

**MINUTES**  
**COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS**  
**Tuesday, February 28, 2023**  
**9:00 AM – 2:35 PM**  
**In Person and Conference Call, Niagara Falls ON**

**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 (conference call)	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
James Hunt	Lay Councillor	Port Hope
Peter Meerveld (conference call)	Lay Councillor	Kitchener
Bruce Clark	Surveyor General (SG)	Peterborough

**Staff:**

Brian Maloney	Executive Director (ED) outgoing	North Kawartha
Al Jeraj	Executive Director (ED) incoming	Mississauga
Penny Connors	Registrar	Vaughan
David Whitton	Recorder	Toronto

**Regrets:**

Martha George	Lay Councillor	Kitchener
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**Guests:**

Robin Fleguel	Junior Councillor	Orillia
Daniel Gautron	Junior Councillor	Winnipeg

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

*The meeting was called to order at 9:05 AM.*

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

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

*The President welcomed incoming junior councillors Robin Fleguel and Daniel Gautron to the meeting.*

*The President welcomed incoming Executive Director Al Jeraj and wished him good luck.*

**2. Approval of Agenda**

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

<b>Motion 22.63</b>	<b>MOVED: Saša Krcmar</b>	<b>SECONDED: Gavin Lawrence</b>
<b>BE IT RESOLVED THAT</b> Council approves the agenda as circulated.		
<b>DATE: February 28, 2023</b>	<b>Chair: Andy Shelp</b>	<b>Carried: (Unanimous)</b>

*The motion was carried.*

### 3. Consent Agenda

#### 3.1 Staff Reports

- a) Executive Director
- b) Registrar

#### 3.2 Approval of Previous Minutes

#### 3.3 Financial Reports

#### 3.4 Risk Summary/Strategy Update/Dashboard Review

*Annual reports from staff were distributed prior to the meeting. Full committee reports were included in lieu of a dashboard. Council had no questions about the briefing material.*

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

<b>Motion 22.64</b>	<b>MOVED: David Kovacs</b>	<b>SECONDED: Natalie Vibert</b>
<b>BE IT RESOLVED THAT</b> Council approves the minutes from the meeting of January 31, 2023.		
<b>DATE: February 28, 2023</b>	<b>Chair: Andy Shelp</b>	<b>Carried: (Unanimous)</b>

### 4. Review of Action Items Arising from Previous Minutes

*The membership database is not yet ready to be released. Permissions are close to being constituted. It is critical that security be strong and be tested before it is made accessible. Once it is live, the register can be added to the website. The main tables are loaded. The reports currently generated are not in an acceptable state.*

*The Discipline Committee has been making good progress on the manual. Although D. Kovacs will be resigning as Chair, he has pledged his commitment to helping finish the manual.*

*The SRD Committee had a meeting but no progress was made. The current Chair is stepping down and a replacement is needed. Council will meet in the middle of March to discuss all of the new appointments.*

*All action items for AERC are underway. Anne Cole is close to completing work on core competencies; when she is finished, work on the blueprint will begin. AERC member Saeid Sedaghat has volunteered to sit on the CBEPs board. AOLS has yet to speak with the UNB dean about the possibility of a member sitting on its geomatics engineering advisory board.*

*A meeting has been set with the dean of York University's program for March that will include Al Jeraj, Bruce Clark, Joe Young, and a member of ESRI. Al and Brian participated in a Canadian Engineering Accreditation Board review of the York engineering program. The dean has recommended closure of the program, with some form of replacement that likely would be implemented in 2026. AOLS would support any solution to the current situation.*

*Brian has not met with Toronto Metropolitan University lately, but AOLS members sit on its advisory board.*

#### **5. President's Remarks**

*President Andy Shelp updated Council on recent developments.*

*The upcoming AGM will be the first in person since Huntsville in 2019. This year, committee reports will not be presented to attendees. The reports are online for anyone interested. Instead, there will be conversations around issues affecting the profession and the Association. Members will be afforded a chance to offer direction to Council.*

