

MINUTES
COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS
Thursday, July 14, 2022
10:00 AM – 2:00 PM
Donald Gordon Hotel & Conference Centre, Kingston Ontario

Chair:

Andy Shelp	President	Ottawa
Gavin Lawrence	Past President	Newmarket
Simon Kasprzak	Senior Councillor	Barry's Bay
Amar Loai	Senior Councillor	Toronto
Ron Berg	Intermediate Councillor	St. Catharines
Saša Krcmar	Intermediate Councillor	Toronto
Sophie Côté	Junior Councillor	Dartmouth
Natalie Vibert	Junior Councillor	Thunder Bay
James Hunt	Lay Councillor	Port Hope
Peter Meerveld	Lay Councillor	Kitchener
Bruce Clark	Surveyor General (SG)	Peterborough

Staff:

Brian Maloney	Executive Director (ED)	North Kawartha
Penny Connors	Registrar	Vaughan
David Whitton	Recorder	Toronto

Regrets:

David Kovacs	Vice-President	Thunder Bay
Martha George	Lay Councillor	Kitchener

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

The meeting was called to order at 10:25 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.

2. Review Agenda

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

Motion 22.25 MOVED: Sophie Côté SECONDED: Peter Meerveld

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

DATE: July 14, 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 22.26 MOVED: Peter Meerveld SECONDED: Natalie Vibert

BE IT RESOLVED THAT: Council approves the minutes from the meeting of May 31, 2022.

DATE: July 14, 2022 Chair: Andy Shelp Carried: (Unanimous)

The I & IT strategy is ongoing. The member database is in staging and is ready for testing. It will be discussed at the next staff meeting, where roles and responsibilities will be determined. It should be done by late summer.

Discipline Committee recommendations are starting to come forward.

The Professional Standards Committee and Municipal Surveyors Committee project will be complete after this meeting. Members of the committees met with the Information and Privacy Commissioner's office; the resulting recommendations will be presented to Council.

The online survey for the SRD Committee regarding the use of stickers has been sent and the results analyzed. The Committee will review and discuss when it next meets.

Three months ago, Brian filled out AMO's form and sent a submission to get the mailing list but has yet to receive a response.

The AOLS Policy on Council and Committee Code of Conduct is complete.

The Risk-Based Approach to Unauthorized Practice survey was sent to members; its results and analysis are on the agenda.

Bulletin 2022-01 on Company Transparency has been distributed to members and posted on the website.

4. President's Remarks

President Andy Shelp updated Council on recent developments

The President attended a meeting with the Saskatchewan Land Surveyors Association. Topics discussed included accretion and erosion issues, the Centennial Monument project, and the Professional Governance Act. This last is a recurrent theme at provincial meetings, as the role of regulators is reassessed.

The President will next meet with the Manitoba association, and after that Quebec, Nova Scotia, and New Brunswick.

5. Review of Council Performance

Brian Maloney gave a PowerPoint presentation to Council.

As part of our code of conduct, Council agreed to look at its own performance once a year. An online survey was sent the week prior to members of Council to gather and analyze their responses to questions about Council's effectiveness. These are the results of that survey.

Q1: Council members have a full and common understanding of the Council's governance roles and responsibilities. Results: No issues there.

Q2: The Council makes decisions that are consistent with Council's principles, vision, mission, and purpose. Results: Relatively on the positive side.

Q3: The Council understands and performs the Council's governance role and does not become overly involved in management or administrative issues. Results: A little weaker but still on the positive side.

Q4: The Council ensures the strategic plan is being implemented and makes decisions that are consistent with the strategic plan. Results: A little weaker response here. What more do we need to do about following up on the strategic plan? Brian documents and shares progress at every Council meeting. Is there more that could be done?

It was noted that if Council can't complete everything in the strategic plan, it affects our credibility with the membership.

It might be beneficial to review the strategic plan quarterly to mark Council's progress.

Deadlines could be added to each action item.

Q5: The Council focuses much of its attention on long-term, significant policy issues, rather than short-term administrative matters. Results: a little weakness here.

Q6: The Council attends to policy-related decisions, which effectively guide operational activities. Results: positive.

