



Minutes

PROFESSIONAL STANDARDS COMMITTEE MEETING

Tuesday, October 17, 2017

PEO Offices

Members:

Nicholas Pfeiffer, P. Eng. (Chair)
Fanny Wong, P. Eng. (Vice-Chair)
Denis Dixon, P. Eng.
Roger Jones, P. Eng.
Dale Kerr, P. Eng.
Colin Moore, P. Eng.
Brian Ross, P. Eng.
Heather Swan, P. Eng. *[via teleconference]*

Council Liaison:

Michael Wesa, P. Eng. *[via teleconference]*

Staff:

Sherin Khalil, P. Eng.

Regrets:

Jamie Catania, P. Eng.
Neil Kennedy, 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, sufficient for a quorum.

1.1 Approval of Agenda

A motion was made to approve the agenda, as written.

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

1.2 Introduction and Questions (Council Liaison)

M. Wesa was introduced to the PSC members as the new Council Liaison for the Committee.

2. MINUTES OF PREVIOUS MEETING

2.1 Approval of Minutes of September 12, 2017 Meeting

A motion was made to approve the Minutes of the September 12, 2017 meeting, as written.

Moved by: R. Jones Seconded by: D. Kerr CARRIED

2.2 Action Items of September 12, 2017 Meeting

Staff reported the status of the action items, as follows:

- The survey on the new format and design of guidelines is still in progress. It was suggested that, perhaps, the following question could be added to the pop-up survey: *“What do you think of the new format?”*
- Staff discussed the PSC’s concerns regarding the delay in publishing guidelines with J. Zuccon, Deputy Registrar, Tribunals and Regulatory Affairs, and B. Ennis, Director Policy and Professional Affairs. The outcome was to obtain a proposed schedule for the publication date of any new guideline; for example, the Solid Waste Management Guideline will be published by the latest, on October 20, 2017.
- The legal opinion on the purpose and liability of PEO guidelines was included in the agenda package for today’s meeting.
- The ESDM and AAR Reports Subcommittee considered the PSC’s concern regarding the title of the guideline and changed it to *“Professional Engineers Providing Engineering Reports under O. Reg. 1/17”*.

3. GUIDELINES

3.1 Guideline for Preparing As-Built and Record Documents

Staff advised that the subcommittee members will meet on November 8, 2017 to continue addressing the public consultation comments.

3.2 Guideline for Performance Audits and Reserve Fund Studies for Condominiums

Staff reported the following:

- Subcommittee members met on October 10, 2017.
- The Ministry of Government and Consumer Services advised that the regulations on Performance Audits and Reserve Fund Studies will be updated, and perhaps the proposed changes will be available in 2018 for public consultation. However, the subcommittee members will continue working on the guideline.

3.3 Guideline for Solid Waste Management

As noted in Item 2.2 above, staff have taken action to address the publication delay.

The PSC members requested to review and approve the Solid Waste Management Guideline prior to publication to ensure that the format of the guideline is appropriate.

Staff advised that, approving the final formatted and edited guideline before publication, is not in the mandate of the PSC Terms of Reference since the PSC mandate is to approve the text of the guideline prior to sending the final guideline for Council approval. After Council approval, Communications Department staff format and edit the text to an acceptable standard for printing and publishing.

The PSC members requested holding off on publication of the Solid Waste Management Guideline until the PSC reviews and approves it.

Action: Staff to hold off on publication of the Solid Waste Management Guideline and send it to the PSC for approval prior to publication.

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

As noted in Item 2.2 above, staff provided a copy of the legal opinion on the purpose and liability of PEO guidelines.

The mandatory assessment of certain buildings is still being considered by the Ministry of Municipal Affairs, and PEO may receive an update by the Fall.

The performance standard will be developed if and when PEO receives the changes and update from the Ministry of Municipal Affairs. Consequently, the subcommittee will not be sunset until the development of the performance standard.

3.5 Guideline for Design Evaluation of Demountable Event Structures

The first draft of the guideline was sent to the PSC members for review and comments, which were received by the subcommittee.

The subcommittee members will meet sometime in November 2017 to address the PSC comments and continue working on the draft guideline.

3.6 Use of Seal Guideline

Follow-Up: Staff sent the Use of Seal presentation to the PSC members.

- The PSC members had some concerns regarding the Use of Seal presentation.
- There was a discussion on the scenario of an engineer sealing non-engineering documents; would the engineer be disciplined by PEO?
- It was reported that the seal communicates to the public that a professional engineer, who is well experienced in a particular matter, prepared the contents of the engineering documents.
- A PSC member commented that the Certificate of Authorization holder should apply his/her seal, along with the seal of the engineer who prepared the engineering documents.
- Another PSC member commented that the Certificate of Authorization holder could be of a different engineering discipline. Consequently, by applying the Certificate of Authorization holder's seal to the engineering work, means that the Certificate of Authorization holder assumes

responsibility for work that is not within his/her experience and engineering knowledge.

- Furthermore, engineering documents should be sealed by the person who assumes responsibility for the work.
- A PSC member commented that supervisor engineers should be aware of the work being done by their junior engineers.
- The Chair of the Use of Seal Subcommittee indicated that the subcommittee is looking into the issues regarding the Certificate of Authorization. The subcommittee members believe that the Certificate of Authorization number should be shown on the engineering work to ensure that only engineering firms with a Certificate of Authorization are providing services to the public.
- There was a discussion on electronic seals. A PSC member commented that there is no mention of electronic seals in the *Professional Engineers Act*.
- Staff advised that the questions in the presentation are based on the practice questions that are often received by the Practice Advisory team, and that the answers are provided from the existing Use of the Professional Engineer's Seal Guideline.

