

MINUTES
COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS
Monday, November 28, 2022
to
Tuesday, November 29, 2022
In Person and Conference Call

Chair:

Andy Shelp	President	Ottawa
David Kovacs	Vice-President	Thunder Bay
Gavin Lawrence	Past President	Newmarket
Amar Loai	Senior Councillor	Toronto
Saša Krcmar (Day 1)	Intermediate Councillor	Toronto
Ron Berg	Intermediate Councillor	St. Catharines
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

Guests, Day 2:

Al Buckle	Chair, AERC
Ann Cole	Consultant
Shawn Hodgson	Member, AERC
Maureen Mountjoy	Non-voting member, AERC
Saeid Sedaghat	Member, AERC
Mel Truchon	Member, AERC
Jason Wilband	Member, AERC

Regrets:

Simon Kasprzak	Intermediate Councillor	Barry's Bay
Saša Krcmar (Day 2)	Junior Councillor	Toronto
Martha George	Lay Councillor	Kitchener

- 1. Call to Order; Reminder of Conflicts of Interest and Confidentiality**
The meeting was called to order at 10:03 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 22.47 MOVED: Gavin Lawrence SECONDED: Amar Loai

BE IT RESOLVED THAT Council approves the agenda as circulated.

DATE: November 28, 2022 Chair: Andy Shelp Carried: (Unanimous)

The motion was carried.

3. Consent Agenda

A Consent Agenda was circulated prior to the meeting. 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 meeting's minutes.

Motion 22.48 MOVED: David Kovacs SECONDED: Gavin Lawrence

BE IT RESOLVED THAT Council approves the minutes from the meeting of October 25, 2022.

DATE: November 28, 2022 Chair: Andy Shelp Carried: (Unanimous)

4. Review of Action Items Arising from Previous Minutes

The I & IT strategy and membership database are still in progress. Some bugs are being worked out; it will be loaded shortly.

The Discipline Committee is working on its recommendations. Terms of reference have been agreed and work has started on the manual.

The SRD Committee is meeting soon, at which time it will consider questions related to the use of stickers and provide recommendations to Council.

Brian sent the letter about protecting survey fabric to AMO members (clerks and treasurers across the province) using the AMCTO mailing list. A couple of recipients have followed up, and Brian spoke to one Director about AOLS expectations.

A call to vote on By-Law 2022-01, which raises membership fees for 2023, was sent to members, and the by-law passed with approximately 75% in favour and 25% opposed.

Access to Records Policy has been updated on the website.

Penny and Brian wrote letters to two surveyors regarding referrals to Council.

5. President's Remarks

President Andy Shelp updated Council on recent developments.

Andy and Brian met with the policy specialists from the Minister's office. It was a positive meeting. Much of the discussion was about changes to the Surveyors Act and about problems AOLS is facing: lack of educational institutions, lack of surveyors. The meeting was timely given Ontario's

recent announcement of the More Homes Built Faster Act, 2022, and the critical role that surveyors will play in the initiative. Andy stressed the need for MNRF to be working in tandem with the ministries of Education, Colleges and Universities, Labour, and Transportation, who are also stakeholders.

One of the policy specialists asserted that AOLS was creating barriers to entry into the profession by insisting on a five-year requirement for a C of A. This issue is on the agenda for this Council meeting.

The President will attend the Association of New Brunswick Land Surveyors' AGM in January, followed by a trip to COGS, and will meet with the Dean of Engineering at UNB. He will assert that AOLS members will support UNB in efforts to keep its program viable.

It was suggested that he discuss the possibility of UNB recognizing more courses delivered by COGS.

Council agreed it is critical that AOLS maintain a strong relationship with MNRF, to allow it to voice its concerns. The new Executive Director and President would ideally meet with them once a year.

6. Surveyor General's Report

Surveyor General Bruce Clark presented his report to Council.

Ontario Place is being transferred from the provincial government to the city of Toronto. Ontario also plans to build 1.5 million homes in the next ten years. This will have impacts on regulated lands, mapping, and surveying.

MNRF's Regional Operations Division has a huge backlog of applications for such activities as acquiring Crown land and permits for docks. It is pushing to hire staff and to get the applications through. This will also have an impact on surveyors.