Q7: The Council delegates policy discussions where appropriate to a committee or task force for recommendations before making a decision. Results: relatively positive.

Q8: The Council collaborates regularly with its committees on their progress, health, etc. Results: a middle-of-the-road result here. Brian created a dashboard to inform Council of committee activities. What else could be done?

It was suggested that it could be beneficial for AERC to meet with Council to facilitate exchange of information. Commission reports have been replaced by the dashboard; perhaps this has affected opportunities for collaboration.

It was asked whether Council should send mandate letters to committees. Council has not sent formal letters, but the ED has sent email directions.

Another possibility is to invite the regional group chairs.

Q9: The Council ensures that Council's accomplishments and challenges are clearly communicated to its members and stakeholders. Results: again, some disagreement here. We send In Sight to members every two weeks, but some members don't read it. Is there something else we should be doing?

There are stakeholders beyond the membership, but who they are and how we engage them is a question. The ED's previous efforts at engagement have gone unrewarded.

Q10: The Council reviews operating financial reports on a regular basis that are understandable, accurate, and timely. Results: members were relatively satisfied.

Q11: The Council requires an annual audit, considers all recommendations made in the independent auditor's report and management letter, and monitors progress with respect to the same. Results: positive.

Q12: The Council regularly examines its effectiveness in governing, including polling members on its

effectiveness. Results: this one was not well received.

It was suggested that Council send a survey to members regarding Council's performance.

It was noted that there are two aspects to this question, and perhaps negative responses referred to the polling piece. An ideal time for a member survey might be after the AGM.

Q13: The Council expects and hears reports on how the AOLS has used its financial and human resources. Results: Council receives financial reports at every meeting; what might be improved is the human resources aspect.

It was noted that staffing issues are and should remain confidential.

Q14: The Council is well-informed and kept up to date about its programs, committees, and services. Results: there was some disagreement about this. Does the dashboard need to change?

Q15: The Council spends considerable time listening to updates without recommendations that require the Council's attention. Results: a lot of people agreed. This is a bad thing.

It was suggested that Council does not need to hear, for example, investment reports at every meeting.

It was agreed that, for transparency, Brian could make the information available in a consent agenda, and not spend Council's time listening to a report. In a consent agenda, all the documents could be approved with one motion and if a member has a question about it they would submit it in advance of the meeting so that it could be discussed.

Q16: The Council effectively monitors the strategic plan through review of regular reports outlining the programs'/ministries'/ services' performance indicators and outcomes. Results: we do some of this but could probably do a better job.

Q17: The Council periodically challenges itself to adopt new innovative ideas for the issues it faces and subsequently modifies or discontinues ineffective current programs/services/policies. Results: most people felt that it was not bad, with one disagreement.

Q18: The Council has all of the necessary qualifications and skill sets represented on the Council for excellent governance. Results: all good.

Q19: The Council has the diversity in its membership to ensure a broad range of perspectives and experiences (gender, visible minorities, high-profile members, innovative thinkers, etc.). Results: clearly there is disagreement on this, and we need to do a better job. The Nominations Committee is aware of the problem and has tried to correct it. Fortunately, we were able to get two female councillors this year.

It was noted that the Nominations Committee has had difficulty finding volunteers.

It was also noted that the process of diversifying will take some time.

Q20: The process of how Council members are selected provides for a high-quality and effective Council (through the current Nominations Committee process). Results: Some disagreement with issues the same as the previous question.

Q21: The Council has a Nominations Committee that effectively recruits members to ensure diversity of its members – ethnicity, skills, gender, innovation in profession, age, etc. Results: Some disagreement with issues the same as the question 19.

Q22: The Council has a Nominations Committee that recruits members who intentionally connect with their local communities, government, membership, etc. Results: Some disagreement with issues the same as the question 19.

Q23: The Council has a roster of skills and gifts documented for each member to ensure nominees for committees (including the Executive) are selected by their strengths. Results: we will have to look at our process for selecting councillors. Should this be an elective process or not? It's likely that the election process turns off potentially good councillors who don't want to play the popularity game.

It was suggested that the position be incentivized, with some level of stipend. Some other associations pay their volunteers.

Q24: The Council is the right size for effective Council discussion and decision-making. Results: good.

