



Minutes

PROFESSIONAL STANDARDS COMMITTEE MEETING

Tuesday, June 12, 2018

PEO Offices

Members:

Fanny Wong, P. Eng. (Chair)

Neil Kennedy, P. Eng. (Vice-Chair)

Jamie Catania, P. Eng.

Denis Dixon, P. Eng. *[via teleconference]*

Dale Kerr, P. Eng. *[via teleconference]*

James Lowe, P. Eng.

Nicholas Pfeiffer, P. Eng.

Brian Ross, P. Eng.

Staff:

Sherin Khalil, P. Eng.

José Vera, P. Eng.

Regrets:

Roger Jones, P. Eng.

Heather Swan, P. Eng.

Guest:

Eugene Puritch, P. Eng.

1. OPENING OF MEETING

The Chair called the meeting to order at 6:00 p.m., with 8 members of the Committee in attendance. Consequently, quorum was attained.

1.1 Approval of Agenda

The following two items were added to the agenda:

- Welcome and Introduction
- Agenda Formatting

A motion was made to approve the agenda as modified.

Moved by: N. Kennedy Seconded by: J. Lowe CARRIED

1.2 Welcome and Introduction

Eugene Puritch, Chair of the Mineral Projects Subcommittee, attended the meeting as a guest. Introductions were made to everyone.

2. MINUTES OF PREVIOUS MEETING

2.1 Approval of Minutes of May 8, 2018 Meeting

A motion was made to approve the Minutes of the May 8, 2018 meeting as written.

Moved by: N. Pfeiffer Seconded by: B. Ross CARRIED

2.2 Action Items of May 8, 2018 Meeting

Staff reported on the status of the action items.

3. GUIDELINES

3.1 Guideline for Performance Audits and Reserve Fund Studies for Condominiums

The subcommittee is holding off on the development of the guideline as the Ministry of Government and Consumer Services is currently updating their Regulation on Performance Audits and Reserve Fund Studies.

The subcommittee's Chair reported that, as of January 1, 2018, the *Ontario New Home Warranties Plan Act* was amended to extend statutory warranties to residential condominium conversion projects. Builder Bulletin 51 has new requirements for condominiums which may affect the draft guideline. Three reports would be required, such as, general condition of the property, general description of the planned conversion including repairs, modifications, and what will be removed and retained in a project.

Question: Would the Terms of Reference be revised to incorporate these requirements?

Answer: Yes, possibly.

Question: Would adding these requirements make significant changes?

Answer: Yes.

A PSC member suggested that the subcommittee send a memo to the PSC Chair requesting revision of the Terms of Reference.

Staff recommended informing the subcommittee members of the above update.

Action: Subcommittee Chair and staff to draft a memo to the PSC Chair requesting revision of the Terms of reference to incorporate the new requirements in Builder Bulletin 51.

3.2 Guideline for Structural Condition Assessments of Existing Buildings and Designated Structures

There was nothing new to report.

It was previously reported that the Ministry of Municipal Affairs developed a white paper on "Potential Changes to Ontario's Building Code Parking Structures". The subcommittee members will start working on the performance standard as soon as the Ministry of Municipal Affairs updates their Regulation.

Action: Staff to follow up with the Ministry of Municipal Affairs regarding updating their Regulation.

3.3 Guideline for Design Evaluation of Demountable Event Structures

This guideline was out for public consultation, which closed on June 11, 2018. Approximately 11 individuals participated in the consultation.

Action: Staff to send a reminder to the Large Municipality of Chief Building Officials to participate and provide comments on the draft guideline.

3.4 Use of Seal Guideline

Staff provided a draft performance standard to the PSC members for comment.

Staff provided a memo to the PSC Chair requesting a legal review of the draft performance standard.

A motion was made to send the memo to the Interim Registrar for approval to obtain a legal review of the performance standard.

