

MINUTES
COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS
Wednesday, October 25, 2022
9:00 AM – 1:00 PM
Zoom Conference Call

Chair:

Andy Shelp	President	Ottawa
David Kovacs	Vice-President	Thunder Bay
Gavin Lawrence	Past President	Newmarket
Simon Kasprzak	Intermediate Councillor	Barry's Bay
Amar Loai	Intermediate Councillor	Toronto
Saša Krcmar	Junior Councillor	Toronto
Ron Berg	Junior Councillor	St. Catharines
Sophie Côté	Junior Councillor	Dartmouth
Natalie Vibert	Junior Councillor	Thunder Bay
Martha George	Lay Councillor	Kitchener
Peter Meerveld	Lay Councillor	Kitchener

Staff:

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

Regrets:

James Hunt	Lay Councillor	Port Hope
Bruce Clark	Surveyor General (SG)	Peterborough

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.

2. Approval of Agenda

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

Motion 22.39 MOVED: David Kovacs SECONDED: Ron Berg

BE IT RESOLVED THAT Council approves the agenda as circulated.

DATE: October 25, 2022

Chair: Andy Shelp

Carried: (Unanimous)

The motion was carried.

3. Consent Agenda

A Consent Agenda has been introduced to AOLS Council meetings. The Consent Agenda groups routine Council business into one package. It includes the dashboard, financial reports, and staff reports. Any items of concern can be removed for discussion. The only item requiring a motion is the previous minutes.

The Province-Wide Survey Records Index Committee met and discussed problems it was having with invalid records being submitted by LSR and Pimarc. The problems have persisted for a year and have resulted in 100,000 invalid records. The Committee approved inserting some code that will reject invalid records and return them to the survey firm indicating such. The records can then be corrected in LSR or Pimarc or in the PSRI itself. The enhancement will cost \$9,500.

Brian and Andy will be meeting with the Minister's policy staff. A date has yet to be determined. There will be a number of issues to discuss, including the need for more lay councillors, the challenges of recruiting new surveyors, potential changes to the Surveyor's Act, and FARPACTA.

Brian met with the Dean of Sir Sanford Fleming College to discuss the creation of a survey tech program. The school understands that there is industry demand but is trying to determine whether there is student demand, and there are concerns about capital expenditure to start it. Brian pledged AOLS support for such an initiative.

AOLS has shipped the Great Lengths book to 15 school boards for library placement. 4 other school boards are reviewing the book before committing. It was rejected by several French boards since it was published in English only.

Motion 22.40 MOVED: Ron Berg SECONDED: Sophie Côté

BE IT RESOLVED THAT Council approves the minutes from the meeting of September 7, 2022.

DATE: October 25, 2022 Chair: Andy Shelp Carried: (Unanimous)

4. Review of Action Items Arising from Previous Minutes

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

The membership database has finally been constructed and AOLS has taken possession. It is on a staging server for testing. After testing is completed, it will be rolled out to staff and then to the membership. Members will have access to the register when it goes live. An email will be sent to members requesting that they verify their information. Statistical information such as gender or race will be seen only by certain staff and used only to generate demographic reports that will help AOLS understand to what degree the membership reflects society. Members can opt not to respond. A message written by the Inclusivity and Diversity Committee explaining our rationale will be released in concert with the database. It will probably go live within a month.

Discipline Committee recommendations are in progress.

The SRD Committee has yet to meet to consider Council questions related to the use of stickers and offer recommendations. When it does meet, it will also discuss conducting reviews per company rather than per branch and develop a policy around that. If this happens, it will likely result in firms undergoing reviews more frequently.

In response to Brian's request for their mailing list, AMO suggested also signing up for the Association of Municipal Clerks and Treasurers (AMCTO) list, which he has done. It is a digital list of email addresses that can be accessed for one year. Brian had drafted a letter to AMO members on protecting survey fabric but enough time has elapsed that the letter needs to be updated. He will go back to the Municipal Surveyors Committee to discuss the notes that have been added to plans regarding MFIPPA, and will add some material to the letter.

5. President's Remarks

President Andy Shelp updated Council on recent developments.

Andy met with Association of Manitoba Land Surveyors, the Association of New Brunswick Land Surveyors, and the Ordre des arpenteurs-géomètres du Québec. A recurrent theme of these meetings was unauthorized practice. There is a common problem of foresters setting boundary lines.

Quebec's Act claims exclusivity over the terms "arpenteurs-géomètres" and "géomètres" but not "arpenteurs." One must join a construction association to work on construction projects as a surveyor. An individual who was fined by the construction association for back dues has taken the association to court for use of the term "arpenteurs," claiming that the Act allows him to work on projects without joining an association. At their meeting, in response to a question about the case, the Ordre des arpenteurs-géomètres du Québec stated that, as a regulator, it cannot support this individual's lawsuit.

