

**MINUTES**  
**COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS**  
**Tuesday, May 31, 2022**  
**9:00 AM – 2:00 PM**  
**In Person and Conference Call**

**Chair:**

Andy Shelp	President	Ottawa
David Kovacs	Vice-President	Thunder Bay
Gavin Lawrence	Past President	Newmarket
Simon Kasprzak	Senior Councillor	Barry's Bay
Amar Loai	Senior Councillor	Toronto
Sophie Côté	Junior Councillor	Dartmouth
Natalie Vibert	Junior Councillor	Thunder Bay
James Hunt	Lay Councillor	Port Hope
Bruce Clark	Surveyor General (SG)	Peterborough

**Staff:**

Brian Maloney	Executive Director (ED)	North Kawartha
Kevin Wahba	Registrar	Vaughan
David Whitton	Recorder	Toronto

**Remote:**

Ron Berg	Intermediate Councillor	St. Catharines
Saša Krcmar	Intermediate Councillor	Toronto
Martha George	Lay Councillor	Kitchener
Peter Meerveld	Lay Councillor	Kitchener

**Regrets:**

Andrew Dowie	Lay Councillor	Tecumseh
John General	Lay Councillor	London

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

*The meeting was called to order at 9:04 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 welcomed Council back to its first in-person meeting in a year.*

**2. Review Agenda**

*The agenda was distributed prior to the Council meeting; a motion was called to approve the agenda.*

**Motion 22.17**      **MOVED: Gavin Lawrence**      **SECONDED: David Kovacs**

**BE IT RESOLVED THAT:** Council approves the agenda as circulated.

**DATE: May 31, 2022**      **Chair: Andy Shelp**      **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 22.18**      **MOVED: Sophie Coté**      **SECONDED: Gavin Lawrence**

**BE IT RESOLVED THAT:** Council approves the minutes from the meeting of April 12, 2022.

**DATE: May 31, 2022**      **Chair: Andy Shelp**      **Carried: (Unanimous)**

*Almost all the work in the I & IT strategy has been completed, including upgrading the server, phone system, and internet. The only outstanding item is the database, which is in progress. Glacier Digital was waiting on AOLS to supply some test data. They have the data, and a preliminary version of the database is expected in the next few weeks.*

*The Discipline Committee recommendations are with D. Kovacs. There is a Discipline Committee meeting coming up; we will likely see some results soon.*

*Staff have been trying to meet with the Privacy Commissioner for some feedback on cautionary notes for use on plans that will go to municipalities. J. Young and Brian met with an analyst last month to walk through our concerns. He provided some relevant cases to review. Brian has written a position paper; it will be presented to the Professional Standards Committee (PSC).*

*There are three tests to have a plan not be released: the first test is that it must be a technical/scientific document; the second is that there is no expectation that it is a public document, which is where AOLS typically fails – the Commissioner's office says we should expect our plan to be released. We are going to put a note on it saying some to the effect of "the plan was prepared for purposes of ABC and should not be used for anything else and should not be released to the public." If we do this, we explicitly tell the municipality that we do not expect it to be released, so now we should pass test two.*

*There are some plans that we prepare that are expected to be released because they are part of a notification process; in those cases, there is no way we can satisfy the second test.*

*The third test is around an expectation of harm. This will be a bit of a challenge; J. Young and Brian discussed some insurance claims with the analyst, and he seemed to think we might be okay, but he was not able to provide a ruling, so the jury is still out. Ultimately, we will need to have a case go forward where the municipality releases it, we appeal it with the Information and Privacy Commissioner, and we see what happens. An appeal will have to be made by one of our members and the Association will support it with the claim information to demonstrate some of the harms that can happen.*

*It will come back to Council after the PSC has reviewed it.*

*Questions related to the use of stickers are still with the SRD Committee, which has struck a subcommittee; An SRD survey will be going out to the membership; it will offer formal feedback about whether there is a problem. If a problem exists, we will need to figure out the next steps, whether that be adding stickers to every survey, or finding another ways to review products. If every member were inputting to the PSRI, we could use it to select reviews. We might also approach municipalities and get a selection of plans from them for review.*