Crown Land ePlans are now being accepted. If surveyors have issues with them, they are encouraged to let the OPS know.

There have been 12 applications so far to fill the roles of lay councillor on AOLS Council. It should take six to twelve months for the applications to be processed.

Ontario Public Service directors have been talking about how to attract more surveyors. They have had useful conversations with the Ministry of Colleges and Universities, which was largely unaware of the struggle to train and acquire OLSs. AOLS will be invited to the next meeting. OPS needs to do a better job coordinating with AOLS.

Two weeks ago, the Deputy Surveyor General of Canada, Jean Gagnon, made a presentation about the recent Ligado Networks proposal, which could interfere with the GPS band and various surveying tools.

7. PSRI Database Administrator

Executive Director Brian Maloney addressed Council.

There are two pieces to the AOLS contract on the PRSI. The first is a contract with MPAC, which operates the system. The second is a contract with its database administrator, iLookabout, whose contract will expire on July 31, 2023.

Council is asked to consider the renewal with iLookabout now in case it would prefer to issue an RFP for a new administrator.

The Province-Wide SRI Committee has already discussed the renewal and considered three options: work with no data administrator, which would be unfeasible given the amount of work yet to do; renew the iLookabout agreement; or issue a new RFP for the three-year term from 2023 to 2026.

iLookabout has provided good value for AOLS, charging a reasonable hourly rate and giving free upgrades to the system. They have met all their service-level obligations. Therefore, the Committee recommends that Council renew the contract, which would apply until 2026.

There is no obligation to go out for tender. Any new third-party administrator would have to work with iLookabout to gain access to the database.

Motion 22.49 MOVED: Bruce Clark SECONDED: Gavin Lawrence

WHEREAS: iLookabout (Voxtur) were awarded the contract for the data administrator of the Provincial Survey Records Index (PSRI), and the contract is set to expire on July 31, 2023, which was in line with the terms of the Municipal Property Assessment Corporation (MPAC) contract

AND WHEREAS: The MPAC agreement was extended to July 31, 2026

AND WHEREAS: iLookabout have met all their service level targets and have performed a significant amount of work for a reasonable price, and the AOLS has benefited from iLookabout also providing system maintenance for MPAC

AND WHEREAS: iLookabout has agreed to extend the contract for the same price to July 31, 2026

BE IT RESOLVED THAT: Council approves an extension of the contract with iLookabout as data administrator for the PSRI until July 31, 2026.

DATE: November 28, 2022 Chair: Andy Shelp Carried: (1 abstention)

8. Registration Committee Manual
Penny Connors updated Council.

This manual is a first draft. It was patterned after the Discipline Committee Manual. The Registration Committee has been working on it for five or six years, incorporating changes from other committees. It has been thoroughly vetted by the Committee. It sets out a quorum for hearings, as well as processes and appeals, and everything else required. Recently a passage was adjusted to specify that it be reviewed and approved every three years.

The manual will be updated when changes to legislation require it.

New Committee members will be expected to read the manual and take a course on it. It will require that members think about appropriate process and to follow it.

Motion 22.50	MOVED: Ron Berg	SECONDED: Sophie Côté
BE IT RESOLVED THAT: Council approves the Manual of Practice for the Registration Committee as submitted.		
DATE November 28, 2022	Chair: Andy Shelp	Carried: (Unanimous)

9. Terms of Reference for the Marketing and Recruitment Committee

Brian Maloney updated Council.

At July's strategic planning session, it was decided to combine the Geomatics Recruitment and Liaison Committee, the Public Awareness Committee, and the University and College Liaison Committee. The Marketing and Recruitment Committee is the result.

These terms of reference outline the Committee's responsibilities and expectations.

There are two purposes here: 1) to attract technical and professional staff, and 2) to promote the role of the AOLS to the public, which is a statutory requirement.

Developing a marketing strategy is a key piece. Implementing the strategy is another.

Over time, it is expected that subcommittees will take on most of the work. Staff and consultants will support the Committee. It will be integrated with the Website Maintenance Committee. Meetings will be primarily deliberations and decision-making.

Members of the three defunct committees will be rolled over, and some will be assigned to subcommittees.

The UCLC's former role of supporting educational institutions will likely be taken over by AERC. Communication between the two committees will be key, as recruitment requires that students be pointed to relevant training opportunities. AOLS needs to be clear and upfront about directing recruits to educational pathways.