Q25: All Council members have an opportunity to contribute. Results: good.

Q26: The Council provides a comprehensive orientation program to new Council members that prepares them to contribute effectively to the Council. Results: there is a feeling that there wasn't enough of an onboarding process.

Older councillors did not have much by way of orientation, however this has been corrected with the two newest councillors. Certain committees might require more orientation.

It was suggested that new councillors might benefit from having an assigned mentor.

Q27: The Council has a succession plan for its most senior positions including the ED, President, and Vice-President. Results: for President and VP, we have a process; for ED, the process involves speaking to prospective replacements. A month of overlap for the ED position should be ample.

At some point we need to initiate the succession plan for ED, likely in early fall. The position does not need to be filled by a surveyor, but that would limit the functions they could fulfill.

Q28: The Council has a clear understanding of where the Council's role ends and the Executive Director's (ED) role begins. Results: although the Registrar's role is outlined in the Act, some councillors might not have total clarity on the limits and powers of the Registrar's authority.

Q30: The Council provides direction to the ED by setting the agenda for the Council meetings, developing new policies for the AOLS, or referring to or clarifying existing Council policies. Results: it is possible that Council feels it should have more of a role in setting the agenda. The agenda currently is set by the Executive Committee; the ED brings topics to the Committee, who then approve or not. If anyone wants to add an agenda item, they can send an email to the ED if it's a week before the Council meeting.

Q31: The ED provides direction to the Council by suggesting policies, setting the agenda, and ensuring that critical matters are covered. Results: positive.

Q32: A climate of mutual trust and respect exists between the Council and the ED. Results: positive.

Q33: The Council has communicated to the ED the kinds of information and level of detail it requires from the ED on material happenings in the organization and related external matters. Results: some disagreement.

Q34: The Council holds the ED accountable for the actions of the AOLS and the tasks assigned by the Results: positive.

Q35: The Council is largely influenced by the ED and the direction he/she gives the Council. Results: positive.

Q36: The Council has significant influence over the ED and the direction he/she will take in managing the AOLS. Results: there is a question mark on this one.

It was suggested that some might feel that the ED takes on too much while Council could do more.

It was noted that the ED works at the behest of Council. Brian is a forward thinker who has moved Council in a path that wasn't there when he arrived. He has moved Council toward a risk-management approach, which is a completely new direction.

Q37: The Council has developed formal criteria and an objective and systematic process for evaluating the ED on an annual basis; it does the same in a more comprehensive fashion every five years. Results: councillors might not know that the ED has a performance review at the end of every year. The President typically performs this review. The ED performs a review of the staff every year. All of these are on file, although not shared with Council.

Q38: The Council or committee of the Council has formally evaluated the ED within the past twelve months. Results: Some disagreement, as in the previous question likely due to the fact that the reviews are not shared with all of Council.

Q39: The Council understands the ED is the spokesperson for the administration and management of the AOLS and suggests options for the President to consider with the Council members. Results: relatively positive.

Q40: Council members are well prepared for meetings. Results: some disagree.

Q41: Council members will express their opinions or ask questions that help them make a decision (even when they are in the minority). Results: generally positive.

Q42: Council members respect and support the decisions of the majority even if they do not agree with them. Results: no issue.

Q43: Council does a good job of considering the public when making decisions. Results: good.

Q44: Council focuses on outcomes as opposed to "how" to protect the public. Results: a bit of disagreement.

Q45: Council has access to good information before making decisions. Results: good.

Q46: All members of Council understand their role as outlined in the Surveyors Act. Results: good.

Q47: All councillors declare conflicts when they arise and Council acts in a non-biased fashion. Results: positive.

Q48: Council does a good job protecting the public. Results: good.

Overall we are doing a good job. There might be a few tweaks we could make.

6. Staff Reports

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

Brian has been consulting with stakeholders around the Surveyors Act changes. He started a few weeks ago and has a series of meetings lined up. He will meet with BeSpatial soon, and several ADMs. He also presented a webinar on the subject for members.

Some tweaks to the changes might be necessary; some of the people consulted have expressed valid concerns.