*AOLS received a call from a senior policy analyst at the MNRFC Minister's office requesting that we open the Surveyors Act. The request relates to Bill 23, the More Homes Built Faster Act as well as issues that AOLS brought to their attention in the summer regarding the critical lack of surveyors. In response to the call, Brian wrote a letter, which was reviewed by the Surveyor General and the Executive Committee, outlining five key issues that need to be addressed by any legislative change. The letter was divided into three parts: priorities, changes to include if time permits, and governance changes that have yet to be worked out. The Minister's office wants the changes to be made immediately; this will be a challenge.*

*The Executive Director of Professional Surveyors Canada (PSC) will be speaking at the AGM. Andy has contributed an article to PSC's PSurv magazine detailing what he believes PSC should concentrate on. Hopefully this will be addressed in the ED's presentation to members. PSC is in a position to take over advocacy elements and membership services so that AOLS can, as R. Steinecke recommended, concentrate on regulatory functions.*

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

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

*The Surveyor General is pleased to announce that, upon completion of the OSG's competition for Coordinator of Crown Land Surveys, it was decided that Prakhar Shrivastava will continue in the Coordinator role. OSG will also be adding additional Crown surveyors and survey techs.*

*The names of two lay councillors are before the Public Appointments Secretariat. Renewal of Peter Meerveld's term (expiring end of March 2023) has been fast-tracked for Minister approval, expected by March 13.*

*Bruce acknowledged that MNRFC's request to open the Surveyors Act is an excellent opportunity, but he expressed concern about the process. The request is unusual, coming from the Minister's office to the Executive Director. The list of potential amendments in the AOLS's letter include a number of items that have been discussed by Council, but not all of them have been. Council did not review or comment on the letter, so should not be characterized as the wishes of Council. There could be unintended consequences of rushing changes into the Act. OSG staff, in consultation with AOLS, MNRFC staff, and policy analysts, will work on this; it is important then that any list of changes reflect Council's wishes. The changes should also be realistic, reflecting work already performed by Council that the membership supports. Certain items on the list are just ideas that can't be executed in the next six months. OSG suggests that it meet with Council and/or the Legislation and Regulation Task Force to set a realistic agenda. By the end of March, the OSG would report to the Deputy Minister's office on a proposed process and timeline to amend the Act. The Red Tape Reduction Act might not be the*

*appropriate act to implement these changes; the early 2024 Workers for Workers 4.0 initiative might offer a more reasonable timeline.*

## 7. One-Licence Directions

*Brian Maloney updated Council.*

*This has not been to Council, but the Legislation and Regulations Task Force has done a good deal of work on it. This initiative, to move away from Certificates of Registration to a one-licence model, has been in the strategic plan for the last five years. There have not been significant definitional changes since 1987. AOLS has not adequately regulated registered members or disciplines within the registered members, and those members have not received the same benefits. The number of registered members has steadily declined; there are currently 20.*

*Technology and processes have changed significantly and will continue to change. This will have an impact on legislation.*

*There have been problems over the last few years with unauthorized practice, and these will likely grow.*

*The current definition is focused on conducting or supervising surveys. The Association of Canada Lands Surveyors has a much stronger definition, focusing on boundaries.*

*If we were to get rid of registered licenses, we cannot then turn around and license the practice of professional surveying.*

*The Legislation and Regulations Task Force and the Expanded Profession Task Force discussed what should remain in the practice of professional surveying. They applied standard tests for whether regulation is required, the two most pertinent being: "Is the public able to understand the differences in the quality of products and services?" and "Are there negative impacts to others that were not involved in the transaction or the service?" It was determined that it did not make sense for AOLS to regulate professions such as hydrography, flood-plane mapping, GIM, and geodetic referencing not related to cadastral surveys.*

*During consultations, there was some concern that if these activities were removed from the licence, surveyors would not be able to practise them. This is not the case. They will be non-exclusive area of practice for which clients will still hire surveyors.*