Committee members will be appointed by Council. However, there might need to be another body that looks at appointments, such as the Nominating Committee, that can determine the skills a potential committee member possesses and what training they might need.

After discussion, Council agreed that the Objectives section should include the bullet "build and maintain strong relationships with government," as government will be a target group in its segmented marketing strategy.

It was also agreed that the Operations section should be amended to include the phrase "and/or Council Liaison will provide an update." The critical nature of the Committee's work requires a separate report rather than a dashboard update.

Motion 22.51 MOVED: Natalie Vibert SECONDED: Amar Loai

WHEREAS: Council has directed the amalgamation of the Public Awareness Committee, the Geomatics Recruitment and Liaison Committee, and the University and College Liaison Committee into a new committee, the Marketing and Recruitment Committee

BE IT RESOLVED THAT: Council approves the Terms of Reference for the Marketing and Recruitment Committee as amended

BE IT FURTHER RESOLVED THAT: Council appoints members from the existing three committees noted above to the Marketing and Recruitment Committee, recognizing that membership will change into the future.

DATE: November 28, 2022 Chair: Andy Shelp Carried: (Unanimous)

10. Professional Liability Insurance Program

Brian Maloney updated Council.

This is an item that came out of Richard Steinecke's report, in which he recommended that AOLS discontinue offering its insurance program for members. Professional liability insurance is an important public protection, but AOLS does not have to be the entity that delivers it. The current Act does not require members to use the AOLS program, although Regulation 1026 obliges AOLS to offer it.

The program offers three things that other programs don't: discovery insurance after a member retires; a self-insured retention fund; and a profit-sharing clause that requires the insurance company to provide back premiums where the loss ratio is below a threshold. The first is a direct public benefit; the second and third could be considered indirect.

The Insurance Advisory Committee considered three options. The first is to end the program and tell members to find their own insurance, which would likely be inferior. The second is to allow Gallagher to take it over, but we would lose the \$45,000 salary offset for two or three staff members that administer the program, and may also lose access to the claims data. The third is to leave it as is and ensure that the public is aware that there is not a huge bias or risk and there are strong firewalls in place. We would also need to ensure there is no overlap between the Insurance Advisory Committee and any of the statutory committees.

The recommendation from the Committee is status quo with improved communications regarding safeguards in place regarding sharing information.

A. Loia commented that, in his experience, almost no insurers know what kind of risks are involved in liability insurance for land surveying and are not in a position to underwrite it.

The only firms AOLS insures are those with C of As, as they are the only entities that provide services to the public.

No motion was required, as the recommendation to retain the status quo was accepted by Council.

11. Fair Fees for Field Notes

Brian Maloney updated Council.

AOLS has struggled with this issue for 30 or 40 years. In 2020, we issued a bulletin to cap fees, with an eye to reviewing it in two years. Last year, a survey was sent to the membership; the results were sent to members. Half the members felt the bulletin worked, half didn't.

As a result of the survey, we learned the prices that surveyors were charging for field notes.

AOLS issued an RFP for an independent consultant to determine what costs should be. We finally awarded a contract to iLookabout, which sent a survey to members. Thirty-three responses came back – most respondents were charging in the neighbourhood of \$150. We discovered as well that most firms were not using a cost-effective manner of scanning and uploading documents, so their costs were higher than they could have been.

AOLS met with some larger firms about potential efficiencies, but not much progress was made, so the Committee recommended leaving the bulletin as it was.

This is an issue unique to Ontario; in other provinces, records are available to the public, and there is a free exchange of field notes, which is in the public interest. In BC, if you put a monument in the ground, you are required to submit a registered plan.

This seems to be a bigger problem than just the fees; the fees may be leading to poor practice.

The problem arises from the definition of "fair," which has not been defined, and also whether a search should include adjacent properties.

Charging for field notes has been happening for decades in Ontario, and is embedded in practice, so it is extremely difficult to adopt other provinces' norms.

Firms can charge the fee as an administrative disbursement or add it into the fee charged.

By issuing a guideline, AOLS has demonstrated that it has performed some level of investigation into the issue. It would be difficult to turn the bulletin into a regulation.