In response to a question from Council, Brian explained the registration review process:

We have a registration review process that received approval by the Executive Committee but has yet to come to Council. We hired a psychometric specialist who concentrates on high-stakes examinations, as well as two consultants. It is a review of our EAKs, which will be on top of the CBEPS syllabus, and the development of a blueprint for how our exams relate to the EAKs. The process has just started and will resume in September. It is in response to the Fairness Commissioner's concerns.

- **Registrar**
Council was introduced to new Registrar Penny Connors.

Former Registrar Kevin Wahba's report to Council was distributed prior to the meeting. There was no discussion.

7. Surveyor General's Report

Surveyor General Bruce Clark presented his report to Council.

Council has lost two of its lay councillors, Andrew Dowie and John General. We will be pushing to get those positions filled, but it will take time.

We have added another Senior Crown Surveyor to the Ministry of Natural Resources and Forestry (MNR). Dave Kovacs has temporarily left MTO to join MNR.

Some concerns were expressed to the Ministry about service standards. Municipalities are concerned about how some surveyors are using the Navigable Waters Protection Act. It might be worth a discussion with the membership.

The Ministry of Government and Consumer Services, the Ministry of Transportation, and MNR are working with the Training Board Secretary to come up with the Land Surveyors Development Program. TBS has made a commitment to the union to have an articling process in the public sector.

8. Financial Reports

The Financial Reports were circulated prior to the meeting. There was no discussion.

Julie Brough of Logan Wealth Management will address Council at 1 p.m. with a comprehensive briefing on Association investments.

9. Risk Summary/Strategy Update/Dashboard Review

This material was circulated prior to the meeting. There was no discussion.

10. Unauthorized Practice Guide Online Survey Results

Brian Maloney updated Council.

There was a request at the last Council meeting that we send a survey to members on this issue. Over two weeks, there were only 31 responses despite reminders. This is the worst response we have gotten to an online survey, which suggests there is no pervasive problem with unauthorized practice.

AOLS sent the survey at the behest of the Northeastern Regional Group, who had concerns about the activities of a formerly licensed surveyor or applicant that never met admittance requirements.

Survey question: How would you rate the problem of unauthorized practice in your area? Results: about 10 out of 31 respondents felt there was a problem.

In terms of individuals or government agencies that are the problem, there is a split. A few municipalities might need to amend their practices. If there is no clear evidence that municipalities are engaging in cadastral surveying, the AOLS will not act.

Survey question: Where members were aware of unauthorized practice, did they report it to AOLS? More than half said no. AOLS is helpless to act if it is not reported.

The results of the survey will be shared with the membership via In Sight and the website.

Some members might have different ideas about the definition of unauthorized practice. AOLS will send cease and desist letters if an unlicensed person is obviously practicing cadastral surveying.

11. Existence of Fees Mediation Committee (Steineke Recommendation 24)

Brian Maloney updated Council.

This is one of several recommendations from R. Steineke around the Fees Mediation Committee. It will require a statutory amendment. Most other organizations have dissolved their equivalent committees except for the architects and the engineers, and the architects don't use theirs.

A review of the Committee's files reveal that, over the last 20 years, only about a quarter of cases have gone to arbitration. Of the complaints to the Committee, very few have resulted in changes in fees. It is questionable whether the Committee is providing any significant value.

Before a year ago, members of the Committee did not have mediation training.

The recommendation presented here is that, when there is legislative change, this Committee should be discontinued. Fees mediation can be more effectively handled through the Complaints Committee or small claims court.

The Fees Mediation Committee is aware of and agreed to the recommendation.

In the event the Committee is removed, inappropriate behaviour around fees would be sent to the Complaints Committee, and if a member's behaviour is found to be inappropriate, they would be subject to disciplinary action. The Association, being a regulator, would not engage in mediation.

Until the Surveyors Act is changed, we will still have to offer Fees Mediation Services and the Committee will continue.

Motion 22.27 MOVED: Saša Krcmar SECONDED: Gavin Lawrence

WHEREAS: The regulatory review completed by Richard Steinecke recommended that the AOLS should seek a legislative amendment to eliminate the Fees Mediation Committee

AND WHEREAS: The Fees Mediation Committee has considered the matter and agrees with the recommendation

BE IT RESOLVED THAT: Council recommends that the Fees Mediation Committee and its duties be considered for removal when and if the *Surveyors Act* is considered for change.

