

MINUTES
COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS
Wednesday, July 15, 2020
2:00 PM to 4:00 PM
Teleconference GoTo Meeting

Chair:	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
	Patricia Meehan,	Lay Councillor	Sudbury	9
	Peter Meerveld	Lay Councillor	Kitchener	10
	John General,	Lay Councillor	London	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:	Simon Kasprzak,	Junior Councillor	Barry's Bay	
	George Wortman,	Lay Councillor	Stouffville	
	Miranda Paquette	Lay Councillor	Ottawa	

1. Meeting Call to Order and Declaration of Conflict of Interest

It was noted that Andy Shelp will have a conflict in Discipline Discussion.

The President advised attendees to mute their microphones unless they need to speak.

2. Review Agenda

Motion 20.30 MOVED: Andy Shelp SECONDED: Trevor McNeil

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

DATE: July 15, 2020 Chair: Andrew Mantha Carried: (Unanimous)

3. Approval of Prev. Minutes/Review Action Items

Motion 20.31 MOVED: Dave Kovacs SECONDED: Anna Aksan

BE IT RESOLVED THAT: Council approves the Minutes from the meeting of June 10th as amended

DATE: July 15, 2020 Chair: Andrew Mantha Carried: (Unanimous)

Complaints Review Councillor Meehan suggested some a change to the wording under Item 18 – Discipline Training.

The Complaints Committee considered anonymous complaints. They are not addressed in their manual. They have concerns about procedural fairness of anonymous complaints. They felt that there is not much from a Complaints Committee perspective that they could move forward with. As such this action is considered closed.

There may be two separate groups receiving Discipline Training. Councillor Kovacs reached out to an instructor about how receptive she is for training groups separately and to come up with firm pricing. She has not replied yet. This item is considered further on the agenda.

All other Action Items were completed.

4. Financial Information / Investments – Guest Julie Brough

Julie Brough joined the meeting for this item.

She provided an introduction about LWM's (Logan Wealth Management) Regulatory Framework and provided overall thoughts on the current investment climate.

She advised the group to maintain focus on the fundamentals in investing (e.g. profitability of companies) and noted that the market will likely experience volatility due to supply issue but that government fiscal and monetary support will likely continue. We have seen a quicker recovery this time than with the last financial crisis in 2008.

The Association accounts are in pretty good shape.

Most bond maturities are fairly short-term, although we do have some longer-term bonds. Everything is within ten years.

The asset mix in the Insurance fund is right on target at 50% equities/50% in bonds.

In the General Fund, the current mix is 58/42 which is close to the target of 60/40.

This is not an environment in which we want to take on extra risk.

The YTD return as of June 30th is -1.4%.

The Annual Interest/dividends are \$135K.

The 2019 Return was 9.5%.

5. Presidents Report

The Presidents have been conducting their roundtable meetings virtually.

President Mantha will spur a discussion on actions for consideration regarding the MOU we signed at the Annual General Meeting.

We had an Executive Committee Meeting since the last Council meeting, but most topics will be addressed at this Council meeting later in the Agenda.

6. Staff Reports

ED (Executive Director) Report

The ED had a meeting with Executive Directors from other jurisdictions in the country.

We are trying to move forward with CPD and all agreed to share what we could in terms of education and make available to each other where possible.

There was discussion on collaborating on an Electronic Register, which will be depending on our I&IT Strategy outcome. BC just finished rebuilding their databases including their Register. As a result, they are unlikely to participate but are willing to share their learnings. ACLS was considering a similar project and may be interested in collaborating if we pursue this.

Council was encouraged to read the Governance document that that Steinecke Maciura LeBlanc had put together along with our introductory piece to our Council Manual.

Registrar's Report

The AERC had a meeting last week and had quite a lengthy discussion on the plan for the November 2020 Professional exams.

We are likely going ahead for all 3 components.

The Oral Exam will be offered through GoToMeeting.

The Written component will be delivered through an online proctoring software.

The Registrar researched various companies offering solutions.

The Registrar expected to receive responses back this week.

The Committee explored the possibility of a software to do the plan check question.

It does not quite address it in a fair way. The Committee decided to keep it remote through a more manual process. They will develop a policy about having to courier the Plan Check material and keep it sealed in an envelope until the exam. They will then do online proctoring.

7. SG Report

The Regulation and Act changes are moving ahead, and they have been actively working on them.

We should still temper expectations since Government is busy with many things, as regular business operations are ongoing (e.g. fire, flood), and they are managing COVID-19.

The timing is out of the SG control.

The SG advised Council to consider a mail-out strategy for Council Elections this fall.

