. **Action: Brian to follow-up to find a provider***

The ED noted that he had put together a New Councilor Manual and will ask to meet the new Councillors on the Monday afternoon prior to the AGM. They will be invited to attend the Council meeting prior to the AGM. Kevin and Brian started to put together a Registrar's investigation policy but it's still in progress. It starts to look at a slightly different approach, considering a variety of factors. It's patterned after the Right-Touch Regulation approach being adopted by several other countries. Will have to get a legal review prior to moving forward with this. The ED reviewed the Call for Committee and Task Force Members that he would like to send out. It includes an overview of all the committees, along with expectations and desired skills and knowledge. The intention is to have an inventory of Committee/Task Force members to choose from. Some concerns on the wording were noted including making it clear that members with no experience are still welcome to apply.

It was suggested that a note to the members who are in the current roster be contacted to ensure they participate in this call.

Registrar's Report

We received one more complaint since the report's been posted.

The Association also received a request from a student who is a certified hydrographer through CBEPS. He is inquiring whether or not to apply through the Mutual Recognition Agreement (MRA). Kevin would like Council's opinion since the MRA only references licensed individuals, who practice cadastral exclusively. If they qualify through the MRA, they can write the AIT exam which can happen quickly. It was noted that AERC has the authority to deal with this. It was suggested that the best route was for the Registrar to send the request to AERC.

A former Member is requesting the removal of a Discipline Decision Publication about him on the website.

*It's a requirement that it must be published. There was some discussion about whether or not he had completed the obligations of the discipline decision. There was also discussion about the discipline agreement with respect to publication. The Transparency Policy did not address timelines for removal, if any. It was suggested that Council needs a formal policy in this regard before considering this request. The Executive Director agreed to do some research and consider a policy in this regard. **Action: The Registrar was asked to notify the member that a policy will be developed.***

Complaints committee is dealing with file where both council reps on Complaints Committee have a conflict of interest. As a result they are asking Council to appoint another member to address this one complaint..

Motion 19.72 MOVED: Dan Dzaldov SECONDED: Patricia Meehan

WHEREAS: Complaints Committee requires a Council member to have a quorum.

AND WHEREAS: The Council representatives on Complaints Committee have conflicts of interest for a particular complaint

BE IT RESOLVED: That Council appoints Trevor McNeil to the Complaints Committee to address the complaint involving conflicts of interest.

DATE: January 28, 2019 Chair: Al Jeraj Carried: (Unanimous)

There will be 16 new Surveyors at this AGM.

SRD Report

The Report is posted. Interviews will be held for consultants to replace those that have retired or are considering retirement.

10. Commission Reports

Professional Standards Commission

SRD had a face to face meeting recently. They ran through a risk assessment exercise and concluded:

- *They certainly have a financial risk and are recommending a bylaw to raise sticker prices from \$16 to \$18.50. This is about the cost of inflation since the fees were last set in 2012. This should be discussed at the AGM.*
- *As a result of this risk analysis by Council and the evidence from insurance claims, checking Construction Layout should form part of the comprehensive review; this will be phased in and will evolve. It will start with basic reviews. They are not recommending any changes to sticker prices as a result of this particular change. Tom will discuss this in his report.*
- *Certificate of Registration holders should be subject to comprehensive reviews. The process and timing is yet to be worked out but will start with a self-assessment survey.*

Council has an expectation that these changes will be built into an updated SRD manual and more details will be considered at that time.

The expectation is that there will be an update to the Manual.

All other committees sent in their reports except the Underground Utilities. They have been meeting every 2 months.

Under Professional Standards – The title searching project is on-track and there will be a session at the AGM.

It was questioned whether all committees are putting their minutes on the website. It is hit and miss depending on the Committee but something we are not worrying about enforcing until the new website is in place.

Meeting dates for committees and task forces are being tracked by Julia and Sheila on the Committee spreadsheet

11. Surveyor General's Report

We are seeing some movement in appointments and expect to see some results soon. The Coordinator position was advertised, and interviews held. We were glad to have some very good applicants. The cost of AGM is a bit of a challenge for the Ministry, especially with the perception of it being held at a "Resort". We were involved in Bill 156: Security from Trespass and Protecting Food Safety Act, 2019 which limits access to operating farms. We spoke with OMAFRA and they will cover surveyors by Reg if it's not already covered under the existing exclusion in Section 6c.

