



Minutes

PROFESSIONAL STANDARDS COMMITTEE MEETING

Tuesday, November 17, 2015

PEO Offices

Members:

Andy Bowers, P. Eng. (Chair)
Jamie Catania, P. Eng.
Denis Dixon, P. Eng.
Roger Jones, P. Eng.
Neil Kennedy, P. Eng.
Dale Kerr, P. Eng. [*via teleconference*]
Les Mitelman, P. Eng.
Colin Moore, P. Eng.
Nicholas Pfeiffer, P. Eng.
Brian Ross, P. Eng.

Staff:

Sherin Khalil, P. Eng.
José Vera, P. Eng.

Regrets:

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

1. OPENING OF MEETING

The Chair called the meeting to order at 6:00 p.m., with 10 members of the Committee in attendance. Consequently, quorum was attained.

1.1 Approval of Agenda

A motion was made to approve the agenda as written.

Moved by: R. Jones **Seconded by:** C. Moore **CARRIED**

1.2 Nomination of New Chair

A motion was made to accept N. Pfeiffer as the new Chair of the PSC for 2016.

Moved by: B. Ross **Seconded by:** R. Jones **CARRIED**

Action: Staff to verify if a Briefing Note is required for the approval of the new PSC Chair.

2. MINUTES OF PREVIOUS MEETING

2.1 Approval of Minutes of October 20, 2015 Meeting

A motion was made to approve the Minutes of the October 20, 2015 meeting as modified.

Moved by: B. Ross **Seconded by:** R. Jones **CARRIED**

2.2 Action Items of October 20, 2015 Meeting

Follow-Up: Staff updated the Action Items log.

Staff reported on the status of the Action Items.

3. GUIDELINES

3.1 Guideline for Structural Engineering Design in Buildings

Staff advised that the subcommittee members will be meeting on December 1, 2015 to complete addressing the public consultation comments.

The comments were received from the Ontario Association of Architects, the Ministry of Municipal Affairs and Housing, the Large Municipalities Chief Building Officials, and Consulting Engineers of Ontario.

3.2 Forensic Engineering Guideline

Staff prepared a Briefing Note and sent the guideline for Council approval at the next meeting on November 20, 2015.

Staff will update the PSC members regarding the Forensic Engineering Guideline at the December 2015 meeting.

3.3 Condo Reserve Studies Guideline

The subcommittee members are working on editing the guideline.

A member reported that municipalities are now required to have asset management plans in place to secure provincial funding, as outlined in the publication *"Building Together: Guide for Municipal Asset Management Plans"*. As a result, municipalities are increasingly sending out Requests for Proposals for Building Condition Assessments. The result has been that firms that have never before conducted this type of work, or who have minimal experience, are coming out of the woodwork and bidding on the work; often significantly underbidding as they do not fully understand the scope of the work. As a result, experienced firms who have been performing this work for a long time are no longer able to compete. Consequently, it is recommended to expand the scope of the guideline for conducting reserve fund studies and performance audits to include the Building Condition Assessment.

Action: Staff to send the Condo Reserve Studies Guideline to the PSC members for their feedback and comments.

3.4 Solid Waste Management Guideline

The subcommittee members addressed the comments that were received from the PSC members. The guideline is ready for public consultation.

The PSC Chair will send a letter to the PEO Registrar, indicating that engineers have reported that the application process too often depends on the interpretation of the Ministry of the Environment and Climate Change inspectors, and not the regulations.

Action: PSC Chair to send a letter to the PEO Registrar regarding issues related to the waste approval applications.

Action: Staff to send the draft guideline to the PSC members for final review prior to the public consultation.

3.5 Guideline for Preparing As-Built and Record Documents

The subcommittee members are working on editing the draft guideline and will meet on November 24, 2015.

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

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

3.6 Guideline for Structural Condition Assessments

There was a discussion regarding the Structural Specialist Designation, and staff reported on the results of the PEO survey and the legal opinion as follows:

Quantitative Research

A survey of PEO members on the subject of specialists and exclusive areas of practice was conducted. A large majority (62.5%) of respondents reported that they usually expect professionals other than engineers to identify themselves as specialists. A significant majority (79.3%) think that the public either needs or wants engineers to be designated as specialists. 37.1% say that, in their current position, they could be extremely or very well described as specialists. Of the respondents, 27.9% would be extremely or very likely to pursue the opportunity to acquire a specialist designation if it became available. Given that only 37.3% of respondents are employed by a firm providing engineering services to the public, the sector in which the specialist designation is most likely to be needed, the number who would like to have the designation is significant.

Legal Considerations

A legal opinion has been obtained. The opinion states that, although PEO can establish a specialist designation, no authority exists under the *Professional Engineers Act* to provide an exclusive scope of practice for specialists.

Staff advised that next action should be for Council to make a decision as to how to proceed. The options are:

- To move forward with development and implementation of a specialist designation; or
- To acknowledge that PEO has considered the recommendation of the Belanger Inquiry and has decided not to develop and implement a specialist designation; or
- To acknowledge that PEO has considered the recommendation of the Belanger Inquiry and has decided not to develop and implement a specialist designation, but will take the steps that PEO considers to achieve the aims intended by the recommendation.

Finally, staff reported that the subcommittee members met on November 16, 2015 to address the comments that were received from the Ministry of Municipal Affairs and Housing, the Building Safety Technical Advisory Panel, the Ministry of Labour, and the PSC members.

The guideline will be ready for public consultation in early 2016.

3.7 Data Matrix Bulletin

Staff previously reported that they had prepared a first draft of the bulletin using similar wording from the Ontario Association of Architects' Regulatory Practice Bulletin and the Ministry of Municipal Affairs and Housing's Transit Supportive Land Use Planning Guide.