There will be new postings going out advertising positions at the Surveyor General's Office including my own position, a Senior Crown Surveyor and a recently advertised Crown Surveyor.

8. Discipline Training

We looked at a couple of options for delivering training on how to run a Discipline panel: one through Osgoode Law school which consists of 5 modules delivered online and costing about \$3000; and another 2-day session option delivered from the Health Professionals Association. We estimate the pricing to be about \$550/person per day, but this has yet to be confirmed.

There was agreement that we consider sending one or two Discipline Committee members to the Osgoode Hall option, those with more experience that are likely to chair panels in the near future. There was also agreement to offer the training from the Health Professionals Association to the remainder of Discipline Committee members perhaps over two years. David is trying to confirm pricing with the Health Professionals Association.

9. Mediation Training

We have two trained mediators, but one is unable to participate due to health reasons, leaving only one active.

We need Mediators with proper training to help ensure success. Last year an open call was put out to members looking for interest in participating as a mediator. Beyond the two noted above, we had 11 members potentially volunteer. The ED reviewed several courses/providers that he found which ranged from 140 hours certification programs to shorter 8-hour courses. After a discussion on the level of training required, it was agreed that a one- or two-day program should suffice. Mediators need to understand their role, the options available to them, basic rules and how to conduct mediation. They do not need to be certified to take on the role the AOLS requires.

Two options provided seemed to fit the bill. Janine Higgins was recommendation by a Member. She charges by the day. Last year she had proposed a 6-day program and was willing to customize it to the AOLS needs. The other was a program offered by Kompass PD. Although they have a 12-week program it is broken down into courses of which two would be applicable. These two courses run for two hours a week over 4 weeks. The cost is approximately \$1000.

It was noted that the members of the Fees Mediation Committee could also benefit for this type of training.

Action: the ED will reach out to Janine Higgins to see if she is willing to provide a 1 or 2 day program that meets the AOLS needs to accommodate those interested in performing mediation and for the members of the Fees Mediation Committee.

10. 2021 AGM

The ED provided a report on options for the 2021 AGM, which was also discussed with the Executive Committee. There is significant uncertainty that we would even be able to legally hold a face-to-face AGM given the size of our membership. The recent online survey of our members indicated that even if safety measures were put in place only between 42 and 75 percent of members might attend. This would provide a challenge with the contractual targets in the contract. Preparation for the AGM needs to start very soon and hosting a proper virtual AGM requires at least the same amount, if not more, planning. We have two contracts signed, one with the Hilton Double Tree and another with the London Convention Centre. Both have penalties for cancellation even if we cancel now. Penalties increase as we get nearer to the event. The contract with the London Convention Centre has no Force Majeure clause so this will be interesting. The contract with Hilton does include some cancellation language but none dealing specifically with these circumstances. We need to decide now to provide time for negotiations and preparations.

If we run a virtual meeting, we may be able to broaden attendance (e.g. allow technical staff to attend) which could be positive. It will likely need technologies and support beyond our current suite of software.

We would like to test the technology with other venues in advance, such as at the Geodetic Picnic, so that we can be prepared for the AGM.

Motion 20.32 MOVED: Gavin Lawrence SECONDED: Trevor McNeil

WHEREAS: The COVID-19 Pandemic has forced Ontario into physical distancing and the province has imposed an emergency order limiting the size of gatherings

AND WHEREAS: It is unlikely that the pandemic will be resolved prior the AOLS 2021 Annual General Meeting (AGM) to be held in London

AND WHEREAS: A recent survey of AOLS members indicated that 25% would not attend a physical AGM even if allowed and a further 33% were undecided

AND WHEREAS: Cancellation fees for the venue increase the closer we get to the venue date

BE IT RESOLVED THAT: Council directs the AGM Planning Committee to plan a virtual AGM;

BE IT FURTHER RESOLVED THAT: Council directs the Executive Director to work with the venues in London to cost effectively cancel the physical AGM. Consideration may be given to holding the 2024 meeting there instead of Toronto as originally planned.

DATE: July 15, 2020 Chair: Andrew Mantha Carried: (Unanimous)

Action: ED to discuss cancellation with the London Convention Centre and the Hilton Double Tree and report back to Council.

11. RI (Registrar's Investigation)

The ED and Registrar prepared a draft policy for input by Council dealing with considerations for launching a Registrar's Investigation (RI). This is hoped to bring consistency in treatment and to ensure

proper considerations are given. It comes down to what should be considered in determining reasonable and probable grounds to initiate an RI.

They looked at characteristics of the notification, practice type, characteristics of the practitioner, and practice setting.