*The letter to municipalities, which Council approved at its last meeting, is on hold waiting from the mailing list from AMO. AMO is notoriously slow at dealing with this. The last mailing list took several months to get.*

#### **4. President's Remarks**

*President Andy Shelp updated Council on recent developments.*

*The President attended a meeting with the Alberta Land Surveyor's Association where common themes were diversity, equality, inclusivity, and indigeneity. The Alberta Association is moving forward with its Professional Governance Act transition.*

*He also attended the Association of Newfoundland Land Surveyors meeting, which was more focused on issues related to surveying.*

*At an online AGM for Professional Engineers Ontario (PEO), common themes again presented themselves: moving toward becoming a modern regulator; transparency; and diversity. Andy and Brian also attended the PEO's 100th anniversary celebration.*

*A pervasive concern of associations is regulatory versus member services; Alberta is considering a name change to reflect its status as a regulator. This is something the AOLS will have to deal with going forward.*

*Andy attended an ACLS meeting in Ottawa where he watched a presentation on infrastructure management.*

*Andy will be meeting with the Saskatchewan Land Surveyor's Association next week.*

#### **5. Staff Reports**

- **Executive Director**  
*Brian Maloney shared his report with Council.*

*FARPACTA-related issues have been time-consuming. AOLS received its formal rating, which was low to moderate. There were a couple of issues that led to this rating, including AOLS's requirement for Canadian experience. Brian wrote a response expressing his opinion that the rating was inaccurate; this resulted in a meeting with the Fairness Commissioner. AOLS is not a typical regulator, which will likely result in regular meetings with the Commissioner.*

*AOLS is hiring three consultants to deal with outstanding issues around psychometric evaluation, reevaluating our Essential Areas of Knowledge (EAKs), developing an exam blueprint, and reviewing the exam question repository. Marla Nayer, a psychometrician at*

*the University of Toronto, will provide training for AERC and two surveyor consultants that we will be hiring.*

*As we develop our new EAKs, we will deal with the Canadian experience requirement. It ties in with the online degree project, which is moving forward. The new syllabus for CBEPS will be the starting point and the EAKs will sit on top of it. The project will cost approximately \$50,000 and will require a good deal of effort.*

*On May 30, Brian attended an in-person CAO meeting. Issues discussed included the Professional Governance Act; the online degree program; and the shortage of surveyors, which is a problem across jurisdictions. The CAOs will send a survey to all surveyors licensed within the last five years requesting information on what got them interested in the profession. This might give us a sense of who we could target with marketing plans. This is an issue that will likely be included in the summer's strategic planning session as it is one of the largest threats facing us. There is also a lack of technical staff that needs to be addressed. Surveys could be directed at students who drop out of the articling process, younger OLSs who leave the profession, and young people entering the technical trades.*

- **Registrar**

*Kevin Wahba shared his report with Council.*

*Professional exams took place last week. They were conducted online through a third-party provider. The success rate of the oral exams was quite high: out of 15 exams, only two were failures.*

*The Complaints Committee has received two complaints since the Registrar's Report was written, one initiated by a surveyor. We also received an appeal to a decision, a former member asking to have their licence reinstated. The number of complaints so far this year are on par with what the Committee has seen in previous years.*

## 6. **Surveyor General's Report**

*Surveyor General Bruce Clark presented his report to Council.*

*As of May 16, the Surveyor General's office has been open three days a week; the expectation is some form of hybrid remote/in-office work.*

*Mike Matthews has been named the new Senior Crown Surveyor; Prakhar Shrivastava, acting coordinator for the Office of Surveyor General, will be extended until the fall.*

*Lay Councillor John General has submitted his resignation from Council. Andrew Dowie's continued service on Council depends upon the outcome of the provincial election.*

*There are concerns around cadastral law. The professor at the University of Calgary, Michael Barry, is set to retire. There is also a problem with survey education at the colleges in Alberta. STEM enrollment in Alberta is down by 30 percent.*