PEO staff has contacted the Ministry of Municipal Affairs and Housing and the Ontario Association of Architects to seek their permission to reference their respective documents.

Follow-Up: Staff sent examples of a data matrix to the PSC members, and the PSC members had no comments.

3.8 Guideline for Temporary Structures for Events

Staff prepared and sent the Briefing Note to approve the development of a practice guideline for Temporary Structures for Events to the next Council meeting in November 2015.

Staff will update the PSC members at the December 2015 meeting.

3.9 Use of Seal

Staff provided several comments that were received in 2011 from the public consultation with regard to the Use of the Professional Engineer's Seal Guideline. The comments describe the industry issues regarding use of the electronic seal.

Staff advised that the Use of the Professional Engineer's Seal Guideline may need to be updated as sealing of 3-D models and electronic software are not addressed in the guideline.

Staff will outline the key issues on the use of the seal and update the PSC at the December 2015 meeting.

Action: Staff to undertake an evidence-based study for the Use of the Professional Engineer's Seal Guideline practice issues in Ontario and provide a PowerPoint presentation to the PSC members.

3.10 Professional Engineers Providing Reports on Mineral Properties

Follow-Up: Staff performed web analytics on the Professional Engineers Providing Reports on Mineral Properties Guideline and other guidelines.

Staff previously provided a PowerPoint presentation on the Professional Engineers Providing Reports on Mineral Properties Guideline informing the PSC members on the outdated external references and outdated internal references.

Staff provided a PowerPoint presentation on web analytics on the Professional Engineers Providing Reports on Mineral Properties Guideline and other guidelines.

Action: Staff to consult the subject matter experts to determine if the Professional Engineers Providing Reports on Mineral Properties Guideline needs update.

4. STANDARDS

4.1 Supervising and Delegating Standard

Staff previously advised that the Legislative Counsel indicated that the *Professional Engineers Act* does not provide PEO with authority to create regulations regarding many of the items in the standard, nor mention anything regarding supervision, except in the context of supervising the services provided by a Certificate of Authorization.

Currently, staff is working to determine if the *Professional Engineers Act* needs to be changed before implementing this standard.

5. OTHER BUSINESS

5.1 Status of PSC Projects

There was nothing new to report.

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

Action: Staff to review how many guidelines need to be updated due to the new Limited Licence regulations.

5.2 Elliot Lake Recommendations

Staff previously provided a PowerPoint presentation on the Review of Recommendation 1.21 of the “Report of the Elliot Lake Commission of Inquiry”.

The PowerPoint presentation included the following motion:

- The Professional Standards Committee agrees with the rationale for Recommendation 1.21, but finds the implementation problematic for the reasons contained in this report.
- Therefore, the PSC recommends that the Registrar contact the Ministry of the Attorney General to explain that the *Professional Engineers Act* is not an appropriate route to implement the intent of Recommendation 1.21 since report owners are often not engineers. Consequently, it is recommended that the Ministry of the Attorney General consider how to best place obligations on report owners to achieve the objective of Recommendation 1.21.

Staff provided a status update on the Implementation Plan for the Elliot Lake Recommendations.

Furthermore, staff provided a flowchart describing that Recommendation 1.21 would be problematic because of contractual issues, confidentiality requirements and copyright issues.

Follow-Up: Staff sent a Briefing Note for the next Council meeting in November 2015 for their approval.

5.3 Industrial Subcommittee

Action: Staff to update the PSC on the Industrial Subcommittee Final Report at the December 2015 meeting.

5.4 Climate Change and Engineering

Staff previously advised that the Engineers Canada model guide has changed to a national guideline, and is now available to the public.

Action: Staff to investigate adding a link to the Engineers Canada National Guideline in the Guideline section on the PEO website.

5.5 Practice Review Pilot Voluntary Program

Staff advised that Siemens Canada is interested in the Voluntary Program.

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

Action: Staff to contact Consulting Engineers of Ontario for new volunteers.

Action: Staff to contact the Chair of the Complaints Committee to find out if the Practice Review Guideline could be used by the Committee.

Action: Staff to investigate if new Certificate of Authorization holders could self-certify themselves utilizing the Conducting Practice Review Guideline.

5.6 Dam Safety Review Guideline

Staff previously advised that the Ontario Ministry of Natural Resources has a Dam Safety Review Guideline. Furthermore, the Professional Engineers and Geoscientists of B.C. have Legislated Dam Safety Reviews.

The PSC members are requesting more information for the practice issues regarding dam reviews before taking further action.

Action: Staff to undertake an evidence-based study for dam review practice issues in Ontario.

Follow-Up: Staff contacted the Ministry of Natural Resources to get more information regarding the dam review regulations.

Staff has contacted Canadian Dam Association to get information on any industry practice issues.

5.7 Site Remediation

Engineers Canada has a model guide for "*Professional Engineers Providing Services in Environmental Site Assessment, Remediation and Management*". When updating the Site Remediation Guideline, the Engineers Canada model guide should be considered.

Action: Staff to send PEO's Site Remediation Guideline and Engineers Canada model guide to the PSC members to verify if the Site Remediation Guideline needs to be updated.

Action: Staff to review PEO's Site Remediation Guideline and provide a PowerPoint presentation to verify whether the guideline needs update or not.

5.8 Council Update

Councillor R. Jones will update the PSC members on Council matters relating to the PSC.

5.9 Practitioner-Centered Research Project

Staff advised that the Practitioner-Centered Research Project is a new policy tool and new methodology from the Policy Department to determine if a guideline or Act needs update or change.

Action: Staff to provide more information on the intent of this policy.

6. ADJOURNMENT AND NEXT MEETING

The meeting adjourned at 8:00 p.m.

Below are the meeting date for the balance of 2015:

- December 8, 2015