Quebec is facing a large backlog of real property reports. This is causing a major problem, such that notaries are discussing the issue with the government. There is now talk of title insurance, which Quebec does not yet have.

Quebec's practice review committee is facing a common complaint about the difficulty of finding a land surveyor.

The president of the Ordre was unable to attend the meeting, but Andy did speak with the Executive Director. They had a productive conversation about what makes the Ordre such a vibrant organization. One reason is it has a strong relationship with Laval University, which has maintained a survey program while several Ontario university programs have floundered. Another is a strong relationship with the Minister.

Andy just returned from a meeting with the Association of Nova Scotia Land Surveyors. They share concerns over unauthorized practice, as well as a Professional Governance Act, their Coastal Protection Act, diversity issues, and the validation of digital signatures.

There have been some regulatory changes in Ontario because of climate change. One is a push toward the monitoring of outflow of water. Many developers are pushing a concept called "bathtubbing," which means that no water leaves the site and enters the public realm. This is a costly practice, however, and has an impact on affordability in Toronto. In Ottawa, the conservation authority is looking at one- to two-hundred-year floodplains.

6. Surveyor General's Report

Surveyor General Bruce Clark's report was distributed prior to Council.

Government has posted an ad for two new non-legal lay members to replace Andrew Dowie and John General. The ad will run from November 7 to 18.

A follow-up meeting of OPS directors and managers of MTO, MPBDS, and MNRF with the Ministry of Colleges and Universities is upcoming. MCU has reached out to the Ministry of Education to raise the idea of outreaching to students while in high school in order to profile this sector/profession. This issue was also raised with the Ministry of Labour, Immigration, Training and Skills Development (MLITSD), which is working on cross-ministry efforts regarding workforce development and labour shortages. MCU flagged AOLS's challenges with its central sector groups: Colleges Ontario and the Council of Ontario Universities (COU). There might be options related to updated or expanded educational programs to help with AOLS recruitment issues.

Ligado Canada has filed an application with Innovation, Science and Economic Development that would allow it to provide ancillary terrestrial mobile services over specific portions of its licensed MSS spectrum. This wavelength is next to the GNSS band, and will interfere with military and professional survey applications. AOLS Council has discussed this, and will pursue the issue with Professional Surveyors Canada, with an eye toward the survey professions intervening into the public consultation.

The Centennial Monument project is ongoing. The Nepean Point park rededication is expected to be June 21 or July 1, 2023; reinstallation of the monument will take place at a later date.

The Minister's and Deputy Minister's offices are hearing complaints from the public about the lack of service from surveyors and the lack of surveyors. Comments have also come up about the perceived lengthy articling process and inability to get more survey firms in parts of Ontario. The Surveyor General has explained that AOLS has strong processes in place to successfully license professional staff, and the number of new OLS has increased over last 5 years. He has also noted AOLS involvement with FARPACTA and that AOLS welcomes foreign-trained professionals who meet the standards of the profession.

When Andy and Brian meet with the Minister, they will mention the challenge the profession faces with the number of surveyors, particularly considering its demographics. However, every profession is facing the same challenge. This is not something that can be fixed overnight, and the AOLS will need the Ministry's help.

If Ligado Canada succeeds in its application for the wavelength, it's probable that modern receivers will still work, but old GPS receivers might not.

7. Budget Review

Executive Director Brian Maloney presented his report to Council.

The budget was created by Saša and Brian, who considered AOLS's current position and projected position. The end of the COVID-19 pandemic will result in some changes, like an increase in the President's expenses. More in-person meetings are anticipated.

Investments have been downplayed. They must be declared according to where they sit today, but the numbers don't accurately reflect the situation. As the interest rate rose, the value of AOLS bonds dropped because they were at a lower interest rate. But bond holdings will not be sold until maturity, when they have achieved their full value. Equities, which account for about 50% of AOLS investments, have declined, however, our return has been adjusted from 5% to 4% for next year to reflect the expected uncertainties.

The Executive Committee discussed staff salaries and agreed to a 6% increase to adjust for inflation.

We have approximately \$100,000 worth of inventory of the Great Lengths book, but these books are now being distributed. \$10,000 has been allotted for cost of sales.

Funds have been assigned for FARPACTA consulting work. Marla Nayer is on contract. Some of her fees have been paid, but more will be coming in, which we have allowed for.

We will be very close to spending the \$100,000 Council budget.