Motion 22.52 MOVED: Ron Berg SECONDED: Gavin Lawrence

WHEREAS: Council requested the Fair Fees for Field Notes Task Force to review Bulletin 2020-01 (Pricing of Field Notes and Survey Records) and make recommendations to Council

AND WHEREAS: The Task Force did a member survey of prices being charged, contracted a report on the costs of maintaining and providing survey records and met with large record providers to gain an understanding of associated costs

AND WHEREAS: The Task Force determined that the prices being charged are in line with costs associated with maintaining and providing survey records and recommended that Bulletin 2020-01 remain as is

BE IT RESOLVED THAT: Council accepts their report.

DATE: November 28, 2022

Chair: Andy Shelp

Carried: (1 abstention)

12. Guidelines for Issuance of a Certificate of Authorization

Brian Maloney updated Council.

This issue comes out of the five-year requirement in the Surveyors Act. Is a time limit the right measure for someone to be granted a C of A? Brian and Registrar Penny Connors considered the issue. What skill sets should a surveyor possess, regardless of how long they have been licensed? Client management, project management, business practices such as contract preparation, HR management, and health and safety are essential skills that could be obtained through training or through practical experience.

The Association does not have a way not to issue a C of A to someone who has been licensed for five years, unless the person has been sanctioned for grievous behaviour.

At the same time, Brian and Penny looked at rules around where one could open another office. These requirements are not as clear as they might be, particularly in the wake of COVID, when people are looking to operate offices remotely.

When processing C of A applications, the Registrar has been asking for a written narrative that will address some of these items.

If approved, these guidelines will be posted on the website.

Motion 22.53 MOVED: Peter Meerveld SECONDED: Natalie Vibert

WHEREAS: There has been discussion with several members over the last several years about issuing Certificates of Authorization to members having held their licenses for less than 5 years and about operating offices

AND WHEREAS: There would be a benefit in having consistent guidance to the Registrar in considering these matters

BE IT RESOLVED THAT: Council approves the guidance document “Skill/knowledge to acquire a C of A,” recognizing that the decision rests with the Registrar and this document is for guidance only.

DATE: November 28, 2022 Chair: Andy Shelp Carried: (1 abstention)

13. Company Recommendations Policy

Brian Maloney updated Council.

This is a forward-looking piece. It has been reviewed by the Professional Standards Committee. In the Act, we have responsibilities toward three entities: a C of A holder, a member supervising an office, and a member signing a plan or performing a survey. There is a lack of clarity here.

There is an issue in ensuring that we have companies led by or within the control of surveyors, and the question is how that gets accomplished. Right now, 50% of the board of directors has to be surveyors. There are many rules around oversight of offices. But the public might not be well served by these rules.

Technology provides fewer reasons to conduct business in person. Brick and mortar offices and on-site staff might not be needed. There are also environmental reasons for a change in working processes.

Additionally, not all regions in Ontario can support a full-time office.

In the last five years, about 25% of complaints related to the operation of a company: contracts, lack of resources, etc. The public is allowed to launch a complaint only against a surveyor, not a company.

There is a range of regulatory response across the country, with some jurisdictions having no control over company composition. Most, though, require a certificate of authorization or similar.

We need to make sure surveyors can control their destiny; we need to ensure the company's accountability, and that it's clear to the public and to the regulator; we also need to ensure sufficient oversight. We should be fostering innovation as well.

Recommendations of this policy are: a board of directors composed of 50% surveyors allows sufficient control; the wording about partnerships should be removed from the Act as no partnerships even exist.

Council discussed whether the wording about partnerships should be removed; while partnerships don't currently exist, they could in the future, and the wording allows flexibility. It was also suggested that surveyors on boards need not be specified as OLSs, but as professional land surveyors with a Canadian licence.

Also included in this policy is a recommendation from R. Steinecke's report that the powers of the Discipline Panel should be expanded to allow for the suspension or revocation of C of As.

The requirements to maintain professional liability insurance are in the public interest and should remain.

Wording about the types of services that companies can provide has been amended.

The policy removes the five-year requirement for issuing a C of A and replaces it with a knowledge-based requirement, with an onus of proof upon the Registrar. It also does away with the notion of a supervising surveyor. The C of A holder is the only entity accountable if there is a problem.

As a regulator, AOLS does not have jurisdiction over someone operating in another province, so it should be wary about that position.

