

MINUTES
COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS
Tuesday, January 26, 2021
9:00 AM to 1:00 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
	Simon Kasprzak,	Junior Councillor	Barry's Bay	1
	Patricia Meehan,	Lay Councillor	Sudbury	9
	Peter Meerveld	Lay Councillor	Kitchener	10
	John General,	Lay Councillor	London	11
	Martha George	Lay Councillor	Kitchener	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
Guest:	Bruce Clark	Incoming Surveyor General		1

1. Call to Order; Reminder of Conflicts of Interest and Confidentiality

The Meeting was called to order at 9:00 AM

The President reminded Council of confidentiality and to declare any conflicts of interest.

Bruce Clark was introduced to Council as incoming Surveyor General.

2. Review of Agenda

The Agenda was reviewed by Council.

Item 9 on Discipline Committee recommendations was postponed to the next meeting.

Motion 20.62 MOVED: Andy Shelp SECONDED: Andrew Dowie

BE IT RESOLVED THAT: Council Approves the Agenda as amended

DATE: January 26, 2021 Chair: Andrew Mantha Carried: (Unanimous)

3. Approval of Previous Minutes / Review of Action Items

The Minutes were reviewed by Council.

Grammatical corrections were made to the Minutes.

Motion 20.63 MOVED: Gavin Lawrence SECONDED: Anna Aksan

BE IT RESOLVED THAT: Council approves the Minutes as amended from the meeting of November 30th, 2020.

DATE: January 26, 2021 Chair: Andrew Mantha Carried: (Unanimous)

Motion 20.64 MOVED: Al Jeraj SECONDED: Patricia Meehan

BE IT RESOLVED THAT: Council approves the Minutes as amended from the meeting of December 18th, 2020.

DATE: January 26, 2021 Chair: Andrew Mantha Carried: (Unanimous)

There are a couple of Action Items still on going. The Fees Mediation piece has been on going. The IT Strategy has been put on hold for until after the AGM.

The Insurance Advisory committee has been working on completion of a form for each insurance claim. The intention is to put a new agreement in place as part of the renewal program. We are receiving some resistance from some surveyors who do not wish to fill out the form.

4. Financial Information and Investments

We have done well in terms of the equity market.

There are adjustments to be made to coincide with the new Fiscal Year.

The CRA neglected to inform us that they had changed our fiscal year.

We had to re-file income tax and GST/HST returns for the new reporting periods.

The CRA reviewed one new period and billed the AOLS incorrectly. We had already made all our payments reflecting the old periods but it just did not align with the new period. We have launched an appeal.

There are still some challenges with getting the business account set-up.

It was suggested to approach the MPP. The E.D. will wait for the appeal results first and then move on if necessary. Hopefully it all gets straightened out.

The Operation Statement shows that we are 536K to the good. This includes November and December, which are in the next fiscal year (now that we have changed fiscal years).

We have taken this out to the end of December to allow comparisons against the previous budget.

We had significant reductions in Committee Expenses, President's Travel, and other travel expenses.

We had quite a run on SRD Sticker sales in December.

We ended up with a surplus on the 2020 AGM due to higher than anticipated registrations.

We had budgeted 40K in Discipline Recovery. We received 45K which is slightly ahead of the budget, yet discipline costs were well under budget. We still have funds to be recovered.

It was suggested to leave the surplus in the General Reserve, which is still not at the optimum level.

We still have a surplus in the Insurance Reserve and will be offsetting the self-insured retention fund again this year.

5. President's Report

The President was at the AOLS Office to record some of the sessions for the AGM. Councillor Amar, Vice-President Lawrence, and Sergeant-at-Arms, Alec Mantha had also used the AOLS Office to record their sessions. All participants in the recording were practicing COVID-19 safety procedures.

We will reach out to all the other Association Presidents to set up a Roundtable meeting at our AGM. Vice-President Lawrence will be invited to attend this meeting as well.

The President had attended the New Brunswick AGM virtually last week. Their AGM was stripped down. They had one screenshot that was constant and some presentations that ran for the two days.

The President provided a report for the OPS Magazine.