We recently had a challenge about a RI in a discipline decision appeal. Although the Divisional Court did not address any concerns in this regard, it would be beneficial to have a policy in place to direct the Registrar to rely on consistent grounds to determine when a RI would be warranted.

It would be beneficial to get a legal opinion whether or not we can consider certain things such as a Member's time in practice, and if the Registrar reserves the right to consider other potentially contributing factors when considering a RI.

The Registrar asked Council if this is reasonable to forward to legal Counsel for comments.

Council also discussed complaints from Members wishing to remain anonymous.

We want to promote consistency and be transparent in the approach but ultimately the Registrar will decide if a case warrants his or her investigation.

Action: The Registrar will seek a legal opinion on this and bring it back to Council after consultation

12. MGCS

MGCS (Ministry of Government Consumer and Services) is moving towards restricting access to the LROs this fall.

There are issues that we need to work through both on the searching and registrations since not all documents are available online and not all plans can be registered electronically.

A lot of surveyors have not been set up or trained to use electronic registrations and there are still documents that are not available electronically.

We need to form a small taskforce and work with MGCS to find solutions that will work for everybody.

Motion 20.33 MOVED: Andy Shelp SECONDED: Al Jeraj

WHEREAS: The Ministry of Government and Consumer Services (MGCS) has indicated that it will be closing Land Registry Offices this October

AND WHEREAS: There are still documents that are not available in an online fashion and not all survey plans can be registered electronically thereby requiring work arounds

AND WHEREAS: Many surveyors have not been set up or trained to use electronic registration

BE IT RESOLVED THAT: That a Task Force be struck to work with MGCS staff to find appropriate means to ensure that proper research can be accomplished in a timely fashion and appropriate registration practices are enabled

BE IT FURTHER RESOLVED THAT: That the Executive Director put out a call for volunteers to form the Task Force and that Executive Committee be given the authority to select members prior to the next Council meeting

DATE: July 15, 2020 Chair: Andrew Mantha Carried: (Unanimous)

13. Appointments

Crystal Cranch resigned from Complaints Committee.

Dan Quinlan resigned from Discipline Committee.

Terry Dietz requested to step down as Chair of the Underground Utilities Committee.

Chris Bunker requested to be removed from the PWSRI Committee.

David Brubacher requested to be added to Expanded Professional Task Force.

Peter Lamb agreed to act as Chair of the Underground Utilities Committee.

Motion 20.34 MOVED: Trevor McNeil SECONDED: Gavin Lawrence

WHEREAS: several members have resigned from positions or committees for a variety of reasons and other members need to be added to committees and task forces

BE IT RESOLVED THAT: Council approves the following changes:

Crystal Cranch is removed from the Complaints Committee
Dan Quinlan is removed from the Discipline Committee
Terry Dietz is removed as Chair of the Underground Utilities Committee
Chris Bunker is removed from the Province Wide Survey Records Index Committee
David Brubacher is added to the Expanded Profession Task Force
Peter Lamb is appointed as Chair of the Underground Utilities Committee

DATE: July 15, 2020 Chair: Andrew Mantha Carried: (Unanimous)

14. I & IT Strategy

The ED went through the technology situation and issues at the AOLS Office.

We have challenges with the internet connection when using Virtual Private Network connection and GoToMeeting.

The real problem is with the Database. We are using Microsoft Access. MS Access was designed for personal use, and we do not have a robust database for a Register perspective

As we move to an online Register, we will need something dependable.

Our telephone system is over 20 years old and is presenting problems. Replacement could be addressed over a period as a capital expense.

The ED would like to get some views from Council

It was suggested to bring this back with a little bit of a project plan, and what it would take to fix it.

Action: Executive Director to put together an action plan to implement the I & IT strategy for further consideration by Council

15. Motion to have Kevin, Registrar, to represent the AOLS on the CBEPS but has not been formally appointed

Although Kevin has been acting as the AOLS representative on CBEPS he has not been officially sanctioned by Council.

Motion 20.35 MOVED: Dave Kovacs SECONDED: Al Jeraj

WHEREAS: Registrar Kevin Wahba has been representing the AOLS on the Canadian Board of Examiners for Professional Surveyors (CBEPS) but has not been formally appointed to do so

BE IT RESOLVED THAT: Registrar Kevin Wahba is appointed as the AOLS representative to CBEPS.

DATE: July 15, 2020 Chair: Andrew Mantha Carried: (Unanimous)

16. Disciplinary Matter

A disciplinary matter was addressed and is reported on in separate restricted minutes.

Next Council Meeting will be held on September 10.