

MINUTES
COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS
Tuesday, April 27, 2021
9:00 to 12:20 PM
Teleconference GoTo Meeting

Chair:	Gavin Lawrence,	President	Newmarket
	Andy Shelp,	Vice President	Ottawa
	Andrew Mantha,	Past-President	Windsor
	Trevor McNeil,	Senior Councillor	Stratford
	David Kovacs,	Senior Councillor	Thunder Bay
	Amar Loai,	Intermediate Councillor	Toronto
	Simon Kasprzak,	Intermediate Councillor	Barry's Bay
	Saša Krcmar,	Junior Councillor	Toronto
	Ron Berg,	Junior Councillor	St. Catharines
	Martha George,	Lay Councillor	Kitchener
	Peter Meerveld,	Lay Councillor	Kitchener
	Andrew Dowie,	Lay Councillor	Tecumseh
	John General,	Lay Councillor	London
	James Hunt,	Lay Councillor	Port Hope
	Susan MacGregor,	Surveyor General	Peterborough
	Bruce Clarke,	Incoming Surveyor General	Peterborough

Staff:	Brian Maloney,	Executive Director	North Kawartha
	Kevin Wahba,	Registrar	Vaughan
	Penny Anderson,	Recorder	Mississauga

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

The Meeting was called to order at 9:03 AM.

Council welcomed James Hunt. James has been a lawyer since 1987 and also had some experience in surveying.

2. Review Agenda

The Motion was called to approve the Agenda.

Motion 21.17 MOVED: Andy Shelp SECONDED: Saša Krcmar

BE IT RESOLVED THAT Council approves the Agenda.

DATE: April 27, 2021 Chair: Gavin Lawrence Carried: (Unanimous)

There were no comments or revisions to the Agenda.

The Motion was carried.

3. Approval of Previous Minutes / Review of Action Items

The motion to approve the minutes of the previous meeting was called.

Motion 21.18 MOVED: Trevor McNeil SECONDED: Dave Kovacs

BE IT RESOLVED THAT Council approves the Minutes from the meeting of March 9th, 2021.

DATE: April 27, 2021 **Chair:** Gavin Lawrence **Carried:** (Unanimous)

The Motion was carried.

We brought back the I & IT Strategy. We've put together a logical data model and some use cases in preparation to get quote(s) on creating a new membership database. We are hoping to replace our aging Telephone system, and this is included later in the agenda. We are in the process of seeking quotes to upgrade the internet connection for the office.

The E.D and Registrar put together a draft regarding the interaction with Complaints and The Fees Mediation Committees. The Chairs have considered the position and accepted it. This will likely result in an update to the Fees Mediation Manual.

Discipline Committee Recommendation implementation – a number of the recommendations have moved forward. D. Kovacs is working on changes with the Discipline Committee. This is still a work in progress.

4. President's Report

The President was able to attend the AGMs of BCLS, ACLS, and ALSA and also attended a Presidents Forum meeting.

Some associations are experiencing dwindling numbers.

The Professional Governance Act appears to be having a ripple effect that is moving from the west to east of Canada. We have things in place to mitigate risks to the public.

There were discussions around progressing to an online education offering.

There has not been a lot of financial impacts to Associations.

Julie Brough received a President's Award in the Alberta meeting.

Government is busy reviewing self-regulating professions in Alberta.

There was also discussion regarding Manuals and Standards.

There were open discussions on hybrid cadastral products.

PSC (Professional Surveyors Canada) have paid for the trademark use of "P.Surv."

Members of PSC can soon use the "P. Surv" designation.

They have a license for branding for a year.

The President thanked Susan MacGregor on behalf of Council for her contributions to Council over the past many years.

5. Staff Reports

Executive Director's Report

We are coming to a conclusion on our HST audit. We have yet to see the final report.

We got through our first electronic election. The largest part of the electronic voting was having an appropriate email address list. We had to intervene where we had firewall issues.

We had to put an ad in the St. Thomas and London papers regarding Ward Houghton's cancellation.

This was due to a complaint from a member of the public about Mr. Houghton selling old plans that did not meet their need. It was not clear to them that he was not a surveyor.