*Survey education must be more than just graduating surveyors; we will also need research into cadastral law.*

*Council discussed issues around cadastral education, attracting students to the survey stream, salary, competition for staff, planning for the future of the profession, and the role of the Association in navigating these issues.*

## **7. Financial Reports – Budget Review**

*Executive Director Brian Maloney presented his report to Council.*

*Our investments continue not to look spectacular, but it is not as bad as it looks. We have a large amount in bonds; the bond market's current weakness will not affect the Association as our bonds have yet to mature.*

*As soon as Brian receives a report for this month, he will be performing a calculation for the self-insured retention fund. This contribution will likely get lowered in the future.*

*The operating statement indicates that the Association is in reasonable shape.*

## **8. Risk Summary/Strategy Update/Dashboard Review**

*Brian Maloney updated Council.*

*We continue to get insurance claims. They are consistent regarding the types of claims. There has been no increase in the number of claims, although we have seen a couple of large claims.*

*The complaints numbers are slightly out of date.*

*The Public Inquiry slide indicates that we continue to get a lot of requests for surveyors, and also questions about their status. The new outgoing phone message, which attempts to redirect inquiries to the website, appears not to be lowering requests significantly. When the public register is live on the site, this might resolve the problem.*

*PSRI numbers are slowly growing. Only one or two surveyors have yet to enter records. We will send them a strongly worded reminder letter.*

*Committees are on track.*

*Sticker sales appear to be normal after the 20% bump last year.*

*The risk summary is up to date. We are making progress on the Steineke recommendations.*

## **9. Council and Committee Code of Conduct**

*Brian Maloney updated Council.*

*A draft Code of Conduct policy was sent to committee and task force chairs for comment. Few changes were suggested. There was some feedback about decision-making solidarity. Some expressed concern that if Council changes a committee recommendation, committee members will be expected not to express their disagreement with the decision. The policy intends only to keep dissenting members from expressing their lack of support related to the Committee they are on and that made the decision.*

*If a member breaches the Code of Conduct, a committee chair need not document it through an email or form letter, although it depends on how egregious the breach is, and also upon the chair's relationship with the member.*

*Reviews of Council and committees are not meant to be onerous; they are an opportunity for self-assessment, feedback, and learning. They should not be a barrier to volunteerism.*

<b>Motion 22.19</b>	<b>MOVED: Natalie Vibert</b>	<b>SECONDED: Simon Kasprzak</b>
<b>WHEREAS:</b> The regulatory review completed by Richard Steinecke recommended that policies be put in place regarding reviews of the performance of Council and committees and how to address performance issues of members		
<b>BE IT RESOLVED THAT:</b> the AOLS Policy on Council and Committee Code of Conduct included as attachment 9b be approved and circulated to the membership.		
<b>DATE: May 31, 2022</b>	<b>Chair: Andy Shelp</b>	<b>Carried: (Unanimous)</b>

**10. Unauthorized Practice Guide/Consideration of NERG Motion**  
*Brian Maloney updated Council.*

*This is in response to the Steineke recommendations. Registrar K. Wahba typically deals with unauthorized practice. Professional staff have had discussions about our approach to it. This guide just formalizes the process. It goes through statutory provisions and considers options such as: doing nothing, issuing a cease-and-desist letter, applying for an injunction through the courts, issuing a fine, or publication.*

*We took a risk-based approach, looking at the impact of the unauthorized practice, the seriousness, and frequency.*

*We outlined a process. If we discover unauthorized practice, the Registrar will consider the allegation. The first question is: does it meet the test under the Act? Does it meet the definition of cadastral survey? Do we have enough evidence for conviction? Then we look at the associated risk and, depending on the risk, it goes to a range of responses.*

*NERG passed a motion to ask Council to send a survey to members to get a sense of how big a problem unauthorized practice is.*

<b>Motion 22.20</b>	<b>MOVED: Amar Loai</b>	<b>SECONDED: David Kovacs</b>
<b>WHEREAS:</b> The regulatory review completed by Richard Steinecke recommended that the AOLS develop a risk-based documented process for handling unauthorized practice concerns.		
<b>BE IT RESOLVED THAT:</b> Council approves the Risk-Based Approach to Unauthorized Practice and recommends that this be used by the Registrar and other AOLS staff in considering unauthorized practice concerns.		

