

**MINUTES**  
**COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS**  
**Tuesday, April 21, 2020**  
**9:00 to 12:00 PM**  
**Teleconference GoTo Meeting**

<b>Chair:</b>	Andrew Mantha,	President	Windsor	1
	Gavin Lawrence,	Vice-President	Newmarket	2
	Al Jeraj,	Past-President	Mississauga	3
	Andy Shelp,	Senior Councillor	Ottawa	4
	Anna Aksan,	Senior Councillor	Toronto	5
	Trevor McNeil,	Senior Councillor	Stratford	6
	Amar Loai,	Junior Councillor	Toronto	7
	Simon Kasprzak,	Junior Councillor	Barry's Bay	8
	David Kovacs,	Intermediate Councillor	Thunder Bay	9
	Patricia Meehan,	Lay Councillor	Sudbury	10
	George Wortman,	Lay Councillor	Stouffville	11
	Miranda Paquette	Lay Councillor	Ottawa	12
	John General,	Lay Councillor	London	13
	Susan MacGregor,	Surveyor General	Peterborough	14
	Peter Meerveld	Lay Councillor	Kitchener	1
<b>Staff:</b>	Brian Maloney,	Executive Director	North Kawartha	1
	Kevin Wahba,	Registrar	Vaughan	2
	Penny Anderson,	Recorder	Mississauga	3

**Absent:****1. Call to Order; Reminder of Conflicts of Interest and Confidentiality; Discussion on running of meeting**

*The Meeting was called to order at 9:03 AM using GoToMeeting as a result of the COVID-19 pandemic.*

*The President reminded all about Conflicts of Interest and Confidentiality.*

*Brian Maloney (ED) was the primary presenter for the material.*

*Andrew Mantha (President) ran the meeting.*

**2. Review of Agenda**

**Motion 20.15    MOVED: Andy Shelp    SECONDED: Gavin Lawrence**

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

**DATE: April 21, 2020    Chair: Andrew Mantha    Carried: (Unanimous)**

**3. Approval of Previous Minutes / Action Items**

**Motion 20.16    MOVED: Anna Aksan    SECONDED: Amar Loai**

**BE IT RESOLVED THAT:** Council approves the Minutes from the meeting of March 12th, 2020.

**DATE: April 21, 2020    Chair: Andrew Mantha    Carried: (Unanimous)**

*The Motion to appoint new SRD Consultants was read.*

*The ED and SRD Manager both interviewed them and performed a bit of a background check.*

*Ernest Sperling runs a private practice and is also a college teacher.*

*Dan Quinlan worked for City of Toronto and runs a small private practice as well. He has or is about to retire from the City. There was a question regarding potential conflicts of interest by those still practicing. Brian noted that the SRD Manager ensures that there will not be any conflict for the areas they will be reviewing. Consultants sign a conflict of interest form for every firm that they review prior to undertaking the review.*

*It was noted the Dan Quinlan is part of the Discipline Committee and there was a question regarding a potential conflict of interest. It was noted that the Discipline Committee has many members of which only a few are chosen for a required panel. If Dan was chosen for a panel of a surveyor that he had reviewed, he would have to declare a conflict of interest and another member would be chosen for the panel. As such there should be no conflict of interest in him continuing to participate on the Discipline Committee.*

*We have one other consultant who has yet to sign the contract with us. There was a question regarding locations and Brian noted that at the moment, we have a consultant in London, one in Orillia, one in Windsor who only does Plan Reviews, Ernie is in Barrie at the moment, and Dan Quinlan is in Brighton. Al Worobec, who does the field reviews is in the Barrie-Orillia area.*

**Motion 20.18    MOVED: Dave Kovacs    SECONDED: Trevor McNeil**

**BE IT RESOLVED THAT:** Ernest Sperling, O.L.S. and Danny Quinlan, O.L.S. are authorized to carry out inspections under section 40 of Ontario Regulation 1026 (Inspection Program).

