



Minutes

PROFESSIONAL STANDARDS COMMITTEE MEETING

Tuesday, February 10, 2015

PEO Offices

Members:

Andy Bowers, P. Eng. (Chair)

Jamie Catania, P. Eng.

Denis Dixon, P. Eng.

Roger Jones, P. Eng.

Les Mitelman, P. Eng.

Colin Moore, P. Eng.

Nicholas Pfeiffer, P. Eng.

Brian Ross, P. Eng.

Fanny Wong, P. Eng. (Vice-Chair)

Staff:

Bernie Ennis, P. Eng.

Sherin Khalil, P. Eng.

José Vera, P. Eng.

Regrets:

Heather Swan, P. Eng.

1. OPENING OF MEETING

The Chair called the meeting to order at 5:45 p.m., with 9 members of the Committee in attendance. Consequently, quorum was attained.

1.1 Approval of Agenda

Items 1.2 and 1.3 were removed from the agenda.

The following new items were added to the agenda:

- Item 3.8: Memo from Tony Crimi - Temporary Structures for Events
- Item 5.13: Excess Soil Guideline
- Item 5.14: Mineral Properties Practice Guideline

A motion was made to approve the agenda as modified.

Moved by: L. Mitelman **Seconded by:** R. Jones **CARRIED**

2. MINUTES OF PREVIOUS MEETING

2.1 Approval of Minutes of January 13, 2015 Meeting

A motion was made to approve the Minutes of the January 13, 2015 meeting as written.

Moved by: C. Moore **Seconded by:** B. Ross **CARRIED**

3. GUIDELINES

3.1 Guideline for Structural Engineering Design in Buildings

Staff advised that all previous comments from the PSC have been incorporated in the guideline and that the guideline is ready for public consultation.

The following comments were made by the PSC members:

- The Abstract states, "... this guideline applies to buildings and designated structures as defined in the Ontario Building Code". Would the following be better: "Part 4 buildings as defined in the Ontario Building Code"?

- The guideline uses the term “Specialty Structural Engineer”. This term might be confused with a future “Structural Specialist Designation” (assuming this Elliot Lake Inquiry recommendation is implemented). Perhaps, another term could be used.
- A PSC member stated that, in his view, the guideline appears to be too prescriptive for a guideline on professional obligations.
- Past President D. Dixon provided additional written material and comments.

Staff advised the following:

- Rather than edit the guideline at this stage, use the current version of the guideline for the public consultation to find out if the feedback received also indicates that the guideline is too prescriptive.
- Rather than edit the guideline at this stage, add D. Dixon’s comments to the public consultation feedback comments.

Action: Staff will update the guideline and prepare it for public consultation.

Action: Staff to send the PSC’s comments to the Structural Engineering Design subcommittee members for their feedback.

Question: When can the PSC expect to receive the feedback from the Structural Engineering Design subcommittee?

Answer: Staff will create a Doodle poll for the PSC members to vote on the latest version as suitable for release for consultation.

3.2 Forensic Engineering Guideline

There was a discussion regarding the Moore v. Getahun 2015 court case as the court case has referenced PEO’s “The Professional Engineer as an Expert Witness” Guideline.

J. Catania reported the following:

- When an engineer as an expert witness discusses a draft report with a lawyer, the lawyer may request the engineer to modify/alter the draft report.

- The Forensic Engineering guideline has some warning for engineers as expert witnesses with regard to the above matter.

Staff advised that the Elliot Lake Inquiry recommendation has concerns regarding altering any engineering report or draft report since any alteration should be based on sound engineering principles, and should not be altered simply because the client requests a change. Accordingly, an engineer must understand the purpose of the discussion with a lawyer.

Question: Can the draft reports be part of the evidence when discussed with a lawyer?

Answer: Yes, any draft report can be part of the evidence.

Question: Who keeps the draft report, the engineer or the lawyer?

Answer: It depends on the definition of the draft report. The draft report is any report the client sees before the final version. The guideline states that the expert witness should keep the draft report and the engineer can show it to any interested party.

J. Catania advised that the subcommittee members will meet on March 2, 2015 to review the comments provided from the public consultation.