We nearly have the final report for the Psychometric Analysis. We sent it back and received a revision to it. We expect a final version in a few days. Overall, we have done pretty well but there is work to do. Registrar K. Wahba continues his work with AERC on this. Once we respond to this, it will close off the outstanding comments from the Office of the Fairness Commissioner.

Registrar's Report

We have about 20 students registered for the Professional exam sittings in May.

The Professional Exams are scheduled for May 26 -28. We are likely going to receive a few more registrations.

Last week, on Thursday, we had a Discipline hearing that was open to the public.

It was a joint submission that was accepted by the panel.

We had about 50 in the audience who had viewed the hearing.

Most of our Discipline Hearings go through a joint submission.

The questions were asked if virtual hearings will replace the in-person hearings – and meetings. It would be interesting to see this approach with a more challenging hearing.

A concern was raised that Surveyors are not reporting poor surveys as they should.

The ED noted that he investigated statistics from other regulators last year. The percentage of complaints we receive from Surveyors are close to the percentage received from lawyers by the Law Society. The statistics for Complaints are included in the Dashboard.

It was suggested to have an article for the OPS on surveyors' responsibilities 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.

6. Surveyor General's Report

Regulations are moving forward to cabinet in the third week of May and the SG does not anticipate any challenges.

Staffing changes – Michael Griffiths and Rob Martin are planning retirements later this spring or early summer. Michael Matthews is joining MNR from MTO as of Monday. We are hoping to bring on another surveyor from the west. The office will be in very capable hands.

Susan MacGregor expressed her pleasure in serving on Council.

7. Financial Information / Investments

We are doing well. The report reflected the investments as of the end of March.

We are up 9.4% from back in October.

We have kept our position with 60/40 and 50/50 balance between equity and bonds. We reviewed this again with Julie Brough, and we did not make any changes in terms of our profile.

With respect to the actual financial operational report, we are starting our fiscal year as of November 1st.

We are in pretty good shape.

We had a much higher registration for the AGM than what we had anticipated. We have minor expenses yet to come in but will end up with a healthy surplus.

The Revenue is all on track.

In SRD, we are ahead on sticker sales this year. With the increase in sticker fees, the SRD will be in pretty good shape. They have 84 files planned for this year. They normally deal with around 50 in a year. It should rebalance in the future.

Committee expenses and Council expenses continue to be way down due to lack of travel.

We are likely well ahead of budget at the end of the year.

Expenses will be made with update to the Surveyors Act but most of that has been accounted for under Council discretion.

We do have a motion that we need to bring forward. It is related to the Discipline Reserve fund.

Council needs to approve the transfer of \$30K from the General Operating funds to the Discipline Reserve Fund to address the 2020 Allocation, and a further \$40K from the General operating funds to the Discipline Reserve Fund for 2021.

The Motion was called.

Motion 21.19 MOVED: Simon Kasprzak

SECONDED: Ron Berg

WHEREAS: Council previously decided to set aside an internally restricted Discipline Reserve Fund to address discipline costs

AND WHEREAS: Council normally transfers funds to the Discipline Reserve Fund annually

AND WHEREAS: Council did not transfer funds to the Discipline Reserve Fund last year and our Accountant allocated \$30,000.00 to the Discipline Reserve Fund to address the approximate discipline expenses of \$29,531

BE IT RESOLVED THAT: Council approves the transfer of \$30,000.00 from the General Operating Funds to the Discipline Reserve Fund to address the 2020 allocation, and

BE IT FURTHER RESOLVED THAT: Council approves the transfer of a further \$40,000.00 from the General Operating Funds to the Discipline Reserve Fund for 2021.

DATE: April 27, 2021 **Chair:** Gavin Lawrence **Carried:** (Unanimous)

The Motion was carried.

A question was raised as to whether the OPS Magazine should be going digital.

The E.D noted that this was considered but our advertisers are not keen on going digital. A move to digital would save printing costs but we would likely loose advertisers.

It was also suggested to relook at the financing of the PSRI since it is in a negative position due to the Ontario Government not participating. We are waiting for the regulation to be effective before considering any other changes in this regard.

It should also be discussed with the Ontario Government before anything goes forward.

8. Risk Summary/Strategy Update/Dashboard Review

We have cleaned some of the items and Council reviewed what was left on the list.