**DATE: April 21, 2020    Chair: Andrew Mantha    Carried: (Unanimous)**

**Action Items:**

*\*Andy Shelp to provide a technical awards criteria for the next meeting – Still pending. On Hold for now.*

*\*The ED to send Sue a link for her Communications expert to review once we have a better draft. – The site will get polished and will be sent to her next week.*

*\* Brian to follow-up with the Insurance Company to get statistics (complete) – will come up later in the Agenda*

*\*Al and Brian to finalize the letter to municipalities. The letter is complete and will be sent out once the COVID-19 pandemic slows down a little so that officials have a chance to consider it.*

*\* Brian to arrange a webinar for C of A holders to discuss the Insurance Reserve policy adopted by*

*motion of Council (complete)*

*\* Brian to set up a conversation with MGS (Ken), MTO(Ron), and MNRF (Sue), TTC, and Municipalities to consider SRD reviews (complete)*

*\* Brian to investigate how other Professional Associations provide oversight to government organizations (recommend removal since the item has been addressed)*

*\* Brian will craft a motion for next full Council meeting regarding the Survey Record Fees (complete)*

*\* The Registrar to consider some form of whistle blowing policy (he may reach out to the Complaints Review Councillor) This is being addressed as part of the Registrar's report*

*\* Brian to circulate confidentiality agreement to new councillors (completed)*

*\* Brian to get update on the status of the Constitutional Challenge (complete)*

#### 4. Financial Information/Investments

*We have not done too well in the last couple of months. We are actually down around 9%. We have set up monthly meetings with Julie Brough. We had a meeting last week. We moved another 380K across into this account in accordance with our insurance reserve policy adopted in February. We consolidated the 2 insurance funds and will have only Insurance Fund and General Fund going forward. We are still in a position to hand back the self-retention fund for our professional liability program.*

*We sent out a copy of the operating statement. It is early in the year and there are no surprises. Dave Kovacs has gone through it as well.*

#### 5. Presidents Report

*The Meetings were cancelled for British Columbia, Newfoundland & Labrador, Saskatchewan, and ACLS. There was a Presidents roundtable meeting on Wednesday.*

*They were petitioning for government on clarification of essential services.*

*Some were hoping for fees rebates on their insurance.*

*They discussed firms taking on work that was cancelled by other firms due to the COVID-19 crisis, and all agreed it was expected to happen. The table determined they need to come up with some sort of policy. AOLS was the only one who had written a letter addressing this.*

#### 6. Staff Reports

##### a) Executive Director

*He noted that the report had been circulated in advance and he would only deal with highlights. The Constitutional Challenge is on hold. It was recommended that it remains there until we are done with the related discipline matter.*

*At a previous Council Meeting, there was a suggestion that we should be providing oversight to government through the Survey Review Department. The ED had a meeting with Ken Wilkinson (MGCS), Susan MacGregor (MNRF) and Ron Berg (MTO) regarding potentially undertaking reviews of activities by government that were not the preparation of survey plans, which are*

*currently reviewed.*

*They reviewed S. 40 of Regulation 1026 which describes who is subject to a review. It was noted that the definition of Firm included a specific line for a government department or agency that undertakes cadastral surveying. Clearly this means that only government departments or agencies undertaking cadastral surveying would be subject to reviews, otherwise there would be no need for line b in the Regulation.*

*The “practice of cadastral surveying” means advising on, reporting on, conducting or supervising the conducting of surveys to establish, locate, define or describe lines, boundaries or corners of parcels of land or land covered with water. The group all agreed that the operative piece was “conducting of surveys...” With exception of MTO and some municipalities, most government agencies would not be “advising on, reporting on, conducting or supervising the conducting of surveys” and as a result would not be caught by this definition. There was some discussion that MNR may have a few circumstances where they could be considered as “advising on the conducting of surveys”. Where government departments are conducting surveys, they are already subject to reviews and there were no questions in this regard.*

*There was some discussion about MGCS activities under the Boundaries Act. The responsibilities for these activities are specifically defined and oversight processes (i.e. appeal to Divisional Court) are already in place.*

*The ED brought this item to the Survey Review Department Committee and they did not feel reviewing government departments (not performing cadastral surveys) was in their realm. Additionally, they raised the challenge with performing such a review with no guidelines, processes or staff that would be capable of performing these reviews.*

*When they consider work coming out of the Surveyor Generals' office, a lot of it is policy work. Public risk associated with government work is very low and the group did not feel that any additional review was appropriate. Council considered the matter closed.*

*The ED had met with CAOs from other Associations. They are also struggling with how to deal with exams and are looking at other alternatives in the COVID-19 environment. They are looking at electronic meetings, and it varies across the country.*

#### **b) Registrar**

*The Exams originally scheduled for May 21-22 are not possible at this point.*

*The AERC have a meeting later this week. The Registrar was planning to suggest to the committee to attempt to have these exams online.*

*The written and plan check can be done at offices of invigilators that students would retain for the purpose of writing the exams. The panel could convene Oral exams through GoToMeeting, with someone physically invigilating in person.*