DATE: July 14, 2022 Chair: Andy Shelp Carried: (Unanimous)

**12. Migration of Content from the Members' Website to the Public Website
(Steinecke Recommendation 4)**

Brian Maloney updated Council.

This is being brought to Council because it is a significant change. When the new website was first created, we decided to separate much of the content. Certain technical content was moved to the Members' website because it seemed at the time that the public would have no use for it. In R. Steinecke's review, he said it looked like we were hiding something.

We asked ourselves whether it made sense to move this content to the public website, possibly under a Members' Tools tab.

The recommendation is to move everything across except for four types of content:

- *Application to post Classified Ads is a service that we have only made available to surveyors*
- *Historical surveyors, since the information contains personal information that has not all been vetted (most is publicly available but possibly not all)*
- *Staff directory since making available email addresses increases the likelihood of phishing and scams*
- *Memorial*

The public website needs to be restructured before any material is moved. It will include practice guides, guidelines, policies, bulletins, etc.

A concern was expressed about facilitating unauthorized practice. Another was expressed about making Council material and survey results public. It was suggested that a caveat might be added to the material.

Committee materials, CPD information, and other My Portal content will remain on the Members' website.

This recommendation has been reviewed by the Website Maintenance Committee, who agreed with it.

Council minutes should be approved before posting. Any minutes dealing with disciplinary matters will not be posted.

Some members thought that the historical surveyor information had value to the public and the motion was amended to allow the material on historical surveyors to be posted to the public website.

Motion 22.28 MOVED: Amar Loai SECONDED: Gavin Lawrence

WHEREAS: The regulatory review completed by Richard Steinecke recommended that the AOLS post all general information relevant to the regulation of the profession on the public portion of its website

AND WHEREAS: The Website Maintenance Committee has reviewed the content of information included on the members' website and made recommendations to Council

BE IT RESOLVED THAT: Council approves the migration of the content under the Member Tools area of the website to the public AOLS website, with the exception of:

- Staff Directory
- Post Classified Ads, and
- Memorial

DATE: July 14, 2022 Chair: Andy Shelp Carried: As amended (Unanimous)

13. Investment review

Julie Brough, Executive Vice President and Portfolio Manager of Logan Wealth Management, updated Council.

The Association chose LWM because it customizes client portfolios from the ground up. Because AOLS has very specific targets and needs, we can build a portfolio specific to those needs. We have an experienced management team to support the portfolio managers.

We worry a lot about trying to preserve capital. If you don't go down too much in a bad market, it is easier to recover. When you're acting as fiduciaries for other people's money, you want to downsize risk. We meet as often as our clients want to meet.

We are registered as portfolio managers. A very small portion of the investment industry is registered. It gives us the power to act with discretion. We are legally required to act in the best interests of our clients.

Last year we believed one of the things that would keep the market going was strong corporate earnings growth. This so far has proven to be true. We were concerned that demand would start to ease. Part of the reason earnings growth has been so strong is because of government subsidies entering the economy.

We also thought we would see some inflation. We are now seeing an end to some supply chain issues and we are starting to see inflation on goods roll over. The war in Ukraine caused an increase in energy and food prices; this is now the primary cause of inflation.

We were wrong on wage inflation. Last year we thought the number of people who hadn't joined the workforce was approximately equal to the number of jobs that were unfilled and that this would equalize over time. But those people haven't come back into the workforce. Wage inflation is running at ~5%.

Interest rates are an attempt to slow the economy and control inflation. This is the challenge that we face.

The best forward-looking indicators that we have are the ISM manufacturing numbers. These indicate a slower expansion of the economy.

U.S. inflation numbers are all tied to energy. Rising energy prices will almost certainly affect discretionary spending. If energy prices stabilize, inflation should follow. Global demand for oil is starting to decline

even as China comes out of lockdown.

Commodity prices such as copper and soybean have rolled over in the last few weeks. Food inflation will be the hardest to fix given the supply shortages in Ukraine and Russia.

So how do we handle this? On the fixed income side, yields are significantly higher than they were a year ago. We are getting much better returns and can lock these in for the future. The risk premium for corporate bonds has expanded.