Green items are on track, those in yellow means that we have yet to make progress with, and those in orange are proposed to be removed. There are two categories proposed for removal, either they were completed or they are not likely to be completed.

The E.D. B. Maloney invited Council to identify any concerns around removal of any items.

The item around the Updates to the interpretive guide related to use of equipment may be superseded by more detailed guidelines on construction surveys that SRD Manager, T. Packowski and E.D. B. Maloney have been tasked to create.

The Party Chief course has been completed.

We issued a request for help on articling workshops last year but did not receive the help required and nothing has progressed.

There have been complaints received from members regarding fair fees for survey records. The Task Force has been meeting again to explore solutions.

It was suggested removing those that were completed or where other action had taken over but that we should retain those that are not being worked on in a parking lot for further consideration.

The demographic information on the Dashboard was updated for this year.

The Complaints information and Discipline Costs have been updated as well. Our costs have gone down. Mediation may have helped us. We are also getting better on cost recovery as well.

We are still in the right ballpark in regard to CPD. We are working towards setting up more Webinars.

The insurance information has been updated.

We have had a couple of claims since March 29 which are not included. We have not received updates for SRD review statistics yet. It is a very manual process, something we may be able to rectify with the Membership database.

The Sticker sales rose as a result of the By-Law. We are well above in Sticker sales compared to last year. There seems to be a lot of work for Surveyors out there.

Most of the Committees are on track. The Monument Protection Task Force did not provide an update, but they have begun discussions on deferred monumentation.

The Insurance Advisory Committee had a meeting in January and will have another meeting coming up.

The Committees are all meeting online and are making progress.

We sent the request yesterday for the Salary Survey. We gave our Members until mid-May to submit their responses.

9. AGM Resolutions and Feedback

We had our open forum which was a 2-part session.

Most of the attendees were pleased with how it worked out.

There is a document attached for Council to review in terms of what was discussed.

Two resolutions were passed.

The one-licensed model is on track – the Expanded Profession Task Force are working on this.

The second resolution deals with Sub-standard plans accepted by municipalities, which should likely be assigned to the Municipal Surveyors Committee for consideration.

We recorded the commitments that we made.

We agreed to go back and look at Sketches. We would send a Survey Monkey and look at this issue again. This is clearly in the domain of the Professional Standards Committee.

In terms of addressing Municipalities who violate our exclusive right to practice; we deal with these on a case-by-case basis. Our definition of cadastral surveying will be considered as part of the project to revise the Surveyors Act. There are other jurisdictions that have a committee that looks at unauthorized practice, which we could consider.

We did commit to looking at best practices or guidelines related to new technology including drones. This is work for the Professional Standards Committee.

Regarding how to get more involvement and membership on Council, we are looking for people to volunteer and no other action was considered at this time. This may also be considered as part of the project to revise the Surveyors Act.

We agreed to add samples of plans and field notes on the website over time. This is in line with providing best practices and guidelines on different products which is more work for Professional Standards Committee.

We have spoken about the costing challenge of a virtual AGM and we also did our Survey Monkey follow up as well. This will be considered by the AGM Planning Committee.

The SRD is working on how to review non-cadastral products (e.g. construction surveys) and is working on an update to their manual. We should see something in a few months. We are expanding the checklist.

The revisions to the Surveyors Act are clear about the need to transfer survey records after giving up a C of A.

Allowing deferred monumentation will take a regulation change. The Monument Protection Task Force is working on this.

Best Practice Guide regarding survey plans for development is an education piece and is in the domain of the Municipal Surveyors Committee. There was a discussion about municipalities handing out plans of survey with mixed reaction on how to proceed. E.D. Maloney noted that he had started preparing a paper regarding this based on cases from the Office of the Privacy Commissioner. One option is to change the product we provide to Municipalities.

We agreed to forward items to appropriate committees/task forces for attention.

ACTION: B. Maloney to forward work items to appropriate committees/task forces.

10. Review of the Project Plan for Update of the Surveyors Act

E.D. B. Maloney provided a project plan asked Council if they were comfortable with the commitment required for this project.

We are optimistic that we will find papers for research to be done.

We can find material from other jurisdictions.

One of the big risks is that we will not have the resources to move forward.

We have a motion for Council to support the project plan in principle for the update to the Surveyors Act

The Motion was called.