Moved by: N. Kennedy Seconded by: B. Ross CARRIED

A PSC member had a concern regarding the definition of “prepared” in the proposed performance standard. Furthermore, there was another concern regarding the wording of *“Seals shall not be affixed to any document or other material except in accordance with this section.”* It was reported that the intent was to prevent any misuse of the seal.

Staff suggested sending the proposed performance standard to the PSC members for their edits.

Action: Staff to send the proposed performance standard to the PSC members for comment.

Action: Staff to discuss with other PEO staff to verify whether the draft performance standard should go to the Legislation Committee prior to sending out for legal review.

Action: Staff to send the memo to the Interim Registrar for approval to obtain a legal review of the draft performance standard.

3.5 Guideline for Professional Engineers Providing Reports on Mineral Projects

The subcommittee Chair reported that the subcommittee members revised the existing guideline, and 5-6 new areas were added to the revised version to reflect current best practices.

There was a discussion regarding engineers expressing opinions on mineral reports, the quality of data in the reports, and the potential consequences of

engineers expressing opinions. A PSC member advised that a disclaimer regarding engineers expressing opinions should be provided in the draft guideline.

The PSC members commented that the draft guideline was well written.

There was a discussion regarding National Instrument 43-101. A PSC member questioned if there was any regulatory body in Ontario that provided guidance to engineers on mineral properties. The Subcommittee Chair advised that all relevant references are listed in the draft guideline.

3.6 Guideline for Preparing As-Built and Record Documents

A memo requesting a legal review of the draft guideline was sent to the PSC Chair.

A motion was made to send the memo to the Interim Registrar for approval to obtain a legal review of the draft guideline.

Moved by: N. Kennedy Seconded by: J. Lowe CARRIED

Action: Staff to send the memo requesting a legal review of the draft guideline to the Interim Registrar for approval to obtain a legal review of the draft guideline.

3.7 Guideline for Environmental Site Assessment, Remediation and Management

The subcommittee will meet on June 19, 2018 to continue working on revising the draft guideline.

A draft of the guideline will likely be sent to the the PSC by the Fall for review and comment.

3.8 MOECC - Professional Engineers Providing Engineering Reports under O. Reg. 1/17 (ESDM and AAR Reports)

A memo requesting a legal review of the draft guideline was sent to the PSC Chair.

A motion was made to send the memo to the Interim Registrar for approval to obtain a legal review of the draft guideline.

Moved by: N. Pfeiffer Seconded by: J. Lowe CARRIED

Action: Staff to send the memo to the Interim Registrar for approval to obtain a legal review of the draft guideline.

Furthermore, the subcommittee members will next meet on June 21, 2018.

3.9 Coordinating Licensed Professional Joint Subcommittee

There was nothing new to report.

Action: Staff to send a doodle poll to schedule next subcommittee meeting.

3.10 Pre-Start Health and Safety Reviews

It was previously reported that staff contacted Roger Jeffreys from the Ministry of Labour to obtain the Ministry's input on the current version of the guideline. The Ministry of Labour provided their feedback on the existing version of the draft guideline and advised that there were no significant areas in the existing guideline that require updating.

Furthermore, the Ministry of Labour reported that the two most common practice concerns that are observed in the field are:

- Some engineers lower their prices to get selected for a contract and then render Pre-Start Health and Safety Review services that do not meet the recommended standard set out in the guideline.
- Some engineers undertake Pre-Start Health and Safety Review work when they do not have enough knowledge or experience with these reviews.

A PSC member commented that this type of work should be provided by consulting engineers, rather than recent graduate engineers.

Disclosure requirements of relevant years of experience could be a method used in the draft guideline to address the Ministry of Labour's concerns.

Question: Are there any Discipline cases relevant to providing Pre-Start Health and Safety Reviews?

Answer: Yes.

There was a suggestion to invite the Manager of PEO's Complaints and Investigations Department to speak on Complaint and Discipline cases that are relevant to Pre-Start Health and Safety Reviews.

It was suggested to send the Ministry of Labour's feedback to the subject matter experts to get their opinion regarding whether or not the guideline should be updated.