6. Staff Report

Executive Director

Unfortunately, the E.D. had an accident in early January which ruptured his quadricep tendon. He underwent surgery which has rendered him in a full-leg splint and he is operating on crutches. Thankfully, he is recovering while working from home.

There is still a lot of work left to do on the AGM. We are pre-recording most of our sessions. We have three half-days, with around 13 hours of sessions, and at least 9 or 10 hours of which are likely pre-recorded. We are making progress despite the challenging times.

The E.D. provided a report on a series of sessions he had attended on CNAR (Canadian Network of Agencies for Regulation).

The Toward an Online Degree project has been approved. This is led by the Association of Canada Lands Surveyors. UNB (University of New Brunswick) has gone completely online for their survey program. As a result, more Ontarians have gone to UNB. Other universities providing surveying education are on the project committee.

There were a couple of components to the online degree such as reviewing the curriculum for CBEPS. There will be a motion to appoint Bob Halliday to represent us on this activity.

The Psychometric analysis is going forward. We signed a contract with Professional Testing Inc. before Christmas. We expect to fire this up in the coming week.

The AGM was structured to have two Open Forums. The Open Forum on Wednesday morning, using a polling system, will be used to gather responses, draw topics for discussions, and give time to come up with resolutions to bring up for the Open Forum on Friday, which will have Council there. The next Council meeting will provide an opportunity for testing.

Registrar

We had 52 Evaluations in 2020.

As a result of the AIT Exam, and Professional Exams delivered last year, 34 individuals were sworn-in as Ontario Land Surveyors in January.

30 complaints were submitted in 2020. Of the 30 complaints, there were 24 unique Complainants.

A former member had costs outstanding pursuant to a Discipline Order against him in 2018. The deadline for payment was August 16, 2020. The Registrar contacted the former member to request payment. He stated that he has not yet found employment and implied he would not be delivering payment.

There is an option to pursue this in small claims court. Council suggested that the Registrar pursue a judgement as it would then be on the record and not be impacted by the statute of limitations, which would run out if it were left to just the Agreement.

7. Surveyor General's Report

The changes to the Acts were approved and the Regulations are moving forward. They are before council at this meeting for approval and they have been posted on the regulatory registry for public input.

OSG has been successful in their attempts to attract a new Coordinator Crown Land Surveys to replace Bruce who is succeeding me as SG. Wayne Tremblay has successfully obtained a license in Ontario and will be joining OSG in mid February.

*The government has offered to assist the AOLS in attracting new members to the profession. The AOLS has invested a lot of energy at High School and University levels to increase interest in the profession as evidenced by higher enrollment in schools and increased evaluations and applications to article. MNRF is considering how to support the AOLS in their endeavors and are open to have discussions about what form that support might take. Further discussion is of interest and this item will be brought to the Geomatics Recruitment and Liaison Committee for consideration. **Action: Brian to bring this to GRLC for discussion***

8. Risk Summary Strategy / Strategy Update / Dashboard Review

The E.D. shared the tracking sheet of actions from the Strategic Plan to Council. He noted that he removed many of the completed items. He noted that several items are on hold and that Council should notify him if they had concerns on items that we need to accelerate.

He then presented the updated dashboard document. He noted that a new slide had been added showing deposited and registered plans. It was suggested to show these statistics at the AGM to allow people to see in general the work surveyors have done.

There was a question about tracking of individual costs of discipline cases. The E.D. noted that we track the cost of Discipline on file-by-file basis and know exactly what we spend on each case.

9. Recommendations from Discipline Committee (Item Postponed)

10. Mediation Guidelines

There were a few changes based on the Council discussions at the last Council Meeting and from feedback of a currently contracted mediator.

A revision was made to not allow any Council member to act as a mediator since this is likely to cause a conflict of interest.

There was also a revision indicating that the mediator cannot force the involvement of members of the public, but that they should be encouraged to participate.

Reporting from the Mediator must include recommendations as to whether the matter should be referred to the Discipline Committee, and if so, include any issues that should be considered by the Discipline Committee.

Appendix E was added, which is a guideline for Council considerations. It was also made clear that appropriate information needs to be provided to Council.