Based on Council's discussion, it was apparent the policy required another draft and could not move forward.

14. AOLS Services Discussion

This is a response to R. Steinecke's recommendation that we examine the services AOLS offers to members and consider whether it is appropriate for a regulator to be offering them. An audit by the Legislation and Regulations Committee revealed approximately 60 such services.

Some services are regulatory activities: Complaints, Discipline, and AERC, for example. Some are not outlined in the Act and are more for members' benefit. Others are in a grey area.

The Committee looked at criteria such as: whether the service is in the public interest; whether it creates a real or perceived conflict of interest; whether the activity helps to hold members accountable; whether the service interferes with regulation; whether there are public risks with eliminating or handing off the service; how much members value the service; how much the service costs; whether the service could be stopped without impact on public service; whether others could perform the service; whether there are efficiencies to be gained; and whether it aligns with our vision.

Based on these criteria, the Committee considered whether to recommend keeping, cutting, investigating further, or partnering on the service.

The Committee recommends that the training of technical staff should be left to others, such as Professional Surveyors Canada or OACETT. While it could be argued that there is a public benefit to training staff, other organizations could more efficiently deliver it. AOLS could and should still offer guidance to colleges and companies.

The Committee was split on the value of increasing public awareness to attract technical staff, therefore does not offer a recommendation. It is not necessarily the role of a regulator, and could be offered by an organization like Professional Surveyors Canada.

AOLS has used its quarterly magazine to convey information as a regulator, and many other regulators produce magazines, but there are alternatives. For instance, if one national publication were developed, each province could contribute. If the magazine continues, its content could be more focussed on regulation, or peer sharing. The magazine is slower to get out, and the messaging can be out of date. The Committee recommends that: we consider shortening it; we move it to digital; and a review be conducted to determine if people are reading it. A survey will be sent to members to gauge their interest.

The Committee considered various aspects of the AGM. Although it does not have a recommendation, there was a sense that we should continue with the CPD portion of the AGM. It has value, and if it were removed, the AGM would be shortened into something that might not make much sense. The AGM, whether online or in person, helps build community and maintain a knowledgeable membership. The Committee felt that AOLS should not be responsible for social programs, however, there is a benefit to getting together, so it recommends scaling back to one event. It does not cost AOLS anything to hold the AGM, and often it runs a surplus. The vendors also provide value. Therefore the Committee recommends keeping the AGM.

Alternatives include eliminating the AGM entirely, or replacing it with one large meeting per year, with CPD, and jurisdictional sub-meetings.

The Committee also discussed the AOLS giving awards to members. While there is a slight risk of generating a bias in favour of award winners, it also could encourage volunteerism. The recommendation is to revisit the awards to ensure they are in alignment with regulatory functions.

Eliminating or altering any of these services would not require statutory changes. None of these services are articulated in the Act.

15. Conflict of Interest Video

Council reviewed an excerpt of an online training session delivered by R. Steinecke to the Complaints Committee on November 23, 2022. In the recording, Steinecke described various aspects of conflict of interest: when there is conflict, when there is an appearance of bias, when a member can participate in a complaints case, and when that member should withdraw. Steinecke explained how one might recognize various biases – systemic, unconscious, conformity, and others – and understand how they might affect a regulator, as well as strategies through which they might be mitigated. Steinecke recommended that if a member is in a position where conflict of interest might be an issue, they should follow the three Ds: discuss, disclose, and declare.

16. IN CAMERA Session: Disciplinary Matters

This is intentionally not included.

End of IN CAMERA Session

There were no further comments from Council.

President A. Shelp thanked everyone for attending.

Adjournment for day at 5:09 PM

November 29 – Joint Meeting with Council and AERC

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

The meeting was called to order at 9:00 AM.

The President welcomed members of the AERC to the meeting. He noted that it was the first joint meeting in a few years.

Guests, members of AERC, and members of Council introduced themselves.

In his time as President, attending AGMs and meetings across the country, Andy has noticed a commonality in issues, the biggest of which is a lack of surveyors and technical staff.

Educational institutions are shutting down their cadastral surveying programs; there are just a few left. Andy will meet with the dean of the UNB program to affirm its importance, and to offer AOLS help with graduates, placement, and getting grads into underserved areas.