*The Act requires that exams be held at least once a year.*

*There seems to be an interest in taking exams in May, but we will ultimately leave it up to AERC*

*to make the final decisions.*

*The Registrar went through some form of Whistleblowing policy. He looked at other organizations that have this type of policy in place. The Registrar outlined them briefly in his report. He has concerns about implementing the policy into our current formal process. There might be an issue with fairness if the identity of the whistleblower is not disclosed.*

*When the Registrar receives concerns from Members or the Public, he communicates with the Member who is the subject of complaint.*

*Rather than implementing a formal policy change, the Registrar suggested that we outline something on our new website. The concerns that were brought to the Registrar will be held in strict confidence until the complaint has escalated into a formal process.*

*It was suggested to have some sort of encouragement with our members. We may be missing investigating problems due to fears of reporting.*

*We have had 9 formal complaints this year. Most of these complaints stemmed from two individuals.*

*The law society has an anonymous method to submit a complaint.*

*The Surveyor General suggested we take the conversation offline considering the other activities in the framework that we operate in. The threshold for Registrar to launch an investigation should be considered.*

***ACTION ITEM: Brian Maloney, Al Jeraj, Trevor McNeil volunteered to continue this conversation with the Registrar.***

#### **c) Manager, Survey Review Department**

*We are not moving forward with field reviews at this time.*

*We delayed those that we started in April. It may come down to the point that we do not move forward with the field reviews and carry on without them, but this has yet to be seen and is not our preference.*

*SRD has been using GoToMeeting to discuss the reviews. They have granted some extensions for the provisions of information where warranted.*

*There are 275-300 Reference plans to be reviewed. These are being reviewed by Tim Hartley over the course of the year.*

## **7. Commission Reports**

*There was nothing from Monument Protection.*

*The Professional Standards Committee has been meeting regularly. The initial course on searching was put on at the AGM but they are still working on the material to be loaded into the online system. The ED reviewed the insurance claims.*

*There are plans to update the Field notes standards manual and create a construction checklist.*

*They will be circulating new information on EDM baselines when it becomes available.*

*The Committee is planning to meet on Friday, April 24.*

*The SRD will be updating the evaluation system.*

*There was no response from Underground Utilities.*

*Complaints Committee met last week.*

*We need to form another small Complaints committee, to deal specifically with an individual who filed an additional complaint on top of the complaint that the Complaints committee is currently dealing with.*

*It was suggested that the Complaints Review Councillor should sign-off from the meeting should the discussion go into detail. There were no further details discussed.*

**Motion 20.17    MOVED: Dave Kovacs    SECONDED: Andy Shelp**

**BE IT RESOLVED THAT:** John General, Al Jeraj and Andrew Mantha be appointed to the Complaints Committee.

**DATE: April 21, 2020    Chair: Andrew Mantha    Carried: (P.Meehan Abstains)**

#### 8. Surveyor General's Report

*The SG (Surveyor General) welcomed John General to Council who is a new appointee as Lay Councillor. John General comes from the Six Nations in Brantford. He was in the construction industry for 55 years and is now retired. The SG and other LC (Lay Councilors) will help John with the role. The SG gave an overview of Council members and their roles in the Association.*

#### 9. Strategic plan/Risk Management Summary

*The ED provided Council with a written report.*

*The Tech salary survey has not been circulated but it is ready to go.*

*The ED hoped to receive direction from Council to see if it is the right time to release it.*

*PP (Past President) Al Jeraj and the ED have the municipal letter ready. There might be a slight delay as Municipalities are mostly preoccupied with dealing with COVID -19.*

*ACLS received approval to move to the next level of application to obtain funding for providing support for an online surveying degree, however, it is delayed due to COVID-19.*

***ACTION ITEM: The ED will get the Tech Salary Survey circulated.***

#### 10. Policy with respect to removal of Discipline from the website

*The motion was tuned up from the last Council meeting in February.*

**Motion 20.19    MOVED: Simon Kasprzak    SECONDED: Amar Loai**

**WHEREAS:** A request to remove a discipline decision from the AOLS website was received

**AND WHEREAS:** Although the AOLS transparency policy requires discipline decisions to be posted to the website and no policy on removal exists

**BE IT RESOLVED:** That Council adopts the following policy with respect to removal of discipline decisions from the AOLS website:



Discipline decisions may be removed from the discipline page of the website under the following conditions:

- The decision is obsolete or no longer relevant from a public protection perspective (e.g. the member is deceased);
- 10 years has passed since the decision and the decision did not result in suspension or revocation of membership and no similar concerns have arisen; Under no circumstances will decisions involving suspension or revocation be removed unless considered obsolete or no longer relevant as previously noted;
- A discipline decision has been overturned; or
- The posting may jeopardize the safety of a member

The following process will be used to consider applications for removal of discipline:

- Applications for removal must be in writing to the Registrar and be accompanied with a \$750 fee;
- The application must articulate the rationale for removal and why the public should not have access to this information;
- The Registrar will bring the matter to Council for decision. Council will determine at its sole discretion, based on the conditions noted above, whether to remove the discipline decision from the website.