*The task forces considered doing away with the professional surveying piece altogether and just concentrating on a licence for cadastral surveying, but decided instead to narrow the definition of professional surveying.*

*The task forces looked at definitions across multiple jurisdictions. The proposed definition is patterned after more modern definitions, such as that of ACLS and BC. It now includes a definition of boundary, which will future-proof the definition for technology changes such as augmented reality. Professional surveying was limited to certifying the relationship of a feature or natural boundary to a cadastral boundary.*

*Council debated the wording of the definition, including issues around the contemplation of 3D space and whether to include water columns along with air space. It also considered virtual networks, the definition of monuments, coordinates as reference points, and public infrastructure, and whether they might have some bearing on how the definition should be*

*worded. It was noted that Legislative Council will finesse the wording when it considers the change.*

*Council considered how the changes will affect the 20 existing members with Certificates of Registration, and whether they should be issued limited licences or grandparented in.*

<b>Motion 22.65</b>	<b>MOVED: Ron Berg</b>	<b>SECONDED: Saša Krcmar</b>
<b>WHEREAS:</b> the AOLS has included a target of moving to a solely licensed model (i.e., eliminate the Certificate of Registration)		
<b>AND WHEREAS:</b> the AOLS Expanded Profession Task Force and the Legislation and Regulations Task Force have considered the scope of the licence and made recommendations		
<b>AND WHEREAS:</b> the definition of cadastral surveying is out of date and is not meeting the evolving needs of the public		
<b>AND WHEREAS:</b> Consultation with external organizations on definition changes to Cadastral Surveying and Professional Surveying have been considered		
<b>BE IT RESOLVED THAT:</b> Council supports changes to the <i>Surveyors Act</i> to eliminate Certificates of Registration and modify the definitions of Cadastral Surveying and Professional Surveying and add a definition of Boundary in accordance with the recommendations in the One-Licence Directions document provided with the Council agenda.		
<b>DATE: February 28, 2023</b>	<b>Chair: Andy Shelp</b>	<b>Carried: (Unanimous)</b>

## 8. Emergency Registration Plan

*Brian Maloney updated Council.*

*Under FARPACTA, AOLS is required to have an emergency registration plan in place.*

*Brian drafted a plan considering two elements: one, events that could impede our registration activity (exams, lecture courses, etc.) and how we would respond to that, and two, events that would drive the need for more OLSs in a short period of time.*

*There is very little risk around the current registration process. We now have an electronic system to augment in-person oversight of exams.*

*A series of recommendations is offered around a variety of circumstances that might affect registration.*

*An unexpected loss of staff involved in registration processes necessitates a robust documentation of staff process. CBEPS is a backup in the event of an unexpected loss of consultants. There are offsite backups in the event of computer system failures, but there are a great number of paper records for active registration files that need to be scanned and loaded to the membership database. The learning management system should be migrated to the membership database. AOLS is in reasonable shape for ransomware attacks, with backups and cyber insurance.*

*A sudden requirement for additional surveyors could be brought on by an environmental emergency. The recommendation for this would be to allow AERC or Council to grant temporary limited licences.*

*The motion was amended per Council's direction.*

<b>Motion 22.66</b>	<b>MOVED: David Kovacs</b>	<b>SECONDED: Sophie Côté</b>
<b>WHEREAS:</b> Ontario Regulation 261/22 made under the <i>Fair Access to Regulated Professions and Compulsory Trades Act</i> requires that regulated professions prepare an Emergency Registration Plan		
<b>BE IT RESOLVED THAT:</b> Council authorizes the Executive Director to file the Emergency Registration Plan provided with the Fairness Commissioner.		
<b>DATE: February 28, 2023</b>	<b>Chair: Andy Shelp</b>	<b>Carried: (Unanimous)</b>