12. CPD Audit Task Force Report

Ron Querubin joined the meeting – The CPD audit TF, was formed on July 2019 and fulfilled its obligations based on the Terms of Reference.

Tom and Julia were assigned to take sample sizes of a given year of a Member's CPD entries and review them. They came back to the Task Force with their findings.

The Task Force recommended:

- *that a CPD Audit Committee be formed. Members of this committee would be comprised of 2 AOLS staff members, one Member of Council, three Members and the Registrar, to be in an ex-officio capacity.*
- *That the Audit be performed on an annual basis and be completed by June 30 of each year so that the Audit can be shared with Council during their summer meeting.*
- *That the Audit Committee prepare a spreadsheet, with all of the CPD entries in any given year, and sorted by date, and the Audit Committee will review all CPD entries to identify any obvious blunders and errors.*
- *That the Audit Committee will perform a detailed review of a 5% sample size, and that these entries will be selected by randomly picking 8 batches of approximately 35-40 entries from the various parts of the spreadsheet.*
- *That the criteria of the detailed review will be, but not limited to:*
 - *Verify that all AOLS activities took place on the dates that they were submitted for and whether they qualified for the number of hours and the categories of CPD that they were submitted for.*
 - *For hours submitted as Committee Meetings; verify that the member was indeed on that committee and that the committee met on the specified date.*
 - *Verify CPD entries submitted for attendance at Regional Group Meetings by using the sign in sheet, if available.*
 - *Potential excessive CPD entry of 12 hours or more for a one day event.*
 - *Ambiguous entries, such as self-study with an explanation.*
 - *Reinstatement after retirement.*
- *That the criteria regarding the selection of the individual Members for a CPD Audit be clearly communicated to the Membership by way of articles in the OPS magazine or as directed by Council.*
- *That the first three years of the Audit be on education with respect to the common errors for CPD entries.*
- *That the CPD Audit Committee meet before and after the Annual Audit to ensure the criterion is being followed and to review how the Audit went to see if there is any room for improvement.*
- *That the Registrar retains the right to audit individual Members as set out in O. Reg 1026 S. 43 (2).*

It was noted that every CPD program should be approved by Council, which has not been occurring. This is being addressed in the regulation changes which will allow Council the authority to delegate this function. There was some discussion about having the SRD review submissions during comprehensive reviews, but no decisions were made in this regard.

Motion 19.73 MOVED: Andrew Mantha SECONDED: Trevor McNeil

WHEREAS: The CPD Audit Task Force has completed their review and provided a report to Council.

AND WHEREAS: The Task Force has made several recommendations including: continuing as a Committee, annually reviewing a 5% sample size and reporting to the membership and Council.

BE IT RESOLVED: That Council accepts the recommendations of the CPD Audit Task Force and agrees to establish the CPD Audit Committee with the current Task Force membership.

DATE: January 28, 2019 Chair: Al Jeraj Carried: (Unanimous)

13. Proposed Regulation changes.

There are couple of changes from the version provided at the summer meeting.

The option of making coordinates optional was removed from the changes. We had an on-line survey and about 55% of respondent objected to that change. Additionally, we didn't have any appropriate replacements to allow exchange of coordinates between surveyors.

The other items pretty much stayed, except for a couple of additions. We added a provision to allow Council to delegate authority for approving CPD courses/training.

The other change was the addition of a new section related to Hybrid Products (Sketches). It would require the product to clearly indicate the purpose in the title block, to clearly indicate this is not a plan of survey and to show the source of compiled information. There was concern that this could be misused, and Council asked to add some limiting words referring to an interpretive guide.

There was some discussion on the interpretive guides and appropriate approval processes. It was noted that this would allow Council to update these as required.

There was discussion on the need for changes to the Code of Ethics addressing delivery timelines. It was noted that 5 of 21 complaints last year, and 6 of 14 the year before had timeliness of delivery issues. We also continue to regularly receive calls from the public regarding timeliness of delivery. Council suggested some changes eliminating the first provision and adding "reasonable" to timelines.

It was noted that the wording on all of these changes are subject to legislative council review and tuning.

Andy Shelp Leaves the meeting

Motion 19.74 MOVED: Andrew Mantha SECONDED: Gavin Lawrence

WHEREAS: The Legislative/Regulation Task Force has tabled recommendations for changes to Ontario Regulations 1026, 216/10 and 525.

