

**MINUTES**  
**COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS**  
**Wednesday, June 10, 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,	Intermediate Councillor	Stratford	6
	David Kovacs,	Intermediate Councillor	Thunder Bay	7
	Amar Loai,	Junior Councillor	Toronto	8
	Simon Kasprzak,	Junior Councillor	Barry's Bay	9
	Patricia Meehan,	Lay Councillor	Sudbury	10
	George Wortman,	Lay Councillor	Stouffville	11
	Peter Meerveld	Lay Councillor	Kitchener	12
	Miranda Paquette	Lay Councillor	Ottawa	13
	John General,	Lay Councillor	London	14
	Susan MacGregor,	Surveyor General	Peterborough	15
<b>Staff:</b>	Brian Maloney,	Executive Director	North Kawartha	1
	Kevin Wahba,	Registrar	Vaughan	2
	Penny Anderson,	Recorder	Mississauga	3

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

*The meeting was called to order at 9:04am.*

*The President asked everyone to mute their microphone if they are not speaking to minimize noise interference.*

**2. Review of Agenda**

*Council reviewed the Agenda presented.*

**Motion 20.22    MOVED: Dave Kovacs    SECONDED: Anna Aksan**

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

**DATE: June 10, 2020    Chair: Andrew Mantha    Carried: (Unanimous)**

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

- *\*Andy Shelp to provide a technical awards criteria (On hold) – This is still on hold*
- *\*The ED to send Sue a link for her Communications expert to review once we have a better draft*

*(complete, no response back) – This was done. The ED (Executive Director) did not receive a response.*

- *\*Al and Brian to send out the letter to municipalities (on hold) – This item remains on hold*
- *\*ED to circulate Technical Salary (Complete) – This was done*
- *\*ED to prepare a response to the member regarding personal versus company name of plan (Complete) – This was done*
- *The Registrar, Brian Maloney, Al Jeraj, Trevor McNeil to consider options for a whistle blowing policy (Complete and on the agenda) – This was on the Agenda and was discussed at this meeting.*

**Motion 20.23    MOVED: Gavin Lawrence    SECONDED: Trevor McNeil**

**BE IT RESOLVED THAT: Council approves the Minutes from the meeting of April 21<sup>st</sup>, 2020.**

**DATE: June 10, 2020    Chair: Andrew Mantha    Carried: (Unanimous)**

#### 4. Financial Information / Investments

*Our investments are moving in the right direction after the significant loss due to COVID-19 impacts. We are making our way back up towards break even for this year. We were down 8% at the end of March. Dave and Brian will have another meeting with LWM (Julie Brough) on Monday Afternoon. Operationally we are relatively on track. We ended up ahead on the AGM by about \$34k due to higher registrations than we budgeted for. Council and travel expenses are down as could be expected. Membership dues are down a little due to the cancelation of the spring exams.*

#### 5. President's Report

*The President wrote a report for the OPS Magazine's upcoming issue. The President participated at a round table meeting with presidents from other jurisdictions. They are trying to make progress on the Memorandum of Understanding for cooperation. The Common Education theme will be something they will concentrate on and then later labour mobility policies. The President attended the Alberta AGM online. They used Quick-vote. Their system rapidly generated results that were shared on screen with everyone. It worked well.*

#### 6. Staff Reports

##### a.) Executive Director

*The ED had posted his report online for Council. We finally reached an agreement on the timeline for the new Website launch. It will be the week of the 19<sup>th</sup> of July. We are in reasonable shape. It may not be perfect on launch. Glacier Digital is currently working on building the database for the Members Directory. We met with developers twice this week. We plan to keep the existing website under a different URL for 3 months. It will be password protected and only available to administrators. We will have it archived which will then make it available in the future at a cost, however we hope it will not be required. The Council manual was also posted for Council. This will be an ongoing piece and we will keep it up to date. Let the ED know of any changes needed. We sent out some social media information on Friday around Black Lives Matter. We received only positive feedback.*

*We are reasonably close to budget on the website. We committed to a \$3500 expenditure to keep timelines moving but we are still on budget.  
The ED had to call some Members to collect PSRI fees, and to have insurance applications submitted.*

**b.) Registrar**

*The Registration Committee received one application and they have the file with them. There is a discipline hearing scheduled for Thursday, June 11. It will be conducted electronically. This is the first time we will use this method. We had a trial run to make sure the Panel is set up with the proper technology. The Notice went out on In Sight last Friday and was also posted to the website. This will not be open to the public.*