#### 9. Limited License/Temporary License Statute Policy

*Brian Maloney updated Council.*

*The document presented here is a revised version of the one that Council discussed at its last meeting. It is a forward-looking policy piece that services two needs.*

*The first is the requirement under FARPACTA to no longer require Canadian experience as of December 1, 2023. We had the choice of carrying on with the current, full-licence model, but that would require assignments and other ways of communicating knowledge across the breadth of the EAKs without Canadian experience. This would be an enormous amount of work to accommodate just a few potential applicants.*

*A limited licence would satisfy the academic and experience requirements for a subset of work. AOLS has yet to discuss this with the Fairness Commissioner, but this should meet the spirit of the Canadian experience requirement.*

*The second need that is addressed here is the shortage of surveyors. A third of AOLS members will retire in the near future. Although recent initiatives to get students articulated and moving forward, there will be a shortage in the short term.*

*A study was conducted a few years ago that suggested AOLS would need 25 new surveyors a year to meet demand, but that was based on status quo, and much has changed.*

*At the last Council meeting, it was suggested that we look at another stream that would allow someone who has a technologist degree or certificate to gain a limited licence.*

*The average length of articles is three years. The Fairness Commissioner thinks this should be closer to 12 months. A limited licence would speed up this process.*

*A jurisdictional scan reveals that not many regulators currently offer limited licences, however, conversations with other EDs reveal no concerns about this proposal; per an Agreement on Internal Trade, there is no suggestion that a member with a limited licence in Ontario could be licensed in another province.*

*You need to balance the core competencies with the benefit from the work a limited licence holder can perform. This will require more thought.*

*What a limited licence entails need not be defined in the Act; it can be defined in the regulations.*

*Two paths are suggested: a technical track for those with less than the CBEPS requirement but who possess certain core competencies, which would be tested; and a CBEPS track, which would ultimately lead to a full licence with another set of exams. This suggestion flows out of a conversation with Council.*

*The details of this plan will need to be considered and there should be a conversation with the membership about the value of this proposal.*

*Council discussed the various pathways through which students could fulfill CBEPS requirements, the need for diverse perspective on the body that fleshes out the limited licence proposal, and issues around limited licence holders transferring from Ontario to another province.*

*The motion was amended per Council's direction.*

<b>Motion 22.67</b>	<b>MOVED: Gavin Lawrence</b>	<b>SECONDED: Saša Krcmar</b>
<b>WHEREAS:</b> the AOLS is concerned about increasing the number of surveyors able to meet the public's needs		
<b>AND WHEREAS:</b> the AOLS is trying to respond to the changes made to the <i>Fair Access to Regulated Professions and Compulsory Trades Act</i> that will eliminate the ability to have mandatory Canadian Experience Requirements to become an Ontario Land Surveyor		
<b>AND WHEREAS:</b> Council recognizes that further details will have to be worked out in regulations, by-laws and/or policies to implement a limited license and temporary limited licence		
<b>BE IT RESOLVED THAT:</b> Council supports changes to the <i>Surveyors Act</i> to implement a limited license and a temporary limited licence.		
<b>DATE: February 28, 2023</b>	<b>Chair: Andy Shelp</b>	<b>Carried: (Unanimous)</b>

## 10. Council Selection Policy

*Al Jeraj updated Council.*

*The current process for Council selection is that the Nominating Committee consults a spreadsheet with the names of ~20 members on it. The Committee considers who among these candidates might make a good councillor. There is no criteria for these decisions, other than an attempt to create diversity. There is no guarantee that the selected candidates will want to serve.*

*There is room to move to a competency-based selection process. Council leads AOLS, so it should include councillors who are strategic, policy-driven, etc. Other regulators have moved in this direction, and have defined criteria that we could apply here. These criteria should be sent to members so that anyone who is qualified and interested can sit on Council.*

*In the past, interested candidates would travel to regional group meetings to present their election platforms. However, interest has dropped off in the last few years.*

