

MINUTES
COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS
Tuesday, March 1, 2022
9:00 AM – 1:00 PM
Zoom Conference Call

Chair:	Gavin Lawrence Andy Shelp Andrew Mantha Trevor McNeil David Kovacs Amar Loai Simon Kasprzak Saša Krcmar Ron Berg Sophie Côté Natalie Vibert 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 Junior Councillor Junior Councillor Lay Councillor Lay Councillor Lay Councillor Surveyor General (SG)	Newmarket Ottawa Windsor Stratford Thunder Bay Toronto Barry's Bay Toronto St. Catharines Dartmouth Thunder Bay Tecumseh London Port Hope Peterborough
Staff:	Brian Maloney Kevin Wahba David Whitton	Executive Director (ED) Registrar Recorder	North Kawartha Vaughan Toronto
Regrets:	Martha George Peter Meerveld	Lay Councillor Lay Councillor	Kitchener Kitchener

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

The meeting was called to order at 9:01 AM.

The President provided a Land Acknowledgement prior to the start of the meeting.

Council was reminded to declare conflicts of interest and maintain the confidentiality of this meeting.

The President called for a moment of silence for the victims of the conflict in Ukraine.

The President introduced Council's recently elected Junior Councillors, Sophie Côté and Natalie Vibert who joined this meeting as guests.

2. Review Agenda

The agenda was distributed prior to the Council meeting; a motion was called to approve the agenda with one item appended.

Motion 21.83 MOVED: David Kovacs SECONDED: Andy Shelp

BE IT RESOLVED THAT Council approves the agenda, as amended.

DATE: March 1, 2022 Chair: Gavin Lawrence Carried: (Unanimous)

The motion was carried.

3. Approval of Previous Minutes/Review of Action Items

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

Motion 21.84 MOVED: Trevor McNeil SECONDED: Andrew Mantha

BE IT RESOLVED THAT Council approves the Minutes from the meeting of January 25, 2022, as amended.

DATE: March 1, 2022 Chair: Gavin Lawrence Carried: (Unanimous)

The I & IT Strategy is in progress. The membership database is moving forward.

David Kovacs has struck a subcommittee to deal with the Discipline Committee recommendations; its project is not yet complete.

Brian Maloney has yet to meet with the Information and Privacy Commissioner of Ontario to develop a cautionary note for use on plans that go to municipalities.

The SRD Committee struck a subcommittee whose work is ongoing.

The mentorship piece is done and is being reviewed. The results will be posted on the AOLS website. This should be complete by the next Council meeting.

Amar Loai updated Council on his findings regarding the city of Mississauga. The city appears to be in a unique situation. It is not asking for final documentation when a building goes up. It is the only city in the GTA/south-central Ontario that does not ask for a final as-built survey. Amar reached out to Al Jeraj to discuss the issue. Many years ago the chief building official from the city removed the requirement because it was receiving complaints about the process taking too much time. Brian Maloney spoke to someone who suggested this issue might be cleared up as soon as the next Council meeting.

4. President's Remarks

President Gavin Lawrence updated Council on recent developments.

There was no Presidents' Forum last week, although there will be one next week, with new president Andy Shelp representing the Association.

The President attended the annual meeting of the Minnesota Society of Professional Surveyors in late February. Minnesota's state senator attended the meeting. A fund is being created to re-establish monuments in townships. As a civil engineer, the senator understands surveying; she supports the development of a pilot project for re-establishing monuments in the state.

The President will circulate these presentations to the AOLS committees that would most benefit.

The meeting also featured a diversity workshop, as well as outreach efforts regarding a Boy Scout's badge, mentoring opportunities, and attracting diverse students to the industry.

Council discussed the need to further collaborate with regulators in other jurisdictions.

5. Staff Reports

- Executive Director

Brian Maloney shared his report with Council.

Last week, Brian had a meeting with an assistant Deputy Minister from the Ministry of Labour about more changes coming from FARPACTA.

The most recent set of changes relate to interprovincial movement. They are all around timing: allowing someone to apply for a licence and get a decision in short order. It might affect AERC; they are looking at three months. Given that AOLS and the Ministry meet quarterly, this shouldn't be too onerous.

Another session will take place next week, which Kevin Wahba will also attend. More details will be announced next week.

A report from Paul Wyman was included in the briefing material. The transition from Tom Packowski to Paul Wyman is going well, and we are on track with reviews.