Action: Staff to invite Ken Slack, Manager, Complaints and Investigations, PEO, to the next PSC meeting in September 2018 to speak on Complaint and Discipline cases that are relevant to Pre-Start Health and Safety Reviews.

Action: Staff to obtain more information from the Ministry of Labour.

3.11 General Review

Staff reported that the EABO committee will be updating the EABO Standard General Review Commitment Form.

The "*Professional Engineers Providing General Review of Construction as Required by Ontario Building Code*" guideline is using this EABO form.

Staff reported that the PSC has two options:

- Add the updated EABO form to the guideline; or
- Just reference the EABO form in the guideline.

The PSC members agreed to make reference to the updated version of the EABO form in the "*Professional Engineers Providing General Review of Construction as Required by Ontario Building Code*" guideline.

A motion was made to update the "*Professional Engineers Providing General Review of Construction as Required by Ontario Building Code*" guideline to reference the updated version of the EABO form.

Moved by: B. Ross

Seconded by: J. Catania

CARRIED

Action: Staff to remove the existing EABO form and add the link to the updated version of the EABO form to the "*Professional Engineers Providing General Review of Construction as Required by Ontario Building Code*" guideline.

3.12 Professional Engineering Practice

Staff provided a practice article on "Duty to Warn". Staff reported that "Duty to Warn" requirements should be added to the "*Professional Engineering Practice*" guideline to replace the "Whistleblowing section in the guideline.

Action: PSC members to review the proposed practice article provided by staff on "Duty to Warn", and provide comments.

4. OTHER BUSINESS

4.1 2018-2020 Strategic Plan

There was nothing new to report.

Staff reported that the strategic objectives will be submitted to the respective PEO staff in June 2018.

4.2 Council Update on PSC Related Issues

There was nothing new to report.

A request for a new Council Liaison for the PSC has been sent to the Volunteer Management Group.

4.3 Requests for Proposals

There was nothing new to report.

4.4 Proposal to Develop Practice Bulletin for OHS Act Section 54(1)(k)

It was previously reported that a request was received from the Interim Registrar to develop a practice bulletin regarding the requirements in the *Occupational Health and Safety Act* for engineers to provide a sealed report stating that equipment is not likely to endanger a worker.

Staff contacted the Ministry of Labour to get a better understanding of when Section 54(1)(k) is used and more information on the purpose of this section.

4.5 PEO and OAA Design Matrices

Staff reported that OAA updated their design matrix to include the seismic design criteria.

Staff questioned the PSC members on whether PEO needed to update their design matrix to include the seismic design criteria as well.

A PSC member reported that the Ontario Building Code includes seismic loading, and that it may be appropriate to update PEO design matrix.

Action: Staff to contact subject matter experts to verify whether seismic design criteria should be included in PEO matrix or not.

4.6 Guideline Review Process

Staff provided the top ten guidelines, and one of them is the “*Providing Services in Transportation and Traffic*” practice guideline.

It was suggested contacting the Ministry of Transportation to ensure that the above guideline is still relevant.

4.7 Agenda Formatting

A PSC member had a concern regarding the format of the PSC agenda package. Some PSC members recommended sending the agenda package in Word format, rather than PDF format.

There was a discussion regarding keeping the Vice-Chair informed on all PSC future issues and correspondence with the Chair.

There was a discussion on adding the teleconference dial-in information to the agenda or to the Outlook meeting invitation in the case of any PSC member wanting to attend the meeting via teleconference.

Action: Staff to send J. Lowe and D. Dixon all future PSC agenda packages in Word format.

Action: Staff to send the meeting Minutes to the PSC members without waiting for the Chair’s approval.

Action: Staff to copy the Vice-Chair on all future correspondence with the PSC Chair.

5. ADJOURNMENT AND NEXT MEETING

The next meeting is scheduled for September 11, 2018.

The meeting adjourned at 7:40 p.m.