

MINUTES
COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS
Tuesday, October 20, 2020
9:00 AM to 12:00 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
	Martha George	Lay Councillor	Kitchener	11
	John General,	Lay Councillor	London	12
	Andrew Dowie	Lay Councillor	Stouffville	13
	Susan MacGregor,	Surveyor General	Peterborough	14
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	1

1. **Call meeting to Order & Reminder of Conflict of Interest and Confidentiality; Introduction to new Lay Councillor, Andrew Dowie.**

The Meeting was called to Order at 9:04 AM. Councillors were reminded to declare any conflicts of interest and of confidentiality provisions. The minutes will be published, and items contained there can be discussed. Council welcomed Andrew Dowie as our newest Lay Councillor.

2. **Review Agenda**

A new Agenda had gone out since the first one, with a Compensation Fund request added.

Motion 20.44 MOVED: Andrew Shelp SECONDED: Al Jeraj

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

DATE: October 20, 2020 Chair: Andrew Mantha Carried: (Unanimous)

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

Council was provided a draft copy of the Minutes of the September 10, 2020 Council Meeting.

Motion 20.45 MOVED: Amar Loai SECONDED: Martha George

BE IT RESOLVED THAT: Council approves the Minutes from the meeting of September 10th, 2020.

DATE: October 20, 2020

Chair: Andrew Mantha

Carried: (Unanimous)

The Letter to Municipalities had gone out.

The I & IT Strategy is still in progress.

Vice President Lawrence signed in to the meeting.

President continues to receive calls from clerks regarding the letters.

4. Financial Information and Investments

We had to withdraw 220K from the insurance investments to pay out Insurance calls. These were the result of payouts by our insurer and were our portion payable from the self-insured retention fund.

We added 220K back into the Investment document to show the status of the investments.

We are still up 2.4% despite the losses earlier in the year.

Councillor Kovacs and the E.D. met with Julie Brough, our investment advisor. They discussed freeing up some funds to deal with future potential insurance calls. We are holding the line in terms of investment strategies.

The E.D. presented the Financial Operating Statement to Council.

We are quite a bit ahead from where we would normally be due to committee expenses being down. We are in good shape in terms of cash on hand.

We are working on recovering discipline costs. The smaller costs are all coming in.

We are moving ahead with legal actions to recover costs from the large outstanding case.

5. Presidents Report

The Presidents Roundtable meetings have not been occurring much.

There were only a few participants in the last Roundtable, particularly from ACLS, AB, ON and MB.

The President has been attending Regional Group meetings.

The President submitted his President's Report for the OPS Magazine.

He encouraged Council to attend Regional Group meetings again.

We have been publishing the minutes of Council and the members are informed.

The President is receiving questions about the Constitutional Challenge.

The Constitutional Challenge is still ongoing. We have sent a letter to the lawyer handling the case to see if it can be withdrawn but have not had a response.

6. Staff Reports

Executive Director

The Surveys Act and Surveyors Act changes have gone through the First Reading.

The Deputy Minister was invited to the AGM and she had agreed to speak at our AGM.

The LRO Task Force continues to work. We will put another survey out for the membership. Scanning continues to be a problem, such as illegibility but overall, the system seems to be working.

The Expanded Task Force has been busy. We circulated a survey monkey, and it was scheduled to close this week.

We filled a position to cover for Julia Savitch during her Maternity Leave. Colleen Gambier started last week.

We performed tests on our Internet connectivity in the AOLS office and found no big issues there. Perhaps there are some server issues but there still needs some further investigation.

We did not receive a lot of responses to the In Sight article requesting participants for a workshop related to discriminatory processes or actions. We believe there may have been concerns about participating. We will work with the two surveyors who responded to structure a more detailed anonymous survey. Councillors Lawrence and Jeraj volunteered to help structure the survey.

ACTION ITEM: E.D. to draft initial survey for consideration

Registrar's Report

The AERC had its last meeting of the year.

The amount of Academic evaluations and Articling applications had dipped compared to last year but we still have a healthy number of articling students.

The exams for November will be going ahead.

The oral exam will be completed using GoToMeeting.

We will be sending out the plan checking questions with a seal and return envelopes and have them invigilated. It will be invigilated by AERC volunteers and some AOLS staff.

The Fees Mediation Committee have concerns as to how they can work in the public interest and resolve a matter that does not deal with a fees issue. For example, how should they address a concern with an increased fee from the original quote, but a side issue arose that did not meet the expectations of the client.