The discipline decision will remain on the register even if it is removed from the Discipline page of the AOLS website.

**DATE: April 21, 2020    Chair: Andrew Mantha    Carried: (Unanimous)**

## 11. Fair Fees for Field Notes Discussion

*The pricing of Field Notes report was also part of the package distributed to Council.*

*The Task Force gave a report to Council at the February meeting.*

*They also spoke about this at the Open Forum and in presentation at the AGM.*

*The ED released an RFP before Christmas to find a non-survey company to help us independently look at the costs associated with maintaining and distributing survey records but we did not get any responses. He approached 5 other potential companies directly, but none were willing to take on the project.*

*A question was raised as to whether or no we can set the prices. The Surveys Act requires surveyors to keep field notes and provide field notes for a reasonable fee. Since our regulations require research, excessively high fees for survey records, can cause unwarranted costs for the public. This could be addressed through regulation changes; however, a policy bulletin is a good first step.*

*The Task Force pulled the information from members on what they charge.*

*The Task Force was assigned to find out what the logical fees are.*

*We have the authority to create a regulation that allows for establishment of fees for the practice of surveying.*

*This is necessary to move us in the right direction and to move us in the future.*

*It is doing significant harm to the public if left unchecked.*

*It was asked if we need to specify that this only applies between surveyors. This was considered a non-issue since we are dealing with the Surveys Act that only deals with provision of field notes to surveyors.*

*There were comments around what you get for your search (e.g. plan and field notes?)*

*There were concerns about consistency related to what you get for the search using different means such as an office visit versus an online system. There was recognition that some of the online systems were designed to charge on a plan/product basis and had no method of aggregating or balancing fees for an area. As such three different approaches were costed out with the search products defined.*

*The first method deals with a fixed fee request for digital self-serve; although this only returns a single plans and notes, it provides the convenience of self-serve at any time.*

*The second method allows surveyors go to the providing surveyor directly. This has always been and continues to be an option open to surveyors. This provides a more comprehensive search. This may put pressure on the pricing on the self-serve options.*

*The last option addresses larger searches that deal with multiple properties.*

*We may still have a challenge regarding records and field notes held by non-surveying companies which may fall outside of our jurisdiction. Although there may be methods of dealing with this under the current Surveys Act, we will be seeking changes to provide further clarity.*

*At least this is a step in the right direction.*

**Motion 20.20    MOVED: Andy Shelp    SECONDED: Trevor McNeil**

**WHEREAS:** the AOLS has received complaints from surveyors about the cost of field notes and survey records being charged by some surveyors and Council believes that these costs are becoming a hindrance to good research

**AND WHEREAS:** Council considers research of other Surveyors' records to be a necessary function when performing boundary surveys

**AND WHEREAS:** Several Bulletins exist addressing research and survey records:

- AOLS Bulletin 2007-01 "AOLS policy regarding the exchange of Cadastral Survey Records"
- AOLS Bulletin 1982-14 "Research – Field Notes"
- AOLS Bulletin 1988-31 "Lack of Research"

and problems with pricing field notes and survey records continue

**AND WHEREAS:** A Task Force of Council was established to consider this and has provided advice to Council

**BE IT RESOLVED:** That Council adopts Bulletin 2020-01 and directs the Executive Director to distribute this to the membership and post it on the AOLS website.



