

MINUTES
COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS
Tuesday, October 19, 2021
9:00 AM – 12:00 PM
Zoom Conference Call

Chair:	Gavin Lawrence, Andy Shelp, Andrew Mantha, Trevor McNeil, David Kovacs, Amar Loai, Simon Kasprzak Saša Krcmar, Ron Berg, Martha George, Peter Meerveld, Andrew Dowie, John General, James Hunt, Bruce Clark,	President Vice President Past-President Senior Councillor Senior Councillor Intermediate Councillor Intermediate Councillor Junior Councillor Junior Councillor Lay Councillor Lay Councillor Lay Councillor Lay Councillor Lay Councillor Surveyor General	Newmarket Ottawa Windsor Stratford Thunder Bay Toronto Barry's Bay Toronto St. Catharines Kitchener Kitchener Tecumseh London Port Hope Peterborough
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Staff:	Brian Maloney, Kevin Wahba, (Absent) Penny Anderson,	Executive Director Registrar Recorder	North Kawartha Vaughan Mississauga
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Meeting was called to order at 9am

President Gavin provided a Land Acknowledgement at the start of the meeting.

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

The meeting was called to order at 9:01 AM. Council was reminded to declare conflicts of interest and maintain the confidentiality of this meeting.

2. Review Agenda

The motion to approve the agenda was called.

Motion 21.61 MOVED: Trevor McNeil SECONDED: Andy Shelp

BE IT RESOLVED THAT Council approves the agenda as provided.

DATE: October 19, 2021 Chair: Gavin Lawrence Carried: (Unanimous)

3. Approval of Previous Minutes –

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

Motion 21.62 MOVED: Simon Kasprzak SECONDED: David Kovacs

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

DATE: October 19, 2021 Chair: Gavin Lawrence Carried: (Unanimous)

The I & IT Plan is in progress and the Internet Upgrade has been completed.

The battery backup for our file server failed but is now up and running.

Discipline committee recommendations are still ongoing.

Municipal surveyors have had a look at the proposed plan note regarding use of plans of survey provided to municipalities. Professional standards committee essentially approved it. Joe Young and B. Maloney plan to meet with the analyst that did the review from the privacy commissioner's office. This is still in progress.

Brian had conveyed AERC comments on the proposed CBEPS syllabus to Marie Robidoux but has yet has to hear back from her. This is complete.

The Land Acknowledgement Policy has been circulated to committee/task force chairs and was posted on the AOLS website.

B. Maloney met with the new SRD Manager and SRD staff to consider Plan Storage and consider an option where no plans would be stored. Recommendations are included in this meeting.

4. President's Remarks

The President noted that he attended the Nova Scotia (NS) AGM virtually. There are a lot of parallels between us and NS. Their Executive Director retired. They sold their office building. There is a Coastal Protection Act that is coming along. They use location certificates, but the numbers are dwindling as people move to Title Insurance. Their council comprises representatives from different geographic areas. They had presentations on boundary disputes. NS can publish a person's name pertaining to unauthorized practice.

5. Staff Reports

Richard Steinecke is moving along with his reviews.

He will attend the next Council meeting.

Paul Wyman is now in place as the SRD Manager.

G. Lawrence and B. Maloney met with Dean Goodyer at York University and also with staff from the Geomatics Engineering program. There was a bit of a friction between the staff and the Dean.

We sent an Email to all the firms that had yet to input records into PSRI and received a lot of responses back. Mike Power has been busy doing training. We are still running into a couple of issues with LSR related to municipality names. We will get it resolved.

J. Savitch has decided not to return after her maternity leave and has tendered her resignation as Program Manager. Although we will miss her, this gave us an opportunity to reevaluate our organizational structure. We will be giving up the Program Manager position in favour of a Communication Specialist position. Over time they will take up the role of editing the magazine and tackle our social media strategy. This will allow the Deputy Registrar to increase activities in that area and assists with succession planning.