There have only been a few files that dealt strictly with fees. Most files have other issues associated with them. It was noted that a Discipline panel can require the member to repay, waive or reduce the fee charged by the member in respect of the practice of professional surveying related to the finding of professional misconduct or incompetence. The Registrar hoped Council could help provide direction to the Fees Mediation Committee on how to address these situations. There was also a discussion about the need for training of Mediation Committee members. The E.D. noted that we have the Mediation Training coming up in November that should address this. It was suggested that perhaps some form of a guideline can help the Committee address these issues.

ACTION ITEM: Peter Meerveld to send his suggestions to the E.D.

ACTION ITEM: The E.D. and Registrar consider this and bring recommendations for a guideline

7. Surveyor General's Report

Changes to the Surveys and Surveyors Act received second reading already.

We have not received any comments from members and we are not anticipating any concerns. The SG Office is working on the proposed regulation changes and preparing the necessary documentation that accompanies them.

Bruce Clark was hired to replace Susan MacGregor as Manager of the Office of the Surveyor General.

That leaves a gap for the position of Coordinator, Crown Land Surveys. We have a candidate, and hope to be able to announce it at some point soon.

We continue to have trouble hiring crown land surveyors.

Government is quite busy at the moment. There seems to be an increased focus on managing title integrity which is increasing our workload.

The Surveyor General expressed thanks to the E.D. for inviting the Deputy Minister to the AGM.

8. Risk Summary / Strategy Update / Dashboard

We have yet to perform some analysis on the Lecture Course Online Survey results. We questioned the state of EAKs sign-offs for students and posed some technical questions that probed their knowledge. The E.D. will be generating statistics addressing results of the technical question compared to EAK sign-offs. It will provide us some sense of where they are in their progress and the success of the articling process.

We may see some yellow items turn green in the Strategic Plan Items.

If there are any specific items on the Summary list of the Strategic/Risk Management plan that Council sees need attention, the E.D. encouraged Council to raise them so we can move them forward. We still have more work to undertake than we have resources.

We updated the insurance statistics on the Dashboard. Overall, we are still down from where we have been in previous years, but claims continue to come in. As in the past, they are mostly construction related.

The Registrar continues to give statistics on Complaints and track them moving forward.

Incorrect surveys and professional misconduct continue to be a concern.

The Directory is mostly the question from public inquiries. We forward them to the website.

PSRI statistics continue to go up in terms of the number of records that are added to the system. The number of firms has stabilized. We still have a number of firms with credentials that are not searching.

SRD is relatively on track. They are looking to complete the reviews they started this year at the end of this year. Sticker sales are consistent with last year's numbers.

We need to do more work on the Website. The actual usage is down compared to the old website. We have other statistics that can be accessed, and we want to look at retention. We still have issues raised by members that need attention.

Most committees are moving well.

The Discipline Committee had their meeting last Wednesday, on the 14th. It was a standard meeting, and they have no upcoming hearings. There were questions about whether Complaints Committee and Council were aware of and considered any of a member's past history including past hearings of a Member when making disciplinary related decisions. The people who sat on the panel of a former member's decision crafted some recommendations about things that could be done differently. The Discipline Committee members have put together bullet points for recommendations and this is being refined. This will return to Council for consideration.

There is good work in PAC, GRLC, and UCLC. They are working with some survey firms to prepare a documentary film related to surveying.

A question was raised about the 500 record search limitation in the PSRI. There are instances where plans or concessions have more than 500 records. The E.D noted that the limit had been set to prevent data mining. The best solution would be to allow searches to be refined by lot which would then allow complete searches. Another alternative would be to increase the record limit that can be returned from a search. This would be a balancing act.

ACTION: E.D to raise this with iLookabout and the PSRI committee.

9. Consideration of CPD category for Discipline Panel participation

The Discipline Committee members asked the Registrar to bring this matter forward to Council. They asked that their time spent on Discipline panels be considered as Formal hours towards CPD credits.

They gain relevant valuable education experience. They are exposed to legal experts in a hearing, and gain knowledge and judgement required to practice in professional surveying. It involves a lot of self-study as well.

It was suggested to create a policy where Formal hours can be applicable to activities in Discipline.

If we take this direction, then we will also have to look at the other Statutory Committees as well. We have to be careful here.

The intention was that there were some Formal hours where there is serious learning.

The E.D. presented a list of criteria that CEC uses for CPD Hours.

Council can make a decision. However, they can send this back to CEC to consider a policy to be brought back to Council.

There should be a distinction made between Committee attendance, and Committee participation.

The Surveyor General pointed out that there might not be flexibility in the regulation to what can be considered as Formal Hours. It specifies that it is "Courses approved by Council".

Action: The E.D. will bring this to CEC for further consideration

10. Review of Member/Company Information Policy

We have considered the fields that we have in the membership/firm database. We needed to make sure that we have the authority to collect, use and share the data.

We considered what data we should have, who gets to see it and what can be made available.