*The AERC met a few weeks ago to discuss what the plan is for November Exams. They have concluded that they will try to see if they can be distributed as we normally do. It would depend on how the covid-19 virus status. In case that is not possible, they are considering an Online Proctoring type of environment. We have the software in place, and cameras would be placed in front and behind the students, and someone would invigilate the students via GoToMeeting. They will distribute the Plan Checking component of the exam by Mail with the envelope to be opened in view of cameras with proof that the seal is intact before opening. AERC will advise the students that they need proof that it is still sealed. They are hoping that they could still do it in person. The AERC is confident that we will go forward with the November Exams. AERC reviewed three different software applications for Online exams.*

*The SRD Report is now included in the Dashboard.*

**7.) Commission Reports**

*The ED suggested that this Agenda item is no longer required as part of Council Meeting since all the committee updates are included in the Dashboard. Council agreed.  
We should still have the Commission meetings to ensure committees and task forces are on the same page.*

**8.) Surveyor General's Report**

*The Surveyor General noted that there is a lot happening in their office but nothing to bring to the meeting.  
They have movement on the Lay Councilor appointments.  
There is a bit of activity around the Surveyors Act in terms of electronic voting.  
MNRF Legal has some good ideas on Statutory and Regulatory change.*

**9.) Strategic Plan / Risk Management Summary**

*We have put a lot of effort into Risk Management Issues.  
The ED shared the tracking sheet with Council. The items are color coded.  
Items in Dark Green are done, and light Green are on track. Yellow have no progress. We will keep this up to date to ensure we do not loose track of actions. Some have been considered by AERC, but they determined no additional action was required until we had better evidence of the issues.*

**10.) Dashboard Discussion**

*The ED shared the Draft version of the Dashboard with Council.  
We are still moving forward with additional data collection, but we are making progress overall.  
The Complaints Review Councilor did not find the Insurance Claims piece in the Dashboard helpful, however some others did.  
We have not done anything recently on Member Salaries, but we should probably wait after COVID-19 settles down.*

The AOLS Finance slide displays trends over the longer term. Discipline costs are in an upward trend. It looks like Members are in the right track with respect to CPD. We also started tracking the AOLS training offered. It does not include 4 Point Learning and Regional Group offered activities. We should offer enough training from the Association so that members can meet their obligations. Professional Liability Insurance – this is not completely up to date since we have had a few additional claims in the last couple of weeks. We are trending down slightly in terms of the number of claims this year. We are seeing an increase in third party lawsuits. Approximately three-quarters of the Construction claims are layout errors. ED also broke down the error types to see where the errors were. It was noted that it would be helpful to know the number of claims considered in these statistics. The ED agreed to add this. Comprehensive Survey Reviews are on a file-by-file basis. The ED would like to have the SRD Manager to break it down by firm numbers, which is going to be done. We are clearly making a difference with SRD. The total score continues to decline. Our members seem challenged with Research. In the future SRD will break down the Research component of the reviews into two areas: one for Land Registry Office research and the other for other research (e.g. research of other firms' records). Complaints per year were broken down based on by complaints by the AOLS, by the Public and by other Surveyors which helps direct us to the whistleblowing policy. We started tracking the types of complaints. The good news is that right of entry complaints have declined. The contractual issues have gone down this year. We receive many public inquiries about where they can find a Surveyor. Our current website is not that friendly. We hope the new website will help decrease the number of calls since it is a little more user friendly. The number of records in the PSRI continue to grow. The number of searches is growing slowly, although we saw a drop in April, likely due to COVID-19 essential service reductions. For the Survey Review Department, we are now reporting on the average time to complete files. We averaged 9 months to complete 7 reviews. Sticker sales have gone up, likely as a result of the February Council minutes indicating an increase in price, however they have gone back down again. AERC statistics is an area that we would like to examine more. We need to understand the differences in failure rates and tracking this over time may provide insight into issues. There was a discussion on being careful about providing information that could be related back to an individual. Details should be removed before sharing this with the membership. There was also a discussion that we should look at success rates by institution as well and potentially include additional information regarding educational institutions for international candidates (since we did for Canadian Universities). The ED did an evaluation on where Council spends their time to give a sense our investment in policy, future thinking, statutory processes, and information items. The ED also showed analytics on the AOLS website in terms of the number of users. The most visited page is the Classifieds followed by the Directory of Surveyors. The ED also has a score card for Committees and Task Forces showing if they are on track. The ED is interested in sharing this with the Members and sought direction from Council. It was noted that if there is an understanding gap that we should close that gap. It was also noted that if it was shared with Members that there may be a risk of Members finding fault with this Dashboard. There was agreement that we should share this with the membership. There was discussion about releasing this information to the public. It was felt that we should see the reaction and comments from our own members before doing this.