Staff previously reported the following:

- The subcommittee members made a decision to develop the performance standard prior to development of the guideline.
- The subcommittee members will send the draft performance standard to the PSC members for their review and comments.
- The performance standard will go out for public consultation for a two month period.

3.7 Guideline for Professional Engineers Providing Reports on Mineral Projects

The subcommittee members will meet on November 1, 2017 to continue working on the draft guideline.

The draft guideline may be ready to send to the PSC for review and comments by December 2017.

3.8 Guideline for Environmental Site Assessment, Remediation and Management

Staff advised that the applications and resumes of the proposed volunteers were sent to the PSC members in case there were any concerns raised regarding the new volunteers.

Staff reported that the PSC had no concerns regarding the proposed volunteers. A. Lee, Chair of the subcommittee, and staff interviewed the proposed candidates and recommended to appoint four of them to volunteer on the subcommittee.

A meeting will be scheduled for late November or early December 2017.

3.9 MOECC - Professional Engineers Providing Engineering Reports under O. Reg. 1/17

Follow-Up: Subcommittee Chair held a discussion with the subcommittee members regarding the title of the guideline.

The subcommittee Chair reported the following:

- Currently, the subcommittee has an issue regarding Section 12 of O. Reg. 1/17 as it mandates engineers to sign off on information provided by Toxicologists.
- Staff invited John Georgakopoulos, a lawyer from Willms & Shier Environmental Lawyers LLP to attend the subcommittee meeting on September 14, 2017 as a guest to discuss the possible liabilities of engineers. J. Georgakopoulos advised that O. Reg. 1/17 could be an issue for engineers and recommended that the MOECC observers discuss amending O. Reg. 1/17 with other MOECC staff.
- Staff invited BMS Group (insurance broker) and Harp Khukh, a lawyer from Corestone Law, attend the September 14, 2017 meeting as guests to verify whether engineering firms would be insured in the situation where an engineer is relying on reports prepared by others. BMS Group advised that this would be based on the type of the policy under which the engineer is covered. Furthermore, H. Khukh reported that engineers should mitigate their risks by having qualifications for their responsibilities.
- The subcommittee prepared a letter to the PSC to recommend to MOECC to consider this option and amend O. Reg. 1/17.

- The subcommittee Chair reported that the draft guideline progressing well will likely be sent to PSC for review and comments in early 2018.

Staff reported that the protocol for communication is from PEO staff to MOECC staff.

The PSC members agreed to send a memo to PEO staff, recommending that PEO staff discuss with MOECC staff amending O. Reg. 1/17.

Action: Staff to send to the PSC Chair the letter that was prepared by the subcommittee regarding the recommendation for MOECC to consider amending O. Reg. 1/17 for review and comments.

Action: Once staff receives comments regarding the recommendation letter, a memo referencing this letter should be sent to PEO management for discussion with MOECC staff regarding amending O. Reg. 1/17.

3.10 Coordinating Licensed Professional Joint Subcommittee

Staff reported the following:

- The subcommittee members met on September 27, 2017.
- The subcommittee Chair assigned every member to write a section for the draft guideline.
- The subcommittee members will meet sometime in early December 2017.

3.11 Assuming Responsibility and Supervising Guideline

Staff advised the PSC members had provided their feedback on the guideline and that the comments received were incorporated into the guideline. The draft guideline was reviewed section-by-section by the PSC members, and some changes were subsequently made.

It was agreed that staff would send a clean version of the draft guideline to the PSC members, along with a doodle poll link to approve the guideline, and subsequently send it to Council for approval.

There was a discussion regarding the Definition section and where it should be placed in the guideline. It was agreed that the definitions should be consistent with other guidelines which place definitions at the end.

There was a discussion regarding the terms that had been defined in the guideline and the best way to inform a reader whether the term is defined or not. A PSC member suggested having the defined terms in italic font.

Action: Staff to send the final version of the draft guideline to the PSC members, along with a doodle poll link, to approve the guideline, and subsequently send it to Council for approval.

4. OTHER BUSINESS

4.1 Council Update

M. Wesa advised that there was nothing new to report.

4.2 New PSC Members

It was previously agreed that a gap and skills analysis should be done for the PSC prior to appointing new members. Staff advised that the skills analysis had been done for guidelines that require update, or new development.

Staff advised that some guidelines would require regulatory review experience, which means that external legislation mandates engineers to prepare, review or evaluate engineering reports to be submitted to an authority; for example, the *Condominium Act* requires engineers to prepare Reserve Fund Studies and submit to an authority.

4.3 List of PEO Guidelines

It was previously agreed that staff should send the list and status of PEO guidelines to the PSC members.

4.4 Legal Opinion - Risks Guidelines and Standards

As noted in Item 2.2 above, staff provided a copy of the legal opinion on the purpose and liability of PEO guidelines and performance standards, and advised that this document was for information only.

4.5 Committees and Task Forces Policy Reference Guide

Staff provided the above-mentioned guide to the PSC members for information.

5. ADJOURNMENT AND NEXT MEETING

The Vice-Chair advised that she had been invited to the PEO Chairs Workshop on November 3, 2017 and the OPEA Gala on November 18, 2017 and was unable to attend either event as she would be out of town.

Action: Staff to check if a delegate can be sent on behalf of the Vice-Chair to the PEO Chairs Workshop on November 3, 2017 and the OPEA Gala on November 18, 2017 and, if so, send an e-mail to the PSC members requesting interest in attending.

The meeting adjourned at 8:30 p.m.

Below are the meeting dates for 2017:

- November 14, 2017
- December 12, 2017