The Surveyors Act and regulations allow information to be collected.

There are questions around PIPEDA and whether it applies.

PIPEDA does not necessarily apply to us but it provides a good framework to consider.

There is some very high-level information that we collect and maintain.

Contact Email Addresses are currently available on the Portal for anyone who log in.

We also looked at some quality control measures to ensure that the information we are receiving is correct and has been recorded correctly. An example would be confirming employment status with both Member and their Employer.

The Member has to maintain their Contact Email address on the website.

It was suggested to send this question out to the membership regarding any issues with this.

Committee Involvement tracking would provide a history of a member when making appointments.

It was also suggested to consider deceased members' biographies. We had a request from the Historical and Archival Committee to restore this on the website.

Action: The E.D. will include a notice in In Sight

11. Consideration of Companies using a Post Office Box as address

Council discussed that the company needs to operate at a valid address. However, a P.O. box can be used for mailing address.

A business needs to be open and transparent. Council agreed that a physical address is appropriate since a location is required to be served with any legal documentation.

There was also a question raised regarding the naming convention of a Company that has a number for the name of its Company.

They would register that name as Numbers, i.e. 12345 operating as.....

They are required to have the legal name on their professional documentation.

12. Fees By-Law / SRD By-Law

Fees By-Law

We agreed at the Strategic Planning session that we would hold the line on increases in fees for next year. Several options were put to Council for consideration:

We could pass a by-law that reverts the fees for 2021 back to 2020 rates and leave it there.

We could deal with future years via several options:

- *Increase by published CPI rate*
- *Increase by published CPI rate plus up to 2% at the discretion of Council*
- *Allow Council to increase up to 5% per year*
- *Have a straight 3% increase per year.*

We are scheduled to send Invoices in November and need to have the by-law put in place to avoid the increase. There was agreement to not increase the fees for next year.

Council was provided with option for the Fees By-Law.

Through a virtual show of hands Council agreed to only deal with next year's budget given the continued uncertainty.

Motion 20.46 MOVED: Dave Kovacs SECONDED: Andrew Dowie

WHEREAS: By-law 2018-2 would see an increase in AOLS fees of approximately 3% for 2021

AND WHEREAS: Council agreed at its strategic planning session in July to keep the same fees for next year

AND WHEREAS: Council would like to address fees for at least the next three years

BE IT RESOLVED THAT: Council approves the Fees By-law attached as appendix A

APPENDIX A

FEES PAYABLE TO THE AOLS

WHEREAS Section 8(1)(22) of the Surveyors Act authorizes Council for the Association of Ontario Land Surveyors to pass by-laws prescribing the amounts of and requiring the payment of various fees to the Association of Ontario Land Surveyors;

AND WHEREAS At its strategic planning session Council agreed to not increase fees for 2021 to provide some relief to the membership;

NOW THEREFORE Council hereby enacts as follows:

1. the fees increase for 2021 indicated in by-law 2018-2 will not take place
2. that the fees for 2021 will be the same as they were for 2020 as shown in the following table
3. that the fees continue to be due and payable on the 1st day of January or July as appropriate

	2021 Fees
Licensed Member (due January 1 st)	\$2,250.00
Registered Member (due January 1st)	\$850.00
Certificate of Authorization (1 OLS) (due January 1st)	\$1,130.00
Certificate of Authorization (per additional OLS) (due January 1st)	\$560.00
Associate (due July 1 st)	\$240.00
Retired Member (due July 1 st)	\$100.00

DATE: October 20, 2020 Chair: Andrew Mantha Carried: (Unanimous)

SRD – Fees By-Law

We will send a mail-out By-Law for voting.

The E.D. presented the SRD Fees By-Law for Council to change the effectivity date of June 1st to January 1st.

Motion 20.47 MOVED: Dave Kovacs SECONDED: Trevor McNeil

WHEREAS: By motion 19.82 Council approved the following by-law:

Be it hereby enacted that, effective June 1, 2020

1. By-Laws 94-4 and 2012-3 are hereby rescinded.
2. A Plan Submission Form (see Fig. 1) or a digital reproduction of a Plan Submission Form including the unique number that is to be purchased from the Survey Review Department of the Association of Ontario Land Surveyors is to be placed on one print of every deposited or registered plan, and on every original plan of a Surveyor's Real Property Report and/or Plan of Survey.
3. The fee for either Submission Form shall be \$19.00 per sticker, plus Harmonized Sales Tax (HST).
4. Any increase in the Submission Form fee shall require approval by ratification of a by-law

AND WHEREAS: Due to COVID-19 the by-law was not sent to the membership for ratification and has not become effective

AND WHEREAS: There was no intention on the part of Council to make this by-law apply retroactively

BE IT RESOLVED THAT: That Council approves changing the effective date of the by-law from June 1st, 2020 to January 1st, 2021 and that the by-law be sent out as soon as possible for ratification by the membership.