2. Joint Strategic Planning Discussion with AERC

Brian Maloney offered participants an overview of the day's activities.

Andy will ask some questions that will help to resolve some issue and to develop a plan to move forward.

AERC is one of the most important AOLS committees, and a gatekeeper to new members. Council and AERC used to meet annually; something has been lost in the absence of that communication.

Council is required by Act to set and approve exams, and it has not been doing so directly.

FARPACTA has been driven by the Fairness Commission and the Ministry of Labour. They want AOLS to do a better job of integrating internationally trained professionals.

By December 2023, we have to have a way of requiring no Canadian experience, which means a path forward other than articling.

The Fairness Commission has established a risk-based approach and produced a set of standards that regulators are expected to meet.

There's an expectation that an internationally trained surveyor can become an OLS in a year.

Many years ago, the Commission identified some issues with AOLS exams, which we have not properly addressed. For example, a psychometric review of exams was requested eight years ago and we didn't do it.

There are challenges with increasing workload. We will need many new articling surveyors coming through the system to address this. This will be a challenge particularly for the AERC. It is imperative that AERC function well. Decisions must be transparent, impartial, objective, and fair. We need rational, defensible requirements for registration. And we need to be clear with potential members about our rules, requirements, and guidelines.

28% of recent surveyors have been internationally trained. This trend will likely continue.

For domestically trained surveyors, 29% came from UNB, 16% from York, 15% from TMU, 20% from other programs.

The average articling period is 55 months for domestically trained students and over 70 months for internationally. This was calculated from the date of academic evaluation. Following the meeting Brian reviewed the numbers and from signing articles the average articling period is 35 months for domestically trained students and 30 months for internationally trained students.

There is a body of knowledge that suggests the need for a cut-off for how many times a student can write an exam, because if given enough opportunities, an unqualified candidate will pass it.

63% of students who undergo an academic evaluation will not move forward. This suggests that we are not doing a good enough job telling them what our expectations are.

The retention rate in articles is 84% domestically trained, 83% internationally.

For written exam rates, the average is below failing. This might be a by-product of the COVID pandemic. Plan check exam marks are high.

AOLS conducted a survey of new members across Canada, with the exception of Quebec. Respondents indicated that articling issues were the biggest barrier to entry, followed by educational issues. Financial assistance was considered a potent incentive, as were work lifestyle issues.

AOLS is undertaking a number of projects: modernizing the Surveyors Act; a national project led by ACLS toward an online degree; the registration project; and the membership database.

The online degree has three components: updating the CBEPS syllabus, developing a method of academic evaluation, and developing the online degree program. The entire CBEPS syllabus has been covered with online courses. CBEPS might be reconstituted to become the collaborative method between the various academic institutions to allow agreement on what courses will be recognized.

The Registrar sits on the CBEPS board, as does the Executive Director, but someone from AERC should sit on the board so that there is a better connection.

The registration project derives from the Fairness Commissioner. It started with our attempt to put a system in place so that we were consistent with the level of difficulty in our exam and could demonstrate the pass rate is the right cut-off for someone to become an OLS.

Ultimately, we need a mechanism in place to understand the difficulty of the exam, and we need to describe this to the Fairness Commissioner.

In our membership database, we have produced a robust data model for member information. It will allow us to respond in an automated fashion to the statistics that the Fairness Commissioner wants. It will also allow us to track a member from a request for academic evaluation through to retirement. We can relate back an immense amount of information. Only the database administrators will be allowed access to the data; they will be able to generate a variety of reports.

Last week, AOLS had a meeting with the advisory committee of York University. We talked about ways to move forward, including a different model. Bruce Clark and Joe Young put forward the idea of a two-stream process – one that is geared toward the design side (spatial knowledge) and a separate two-year certificate program for land surveyors. This would allow us to pick up students from other streams. If York's dean does not want it, we will move on.

AOLS has budgeted \$150,000 for marketing and recruitment. We have an agreement with Humber College's marketing program to use us as a case study. Eight students have been assigned to us as a capstone project. We will see something by April. This has implications for AERC because, if we are successful, we will have more students.

Ann Cole gave a slide presentation on the recent EAK review.

The EAKs have been in play for articling students long enough that it was time to look at them and determine if they are working. The EAK document will serve as the basis for the blueprint and for addressing examination questions.