*The recommendation in this policy is that the Nominating Committee put two names forward to stand for Council and that the membership be able to put names forward for a potential election.*

*No change to the Act is required for these changes.*

*There is a need for transparency upfront when describing the position to members, so that they are aware of its demands and expectations.*

*Council discussed the merits of the current selection process versus the proposed process; the potential for criteria to dissuade members from applying; whether elections discourage candidates from running; the benefits of developing a platform, and the potential need for training.*

*Details about timing, criteria, etc. would be worked out by the Nominating Committee.*

*The wording of the motion was amended with Council's direction.*

<b>Motion 22.68</b>	<b>MOVED: Saša Krcmar</b>	<b>SECONDED: Gavin Lawrence</b>
<b>WHEREAS:</b> the external review completed by Richard Steinecke generally recommended that committees have merit-based appointment processes		
<b>AND WHEREAS:</b> there have been a trend by regulators across Canada to implement more merit-based appointments processes to Councils and Committee		
<b>AND WHEREAS:</b> the Legislation and Regulations Committee have recommended the forward-looking policy on Selection of Council Members		
<b>BE IT RESOLVED THAT:</b> Council recommends the Nominating Committee be charged with the following:		
<ul style="list-style-type: none"> <li>• Developing a merit-based selection process that is fair, transparent, accountable, and independent which includes open advertising for Council candidates with the selection criteria</li> <li>• Using the merit-based selection process to select the minimum number of candidates required for nominations for each position (i.e., so that an election is not required unless further nominations are received from the membership)</li> </ul>		
<b>BE IT FURTHER RESOLVED THAT:</b> the current nominating processes defined in the <i>Surveyors Act</i> and its regulation not be modified thereby continuing to allow input for nominations from the members and potential elections if required.		
<b>DATE: February 28, 2023</b>	<b>Chair: Andy Shelp</b>	<b>Carried: (Unanimous)</b>

#### 11. Expanded PRSI Task Force

*Simon Kasprzak updated Council.*

*This is presented for discussion, not a motion. It derives from conversations in Simon's regional group about an experience doing a lake boundary retracement.*



*On a daily basis, surveyors face challenges retracing water boundaries. Much information, historic and otherwise, is scattered with different practitioners and challenging to locate. The current system could be improved by centralizing the information and facilitating easier research.*

*Is there an incentive for surveyors to store their research material in a more centralized and searchable way, so that colleagues could easily find and contact them?*

*The functionality of the PSRI might possibly expand to accommodate this type of information. Currently, according to the regulation, only legal surveys are required to be stored on the PSRI.*

*Council considered potential issues around adding different kinds of information to the PSRI, whether making research and reports accessible would be in the public interest, and to what degree it might be detrimental to a surveyor's interest. However, this proposal is strictly limited to water boundaries to make research easier and reduce costs to the public.*

*It was decided that a survey be sent to the membership to determine whether this is enough of a problem that it warrants the creation of a task force to study the issue. Simon will work with the new Executive Director to create the survey.*

## **12. Professional Surveyors Canada Draft Agreement**

*Brian Maloney updated Council.*

*This draft agreement was initiated after Bill Robertson, Executive Director of Professional Surveyors Canada (PSC), contacted Brian asking for an email list for members. Brian was unable at that time to supply a list without a rationale, however, if a formal agreement was drafted in which PSC agreed to provide services to AOLS, such an accommodation could be made.*

*PSC is looking to grow its membership to be able to provide a set of advocacy services. AOLS's Legislation and Regulations Task Force has recently reviewed Association services with an eye toward keeping its regulatory activities and divesting its member services. Some current member services, such as CPD, might better be administered by PSC. To do this, it will need to be a viable organization, with much larger Ontario membership.*

*The agreement presented to Council is a first draft by Bill Robertson. It is a set of services that PSC is willing to offer to AOLS members.*

*B. Clark voiced his concern that the agreement is between PSC and AOLS rather than PSC and members. A regulator should remain independent of such activities.*