DATE: October 20, 2020 Chair: Andrew Mantha Carried: (Unanimous)

13. Terms of Reference Approval of Province-Wide Survey Records Index Committee

The Committee was formed from a combination of SCRI Task Force, and PSRI Task Force and have agreed on a new Terms of Reference.

Motion 20.48 MOVED: Al Jeraj SECONDED: Patricia Meehan

BE IT RESOLVED THAT: The Terms of Reference for the Province-Wide Survey Records Index Committee as included with this meeting material be approved.

DATE: October 20, 2020 Chair: Andrew Mantha Carried: (1 Abstain)

14. Committee Appointments

*Marty Nisbet of the Insurance Advisory Committee resigned as Chair
Alister Sankey was appointed as Chair to replace Marty Nisbet
Joseph Lin was to replace Alister as Chair of PWSRI Chair
Grant Bennett and Brian Campbell were appointed at AERC*

Motion 20.49 MOVED: Gavin Lawrence SECONDED: Anna Aksan

BE IT RESOLVED THAT: Council approves the following changes in committee appointments:

- Marty Nisbet be removed from the Insurance Advisory Committee
- Alister Sankey be appointed as Chair of the Insurance Advisory Committee
- Joseph Lin replaces Alister Sankey as Chair of the Province-Wide Survey Records Index Committee
- Grant Bennett and Brian Campbell be appointed to the Academic and Experience Requirements Committee for a further three-year appointment

DATE: October 20, 2020

Chair: Andrew Mantha

Carried: (Unanimous)

15. Fees for Survey Records Discussion

The President has been going to Regional Groups. He noted that we are due for another Survey Monkey of what firms find acceptable and will run that survey in 2021.

There was a discussion about whether the Survey Records Fees Bulletin is being enforced. It was noted that a company has acquired survey records from other companies and has significantly increasing prices for them to beyond the maximum allowed in the bulletin. It was noted that to enforce a problem we need to be aware of it and have evidence. Surveyors have a responsibility to report to the Registrar any gross or consistent practice or omission of another professional member, of which the member is aware, that may constitute professional misconduct or incompetence.

Councillor Loai provided Council an example of a plan (without name) that has obviously not had insufficient research done. He is concerned that this will become more normal due to the increasing prices of survey records.

There was a concern raised that survey records are being monopolized and treated as commodities.

Council was asked how much research is considered sufficient research.

It was pointed out that selling old records to the public could be harmful. An example was cited where a member of the public bought an old survey that did not meet their needs and it turned out to be of no value.

This has been a problem for decades and is not easy to resolve.

We are self-regulated, and we have to resolve this.

The Surveyor General can pose this to the Minister and have them demand Council to act on it.

This could be a risk to self-governance.

It was suggested that we need to define what 'Search' means.

It was proposed to strike a Task Force to address the issue regarding the sale of old records to the public.

Councillors Loai, Shelp, and President Mantha agreed to put together a Terms of Reference.

ACTION: Councillors Loai, Shelp, and President Mantha agreed to put together a Terms of Reference for a Task Force to address the issue regarding the sale of old records to the public.

16. Application for Compensation Fund

There was a survey done circa 1965. As a result of a change in the location of boundary at or near the water boundary, there was a question about the direction of the extension of the property line across the land added to the front of the parcel. This went to Boundaries Act and the requestor is seeking compensation for those costs.

The Association maintains 150K of Compensation Fund for which the Council in its absolute discretion may make grants from in order to relieve or mitigate loss sustained by any person in consequence of dishonesty or incompetence in the practice of professional surveying on the part of any member even if after the commission of the act of dishonesty or incompetence the member may have died or ceased to administer his or her affairs or to be a member.

The E.D. listed some questions for consideration:

Was this a Title Issue or Survey Issue?

Was the loss sustained in consequence of an act of dishonesty or incompetence?

Was notice of the loss received by the Registrar within 6 months of the person knowing of the loss?

Was notice of the loss received by the Registrar within 18 months of the person knowing of the loss and Council considers the time extension reasonable?

It was pointed that they could go after the estate of the deceased surveyor and not the AOLS.

After reviewing the material provide, Council concluded that there was not sufficient information available to answer all the questions arising and could therefor not make a decision today.

ACTION: Council tasked the E.D. with doing further research to be able to answer the questions and bring a recommendation to the next Council meeting.

17. Discipline Matter

Peter Meerveld and Patricia Meehan left the meeting, and then a discipline matter was considered in camera. The minutes are separate.

The next Council Meeting is scheduled for November 30th.