This autumn, a survey was sent to stakeholders; response to the survey indicated that the majority of EAKs should be kept, with no major changes required. The lowest rated EAK was around the Mining Act.

Two groups were sent the survey. The first group was surveyors licensed in the last five years: 120 were asked, 49 respondent, and 5 agreed to interviews. The second was comprised of Council, AERC members, Complaints members, Insurance, and SRD: 90 were asked, 42 responded, and 8 agreed to interviews.

Comments from new surveyors about the articling process indicated that the following elements influenced the experience: the articling surveyor, effort, the amount and quality of interaction between the student and surveyor, and the experience of the student prior to articling. Field experience is important.

Oversight by AOLS/AERC of the articling surveyor and evaluation was viewed as insufficient.

Reference material supporting the EAKs need to be updated.

The importance of communication skills was a common theme.

New surveyors wanted better integration of material throughout the EAKs. They feel there is a disconnect between the EAKs and exams, and they want more material to prepare for the exams. They also want more projects to facilitate better understanding of the content of the EAKs, and assignments should be mandatory. Study of legislation should happen before field and office experience.

Ongoing third-party evaluation of a student's understanding of an EAK is required.

The second group's responses indicated it is important to have knowledge of survey-related legislation, client interaction, and project management.

There is concern that some surveyors do not know the basics of boundary law and field procedures. There is also concern regarding potential bias when a student and surveyor are related. Students in remote areas need more networking opportunities. The process takes too long to produce the needed surveyors.

Council and AERC discussed potential changes to the articling process. They considered how the current process might be strengthened and how accountability of the articling surveyor might be ensured. It was noted that now, with over 100 articling students, assigning independent monitors to each would be difficult.

There is a tension between learning on the job and learning through self-study and reference materials. Can we have a variation in the ways in which students can learn? With the upcoming provisions that no Canadian experience will be required of students, how can we transition them from academic understanding to real life experience?

At the end of the survey, it was asked if additional areas of knowledge were required. Three topics were mentioned: expropriations, project management, and construction.

Most EAKs received an over 85% positive rating; over half received over 90%. The Mining Act EAK received 65%. Spatial reference received 78%. Within each of the EAKs, detailed suggestions were offered on elements to be added.

The work ahead includes extracting the detailed advice and provided it to Council and AERC. Then Ann and Marla Nayer will rework the material. Interviews with survey participants will then take place. After this, the material will be sent to subject matter experts, then to a working group of 8 to 10 people. Finally, the material will be sent to the membership, and then to the Fairness Commission. The blueprint for the examinations will be developed out of this.

It is now important to build a working model that will allow for ongoing updating of the material and keep us evolving.

Brian Maloney updated participants on changes to FARPACTA and how they might affect AERC.

There are three significant changes to the legislation: Canadian experience, timeframes, and language proficiency. The legislation and regulations deal with equivalencies in language proficiency testing. We currently do not have mandatory language proficiency so we are not impacted. We should be considering this since surveyors need to read and understand statute law and common law, which is in English. We should strongly consider this in the future.

Council discussed the Canadian experience requirement. AOLS can require cadastral boundary law knowledge, but cannot require that this knowledge was gained in Ontario. It will have to be gained through other means.

The changes require regulators to meet certain timelines for registration activities. None would appear to pose challenges for the AOLS however we will have to report on this. This data collection has been built into the membership database that is currently under construction. There also seems to be an expectation that an applicant should be able to become a professional within a year. While this is not mandated by the legislation and regulations, it is something that we will have to watch.

It was suggested that AOLS could consider issuing a limited licence that does not restrict an internationally trained surveyor from entering the profession in Ontario but requires supervision from an OLS and restricts some of the activities they are able to undertake while they gain sufficient skills and knowledge.

One other FARPACTA requirement is an emergency registration plan. This came about because of COVID, when many regulators could not run a process for new registrants. There has been little guidance on how to respond to this.

AOLS will have to change articling requirements under the regulation before December 2023. Some options include international experience in cadastral surveying or equivalent.

Brian Maloney posed a series of questions related to AERC processes.

Does AERC focus on the correct issues and devote time accordingly? Brian suggested that they do not. For example, academic evaluations should not come to AERC, but should be delegated to staff. AERC could then focus on strategic decisions.