**BE IT FURTHER RESOLVED THAT:** The Executive Director is to circulate this document to the membership and undertake an online survey to determine the extent of concerns related to unauthorized practice.

**DATE:** May 31, 2022      **Chair:** Andy Shelp      **Carried:** (Unanimous)

#### 11. Company Transparency Bulletin

*Brian Maloney updated Council.*

*In April, a member of the public complained to the Association about price fixing and the cost of surveys. A surveyor had bought records from previous surveyors, and the associated phone numbers were still in use under the old firms' names. When the complainant, desiring a survey, contacted these numbers seeking quotes, he received different estimates although the numbers all directed to the same company.*

*Some internet research revealed to Brian that the problem is pervasive throughout the province. This policy is a result of that.*

*There should be transparency about who a member of the public has contacted. When answering the phone, the survey company should identify themselves by name rather than offering a generic greeting.*

*The deception in this practice, misleading a member of the public, might have required a complaint, but a bulletin could resolve the problem.*

*Related firms operating with true independence would not be in violation of the Code of Ethics.*

*Council discussed scenarios where similar practices might not be an ethical breach. The wording of the bulletin was amended to reflect Council's feedback and to make explicit the intention of the bulletin.*

**Motion 22.21      MOVED:** Sophie Côté      **SECONDED:** Gavin Lawrence

**WHEREAS:** A complaint from a member of the public was received regarding practices of a survey company that led them to believe that they were dealing with different companies and receiving independent quotes, which proved not to be the case

**AND WHEREAS:** The Executive Director performed searches on the internet and found other areas of the province where similar concerns could arise

**BE IT RESOLVED THAT:** Council approves Bulletin 2022-01 on Company Transparency as modified.

**BE IT FURTHER RESOLVED THAT:** Council directs the Executive Director to distribute this to the membership and post it on both the public and members' websites.

**DATE:** May 31, 2022      **Chair:** Andy Shelp      **Carried:** (Unanimous)

#### 12. Tech and social change review

*Brian Maloney updated Council.*

*This is another recommendation from Richard Steineke's report. This paper is meant to inform our discussions about how we might modernize the Surveyor's Act. It is based upon research regarding trends in technology. Most of these trends do have, or will have, an impact on surveying, e.g., augmented reality, Zoom, and digital rights management.*

*Current regulations are cumbersome regarding practice standards. It has helped inform Brian's thinking around the definition of cadastral surveying – the product being the boundary, not the survey.*

*We need to think about how changes to technology affect our role as a regulator. We need to move practice standards to a higher level, a more ethical approach, and include rolling practice guides in legislation so that we can be more responsive to change. Per Steineke, bylaw amendments, rather than regulation, would allow Council to have more control and to act quickly.*

*This paper does not deal with specifics but takes a high-level view of regulator impacts on each of the technologies.*

*If we open the Act, we need to look ahead and gives ourselves flexibility about how we respond to technological developments.*

*Council considered: how to ensure future decisions would be made with the public good in mind; the role of lay councillors; understanding the regulator's role; and how interjurisdictional cooperation between provincial regulators could remove bias. It also discussed how to proceed given the lack of new surveyors and a potential looming knowledge gap; and technologies that might replace cadastral survey services.*

**13. CCOG Request on Centennial Monuments**  
*Bruce Clark presented his report to Council.*

*In 1965, a national committee looked at ways to commemorate the role of surveying in Canada. As a result of its work, a Centennial Survey Monument was erected in every Canadian province and territory except for the region then known as Northwest Territories, with a simultaneous dedication across Canada on June 21, 1967.*

*The survey monument that was erected in Nepean Point, in Ottawa, was removed and put into storage to allow for redevelopment of the site. NCC is willing to relocate the monument.*