It was suggested at Council to replace the words 'Joint Submission' in Appendix E. It was revised to "resolved immediately with mediation".

There was concern put forth by the CRC (Complaints Review Councillor) on the use of the term 'Administration of Justice' in the document. It was removed.

The motion was called to the floor for Council to accept the Guidelines.

Motion 20.65 MOVED: Simon Kasprzak SECONDED: Patricia Meehan

BE IT RESOLVED THAT: Council approves revised Mediation Guidelines as presented and amended.

DATE: January 26, 2021 Chair: Andrew Mantha Carried: (Unanimous)

11. Proposed Regulation Changes

We had hoped to get the Interpretive Guide into the changes but in order to do so, we would have to open up the Act.

The E.D provided Council the Overview of Changes for Reg. 1026

- *We cleaned up some language and inconsistencies.*
- *We changed the Council voting instructions to allow the use electronic voting.*
- *It would also allow the use of electronic mail for notifications.*
- *We cleaned up requirements to seal a registered /deposited plan which was not appropriate.*
- *We added clauses to the code of ethics addressing the timeliness of project deliveries.*
- *They allow council to delegate the determination of CPD credits to a committee.*

The E.D. provided Council the Overview of Changes to 216/10

- *We cleaned up some language for consistency.*
- *There would be proper definition of projects and deliverables since previous definitions did not make sense.*
- *We added "accurate" to the preparation of field notes.*

- We provided additional flexibility in the preparation of non-registered/deposited plan, such as allowing colour.
- We added provisions to make the Provincial Survey Records Index mandatory.
- We clarified requirements for showing comparisons with differing underlying plans including showing rotations for directions (this is being inconsistently applied).
- We provided direction for plans including compiled information.

The E.D. provided Council the Overview of Changes to Reg. 525 – Monumentation.

- We defined competent authority – it was defined in the Surveys Act but not in Reg. 525 which caused confusion.
- We also cleaned up some language for consistency.
- We changed height of rock cap to make it practical.
- We added the word “impractical” related to placing standard iron bars due to underground utilities. This is more consistent with reality.

The E.D. proposed a break down of votes for the proposed changes.

- All proposed changes for regulation 1026 except the proposed changes to the Code of Ethics (Section 12 of the proposed changes)
- Proposed changes for regulation 1026 pertaining to the Code of Ethics (Section 12 of the proposed changes)
- All proposed changes for regulation 216/10 except the proposed changes for the Provincial Survey Records Index (Section 10 of the proposed changes)
- Proposed changes for regulation 216/10 pertaining to the Provincial Survey Records Index (Section 10 of the proposed changes)
- Proposed changes for regulation 525

We are going to use Election Buddy – which meets all the voting requirements.

We will likely have it open for 3 or 4 weeks.

Council was consulted whether we should have this at the AGM and perhaps have it discussed at the Open Forum.

It was suggested that we can put it out before the AGM, allow the Members a week after the AGM before we close it out.

From a Ministry timing perspective, they can adjust but it might just get pushed to a later date. The SG will have to speak to a Policy person to confirm that.

We do not have this part of the Agenda. We can insert it in. We can ask for comments and inputs.

There was agreement to break out the more controversial sections and put it out for the Membership in advance of the AGM.

It was suggested to put on a Webinar to allow for discussion. **Action: Brian to set up a webinar on the proposed regulation changes**

Motion 20.66 **MOVED: Andy Shelp**

SECONDED: Gavin Lawrence

BE IT RESOLVED THAT: That Council approves the proposed changes to regulations 1026, 216/10 and 525 as provided in files Item_12a_reg2020.0902.e06_seal—1026-.pdf, Item_12b_reg2020.0848.e10_seal--216-10-.pdf and Item_12c_reg2020.0828.e03_seal—525-.pdf

AND BE IT FURTHER RESOLVED THAT: The proposed regulation changes be sent to the membership for confirmation.

DATE: January 26, 2021

Chair: Andrew Mantha

Carried: (Unanimous)

12. Discrimination / Harassment Survey Results

Council had discussed this issue in the Strategic Planning discussion.