The FARPACTA regulations were posted on the regulation registry. There was some concern about timing, but there should be no issues with that, it's just a matter of maintaining statistics. They are well within our normal range in terms of processing registrations.

The requirements for putting together a risk plan around registrations won't be a huge amount of work. We have no issues with the language requirements.

The one issue left involves Canadian experience. We will need to think about how to respond. This could be anything from limited licences to a more formal program of education and testing. The AERC will need to grapple with it in the coming months. We have until December 2023 to implement the requirements.

Brian met with the Ontario Regulators for Access Consortium last week. He sits on a steering committee for the organization. They will be developing a workshop around how professions are responding to the challenges presented by the Canadian experience requirement.

- **Registrar**

Kevin Wahba shared his report with Council.

The Registrar's annual review was circulated prior to the meeting.

Articles were approved for 30 students in 2021; four of these students were female. Sixty-four applications were processed last year, eight of which were for female applicants. Nineteen were internationally trained applicants.

An overview and statistical analysis of questions from public were distributed prior to the meeting. A few of these inquiries were contentious, such as boundary disputes.

Twenty new complaint files were opened in 2021, 10 less than in 2020.

In 2021, the Association had one discipline hearing. This is much less than in the past few years, likely the result of more issues going the mediation route.

6. Surveyor General's Report

Surveyor General Bruce Clark presented his report to Council.

The complete Surveyor General report is part of the AGM package. It is available online.

The return to the workplace was announced this morning. Everyone will be back in the office as of April 4. Reopening will follow Ontario procedures. No proof of vaccination or testing will be required to enter buildings, but masking and distancing requirements will continue.

Crown survey records are still off limits until we figure out that piece.

OSG requires a new Coordinator of Crown Land Surveys. We are hoping to announce a new coordinator in the next day or so. There will be a competition for that position; the acting coordinator will be in the position for no more than three or four months. The OSG has made offers to two Crown surveyors – one has accepted, the other is mulling the offer.

Regarding FARPACTA, it was surprising to hear about domestic movement; the MRA is already in place across Canada, so it should not be a problem for AOLS.

There is a huge amount of pressure on the government to do things faster and cheaper, and this affects surveyors in government and industry. This issue has come up recently in northern Ontario; it is difficult for Crown land to be turned over for housing and to get Crown land surveys done.

There is a significant push on districts and in the regions to release more Crown land for housing. It is not as simple as identifying Crown land; there often are treaty implications. Does the process have to be as onerous as it is? First there is an environmental assessment and First Nations consultation, all of which could take several years, and then applications are six months in the Surveyor General's office to be reviewed and approved. Surveyors need to be more integrated into the process from the start.

The Crown Records scanning process will take a long time to finish. Field notes will be scanned completely next week for internal purposes. We will make it public facing, but this will take

years due to issues with the database, technology, etc. The government recognizes we need a digital workplace.

7. Financial Reports – Budget Review

Executive Director Brian Maloney presented his report to Council.

Investments are down. These are turbulent times; there is nothing we can do about it. But the Association is still on the positive side and has not lost money.

AOLS expects to send some money back under the self-insured retention fund because of its good investment performance last year. We will calculate the amount in April or May.

Three months into the fiscal year, the operating statement is reasonably on track. The Association might end up with a larger surplus. Things are looking reasonable.

The financial audit was missing several pages and a corrected version was provided. The surplus looks lower than what we expected to have, however the Survey Review Department has revenue that matches our expenses. This is intentional from the bookkeeper's perspective. Surplus is showing as deferred revenue.

We have done the same thing on the Survey Records Index. We had some deferred revenue that we used to balance the books. In that case it flowed in the opposite direction.

There is a surplus in the SRD. A rise in sticker prices is unlikely in the near future. There is a lot of money sitting in deferred revenue.

The deferred revenue in fees and licences is a carryover; we bill for a calendar year but we report on a fiscal year. Money collected in November and December is shown as deferred revenue. It will be balanced out by the end of the year.

Last year we were on a negative trajectory based on the year before. Our general revenue funds were not spectacular. We should be sitting with funds in the neighbourhood of half a year to a year of operational funds. We didn't have that previously. Last year we decided to raise SRD sticker fees since it appeared we were losing money; however, we got a huge bump in sticker sales in December and it never disappeared. We ended up selling 30% more stickers last year than the year before. Had we not done that, we would have been much closer to budget.