AND WHEREAS: Extensive consultation with the membership has occurred and continues to occur.

AND WHEREAS: The Council recognizes that the wording of these changes will evolve as MNR works with Legislative Council.

BE IT RESOLVED: That Council accepts in principle the changes proposed by the Legislative/Regulation Task Force as amended and directs the President to forward a request to proceed with the changes to the Assistant Deputy Minister, Corporate Management and Information Division, Ministry of Natural Resources and Forestry.

DATE: January 28, 2019 Chair: Al Jeraj Carried: (1 opposed; 1 Abstention)

Action: Brian to draft letter for AI and have the regulation changes sent to the ADM of Corporate Management and Information Division, Ministry of Natural Resources and Forestry.

14. Strategic Plan Review

Education: We continue to make progress on Future of Surveying Task Force. We had a meeting last week. Approximately 2/3rd of the online courses required have been sourced. The biggest challenge is now the ability to get the 50% of courses from a given institution since no institution will grant a degree without half of the courses being theirs. There's a possibility in Ontario to get degree granting privileges for another organization. We're in the very early phases of investigating that. We need almost everyone involved across the Country to make this work.

There is no progress on Sir Sanford Fleming. We expect to hear back in the Spring.

Regulation Update. As just addressed, we are making progress.

*Outreach: Letter to Municipalities still needs to get done. AI and Brian will meet to finalize this. **Action: AI and Brian to finalize the letter to municipalities.***

*One piece that was not in action plan, but is part of our strategic plan is making progress with the expanded profession. **Action: The ED will speak to the chair of the Expanded Profession Task Force at AGM.***

Overall, we're relatively on track.

15. Council Risk Management Discussion

The ED thanked Peter Meerveld for his help in providing the questions that were used in advance of the meeting in the online survey. Councillors answered 70 questions individually to help assess their sense of Council.

Council expectations/outcomes were determined based on the new Guideline for Governance published by the Office des Professions du Quebec.

The presentation provided showed the results of how councillors thought they were meeting objectives using colour coding.

There were many areas that Council felt it was doing well. Examples include: Council participation and collaboration, Council understanding of its role, running effective meetings with balanced conversations, creating and following strategy.

Areas that were identified as needing improvement were: increasing diversity; improving orientation, policy and governance manuals; monitoring: effectiveness, use of resources and the Executive Director;

Communication with Committees and the membership; adopting innovative ideas and making changes. Council discussed the use of the portal on the website for effective communication strategies.

It was suggested that we can ask the committees, what metrics they have available to them to help them make decisions. It was also suggested that we have meetings with key committees on a rotating basis.

Patricia Leaves the Meeting

16. Awards

From AERC - 5 members nominated Mike Chapman

Motion 19.75 MOVED: Trevor McNeil SECONDED: Andrew Mantha

WHEREAS: Dr. Michael Chapman, OLS. has contributed significantly to the Academic and Experience Requirements Committee and to the education of new surveyors

BE IT RESOLVED: That Council agrees with awarding Dr. Michael Chapman, OLS. with the Fellowship Award.

DATE: January 28, 2019 **Chair:** Al Jeraj **Carried:** (1 abstained)

Motion 19.76 MOVED: Trevor McNeil **SECONDED:** Andrew Mantha

WHEREAS: Blain Martin, OLS (ret.) has contributed significantly to the AOLS in his capacity as Executive Director and amongst other things was responsible for starting Strategic Planning, tracking membership demographics and building relationships across Canada

BE IT RESOLVED: That Council agrees with awarding Blain Martin, OLS (ret.) with the Fellowship Award.

DATE: January 28, 2019 **Chair:** Al Jeraj **Carried:** (Unanimous)

17. AGM Logistics

All reports must be turned in ahead of time. They should be sent out one to two weeks in advance of the meeting. The following reports were noted:

- *Brian and Trevor will provide the Financial Report.*
- *President's Report*
- *Surveyor Generals Report*
- *SRD Report*
- *Leg/Reg Changes by James Dorland*

Tuesday Council meeting will provide a dry-run of the Council Reports.

We are hoping to hear from the Insurance Advisory Committee on Insurance Reserves.

The Sticker By-Law will also be put forward there.

We start the Council meeting at 9am on Tuesday.

Meeting adjourned at 4:16 PM