*It was also noted that if we, as a group, released information such as this to the public, we should be consistent and create a policy about what information is released.*

*The Transparency Policy does not deal with some of these statistics.*

*The only information shown that could have personal information traceability is AERC. It was suggested that we remove some of the specific information (e.g. university or country of origin) before circulating it.*

*There was a concern mentioned that Firms would be easily determined based on the correlation of Number of Firms and the Breakdown of Insurance Claims. The ED noted that there is no information on size of the Firm in the insurance statistics and it would be impossible to derive.*

*It was suggested to get information on recovery costs for discipline. The ED noted that he could only get them for certain years and that is why they were left out. He will go back and add it those where he can get the numbers. These numbers are tracked on a go forward basis.*

*The ED also noted that the insurance claim valuations were not that reliable at this time since there seems to be a bias on reserves for certain types of claims (e.g. construction) where it is easier to determine the amount to protect. To get actually paid out numbers will take several years since settlements can often take many years.*

**ACTION ITEM: ED to update the Dashboard and have it sent to members**

### 11.) Whistleblowing Policy

*The ED crafted a draft document with the Registrar on the Whistleblowing Policy.*

*The Sub-committee reviewed the document.*

*The Law Society seems to be fairly like the AOLS to how the AOLS received complaints and the ratio of member complaints.*

*The amount of complaints that we have been submitting ourselves arises from poor SRD reviews, which has increased over time.*

*There was a slight increase from members as well.*

*We get about 2 or so complaints from members per year over the past 5 years.*

*The Registrar receives quite a few calls from Members where they have concerns about another Member for several reasons. The Registrar normally suggests that they have a conversation between themselves to see if they can gain a better understanding of their differences.*

*This resolves about half the cases while the others end with pushback.*

*Where there is push back, the next step is for the Registrar to get involved between the two as some form of mediator.*

*Some surveyors do not want to get involved directly and do not wish for their information to be shared with the other surveyor.*

*Sometimes it is not possible to not reveal names.*

*Sometimes the Surveyor relinquishes the problem to the Registrar.*

*Most of the time, the Registrar finds that surveyors are cooperative.*

*We have considered an RI (Registrar's Investigation) in some instances.*

*However, the Registrar does not have a policy or guideline to use in dealing with these situations.*

*We could see a lot of issues having an anonymous complaints process when dealing with procedural fairness. The person being complained against deserves to know their accuser.*

*We need to communicate to the Membership that there is some mechanism that they could use to come forward with issues where they can retain some anonymity.*

*A motion was made by Sue MacGregor and Seconded by Patricia which eventually underwent a friendly amendment to ask the Complaints Committee to consider, rather than Council directing the Complaints Committee. Additionally, reporting requirements were removed from the first motion. We need a policy to deal with certain Complaints in an anonymous capacity.*

*We are documenting something that we already do. This will help provide guidance in general to the Registrar with his use of his Statutory Authority. The first step will continue to be to encourage members to have a conversation with each other.*

**Motion 20.24    MOVED: Susan MacGregor    SECONDED: Patricia Meehan**

WHEREAS: Council struck a small committee to investigate options for a formal whistleblowing policy

AND WHEREAS: No guide exists for Registrar's Investigations

BE IT RESOLVED THAT: Council directs the Registrar and Executive Director to develop a guide regarding Registrar's Investigations;

BE IT FURTHER RESOLVED THAT: Council directs the Complaints Committee to consider the possible treatment of anonymous complaints and complainant identification.