Action: Staff to send “The Professional Engineer as an Expert Witness” Guideline and the Moore v. Getahun 2015 court case to the subcommittee members.

Action: Staff to add an abstract including a similar guideline for future consultations and on the Practice Guideline site, possibly a detailed view including the abstract.

3.3 Condo Reserve Studies

L. Mitelman reported the following:

- The subcommittee members have finished editing the guideline. Staff will review the guideline to ensure that it is consistent with the Terms of Reference.
- A meeting has been scheduled for February 23, 2015 for final review of the guideline.

Action: Staff to do a final review of the guideline.

3.4 Solid Waste Management Guideline

Staff advised that the subcommittee met on January 19, 2015. Every member of the subcommittee has written their assigned section.

H. Swan has assigned a new section(s) to each subcommittee member.

Staff has contacted the Ministry of the Environment and Climate Change to provide the following information:

- Issues involving solid waste and engineering that they may have experienced.
- If there are any deficiencies on landfill environmental assessments prepared by engineers, for example, assessments not meeting requirements.

3.5 Guideline for Review of Completed Works

F. Wong reported the following:

- The subcommittee met on January 28, 2015.
- The subcommittee reviewed the definition of “record drawings” in the guidelines of other provinces, and found out that Alberta’s guideline has a different definition.
- The subcommittee members will continue working on the guideline based on Ontario’s “Use of the Professional Engineers Seal” Guideline definition.
- Currently, professional engineers are facing difficulty as the Municipalities are asking for record drawings. However, the hours requested for services during construction do not indicate a requirement for engineers to perform the verification work.

There was a discussion regarding the difference between “as-built drawings” and “record drawings” since “as-built drawings” are not verified by engineers.

Action: Staff to discuss Alberta’s definition of “record drawings” with Barry Steinberg of Consulting Engineers Ontario.

Action: Staff to contact insurers to find out if the definitions for “as-built drawings” and “record drawings” still hold true.

Action: Staff to contact insurers to find out what disclaimers they recommend for record drawings.

Action: Staff to propose to the subcommittee that stakeholders may need to be invited as guests, after draft guideline completed.

Action: The subcommittee will provide a draft to the PSC in early 2015.

Action: Staff to identify potential new members; perhaps someone from the public sector.

3.6 Guideline for Structural Engineering Assessments

B. Ross reported the following:

- The subcommittee will be meeting on February 11, 2015.
- Subcommittee members have reviewed the draft guideline and their comments have been sent to staff.
- Currently, the subcommittee members are discussing whether the guideline should include Part 4, residential buildings, and Part 9 of the Ontario Building Code, as well as discussion regarding buildings that are not covered, such as silos and farms.
- There was a Discipline case regarding the design of a silo, and experts stated that PEO has no guideline for the design of silos.
- The PSC members suggested proceeding with the current draft guideline, which can be updated if required.

Staff advised that a small section on residential buildings, Part 9 of the Ontario Building Code, could be included in the guideline.

Staff advised that the Terms of Reference included buildings in general.

3.7 Data Matrix Bulletin

Practitioners have requested that PEO issue a Practice Bulletin. Accordingly, the Practice Bulletin will be issued electronically, and will be available in either PDF or Word format.

Action: Staff to prepare a first draft of this bulletin.

Action: Staff to send an example of the data matrix to the PSC members.

3.8 Guideline for Temporary Structures for Events

Staff received a request for a guideline on “Temporary Structures for Events” from Tony Crimi, P. Eng., Chair, MMAH Expert Advisory Panel on Outdoor Temporary Stages. Staff advised Mr. Crimi that the PSC approved the Terms of Reference for a guideline.

Staff has asked the Enforcement Group to advise what PEO’s position is regarding engineers who are required to work with demountable temporary structures, i.e. design, review, installation, etc.

Action: Staff to write the Terms of Reference for “Temporary Structures for Events”.

4. STANDARDS

4.1 Tower Crane Review Standard

Staff reported that PEO had a discussion with the Ministry of Labour and other stakeholders regarding whether the “Tower Crane Review Standard” needs to be revised to deal with certification of older cranes.

Action: Staff to work with the Ministry of Labour in order to accelerate the work required to complete the document.