A significant increase of \$150,000 has been designated for marketing initiatives. The combined budget of the three former communications committees, PAC, UCLC, and GRLC, was approximately \$40,000; however, these committees have been unified. While not enough for a full marketing campaign, we are optimistic that this larger amount will allow AOLS to get started. It will have to be revisited next year.

Insurance costs continue to increase. This is unavoidable unless we remove coverage.

Funds have been set aside for the website with the expectation that some more work on it will be done.

Money has been set aside for Discipline. A recent Alberta court decision against a regulator's discipline activities might have some effects on other jurisdictions. For minor disciplinary actions, AOLS might not be able to continue to charge 100% of costs, if it is challenged in court. This shouldn't have an impact on this year's budget.

The PSRI continues to run a slight loss.

The SRD is running a surplus. We show a 5% decline based on an anticipated slowdown of the economy.

It is recommended that all members' fees increase by 2% this year to help balance the books. With this increase, AOLS will see a small surplus. The increase will have to be presented in the form of a bylaw with a membership vote.

Motion 22.41 MOVED: David Kovacs SECONDED: Simon Kasprzak

BE IT RESOLVED THAT Council approves the budget for fiscal year 2022/23 as provided.

DATE: October 25, 2022

Chair: Andy Shelp

Carried: (Unanimous)

Council discussed several issues around Associate Memberships: whether fees should be reduced to encourage membership of firms' technical staff, whether it was appropriate for a regulator to offer such memberships, and whether there were other organizations that could offer networking and educational opportunities.

Based on a Council member's question, by-law 2022-01 was amended to specify that if no other by-law regarding fees is forthcoming, then fees will remain the same as 2023 in future.

It was suggested that it would not be unrealistic for AOLS to raise membership fees by 2% every year to account for increasing staff costs and overhead. It is an issue that perhaps should be revisited every year.

Motion 22.43	MOVED: Natalie Vibert	SECONDED: Peter Meerveld
WHEREAS: Council has approved a budget with a significant increase in costs allocated to marketing and has absorbed increases in staff salaries		
BE IT RESOLVED THAT: Council agrees to an increase in fees of 2% and approves by-law 2022-01.		
DATE: October 25, 2022	Chair: Andy Shelp	Carried: (Unanimous)

8. CBEPS Syllabus Approval

Brian Maloney updated Council.

The project has been ongoing for the last year and a half. It started as part of the online degree program, but was used as an opportunity to update the CBEPS syllabus. AOLS and other provincial regulators approved eight core areas of learning. Teams were then assembled for each of these areas. Each team comprised a professor, a private sector surveyor, and a subject matter expert. An expert in designing curriculum was then hired. AERC reviewed the results of this project last year and offered its feedback.

The project was reviewed again this summer and further comments offered. CBEPS will not be allowed to perform the academic reviews at this point but this will be revisited in the future. Having one organization do this across the country would be beneficial, but a legal agreement would need to be in place to ensure sufficient rigour to meet the Fairness Commissioner's requirements of using transparent, fair, and impartial practices.

Ontario will continue to review the CBEPS syllabus, and jurisdictionally specific requirements can be added. The syllabus will not address every need in Ontario, which will be addressed through EAKs. Training in legal aspects of the profession can be dealt with through additional courses or assignments.

The motion to be presented at this meeting states that the CBEPS syllabus is fine for the university program but additional courses may be required.

Quebec and Ontario are the only provinces that do their own academic evaluations. The CBEPS syllabus will move the profession toward a Canadian standard.

AERC might need also to consider the articling process, particularly as it concerns FARPACTA provisions.

AOLS needs to be upfront about any training requirements that are above and beyond a university education.

AOLS will meet with the CBEPS board in mid-November.

Motion 22.42	MOVED: Peter Meerveld	SECONDED: Saša Krcmar
<p>WHEREAS: The Academic and Experience Requirements Committee have recommended the approval of the CBEPS (Canadian Board of Examiners for Professional Surveyors) syllabus</p> <p>AND WHEREAS: AERC recognizes that this is the minimum national standard that will be used to accredit university programs and that additional knowledge may be required for candidates to become Ontario Land Surveyors</p> <p>BE IT RESOLVED THAT: Council approves the CBEPS syllabus as provided</p> <p>AND BE IT FURTHER RESOLVED THAT: Council directs the Executive Director to write the Registrar of CBEPS to express this approval.</p>		
DATE: October 25, 2022	Chair: Andy Shelp	Carried: (Unanimous)

9. Policy Update on Access to Records Policy

Brian Maloney updated Council.