We had a large year for reviews in SRD. We normally do 42-odd reviews but last year we had 67. Hopefully we will balance that out in the future, but some of that got pushed into this year. Our calendar year change muddled things up a bit.

We added \$500,000 into our investment fund. We will likely put more money into investments, which traditionally have done well for us. We target a 5% return.

Our auditor has assured AOLS that it will have more timely returns on this material next year. If you compare this to the budget, you will notice some differences. The auditor classifies things differently from our approach. For example, money that we donated to U of T was shown as a Council expenditure in our books, but is reflected here in the donations category. So it takes some time to reconcile these differences.

The attached budget was approved in the fall. There is no change in numbers. We have updated the actuals based on the final audit. There are only minor changes.

David Kovacs will sign off on this. Brian Maloney signed off as an attestation. Auditors performed a deep dive on SRD this year, asking for extensive documentation, but they found no problems.

HST has been added as a separate line in our expenses. This is to account for the funds that we paid out for previous fiscal years that hadn't been accounted for or included in our budget.

The vision for building and facilities involves a new HVAC system. COVID highlighted the problem with the current system. The building still has baseboard electric heating. AOLS is trying to get a quote for proper ventilation system. Building plans are with our contractor. The renovation could be expensive. Replacing the rugs is also a priority, as are the washrooms.

Council discussed the Association's current facility, and whether it would be worth keeping it or selling it, based on its current market value and alternatives to working arrangements and potential staffing issues.

Motion 21.85 MOVED: Andy Shelp SECONDED: Andrew Mantha

BE IT RESOLVED THAT: Council accepts the Financial Statements for 2020/21 as prepared by RSSMLLP Chartered Professional Accountants.

DATE: March 1, 2022 Chair: Gavin Lawrence Carried: (Unanimous)

8. Risk Summary/Strategy Update/Dashboard Review

Brian Maloney updated Council.

There is no dashboard presentation at this meeting because Council has been given the reports from the commissions that cover all the committee activity for the last year.

The demographics have not yet been updated because of preparations for the AGM.

A new dashboard will be presented at the next Council meeting.

Risk strategy items have been updated with strategic planning and the Steineke recommendations. Items highlighted in light green are progressing, items in dark green are done, and items in brown have not been started or are on hold.

9. Policy regarding Code of Conduct for Council and committees and reviews

Brian Maloney brought this Council as a discussion item and not for approval.

We will discuss this project with committees but we are not recommending going out for external consultation on it. It is really about governing ourselves. It will impact Council more than anyone else.

This policy deals with recommendations from the Steineke report around a code of conduct and performance of Council and committees.

One of Steineke's recommendations was to put legislative pieces around the code of conduct and what would happen if someone breached it. Nothing in the current act deals with this. It is unclear whether this should be subject to bylaw. Council policy should be able to deal with this.

This policy should support the objectives of the Act. Selection criteria should be measurable. Another criterion is the difficulty of it to implement; we don't want it to be an onerous project and we don't want to turn off people who might volunteer for committees or Council.

B. Maloney performed a jurisdictional scan of other regulators within Ontario and across the country; Alberta and Quebec are the only provinces that have policies currently in place.

Another good example comes from the College of Midwives of Ontario.

The document presented to Council is not the policy per se but recommendations around the policy. Some components of the policy are obvious, such as conflict of interest, no personal gain, members in good standing, confidentiality, public communications (i.e., who speaks for the Association so that we have proper messaging going forward), meeting preparation, meeting engagement, objectivity, dealing with staff, attestations/signoffs, honesty, respect for role.

Council discussed benchmarks, process, and legal issues surrounding the "member in good standing" component of the policy.

Regarding application of the code, this is an attempt to produce something that works both for committees and for Council.

For competency issues, we need to identify training needs right in the terms of reference. Members should commit to training when joining committees/Council.

A whistleblower provision is unnecessary.

Regarding decision-making solidarity, while we should not require that members need to sell a decision once it has been made, we would recommend that a policy reflects that a member should not speak against a decision.

All modern regulators have a diversity, equality, and inclusivity component. We need to at least think about the consequences of decisions related to an EDI lens, and encourage participation from a variety of members.

Sanctions for breach. There's nothing in the Act that allows us to kick members out of Council, but we could send issues to the Complaints Committee. Committees are a slightly different situation. Any committee member serves at the pleasure of Council. We would have the right to remove someone.