4.2 Supervising and Delegating Standard

There were comments received from the legislative drafter regarding the draft standard. In the opinion of the drafter, some of the comments point to the incorrect use of the term “delegation” and limitation within the Act of the term “supervision” to “how the engineers supervise the business of C of A”.

Staff will meet with the drafter to clarify some of the comments on the draft standard.

Action: Staff to prepare a Briefing Note to PEO Council to approve the Supervising and Delegating Standard after legislative drafting from the Ministry of the Attorney General.

Action: PSC members to send any comments/feedback regarding the Supervising and Delegating Standard prior to the next meeting with the Ministry of Labour.

4.3 Duty to Report

The Duty to Report seminar will be held sometime in the Spring.

Action: OCEPP to hold a seminar on Duty to Report.

Action: After the seminar is held, staff will recommend what document will best cover the Duty to Report.

Action: After the seminar is held, staff will provide a legal report on Duty to Report.

Action: After the seminar is held, staff will provide an opinion regarding when an engineer gets hired to examine “X”, but then sees a problem regarding “Y” (i.e. hired to examine a structure, but found a problem with the electrical panel).

5. OTHER BUSINESS

5.1 Status of PSC Projects

Staff reviewed the status of the current PSC projects.

Action: Staff to provide additional information on the proposed Guideline Interpreting PEA for Regulators.

5.2 Elliot Lake Inquiry Report

Staff reported that PEO Council has directed the PSC for actions on some of the items in the Implementation Plan for Elliot Lake Recommendations.

Action: Staff to send to the PSC members the Implementation Plan for Elliot Lake Recommendations, including the actions for the PSC.

5.3 Industrial Subcommittee

Staff has submitted the final report to the PSC. However, the Chair has requested some modifications.

Action: Staff to edit the final report.

5.4 Risk Management Model Guideline

Staff advised that the Continuing Professional Development, Competence and Quality Assurance Task Force is studying how practitioners can manage their own risk and how they assess the level of their risk.

5.5 Climate Change and Engineering

There was nothing new to report.

Action: Staff to find out if the model guideline is available to PEO members.

5.6 Evidence-Based Legislation

There was nothing new to report.

Action: Staff to make a presentation on Evidence-Based Policy at a future PSC meeting.

Action: Staff to seek clarification on this protocol from the Ministry of the Attorney General; for example, is an impact study required?

5.7 Emerging Disciplines Task Force Nanotechnology/Molecular Engineering Phase 2 Report

There was nothing new to report.

Action: Staff to provide a copy of the memo the PSC members.

5.8 Special Rules of Meetings

There was nothing new to report.

Follow-Up: Staff provided a presentation on Wainberg's Society Meetings as they would apply to the PSC.

5.9 Practice Review Pilot Voluntary Program

B. Ross indicated that action may be required to encourage participation in this voluntary program.

Action: Staff to contact the Discipline Committee to find out if they will use the new Practice Review Guideline.

5.10 Engineers Canada - Conflict of Interest Guideline

Action: PSC members to send feedback on the Conflict of Interest Guideline by February 18, 2015.

5.11 Railway Engineering

Staff advised that PEO had received a request for a Railway Engineering Guideline. The PSC decided that there are no practice issues but, rather, it is an enforcement issue.

5.12 Illegal Use of Seal

There was discussion regarding the illegal use of the seal.

Question: How often does PEO receive calls regarding this matter?

Answer: Probably 10 times per year.

The PSC members indicated that these issues should be reported to the provincial police.

5.13 Excess Soil Guideline

Staff advised that there was a request to work on an Excess Soil Guideline. The PSC members suggested that the guideline be issued by the Ministry of the Environment and Climate Change.

5.14 Mineral Properties Practice Guideline

Action: Staff to review NI-43101 - Minerals Properties Practice Guideline.

6. ADJOURNMENT AND NEXT MEETING

The meeting adjourned at 8:30 p.m.

Below are the meeting dates for the balance of 2015:

- March 10, 2015
- April 14, 2015
- May 12, 2015
- June 9, 2015
- September 15, 2015
- October 20, 2015
- November 17, 2015
- December 8, 2015