They have proposed a workshop to get to the bottom to better understand this issue.

We had two members who volunteered as part of the workshop but did not continue due to lack of membership involvement.

*We agreed to do a detailed on-line survey. The Survey was completed before Christmas. We ended up with 138 responses. Of those, 41 self-identified were under named grounds of the Human Rights code. The highest response was due to gender. In terms of breakdown, we had 5 Articling Students, 19 OLSs. Overall response: 20% of respondents said they were discriminated against. That rose to 51% when only those that self-identified were considered. 44% were in the workplace. 15% were at AOLS events. 3% were in AERC processes. 32% raised objection or concern about the discrimination (i.e. 2/3rds did not). 53% said that there is something we can change in the systems or processes. 89% were familiar with organizational or company discrimination policy. 64% received training with respect to harassment and discrimination policy. The Survey had asked for Potential Actions by AOLS. The responses were evaluated from the Overall response and from just those that Self-Identified and both groups recommended Training as the highest priority. Council discussed potential actions to take. They recognized that this is an important issue that needs appropriate action. Council felt that a committee should be formed to consider this in greater detail. We had a small group involved in creating the survey. It was suggested that we open the committee to broader membership and distribute the results of the survey. It was suggested that we need a female on the committee. That committee should be as diverse as possible. The Committee should be requested to come up with recommendations. **Action: Brian to put a call out for committee members and distribute the survey results.** It was suggested to open meetings with reminder to ensure respectful conduct. It was recommended that Council representatives mention this at the next Regional Group Meeting they will be attending.*

13. Consider Proposing Changes to the Surveyors Act

We recognized some potential changes to our legislation which has not been updated for many years. The AOLS have support from MNRF lawyers and staff to work on such a project. We would need to have the Minister on board as well.

The E.D. presented potential items for consideration in changes

- *Governance considerations (i.e. council appointments, lay members)*
- *Recommendations from the expanded profession Task Force regarding a one License Model*
- *Refinement of the definition of the Practice of Cadastral Surveying*
- *Ability to include interpretive guides, and give council flex to moving standards*
- *Right to entry considerations*
- *Clarify ongoing Certificate of Authorization Requirements*
- *Include Fees Mediation into Complaints Committee Processes*
- *Clean up language issues*
- *Directly addressing pricing of survey records in the Surveys Act.*

Council recognized that moving forward would require significant energy. This may involve lobbying. This will involve a lot of committees and a lot of work.

Should we rely on the existing Legislation and Regulations Task Force to guide the work?

The E.D. had put this forward to Council to determine if there was support to proceed with this.

The Incoming SG noted that he fully supports this move.

We may have to add Member to the Legislation and Regulations Task Force.

*It was suggested to have a consultant look at this to start before we get too far into it. There was support to proceed and this needs to be discussed with the Legislative and Regulations Task Force. **Action: Brian to bring this forward to the Legislation and Regulations Task Force.***

14. Missing Councillor Considerations

The Nominations Committee nominated two surveyors for the positions of Junior Councillor.

Both had accepted. Unfortunately, one of the nominees withdrew since they decided not to renew their Membership, which is a requirement to serve on Council. No new nominations from the membership were received.

There is an opportunity for filling a vacancy.

The Surveyors Act doesn't contemplate that an election or nomination in advance of the AGM has not taken place and there is no provision in the Act to directly address this problem. Section 11 does not apply.

The Membership was made aware of the vacancy but no nominations from the membership were forthcoming.

The E.D. showed a list of options to Council.

One option would be to continue to operate with one less Councillor – we still have a good number of Councillors.

The other option is to have Council appoint a new Councillor. This is contemplated for replacement of an elected councillor but does not cover this situation and would not seem consistent with the Act.

The third option was to return to the Nominations Committee and ask them to come up with another candidate.

If we receive a nomination, we would also ask the membership if there are any other nominations to follow existing procedures as closely as possible.