DATE: April 21, 2020 Chair: Andrew Mantha Carried: 8-For, 1-Against, 2-Abstains

*Abstain: Miranda Paquette, John General*

*For: Gavin Lawrence, George Wortman, Al Jeraj, Anna Aksan, Dave Kovacs, Sue MacGregor, Patricia Meehan, Amar Loai*

*Against: Simon Kasprzak*

## 12. Personal vs. Company name on Plan

*An email was received from a member looking to sign plans including the company name under his signature (e.g. on behalf of company ABC), as opposed to as a surveyor only. He was concerned about his personal liability.*

*The LRO rejected his plan because he wanted to include the company name as part of his signature. They insisted on the form in the regulation and asked him to remove the company name from under his signature. He asked Council to intervene.*

*Signing a plan is an attestation that the Surveyor has done the right job and is required under our practice standards regulation 216/10.*

*A C of A (Certificate of Authorization) is required to provide Cadastral surveying services to the public. Regulation 1026 requires proof of insurance by the applicant for a C of A that all professional members of the company holding the C of A are covered by professional liability insurance.*

*Mark Sampson did not see this as a liability issue and noted that the policy covers professional members of the firm. Council did not see a reason to intervene in the MGCS policy.*

***Action: The ED will prepare a response to the member and copy Council.***

## 13. Open Forum Issues (Deferred monumentation, Gord Wallace, Involvement of Krcmar in pricing of survey records, advice to York University on need for more field work)

*The following issues were raised at the open forum of the annual general meeting for Council to consider.*

*Council has considered this matter with Gord Wallace before. He is currently not an OLS. It was suggested that he could meet the current requirements to become an OLS or challenge the ACLS exams to become a CLS and then apply under the AIT rules. There are no statutory or regulatory ways for the Academic and Experience Requirements Committee or Council to address this. His practice meets all the requirements to have a C of A. He has several surveyors who work in the Company. Council considered this again and nothing else is required.*

*It was noted that the AOLS should write York and let them know that they need additional field work in their program. There are two Ontario Land Surveyors on the Advisory committee for York; Maureen Mountjoy and Joe Young; it will be up to them to consider and raise the issue with the university. Council recognized that there are a lot of educational expectations from university programs. Universities are not technical college programs and cannot be expected to turn out technicians and university graduates at the same time. They recognize that companies will have to train graduates before they can go into the field. Council has considered this and nothing else is*

*required.*

*Tom Krcmar noted that he would like to be on the Fair Fees for Field Notes Task Force. That Task Force has made their report to Council and Council has acted upon it. If there is a need for the Task Force again he will be invited to join.*

*Deferred Monumentation was discussed. Although this was considered several years ago and rejected as an option for Ontario, several things have changed. Technology has improved, the geodetic infrastructure is more accessible through RTK providers in urban parts of Ontario and the number of subdivisions and how they are created has changed.*

*It was noted that Alberta has a deferred monumentation process.*

*Council recognized that this is a complex matter requiring thought. It was suggested to forward this matter to the Monument Protection Task Force and have them develop recommendations.*

#### **14. Dashboard Discussion**

*The ED has been working on preparing a Dashboard for Council and Committees. This is to provide high level status and information to allow council committees about our progress. There are a lot of metrics we could have in front of Council. It makes sense to have some on an annual basis (e.g. categorizing number of insurance claims, where they would be broken down by percentage of claims by category, on value, and the error type). Others make sense to have on a regular basis (e.g. committee status). This will give Council and idea of how well we are doing and provide evidence to consider in developing and evaluating policy. It will be useful to share with committees.*

*Unfortunately, creating this Dashboard has taken the ED a lot longer than expected.*

*From the perspective of the Complaints Reviews Councilor, she would like to see how well complaints are being dealt with, and what information is truly relevant.*

*The Metrics will inform our risk management approach.*

*It would help new Council members understand the state of affairs.*

*We can also potentially use these to measure ourselves. This will come back to the next Council meeting.*

#### **15. Complaints Review Councillor Decision**

*This was included as part of the Council package.*

*It related to poor communications from the beginning. The two parties did not agree on the exact product for the price before the work was undertaken. There were no recommendations for Council action in this review. She noted that she is working on another file and may come up with recommendations.*

#### **16. COVID-19**

*Council had discussed the Exams and how we will deal with it during the period of COVID-19.*

*The Memo was circulated about firms taking work on that other firms would not undertake due to COVID-19.*

*For the most part, the Association can run with available technology and remote work. Under the civil emergency measures act – if there is a measure under the legislation – any time period that is statutory or legislative is void right now. We are not expecting to lay-off any staff at this time, but we have delayed the season for SRD field reviews.*

*AERC is meeting later in the week and will have to consider several matters.*

*This is certainly impacting to our members, with some who have basically closed their doors, to others who are still 60-70% functional dealing with infrastructural work that is considered essential service.*

*We will undertake a scenario planning exercise at our strategic planning session in July. We will look at what options are, and what we do in the event that those options materialize. We can pick three or four scenarios to work through.*

**Meeting Adjourned at 12:11am**

DRAFT