We are working with Grant Lee on our social media strategy. We will not be able to finish this until the Communication Specialist is on board.

B. Maloney was attending the CNAR conference over the last two weeks.

Action: B. Maloney will send notes taken during the CNAR sessions to Council once they are cleaned up. Planning for the AGM continues.

Action: B. Maloney will send his slides regarding modernization of the Surveyors Act to Council.

Registrar's Report:

Richard Steinecke is meeting with the Complaints Committee on October 28th. This would be the last piece of his external review of the AOLS.

We have 62 total Academic evaluations received by AERC. 8 of those applicants were female, and 54 were male. 4 out of 30 articling applications were from females. There have been a few more applicants from Ryerson this time.

We are trying to implement the outstanding FARPA and Psychometric analysis recommendations. We passed a motion/policy expanding on the Good Character requirements and provided more details.

We are hoping to make more progress at our 2-day meeting in January.

The professional exams are scheduled in November. We have 17 individuals taking a combination of the exams.

A sub-committee of the AERC has been struck to complete a Risk Evaluation for AERC.

The Educational Foundation is currently in the process of scholarship awards for Out of Province students.

We have 19 formal complaints received this year. Two of them were submitted by OLSs.

The Complaints Committee is going through a few minor tweaks to their Procedural Manual.

6. Surveyor General's Report

The majority of staff continue to work offsite.

There is a plan to return to the office November 1st; that does not mean everyone will be back though.

Due to COVID protocols, the maximum capacity of office space used is to be 30% with proximity radii of 12 feet between staff. Face masking requirements remain in place. The Crown Survey Records vault will remain off-limits to the public.

We have a new Coordinator for the Mapping and Geo-referencing Section as of October 4th. Jen McMurray will be replacing Carla who will retire this week.

The competition for a Crown Land Surveyor ends tonight. The ad did not correctly reflect the current locations. Working for the OSG, they can come into any Ministry of Northern Development, Mines, Natural Resources & Forestry (MNDMNR&F) office, and they can work anywhere in Ontario.

There will also be a competition for a Senior Surveyor to replace Rob Martin who had retired at the end of August.

There are a number of proposed changes for legislation moving forward. One proposal is to remove adverse possession against Crown Lands.

B. Maloney will be meeting with folks at MGCS to answer questions about Surveyors related to classification. They had also involved PEO in these discussions.

7. Financial Reports

B. Maloney provided the financial statements to Council; the Operating Statement and cheque list, and the investment history.

We are good in fiscal shape. We are 900K to the good at this point with a month to go.

The surplus will help our general reserve and allow us deal with unforeseen items as we go forward.

There will be a new budget for the next Council Meeting. We will be looking to hold the line on fees.

Our current fee by law is only for this year and a new one will be required.

We have been pursuing Mr. Houghton in terms of recovery for discipline costs that were awarded by the Courts. A Discovery hearing was held. We are seeking additional documentation and see where this leads us. This matter will be brought to Executive Committee for direction.

We had a slight drop in our investments but have still had a good return this year. We have not had a drop in a very long time. D. Kovacs and B. Maloney meet with Logan Wealth Management (LWM) on a quarterly basis.

The AOLS does have an investment policy that is reviewed by Council annually with LWM. We have two accounts, one for Insurance, and one for General Funds.

We had asked LWM to do a projection on worse case scenario for a market retraction when we considered handing back insurance funds. We did ensure that we protected sufficient if the market contracted significantly. We discount the invested funds for insurance by 20% to ensure that we have enough funds to meet our liabilities. We remain in a good fiscal position.

8. Risk Summary / Strategy Update / Dashboard Review

The updated Dashboard was circulated to Council.

The SRD is well ahead of budget. We are way ahead of normal target on sticker sales.

Perhaps we should consider an annual dashboard for those items that are only updated annually and only address the remainder during the year. This would shorten the Dashboard document substantially.

Insurance components were updated. We thought we might have more claims this year given the increased workload but so far, we are still on a reasonable track in terms of the number of claims.