There are two review options: review of the committee as a whole, and the review of individual members. Recommendations are that we perform an annual review of the effectiveness of Council and committees. This would be for internal purposes; we are not recommending going external until the transparency policy is complete.

A self-assessment of individuals would involve sending a questionnaire or survey that members would fill out on their own. Am I participating? Am I coming prepared to meetings?

There is a recommendation for an external piece for second-year members, such as a 360 review that would be anonymous. It is a useful tool. Surveys would be sent anonymously to colleagues, subordinates, people you report to. You don't know who said what. You get back an evaluation of your performance. It would be an opportunity for feedback in your second year of Council. These reviews won't be shared; it is for your own benefit.

This is also being recommended for Council President after a couple of meetings.

Committee chairs should be reviewed after one year.

The recommendation is that this policy be reviewed after two years, and then every five years.

The cost would be \$3000 – \$5000 for 360 software and a third-party vendor to administrate.

Council agreed that the document presented here is a good foundation, and that more time should be spent developing the policy. The contours of the policy were considered.

Such accountability would benefit the Association in its self-governance.

Action: Brian to consult with Committees/Task Forces on the Policy regarding Code of Conduct for Council and committees and reviews and develop the policy for Council approval

10. Review of AGM open forum topics

Brian Maloney updated Council.

We sent a survey to the membership, asking for feedback on their priorities for the open forum. Last year we tried to work through this in session one of the open forums using Slido technology to allow people to vote. We found it wasn't reflective of the views of members.

We asked for members' first, second, and third priorities for topics. The results were sorted and grouped according to type. The number of responses was disappointing.

Responses were then weighted according to choice number. Pricing of survey records was number one, then standards of practice, demand for surveyors and technicians, monumentation requirements.

We then chose the Council representative who would address each topic in the forum. Whoever is the speaker would address the topic and then put forward the Council position on it.

During the forum, we would address the topics from highest to lowest priority. If all topics can't be addressed in session one on Wednesday, they could be pushed to Friday, after resolutions, if any, come forward.

The President expressed his desire to deliver a consistent message from Council and that the membership be petitioned for any ideas that might add to the discussion.

Council discussed the steps it has taken to alleviate the demand for surveyors and technicians, including conversations with schools about curricula, a social media strategy, meetings with the Minister's office, and various outreach efforts.

We haven't seen a large uptick in members joining the Association because of those efforts. The open forum floor might have additional ideas.

We have had a 10% renewal in our membership in the last two years.

The Education Foundation gives out almost \$50,000 each year in awards to survey students and is in the process of changing its charter to give out awards all over Canada.

If we set the agenda for an open forum, it is not really open.

Once we have addressed the survey items, we can throw it open to other topics.

It would be difficult to manage 500 participants in an online environment.

We don't have a lot of options for organizing the event to give everyone an opportunity to speak, and the survey allows anonymity.

The survey topics suggested by members reflect Council's own top priorities.

It would be useful to limit the length of speakers and responses.

The President asked Andrew Mantha to address the topic "Pricing of Survey Records." Key messages will be: we're still working on it; we have a report coming from iLookabout; the committee is working on a report to Council; Bulletin 2020-1 is not the only bulletin that deals with field notes, and the others are just as valid. Some of the topics should be scheduled after Council members deliver their AGM reports. It was suggested that this topic be moved to Friday morning, after Andrew delivers his report.

Simon Kasprzak was assigned the topic "Standards of Practice or Training." Key messages are: construction and business guidelines put out this year; topographic survey guidelines in process; field notes updates in progress.

We want to give members enough time to collate and get seconders for their motions. We can tell members that "Pricing of Survey Records" made it to the top of the list, but it will be addressed on Friday.

Simon Kasprzak was assigned the topic "Monumentation Requirements." Key messages are: deferred monumentation considered and possible for plans of subdivision; coordinates as monuments being considered this year.

Brian Maloney will address "Surveyors Act Revision/Legislative Concerns." He will be delivering a half-hour report on this topic on Wednesday.

Amar Loai will address the topic "SRD." Key messages will be: guidelines for construction layout; subcommittee considering evidence for broadening reviews of cadastral surveys with no plan; manual being updated to consider construction surveys; presentation/report on results of reviews. Paul will be available for this part of the presentation.