Last week, the Canadian Central Bank raised interest rates a full percentage point but the markets didn't really react because they are always anticipating Central Bank movements. The markets are anticipating 3% rate hikes.

The yield curve has flattened. This is an indicator of the bond market stabilizing.

Just over half of AOLS's bonds will be maturing in the next five years. Another quarter are very long-term bonds but those are all geared toward changes in interest rates. There is no long-term interest rate risk; we bought these bonds deliberately so that AOLS would benefit from rising interest rates and didn't have the downside that usually comes with that.

As of June, the bond market was down 13%, which is the worst bond market in at least 40 years. But we've been able to moderate that by about 50%.

For the equity market to stabilize, we need the bond market to be stable. Equity valuations are in a much better position than they were a year ago. The piece that is yet to be resolved in the equity market is whether corporate earnings growth can be sustained at the levels we're expecting. This might be possible if people stay employed, if people use their savings, and if the economy doesn't slow as much as we think it will.

When you have valuation levels that get high, your future returns are lower. When you have valuation levels that get low, your future returns are higher. This is why I'm more optimistic than a year ago. Those levels were unsustainable, and they would erode future returns. Now, if companies can continue to make money, everything will be fine.

The target asset mix for the Association's general fund is 60% cash and bond and 40% equity. On both the general fund and the insurance fund, the 43 and the 53 equity rate is actually skewed. Philosophically, we are slightly underweight on the equity side. On the insurance side, we have a healthy cash balance and we're underweight on the bond side and slightly underweight on the equity side.

In 2021, the total return on the portfolio was 10.8%. As of June 30, it was down 7.4% but we have recovered some of that since. Total value of the portfolio is just under \$5 million. We are generating about \$132,000 in cash. The cash-flow yield in the portfolio is 2.7%. The weighted average return on the bonds that we are holding to maturity is 5%. This will give a nice foundation to the portfolio in the coming years.

14. MPAC PSRI Agreement Renewal

The Provincial Survey Records Index (PSRI) was built and maintained through an agreement AOLS signed with the Municipal Property Assessment Corporation (MPAC). It was built on their platform. The agreement AOLS signed was for five years with a clause that stipulated that we had to renew the agreement one year in advance, which would allow AOLS to find a new solution if it deemed it necessary. Brian began negotiations with MPAC a few months ago. We currently pay MPAC \$100,000/year to maintain the service; MPAC is asking for a 6% increase in that fee for a three-year extension.

AOLS's options are to sign this new agreement, which would give us another four years of service; or not to sign the agreement, and post an RFP for a new provider, however this might not give us access

to parcel mapping. A third option would be to sign a contract with MPAC for one year while looking elsewhere. Potential providers include MNR, Teranet, or Protect Your Boundaries.

Protect Your Boundaries might be able to provide the service but that would be contingent on Teranet modifying their agreement which is not likely possible in the short time frame available.

It was agreed that, given the imminent trigger date, AOLS should renew the current agreement, possibly with a termination clause. Such a clause could be difficult to negotiate, as MPAC has an agreement with iLookabout and also the SRD service has been built on top of the PSRI.

Motion 22.29	MOVED: Peter Meerveld	SECONDED: James Hunt
WHEREAS: the agreement with the Municipal Property Assessment Corporation (MPAC) to maintain the Provincial Survey Records Index is set to expire in August of 2023		
AND WHEREAS: the agreement contains a clause requiring an extension of the agreement to be negotiated prior to one-year in advance of the expiration of the agreement		
AND WHEREAS: the AOLS is required to maintain a Provincial Survey Records Index by section 35.1 Ontario Regulation 216/10		
AND WHEREAS: MPAC have agreed to extend the agreement for three years with an increase of 6% over the price negotiated 4 years ago		
BE IT RESOLVED THAT: Council authorizes the Executive Director to enter into an agreement with MPAC to extend the agreement for a 3-year period with a 6% increase in price.		
DATE: July 14, 2022	Chair: Andy Shelp	Carried: (2 abstentions)

15. Cautionary Note on Plans

Brian Maloney updated Council.