The committees are all functioning and moving forward.

The Risk/Strategic Plan Summary has been updated with actions flowing from September's Strategic Planning Session. This document tracks all actions we have committed to.

Actions in green are done or going well. Those in light green are on track, and those in orange are either on hold or have not started.

B. Maloney is open to suggestions from Council on the actions in the risk summary.

9. Moving SRD to digital plan storage

This item was tabled from our last meeting.

Council had questioned if we could get by with no plan storage.

B. Maloney met with the SRD staff and the new SRD Manager to discuss this.

They looked at various options including the option of having no plan storage and the one that was previously recommended.

They use stored plans for both systematic and comprehensive reviews.

Although we talk about a random selection, it is only partially random. It is a random selection from a representative sample. They review the stored sample of plans to determine which specific plans to select. Within that grouping, they choose one that is representative of that sample. They tend to avoid plans with little or no boundary retracement.

They noted that the proposed outsourced application would assist in planning for the field visits in comprehensive reviews. They currently geographically locate plans and perform route planning whereas the proposed system would have all plans already located saving time.

The recommendation remains to move forward with the iLookAbout solution. There are a lot of efficiencies that will save money and will do away with requirement to surveyors submitting hardcopies to LRO once regulations are updated.

The Motion was called.

Motion 21.52 MOVED: Andrew Mantha SECONDED: Simon Kasprzak

WHEREAS: The Survey Review Department (SRD) has been struggling to file plans coming from the Land Registry Offices for systematic reviews.

AND WHEREAS: Outsourcing options were considered that have a positive business case for the SRD.

AND WHEREAS: Moving to an outsourced electronic plan filing and storage solution will allow surveyors to dispense with providing the second copy of plans containing the plan submission form if the Ministry of Government and Consumer Services changes their regulations.

BE IT RESOLVED THAT: Council directs the Executive Director to enter into an appropriate agreement with iLookabout that is consistent with the proposal that they provided.

BE IT FURTHER RESOLVED THAT: Council directs the Executive Director to write the Manager of Survey Services requesting a move from paper to electronic plan transfer to the SRD and to make him aware that the AOLS supports changing Regulation 43/96 to require the Plan Submission number to be shown on the face of the plan and that second copies with plan submission forms be no longer required.

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Chair: Gavin Lawrence **Carried:** (Unanimous)

10. Review of Sketches

At 2021 AGM, members asked that the bulletin be revised, which was done based on recommendations from the Professional Standards Committee.

We continue to receive the odd complaints about sketches.

Contentions have been made, was that some firms treat products with and without stickers differently in terms of research and boundary determination. Having SRD reviews could make a difference in the some surveyors' behaviours in determining boundary opinions.

An option is to broaden the mandate of the SRD to include reviewing Sketches.

There are options for consideration for SRD Review:

- Should review selections be done by plan log which would require stickers on more products, or could it be done differently such as using the Provincial Survey Record Index (it was noted that this could have some risk if surveyors chose not to enter records to avoid reviews)*
- What would be the breadth of products reviewed (e.g. anything with a boundary or only a subset?)*
- If stickers are used, pricing would have to be determined.*

It is recommended that SRD Committee be tasked with determining an approach for the SRD to review Sketches to determine if concerns are warranted and provide recommendations to Council.

Council discussed what sticker costs may look like for reviewing sketches.

Council also discussed products for projects that don't result in sketches or plans but where a boundary is still established.

It was suggested to get some broader recommendations as to what product gets a sticker.

Council's risk review had suggested that SRD should be looking at construction activities. The SRD Committee wanted some type of guidelines to review against. The Professional Standards Committee put together a set of construction guidelines and sent them to the membership a few months ago. They're doing this on an educational basis as opposed to policing them, but we should at least start looking at these files. The whole manual and policy are under review by the SRD Committee, and it will come back to Council, and will answer a lot of these questions.