*Council discussed the relationship between regulators and advocacy bodies in other jurisdictions; AOLS's transition to a purely regulatory function; who should provide CPD and who should dictate what kind of CPD should be provided; PSC's ability to properly market the profession; and governments pushing regulators to recruit new professionals. It was asked whether AOLS should look at advocacy bodies whose marketing efforts are successful, to understand what their relationships are with regulators and how they are funded.*

*Humber College will be delivering its marketing strategy for AOLS in April. In May, the National Surveyors Conference will be meeting to discuss recruitment and advocating for the profession. If AOLS had representation at the meeting, a direction for AOLS and PSC might come clear.*

**13. Awards & Citations***Brian Maloney updated Council.**Following up on the last meeting's discussion about awards, there are two additional members whose efforts and energy should be recognized with a citation.*

<b>Motion 22.69</b>	<b>MOVED: Sophie Côté</b>	<b>SECONDED: Saša Krcmar</b>
<b>WHEREAS:</b> Council considers awards and citations		
<b>AND WHEREAS:</b> Council has deemed the following individuals worthy of citations for their substantial contributions to the AOLS		
<b>BE IT RESOLVED THAT:</b> Council thanks and awards citations to the following:		
<ul style="list-style-type: none"> <li>• Grant Bennett for his service on the Academic and Experience Requirements Committee</li> <li>• Peter Raikes for his service on the Academic and Experience Requirements Committee</li> </ul>		
<b>DATE: February 28, 2023</b>	<b>Chair: Andy Shelp</b>	<b>Carried: (Unanimous)</b>

**14. Appointments**

<b>Motion 22.70</b>	<b>MOVED: Sophie Côté</b>	<b>SECONDED: Gavin Lawrence</b>
<b>BE IT RESOLVED THAT:</b> Council appoints Shawn Hodgson to another three-year term on the Academic and Experience Requirements Committee, being his second term and bringing his appointment to January 1, 2026.		
<b>DATE: February 28, 2023</b>	<b>Chair: Andy Shelp</b>	<b>Carried: (Unanimous)</b>

*Council needs a closer connection with AERC. Appointing Saeid Sedaghat will facilitate this connection. Both Saeid and AERC have agreed to this.*

<b>Motion 22.71</b>	<b>MOVED: Gavin Lawrence</b>	<b>SECONDED: Saša Krcmar</b>
<b>BE IT RESOLVED THAT:</b> Council appoints Saeid Sedaghat to be the primary representative on the Canadian Board of Examiners for Professional Surveyors (CBEPS).		
<b>DATE: February 28, 2023</b>	<b>Chair: Andy Shelp</b>	<b>Carried: (Unanimous)</b>

<b>Motion 22.72</b>	<b>MOVED: Bruce Clark</b>	<b>SECONDED: Gavin Lawrence</b>
<b>BE IT RESOLVED THAT:</b> Council appoints Al Jeraj as Executive Director.		
<b>DATE: February 28, 2023</b>	<b>Chair: Andy Shelp</b>	<b>Carried: (Unanimous)</b>

**15. Next Year's Calendar**

*Brian Maloney updated Council.*

*The calendar for next year's Council meeting and Executive Committee meetings was circulated prior to the meeting. Council is encouraged to put it in their calendars.*

*There is one change this year. The strategic planning session is scheduled for the spring rather than the summer.*

**16. AGM Agenda/Responsibilities**

*Brian Maloney updated Council.*

*The reception is tonight. Photos of Council are scheduled for 5:15, after which the Council Senate Roast will take place. There is also a meet-and-greet at the Hard Rock Club at 8 p.m.*

*The main AGM will begin on Wednesday at 9 a.m. All of Council is requested to be present at the Open Forum on Thursday.*

*The three concurrent sessions will require someone to introduce the speakers.*

*The only responsibility for the incoming councillors is to serve on the Resolution Committee.*

**The meeting was adjourned at 2:57 PM**