This piece has been outstanding for a while. Some municipalities have been releasing our non-registered, non-deposited survey plans, citing the Municipal Freedom of Information and Protection of Privacy Act. There are three tests for them not to release plans under the Act: 1) it has to be a scientific or technical document, 2) there has to be an expectation of confidentiality, and 3) there is an expectation of undue harm.

We have never made it to test 3 because we have always failed test 2.

Brian and Joe Young met with a policy analyst at the Office of the Information and Privacy Commissioner (IPC) to discuss the issue. AOLS's suggestion was to add a note to survey plans expressing an expectation of confidentiality. This might work but not for all plans since will be released as part of a notification process. In certain other cases like building plans there is no such expectation.

Brian provided two sample notes for survey plans. He brought them to the Professional Standards Committee. They didn't think we should be making this mandatory.

The Associations concern is inappropriate use of the plan could cause public harm since they are provided with no caveats or tests for appropriateness and with no limitations. From an industry side there is loss of potential income when a plan is given away.

The recommendation is that we add a note to survey plans. The recommendation will be circulated to

members with the caveat that it is not mandatory.

AOLS will not be involved directly with any action with the IPC. There are arguments that firms can make but whether they will succeed is unknown.

It was suggested that the Association should send a letter to municipalities letting them know we have been advising surveyors to add a cautionary note to their survey plans with an expectation that these plans will be kept confidential.

It was also suggested that the wording of this letter be vetted by an intellectual property litigator.

Motion 22.30 MOVED: Saša Krcmar SECONDED: Gavin Lawrence

WHEREAS: Concerns have been raised about municipalities releasing surveyors plans that may be misused by the public and result in public harm

AND WHEREAS: The Professional Standards Committee have investigated the matter and made recommendations to Council

BE IT RESOLVED THAT: Council supports notifying the membership of the matter and endorses the optional use of a clause similar to those shown below:

“This plan has been prepared for client (enter name of client if not confidential and purpose) and cannot be used by other parties except to the benefit of the client. This plan is to remain confidential, is prepared under copyright and must not be used without the permission of the signing surveyor or the company responsible for the plan.”

“This plan has been prepared for the limited use of (enter name of client if not confidential and purpose) and cannot be used by other parties. This plan is to remain confidential, is prepared under copyright and must not be used without the permission of the signing surveyor or the company responsible for the plan.”

AND BE IT RESOLVED THAT: The Executive Director provide information in this regard to the membership.

DATE: July 14, 2022 Chair: Andy Shelp Carried: (Unanimous)

16. Appointments (no material)

Brian Maloney presented the new appointments to Council.

Motion 22.31 MOVED: Gavin Lawrence SECONDED: Ron Berg

WHEREAS: Kevin Wahba, the current Registrar, resigned effective July 8th, 2022

AND WHEREAS: The Executive Committee conducted a competition for a replacement and selected Penny Connors as the successful candidate

BE IT RESOLVED that Council appoints Penny Connors as Registrar of the Association of Ontario Land Surveyors pursuant to sub-section 3(8) of the *Surveyors Act* effective immediately.

DATE: July 14, 2022 Chair: Andy Shelp Carried: (Unanimous)

Motion 22.32 MOVED: Natalie Vibert SECONDED: Ron Berg

WHEREAS: Kirsten Greenfield has resigned from the Complaints Committee

BE IT RESOLVED THAT: Council acknowledges Kirsten Greenfield's resignation

BE IT FURTHER RESOLVED THAT: Scott Dalziel be appointed to the Archival and Historical Committee.

DATE: July 14, 2022 Chair: Andy Shelp Carried: (Unanimous)

Motion 22.33 MOVED: Amar Loai SECONDED: Gavin Lawrence

WHEREAS: John General and Andrew Dowie, appointees by the Lieutenant Governor in Council, have resigned thereby requiring reallocation of appointments

BE IT RESOLVED THAT: John General and Andrew Dowie are removed from all existing Committee appointments, and

BE IT FURTHER RESOLVED THAT: James Hunt be appointed to the Registration Committee.

DATE: July 14, 2022 Chair: Andy Shelp Carried: (1 abstention)

There were no further comments from Council.

President A. Shelp thanked everyone for attending.

The meeting was adjourned at 2:05 PM