DATE: June 10, 2020    Chair: Andrew Mantha

Carried: (3 Against: Paquette, Kasprzak, Aksan) (1 Abstain: General)

***ACTION ITEM: Andy Shelp will bring this item to the Complaints Committee for consideration.***

**12.) Proposed Regulation change – Electronic voting**

*The ED gave a broad report and raised concerns with proceeding with the By-Law vote for SRD stickers given the COVID-19 virus.*

*Although the Legislation and Regulation Task Force originally considered using electronic mail, they had not specifically considered electronic voting.*

*We need better technology and processes than email for voting.*

*The ED looked at this from a short-term and long-term perspective.*

*The motion only deals with the Election of Councilors and is potentially part of a longer-term solution. We want to add this to the existing changes to regulations that were already forwarded to MNRF. The motion is to modify section 6 of O.Reg. 1026 to allow electronic voting for Council members.*

*In the short term MNRF staff are looking at the potential of using a Minister's order or considering an Emergency Order pursuant to the Emergency Management and Civil Protection Act.*

*In the longer term the best option is likely to modify the Surveyors Act to allow rules on voting to be addressed through by-laws. This gives more flexibility in terms of who can vote and the technology used.*

*All is dependent on the continued need for physical distancing and timing of Act and Regulation changes. If the Act is changed in the near future, no short-term changes would be required, and a by-law could be crafted to address electronic voting. In either event the Regulation would have to be modified in the long term.*

*An emergency order may be possible if long term changes can't get done in a reasonably timely fashion.*

*It was noted that if there are people who asks for a mail-in ballot, we still have to have provisions for that.*

*This proposed regulation represents changes in principle and there will still be wordsmithing by Legislative Counsel.*

**Motion 20.25    MOVED: Trevor McNeil    SECONDED: Simon Kasprzak**

**WHEREAS: Council has approved in principle regulation changes that have been sent to the Ministry of Natural Resources and Forestry**

**AND WHEREAS: A recent investigation into electronic voting was completed noting that statutory and regulatory changes will be required to implement electronic voting into the future**

**AND WHEREAS: The Legislation and Regulation Task Force have recommended changes to Ontario Regulation 1026 to the allow electronic voting for Council members**

**BE IT RESOLVED THAT: The Executive Director prepare a letter for the signature of the President to be sent to the Surveyor General seeking the following change to Ontario Regulation 1026:**

**Section 6 be replaced with the following:**

**6. (1) At least thirty days before the annual meeting, the Registrar shall mail to each member instructions on how to cast a ballot for each position. This may be a mailed-out form which will be provided to each member qualified to vote at his or her registered address,**

**(a) a ballot containing the names of all persons nominated for each position;**

**(b) an envelope marked only with the word "ballot"; and**

**(c) a memorandum of voting instructions. R.R.O. 1990, Reg. 1026, s. 6 (1).**

**Or it may be in the form of a secure electronic vote provided to each member qualified to vote at his or her registered email address.**

**(2) Each member qualified to vote may cast one vote for President, one vote for Vice-President and one vote for each Council position to be filled by the election by making a mark opposite the name of the candidate or candidates for whom the member wishes to vote or in the case of an electronic vote by selecting the name of the candidate or candidates for whom the member wishes to vote and then returning the ballot or submitting the vote in accordance with the instructions provided.**

**(3) The Registrar shall ensure that all votes are conducted in a secure means.**

**DATE: June 10, 2020    Chair: Andrew Mantha    Carried: (Unanimous)**

*The SG asked if we want to address the change to the Surveyors Act which would allow voting to be addressed through By-Law rather than being directed by the Act.*

*Council noted that it is in favour of modifying the Surveyors Act to allow Electronic Voting to be dealt with by By-Law. The SG wanted this confirmed by motion and the following motion was proposed.*

**Motion 20.26    MOVED: Gavin Lawrence    SECONDED: Trevor McNeil**

**WHEREAS: Council is considering electronic voting**

**BE IT RESOLVED THAT: Council is in favour of modifying the Surveyors Act to allow voting to be dealt with by by-law.**

**DATE: June 10, 2020    Chair: Andrew Mantha    Carried: (Unanimous)**

### **13.) Technical Salary Survey**

*This is done and had gone out.*

**14.) Committee Changes – Motion only (no material)**

**Motion 20.27    MOVED: Andy Shelp    SECONDED: Amar Loai**

**BE IT RESOLVED THAT: The following changes to appointments are approved:**

- Peter Lamb is appointed to the Underground Utilities Committee
- John General is appointed to the Registrations Committee
- Nigel Day is appointed to the University and College Liaison Committee
- Murray Purcell is appointed as chair of the University and College Liaison Committee
- Kate Sonier and John Merriles are appointed to the Municipal Surveyors Committee