Motion 20.67 MOVED: Trevor McNeil SECONDED: Dave Kovacs

WHEREAS: Only one councillor was forthcoming from the Nominations Committee

BE IT RESOLVED THAT: Council directs the Nominations Committee to seek another candidate or candidates

DATE: January 26, 2021 Chair: Andrew Mantha Carried: (Unanimous)

15. Awards and Citations

We had one nomination for an award for Dr. Brian Ballantyne.

Normally, the Past-President and outgoing councillor receive citations.

We have not given citations to outgoing Lay Councillor, however, we have given Honorary membership to some of them. They have traditionally been included in the outgoing Councillor roast that will not occur this year.

Our previous Lay Councillor from Ottawa was replaced mid-year.

It was proposed to acknowledge Miranda Paquette to receive a citation for her service on Council.

Motion 20.68 MOVED: Patricia Meehan SECONDED: Sue MacGregor

BE IT RESOLVED THAT: Miranda Paquette be awarded a citation for her service on Council

DATE: January 26, 2021 Chair: Andrew Mantha Carried: (Unanimous)

Motion 20.69 MOVED: Gavin Lawrence SECONDED: Dave Kovacs

BE IT RESOLVED THAT: Brian Ballantyne be awarded an Honorary Member.

DATE: January 26, 2021 Chair: Andrew Mantha Carried: (A. Aksan and G. Lawrence Abstains)

16. Appointments and AERC approval (no material)

Some committee members have resigned from Committees and others need renewals.

It was proposed to include 'at their request' when a member is removed from a committee where applicable.

Motion 20.70 MOVED: Amar Loai SECONDED: Trevor McNeil

WHEREAS: Some committee members have resigned from committees and others need renewals

BE IT RESOLVED THAT:

- Younis El Guindy is appointed as Chair of the University and College Liaison Committee,

- Keith Watson is removed at their request from the University and College Liaison Committee
- Bill Webster is removed at their request from the Complaints Committee
- Al Buckle, Jason Wilband and Kevin Smith appointments to the Academic and Experience Requirements Committee are renewed for a further three-years,
- Bob Halliday is appointed to be the AOLS representative on the CBEPS curriculum update,
- Brian Maloney is appointed to be the AOLS representative on the Steering Committee for the national "Towards One Degree project" and
- Ali Hosseini and Jing Yao are appointed as scrutineers for counting the ballots cast for By-law 2020-03 on Friday January 29, 2021.

DATE: January 26, 2021

Chair: Andrew Mantha Carried: (Unanimous)

Motion 20.71 MOVED: Andrew Dowie SECONDED: John General

BE IT RESOLVED THAT: Council confirms Motion 21-34 dealing with fees as passed by the Academic and Experience Requirements Committee

MOTION 21-34 January 14, 2021

BE IT RESOLVED THAT the Academic and Experience Requirements Committee recommends the fee guideline as presented at the January 13 & 14, 2021, Academic and Experience Requirements Committee meeting be considered by Council and adopted to cover the AERC Schedule of Fees.

Academic Evaluation	\$339.00	(300 + HST)
Additional Evaluation if done at the same time	\$169.50	(150 + HST)
Academic Evaluation Appeal	\$141.25	(125 + HST)
Application to Article	\$141.25	(125 + HST)
Application for Reduction in Articles	\$141.25	(125 + HST)
Assignment (Transfer) of Articles	\$141.25	(125 + HST)
Articling Fee (Annual)	141.25	(125 + HST)
Associate Membership Fee (Annual)	\$271.20	(240 + HST)
Statutes Examination	\$197.75	(175 + HST)
Lecture Course (3 days)	\$339.00	(300 + HST)
Professional Examinations:		
• Oral	\$197.75	(175 + HST)
• Written	\$197.75	(175 + HST)
• Plan Check	\$197.75	(175 + HST)
Appeals of Examination Results	\$141.25	(125 + HST)
Copy of Student's Examination Responses		
(Note: provided only if attempt was unsuccessful)	\$28.25	(25 + HST)
AIT Exam	\$197.75	(175 + HST)

DATE: January 26, 2021

Chair: Andrew Mantha Carried: (Unanimous)

A disciplinary matter was considered in camera.

The meeting was adjourned at 12:27pm