*The Canadian Council on Geomatics (CCOG) is looking for an expression of interest in maintaining and repairing the monuments, and in developing a campaign to raise awareness of the profession. It would like support and feedback from stakeholders. In certain instances, new sites will be required.*

*Council discussed timelines and communications pieces related to the project.*

**Motion 22.22    MOVED: Sophie Côté    SECONDED: Gavin Lawrence**

**WHEREAS:** The Canadian Council on Geomatics is seeking support from stakeholders regarding a Centennial Monument Project that will help raise awareness of surveying

**BE IT RESOLVED THAT:** Council supports the Canadian Council on Geomatics Centennial Monument Project.



**DATE: May 31, 2022    Chair: Andy Shelp    Carried: (Unanimous)**

#### 14. PSRI Exemption

*Brian Maloney updated Council.*

*Brian received an email from a Keatley Surveying Limited looking for an exemption from entering historical records into the PSRI. It seems like a reasonable recommendation as KSL is the only company in its immediate geographical area. The surveyor has agreed that he would respond in a timely fashion to any requests he received.*

*Council debated the pros and cons of allowing exemptions. On one hand, the purpose of the PSRI is for the future, not just for now, and the point is for it to cover the whole province. On the other hand, provisions for the exemption exist because in some areas there are so few requests for records that it makes no business sense. AOLS has granted exemptions in the past.*

*The exemption exists for as long as the company exists; it is not in perpetuity. Whoever inherits the company's records must then either enter records or apply for another exemption.*

*The PSRI exists for the public good, to ensure that proper research is being conducted. However, if a company receives only two requests a year, what is the cost to the public? The surveyor will need to pass along the price of the PSRI submission to the public. This would be a cost to the public for something that has little benefit.*

*A practice record will be entered into the PSRI so that the exempted company's name appears if anyone performs a tabular search for survey records.*

*Keatley Surveying Limited is aware of the motion's conditions.*

**Motion 22.23    MOVED: Gavin Lawrence    SECONDED: Amar Loai**

**WHEREAS:** Subsection 35.3(4) of Ontario Regulation 216/10 allows Council to exempt a firm from the requirement set out in subsection (2) (loading all historical records) upon receiving a written request from the holder of a certificate of authorization, if the following conditions are met:

1. The request is in respect of an area where there is limited searching activity by other firms.
2. The firm enters a record into the provincial Survey Records Index that describes its normal geographic area of practice.
3. The firm agrees to provide timely and reasonable responses to research requests from other firms. O. Reg. 507/21, s. 10.

**AND WHEREAS:** The Executive Director received a request for an exemption under subsection 35.3(4) from Keatley Surveying Limited, that meets the conditions for exemption.

**BE IT RESOLVED THAT:** that Council approves the exemption as requested from Keatley Surveying Limited to load their historical records on the condition that they:

- enter a practice record into the Provincial Survey Record Index (PSRI),
- continue to provide timely and reasonable responses to other survey firms for requests for survey records,
- enter any historical survey records that are outside of their normal geographic area of practice, and
- enter records for all surveys completed after June 24, 2021.

**DATE: May 31, 2022    Chair: Andy Shelp    Carried: (2 opposed; 2 abstained)**

**15. Appointments (no material)**

*Brian Maloney presented the new appointments to Council.*

**Motion 22.24    MOVED: David Kovacs    SECONDED: Natalie Vibert**

**WHEREAS:** Municipal surveyors have retired, left, or are being hired and a new member of the Academic and Experience Requirements Committee is required

**BE IT RESOLVED THAT:** Council approves the following:

- Andre Roy be added to the Municipal Surveyors Committee
- David Stringer and Mircea Baila be removed from the Municipal Surveyors Committee
- Yifan Zhang be appointed to the Academic and Experience Requirements Committee

**DATE: May 31, 2022    Chair: Andy Shelp    Carried: (Unanimous)**

*There were no further comments from Council.*

*President A. Shelp thanked everyone for attending.*

**The meeting was adjourned at 1:33 PM**