How do you deal with a 50% increase in students? If the planned marketing strategy works, this increase is a possibility. Can current processes meet that need?

What can be done to reduce workload? Some work can be outsourced or contracted, some given to staff.

What role should AERC play with respect to universities? The former UCLC was a broken model; it assumed duties that should be the province of AERC. Also, an AERC member should sit on the CBEPS board.

How can Council be involved in setting and approving exams?

Can we speed up the articling process to move students through the system earlier?

What should AOLS's long-term relationship with CBEPS look like?

How do we address the experience or knowledge equivalency? Does AERC do this currently?

In 2026, CBEPS will no longer offer challenge exams, but will point students toward actual courses.

It was noted that it could be difficult to be consistent and transparent when evaluating experience and knowledge; challenge exams seem to be the only option that could fairly address this. Possibly a challenge exam would be a way to address the Canadian experience issue.

What information does AERC need to know that processes are working and work is on track?

Council discussed issues surrounding FARPACTA, education, equivalency, and CBEPS. Other than Ontario and Quebec, the entire country uses CBEPS, allowing parity between jurisdictions. If AOLS were to make its expectations known to CBEPS, it might have an opportunity to influence the direction it takes, as Ontario takes on the largest number of international applicants. A legal agreement would be needed to demonstrate fairness and transparency to the Fairness Commissioner.

CBEPS charges a much higher rate to evaluate international students than it does domestic. Perhaps AOLS could find away to offset this disparity.

AERC should concentrate on whether CBEPS is the direction moving forward and, if it is, how we get it to work for us.

It should be asked whether the process is actually working and, if so, is it being followed? There are issues of accountability and competency of articling surveyors.

It was asked: if our examination of the candidate is effective and if it happens progressively through the process, do we need an articling surveyor? Can we say that industry will invest in producing good surveyors through the support of excellent educational programs that we provide, and we don't need an articling surveyor to sign off?

It was noted that there is a comfort in the current process, which is an accumulation of experience and knowledge: the oral exam, the statute exam, the professional exam, and articling. If we took this away and replaced it with one measure, what would that look like? And if we can figure this out for international students, why can we not figure it out for domestic students?

There is a belief by some that the current articling process at times produces lesser surveyors than we would like. This is not the norm, so the process is probably okay, and the problem is the people involved. Options to solve this may be to restrict who is involved, which would be difficult, or to educate the articling surveyors, and give them more resources.

Staff has produced an articling student handbook and are producing an articling surveyor handbook.

The articling process obviously needs some work. AERC needs to consider how to satisfy FARPACTA and how to satisfy our field requirements without mandating Canadian experience. It also needs to consider limited licensing.

A summary of ideas generated in this meeting includes the following: We need to look at a model for limited licensing. We should look at generalizing experience requirements. We have some gaps in our EAKs that need to be filled. We need to consider some additional resources for supervising surveyors, including a mandatory course. We need to think about how to ensure the accountability of supervising surveyors, including oversight. We need an AERC member on the CBEPS board. We need to negotiate processes around academic evaluations with CBEPS to meet the requirements of the Fairness Commissioner. We need to get involved with the Advisory Board with UNB. We need to drive efficiencies within the AERC. We need better information management.

A limited licence should apply to domestic as well as internationally trained surveyors. We will need to devise a model for this, whether it be a comprehensive equivalency exam, or placing some of the exam process at the front end, as lawyers do.

The marketing and recruitment project is moving forward. If successful, it will have implications for the AERC. A national strategy involving PSC and other regulators is something that needs to be investigated. Governments are now encouraging regulators in their marketing efforts to recruit new members.

There is a section in the Regulation that gives the AERC the authority to remove entrance requirements for academics if they can demonstrate equivalent competencies. We need a policy to address this. The path forward might be the CBEPS syllabus. This will be investigated further at the next AERC meeting.

The EAK project will need volunteers from AERC for a working group. Timeline has yet to be determined. Wholesale changes will not be needed. The EAK statement should be ready for the AERC meeting in mid-January.

The President thanked Ann Cole for her work on the EAK project.

There were no further comments.

The next Council meeting will be held via Zoom on January 31, 2023.

The meeting was adjourned at 1:53 PM