The Fairness Commissioner recommended that AOLS have an exemption process in place for dealing with access to registration information. AOLS is currently charging various fees for access to examinations and other documentation. Upon consideration, it would make sense to drop these fees entirely except in exceptional circumstances, given its demand on staff resources and the lack of revenue it generates.

There is a small risk that dropping the fees will increase requests for information, which would drive up administrative costs.

This would not usurp the policy of the AERC in terms of what is currently provided.

Motion 22.44	MOVED: David Kovacs	SECONDED: Ron Berg
<p>WHEREAS: The Office of the Fairness Commissioner has recommended that Council adopt a policy that would allow fees for access to registration records to be waived</p> <p>AND WHEREAS: The current access to records policy requires charging for administrative fees with no exceptions</p> <p>BE IT RESOLVED THAT: Council approves the revised Access to Records policy that provides registration records at no cost as a default and charges fees only under unusual circumstances</p>		

AND BE IT FURTHER RESOLVED THAT: Council directs the Executive Director to update the AOLS website with this new policy.

DATE: October 25, 2022

Chair: Andy Shelp

Carried: (Unanimous)

10. Councillor Involvement in Statutory Committees

Brian Maloney updated Council.

This is a forward-looking piece that will inform our changes to the Surveyors Act. In his report, Richard Steinecke made many recommendations that would see Council members removed from statutory committees. However, the Act and the regulation require that certain committees do have Council members sitting on them.

This policy was sent to the chairs of the statutory committees for comment.

Keeping councillors on committees would allow for better communication between Council and committees. However, it can add time and work for councillors who are already busy with Council business, and councillors might not have the skill sets required, which could significantly increase training costs. Conflict of interest is not likely to be an issue. An analysis of other regulators reveals differing approaches to this issue.

The recommendation is to maintain a connection between Council and certain committees but move councillors to an ex officio status so that they do not have voting rights and do not require special training.

It would allow councillors to better understand the operation of AOLS as they move from junior to intermediate to senior roles.

It was noted that not all committees hold an official vote, but rather consensus is sought. It was also noted that exposure to a variety of committees without having to influence decisions is valuable.

To have councillors removed from the Complaints Committee would make Council decisions about disciplinary matters much more difficult.

AOLS has not had problems getting members to sit on committees; however, on the Complaints Committee, it can be challenging when members declare a conflict of interest, or a perceived conflict.

If the policy is approved, it will necessitate that the chair of the Discipline Committee cannot be a councillor. There will be further conversations about whether the chair could be a lay councillor.

Motion 22.45 MOVED: Saša Krcmar SECONDED: Ron Berg

WHEREAS: A regulatory review performed by R. Steinecke made several recommendations that Council members should not be involved in statutory committees

AND WHEREAS: Council has considered this matter and agrees that Council members should not be involved in statutory committee decisions but believes they should be part of the committees as ex-officio, non-voting members to ensure good communications in direction and performance evaluation

BE IT RESOLVED THAT: Council recommends that in the next changes to the *Surveyors Act*, that Council member appointments on statutory committees be as ex-officio, non-voting members only.

DATE: October 25, 2022

Chair: Andy Shelp

Carried: (Unanimous)

11. Appointments

Brian Maloney updated Council.

AOLS has traditionally had two representatives sitting on the CBEPS board. When the ED is the sole member, there is a disconnect with AERC. Including the Registrar enables better communication.

Motion 22.46 MOVED: Sophie Côté SECONDED: Saša Krcmar

WHEREAS: The Association of Ontario Land Surveyors has traditionally had two representatives on the Canadian Board of Examiners for Professional Surveyors (CBEPS)

AND WHEREAS: The Executive Director, Brian Maloney, is currently the only representative

AND WHEREAS: There is benefit in having the Registrar as a representative to CBEPS due to her involvement in registration activities

BE IT RESOLVED THAT: Council appoints Penny Connors, Registrar, as a representative from the AOLS to the CBEPS.

DATE: October 25, 2022

Chair: Andy Shelp

Carried: (Unanimous)

12. IN CAMERA Session: Disciplinary Matters

End of IN CAMERA Session

S. Krcmar requested information about the distribution of the Great Lengths book.

S. Kasprzak asked if AOLS had any materials for a high school presentation.

S. Côté suggested that a request be made to the Complaints Committee that supporting material for future cases be fully vetted and coherently presented.

The next Council meeting will be held in person on November 28 and 29. The first day will be Council business, and the second day will be a structured meeting with AERC to help ensure we are of similar minds.

There were no further comments from Council.

President A. Shelp thanked everyone for attending.

The meeting was adjourned at 12:36 PM

DRAFT