The Act states that we regulate the profession of surveying, and it is a pretty broad definition at this point in time. Unless it changes, we should be looking at that.

The Registered Members had put forth a motion many AGMS ago to have their products reviewed. This has also been considered by the SRD Committee and they are working with the Expanded Profession Task Force to move forward on this.

It was pointed out that Council may have to consider the way the definitions may have to expand or contract as part of modernizing the Surveyors Act.

It is recommended that the SRD Committee be tasked with determining an approach for the SRD to review professional products and provide recommendations to Council.

Action: *B. Maloney to ask the SRD Committee to consider these questions and provide recommendations to Council.*

11. Fair Fees for Field Notes – Survey Results Discussion

B. Maloney provided Council a results summary of the Survey Monkey that was recently completed with the membership.

There were 140 responses.

There is a significant divide in membership.

Approximately 60% believe that fees for survey records are reasonable or mostly reasonable.

Only 49% believe the Bulletin is adequate, and 51% believe the opposite, which is pretty significant.

The Survey Record rates are highest in South Central Region.

The larger number of records a firm held, the more likely they were to use a 3rd party provider, and the more likely they were to believe the fees are fair.

There were two regional groups that had the highest rates of satisfaction which corresponded to the regional groups that had the most sharing of records with out a fee (Eastern, and Hamilton and District).

Firms using 3rd parties to provide record were more likely to believe the fees are fair.

There are still challenges since half the membership believe that the Bulletin is not adequate.

It was noted that this will not be a one-size fits all solution.

Ontario seems to be the only province that sells field notes to other surveyors.

There does not seem to be standardization around what a person gets when requesting record search (e.g. notes included?).

The Fair Fees for Field Notes Committee have had only one meeting since seeing the Survey Monkey results.

They intend to meet again and will have some options to present to Council for the next meeting.

They had also asked around to see if they can get independent auditors but have not received much of an answer to that.

The Committee continues to work on it.

12. Mentorship Program

We agreed to move ahead with a Mentorship Program at the last Strategic Plan Session.

There were few questions around it such as, who would be eligible to participate, both as mentor and mentee, what is the scope of mentorship, how much involvement do we want to have to ensure quality in the interaction, and what is expected of a Mentor.

B. Maloney looked at models from other regulators.

For example, Alberta Land Surveyors have a mentorship panel dealing with survey issue related to boundary determination.

Most other regulators reviewed focused on those candidates looking to become members or were members.

B. Maloney made some recommendations for consideration:

- keep the scope to Articling Students.*
- mentors should be screened.*
- start slow and build the program over time*
- there should be a minimum amount of experience for a Mentor.*
- there should be some type of agreement by the Mentor and Mentee.*
- there should be a function on the AOLS website to assist in matching.*
- there should be no fees or payments be associated with this.*
- we should put together a value proposition and advertise to the membership to determine level of interest before moving forward.*

It was suggested to reach out to some Retired Members to volunteer their expertise.

It was also suggested to not limit the scope to Articling students and focus on Members.

It was also suggested to have a form of subject matter mentorship.

There is a general consensus that having this mentorship program is a good idea.

It was proposed to have a less formalized process geared towards surveyors at all levels.

Action: B. Maloney to adjust the program and bring it back to Council for approval.

13. Appointments (no material)

Motion 21.63 MOVED: Dave Kovacs SECONDED: Trevor McNeil

WHEREAS: Some committee resignations have been received and new volunteers have come forward

BE IT RESOLVED that Council approves the following changes to Committee/Task Force membership:

- Bill Harper be removed from the Monument Protection Task Force
- Bruce McMurchy be removed from the Archival and Historical Committee
- Michael Haines be removed from the University and College Liaison Committee
- Eduardo Linhares be appointed to the Complaints Committee
- Kirsten Greenfield be appointed to the Complaints Committee

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Chair: Gavin Lawrence Carried: (Unanimous)

14. *There was an in-camera session related to disciplinary actions.*

The meeting adjourned at 12:27 pm.