Saša Krcmar was assigned the topic "PSRI." Brian will provide a report to Saša. Key messages will be: statistics and enhancements; issues with LSR and Pimarc.

Ron Berg will address the topic "Expanded profession–single license." Key messages will be: defining scope of exclusive practice.

Committee reports have been posted to the AOLS website; these reports address many of the issues the speakers will be discussing.

Brian will share his presentation with Ron. It covers some of the territory Ron will be speaking to in his open forum session.

Amar Loai will address the topic "Sketches." Key messages will be: SRD Committee considering broadening stickers if evidence supports it; bulletin updated. It was decided to add this to Amar's presentation on SRD.

Brian Maloney will address "Remunerations." Key messages will be: it is inappropriate for a regulator to set a minimum price for a survey.

Gavin Lawrence will speak to "Diversity, equity, and inclusion." Key messages will be: committee created and active; land acknowledgment policy; the relationship between surveyors and colonialism.

Andy Shelp will speak to "External reviews." Key messages will be: considering all recommendations; some have been implemented already; for those we can't address ourselves, we will engage in consultations.

Saša Krcmar will address "CPD." Key messages will be: we will send out some notices; there are lots of opportunities for CPD (not all AOLS); the Continuing Education Committee is looking at the policy and is going to provide guidance on formal training.

Brian Maloney will address "FARPACTA." Key messages will be: changes to FARPACTA; what we do around Canadian experience.

Trevor McNeil will speak to "Public awareness." Key messages will be: look for member participation in the wake of the pandemic.

Action: Brian will tweak this Open Forum document and send it back to Council for their own use.

11. Complaints Councillor Review

James Hunt presented his report to Council.

A question was asked about recommendations for boundary disputes. When a surveyor is obviously wrong, there is going to be a complaint about it. However, the idea presented here is

that the Complaints Committee isn't going to deal with a dispute, but if a surveyor is clearly wrong, it is not a dispute.

It is a boundary dispute, but one that must be resolved by the aggrieved party obtaining another survey. It is not within the purview of the Association to become involved in a boundary dispute. It has to be dealt with between parties.

The obligation is on the surveyor to bring this forward to the Complaints Committee if they feel there is negligence or incompetence.

The Complaints Committee can get too worried about boundary disputes. Their job is not to look at the boundary; their job is to look at whether the surveyor followed standards of practice in a competent fashion. And if the surveyor did not, there should be a finding of a problem.

The Association would not want to get involved in a lawsuit.

12. AGM Overview (no material)

Brian Maloney presented the schedule for the AGM.

The areas coloured pink are those that will have some involvement from Council. New councillors will speak at session two.

Council is expected to attend the Wednesday afternoon session.

Council will attend as presenters for the open forum on Friday. The social session will be from 6 p.m. to 8 p.m. on Thursday.

13. Calendar for Council

Brian Maloney presented a calendar for upcoming Council meetings.

April will be a short meeting. July will be a regular meeting. The meetings will likely be a mixture of in-person and virtual. There will be a two-day meeting with a strategic planning session in July. Another two-day meeting will take place in November.

14. Support for Ukrainian Surveyors

Brian Maloney presented to Council.

An AOLS member who had worked with Ukrainian surveyors suggested the Association consider sending an offer of support to the Ukrainian embassy.

There are some limited things we could do to help. The Association could fast-track applications through the AERC; we could support any requests they make about becoming members; we could use a bulletin to make members aware that there are Ukrainian surveyors looking for work. Beyond that it would likely need to be individual members; for example, a company might want to sponsor someone, but the Association should not be involved in that.

What can the AOLS do to help within its mandate?

It was suggested that anything we can do as an Association we should consider, for example, waive review fees, write a letter to the effect that surveyors are hard to come by and that our Association supports them getting into the industry.

It would be good to get a response from firms to see what they can do.

Council discussed where to send a letter of support, whether through the provincial or federal government. The letter could possibly state the mandate of the Association and offer contact information if there are any Ukrainian surveyors looking to become refugees.

Action: Brian to prepare a letter to the Department of Foreign Affairs noting the AOLS support for registration of potential Ukrainian surveyors

There were no further comments from Council.

President G. Lawrence acknowledged that this was his final meeting as president. He expressed gratitude to the new councillors and thanked everyone for attending.

The meeting was adjourned at 12:45 PM