Motion 21.20 MOVED: Susan MacGregor SECONDED: Ron Berg

BE IT FURTHER RESOLVED THAT: Council supports in principle the project plan for the Update to the Surveyors Act recognizing that it will change as the project progresses.

DATE: April 27, 2021 Chair: Gavin Lawrence Carried: (Unanimous)

It was suggested that Carol Street should be involved in the review given the issues that the Discipline Committee encountered during the Houghton case. The E.D. noted that this is included in the project plan, although it did not specifically mention the Houghton case.

The Motion was carried.

11. Terms of Reference for the Harassment & Discrimination Prevention Committee

This is a new Committee that came out of our Strategic Planning exercise.

With the Black Lives Matter movement in mind, we decided to ask some questions to our members. There were concerns raised.

We formed this committee to provide advise to Council and determine what actions we should take. There is a requirement for research, looking at any trends, and arrange for training, and deal with systemic changes.

A CPD category requirement may address some of the concerns with respect to Harassment & Discrimination prevention.

We looked at what actions other regulators and other survey organizations have taken.

We have a motion later to appoint Al Jeraj as Chair of the Committee.

It was clarified that this is directed at the membership of the Association.

The Motion was called.

Motion 21.21 MOVED: Martha George SECONDED: Peter Meerveld

BE IT FURTHER RESOLVED THAT: Council approves the Terms of Reference for the Harassment & Discrimination Prevention Committee.

DATE: April 27, 2021 Chair: Gavin Lawrence Carried: (Unanimous)

12. Complaints Committee Manual Revisions

The Motion to approve the Manual Revisions was called.

Motion 21.22 MOVED: Andrew Dowie SECONDED: John General

BE IT FURTHER RESOLVED THAT: That Council approves the revised Manual of Procedures for the Complaints Committee denoted as Version 3 (Rev. 4) dated March 4th, 2021.

DATE: April 27, 2021 **Chair:** Gavin Lawrence **Carried:** (Unanimous)

Council discussed the Motion.

There was a minor change in the acknowledgement letters that we send out to complainants.

The initial covering letter became more generic as an acknowledgment solely.

There were sections added on complaints that are ongoing through litigation and to deal with complaints against former members.

There was a change regarding notice of previous complaints against a member. Once all submissions have been delivered, the Committee is to be made aware of previous complaints.

The section on Powers of the Committee was amended to incorporate a reference to Mediation and identify Powers of the Discipline Committee.

There is a new section to identify how exceptions to the process should be addressed.

The Committee had concerns around balancing their time and efficiencies.

It was suggested to ask the Complaints Committee to reiterate and put the subject of Complaint in the Acknowledgement letter as part of the procedural Guidelines so that the Committee is aware of what the Complaint is really about.

There were some concerns around certain uses of terms and language.

It was suggested that the term "dismissed" should be avoided when it comes to Fees Mediation.

Using the term "dismissed" in one of the cases had some implications.

E.D. B. Maloney, and Registrar K. Wahba had put together a paper at the relationship between Fees Mediation and Complaints Committee and reviewed it with K. Thom, the Chair. There should not be a blanket move to Fees Mediation just because the complaint was around Fees; if there is any evidence of professional misconduct and incompetence, then it has to be dealt with.

It was also noted that the use of the term "Final Decision" is also being looked at as part of adjusting the language.

The Motion was carried.

13. Compensation Request

E.D. B. Maloney had distributed documents to Council regarding a claim to Compensation Fund.

The appellant is claiming 100K in damages. Council considered the submission.

There was no evidence of dishonesty or incompetence that was provided or evidence to make a grant from the Compensation fund.

The Motion was called.

Motion 21.23 MOVED: Andy Shelp SECONDED: Andrew Mantha

WHEREAS: A request to the Compensation Fund was received from (name withheld for privacy reasons) related to a survey completed by Coote Hiley Jemmett Ltd in 2015 on 2018 Kelly Road, Baysville (Township of Lake of Bays).

AND WHEREAS: No evidence of dishonesty or incompetence was provided or evident.

AND WHEREAS: Council has considered this matter and the application included no evidence of the quantum of the alleged damages.

BE IT RESOLVED THAT: Council in its absolute discretion chooses not to make a grant from the Compensation Fund in this matter.