**DATE: June 10, 2020    Chair: Andrew Mantha    Carried: (Unanimous)**

**15.) Labour Mobility Policy**

*The Labour Mobility Board suggested changes to the initial Labour Mobility agreement provisions. They wanted to add a provision for subsequent attempts to the exams. One of the provinces had an issue where a candidate took the exam 8 times before finally passing. The Board wants to add a provision where a 3<sup>rd</sup> failed attempt would trigger a suspension for a year before the surveyor could make another attempt. There is a question on who the “contact persons” are that are being referring to in the Agreement. This is a provision in the current Mutual Recognition Agreement. These representatives are on the labour mobility board. In Ontario, the Registrar is the representative. There was a question on “AIT”, which stands for the Agreement on Internal Trade. It allows members to move between Canadian jurisdictions by passing an AIT exam to become a member of another jurisdiction.*

**Motion 20.28    MOVED: Simon Kasprzak    SECONDED: Al Jeraj**

**BE IT RESOLVED THAT: That President Mantha be authorized to sign the revised Mutual Recognition Agreement (version 2020 V3) which contains an update to Schedule B (version 2020 05 V4) which adds a clause addressing the waiting period to write the jurisdictional examination after 3 unsuccessful attempts.**

**DATE: June 10, 2020    Chair: Andrew Mantha    Carried: (Unanimous)**

**16.) SRD Appointment – Motion only (no material)**

**Motion 20.29    MOVED: Anna Aksan    SECONDED: Gavin Lawrence**

**BE IT RESOLVED THAT: That Phillip Hofman, O.L.S. be authorized to carry out inspections under section 40 of Ontario Regulation 1026 (Inspection Program).**

**DATE: June 10, 2020    Chair: Andrew Mantha    Carried: (Unanimous)**

**17.) Fair Fees for Field Notes Discussion**



One concern came by Email to the Registrar and another to the ED. They were shared with Council with the names removed.

The member is asking for Council's opinion about a firm's pricing plan where there is a separate fee for records of archived firms.

The Bulletin that was issued gave clear answers.

The first example falls outside the bulletin. They should be allowed to have an hourly search rate.

The professional obligation should be conveyed to members about providing whole records and not create barriers to accessing parts of records.

It is suggested to respond to the two questions and share the response to the Membership without identifying the Firms. **ACTION ITEM: The ED and the President will craft the responses.**

#### 18.) Discipline Training

ED provided the attachment for Council that the Registrar had forwarded from R. Steinecke.

The ED also shared it with Dave Kovacs, Discipline Committee Chair.

The Discipline Committee is to get this training.

There was no real formal training for the Discipline Committee. They have been asking for some training for quite a while. There are 21 Members in Discipline Committee including the Chair and Lay members. It was suggested to split the group and have staggered training over two years.

There was also a suggestion about approaching R. Steinecke about the possibility of specialized training for the AOLS. One member of Council raised the issue that Mr. Steinecke has represented the AOLS in disciplinary actions and therefore it may not be appropriate to have him involved. This sentiment was not shared by Council.

**ACTION ITEM: The Chair of the Discipline Committee to poll members and determine the order of training for two cohorts.**

There was a separate discussion raised regarding mediation training that we had previously set aside. We should revisit that again at the next council meeting since we need more mediators.

**ACTION ITEM: ED to investigate Fees Mediation Training again and add as agenda item for the next Council meeting.**

The meeting adjourned at 12:50 PM

#### 19.) Other Items.

Next Council Meeting.

The ED considered having the Council Meeting and Strategic Planning over several sessions staggered over a week.

We would potentially end up with 4 partial days of meetings.

Discussions will involve what do we do with the AGM and some scenario Planning.

The ED had sent a draft agenda off to Erik Lockhart for comments.

The recommendation was to keep attendance to only Council and some key staff members. There was some discussion that we consider spreading this out over two weeks to have less impact on work.

**ACTION ITEM: ED and President to work out the agenda and let Council know.**

The Professional Lecture Course is in September and it is mandatory before taking the exam.

It was a 3-day full day course. We will move it online and make it a week of half day sessions.

We are still keeping it for the September time-frame.

The Exam is still in November.