DATE: April 27, 2021 Chair: Gavin Lawrence Carried: (Unanimous)

Action: B. Maloney to write a response to the applicants to the Compensation Fund.

14. Telephone Upgrade

Our telephone system in the AOLS system is outdated and failing.

We do not have a way to forward some of our phones in the office to an outside number and lines are degrading.

We have looked at replacing the handsets a while back but found it too expensive and set it aside since it did not resolve all the problems.

We have now looked at Voice-Over IP options.

The systems take about 1MB Upload and download and should not take bandwidth from our Online meetings, however, we also continue to explore upgrades to our Internet Provider.

It was suggested to look into MS Teams as an option. MS Teams also have a call-back number.

The motion was modified to include looking into MS Teams.

Motion 21.24 MOVED: Trevor McNeil SECONDED: Dave Kovacs

BE IT RESOLVED THAT: Council approves the Executive Director to proceed with a replacement of the telephone system using United Cloud after investigating MS Teams as an option.

DATE: April 27, 2021 Chair: Gavin Lawrence Carried: (Unanimous)

15. Committee Appointments

There were changes to some of the Committees.

The Motion was called to make some changes to Committee members.

Kevin Kujala has resigned from the Monument Protection Task Force. Shawn Hodgson and James Ferguson resigned from the Website Maintenance Committee, and other committees need appointments.

Motion 21.25 MOVED: Amar Loi SECONDED: Simon Kasprzak

WHEREAS: Kevin Kujala has resigned from the Monument Protection Committee, Shawn Hodgson and James Ferguson have resigned from the Website Maintenance Committee, and other committees need appointments.

BE IT RESOLVED THAT: The following appointments are made:

- Kevin Kujala be removed from the Monument Protection Committee,
- Shawn Hodgson and James Ferguson be removed from the Website Maintenance Committee,
- Al Jeraj be appointed as Chair of the Harassment & Discrimination Prevention Committee,
- Kate Sonier is appointed to the Continuing Education Committee,
- Tim Bunker is appointed to the Legislation and Regulation Task Force,
- Scott McMorran and Shawn Leroux are appointed to the Monument Protection Committee,
- Simon Kasprzak be appointed to the Registration Committee, and
- Al Jeraj be appointed to the Expanded Profession Task Force

DATE: April 27, 2021 Chair: Gavin Lawrence Carried: (Unanimous)

Motion 21.26 MOVED: Andrew Dowie SECONDED: John General

WHEREAS: James Hunt has been appointed to the Council of the Association of Ontario Land Surveyors by the Lieutenant Governor in Council

BE IT RESOLVED THAT:

- Peter Meerveld be removed as Complaints Review Councillor and from the Discipline Committee,
- Peter Meerveld be appointed to the Complaints Committee,
- James Hunt be appointed as Complaints Review Councillor, and
- James Hunt be appointed to the Discipline Committee.

DATE: April 27, 2021 Chair: Gavin Lawrence Carried: (Unanimous)

Peter Meerveld is no longer on the Discipline Committee.

16. Citations

Thank-You's and Citations will be awarded to Richard Murray, Dan Quinlan, Sasa Krcmar, Patricia Meehan, and Peter Meerveld for their contributions on the Discipline Committee.

Motion 21.27 MOVED: Ron Berg SECONDED: Martha George

WHEREAS: The following members have made substantial contributions to the Discipline Committee

BE IT RESOLVED THAT: Council thanks and awards citations to the following:

- Richard W. Murray
- Dan Quinlan
- Saša Krcmar
- Patricia Meehan (LGA)
- Peter Meerveld

DATE: April 27, 2021 Chair: Gavin Lawrence Carried: (Unanimous)

17. SRD Search for Manager, Survey Review Department

E.D. B. Maloney had prepared a selection Criteria and Job Ad for the position of the SRD Manager. E.D. B. Maloney is looking for Council members to participate in the hiring process. Councillors S. Krcmar, A. Mantha, and G. Lawrence and A. Shelp volunteered to be on the panel. The activities of the Hiring Panel will all be online.

18. Discipline Matter

James Hunt and Andrew Dowie left the meeting. A discipline matter was considered in camera.

The meeting adjourned at 12:22 PM