

## Legislation Committee Update

**Purpose:** To update Council on the Legislation Committee's recent activities in September and October 2019

**No motion required**

**Prepared by:** J. Max, Manager, Policy

### 1. Status Update

- At its September 27th meeting, the Legislation Committee received a presentation from the Succession Planning Task Force on its regulatory proposals. The SPTF desired to know if there would be any legislative obstacles to their proposals and were informed that there were none.
- Also, in September, the Committee reviewed a letter that had been sent to President Hill from Consulting Engineers Ontario arguing that PEO eliminate the 'Consulting Engineer' designation. The Committee advised that any decisions of this nature be held off until the completion of the Action Plan and directed staff to draft a response for President Hill.
- The Committee reviewed a proposal from PEO's Associate Counsel in September 2019 regarding an issue with Section 19 of the *Professional Engineers Act*: changes made to Section 19 related to the Elliot Lake Inquiry have inadvertently removed the requirement for the Registrar to send a Notice of Proposal to refuse a licence. In October 2019, LEC approved a Briefing Note to be sent to Council asking it to refer this matter to staff and the Legislation Committee, who will develop detailed materials for Council's later approval.
- Following its earlier work in updating By-Law No. 1 to more transparently list all regulatory fees, and its report to Council in September, in October 2019, the Legislation Committee finalized two additional briefing notes to be sent to Council for the November 2019 meeting. The Committee is recommending, on the advice of the Finance Committee, that Council rescind its motion extending the fee remission policy to EITs and cease to charge the \$500 fee for licence applicants who choose to complete a course in lieu of their first assigned technical exam.

### 2. Background

- Section 30(1) of By-Law No. 1 grants Council the power to appoint the Legislation Committee. The Legislation Committee is not a policy-generating committee.
- By Resolution dated May 8<sup>th</sup>, 2009, Council appointed the Legislation Committee as a Board Committee, comprised entirely of sitting Councillors.

- The Legislation Committee’s mandate in its Terms of Reference (last amended December 2017) is:

“...to provide oversight and guidance to matters pertaining to PEO’s Act, Regulation and By-Laws. This will include but not be limited to:

- (i) acting as custodian for PEO Legislation, identifying PEO policies, rules and operational issues which touch on or affect PEO Legislation and providing guidance as to which of these should be put into legislation;
- (ii) overseeing draft changes to PEO Legislation;
- (iii) keeping Council apprised of relevant external Legislative initiatives and changes which may affect PEO Legislation;
- (iv) in accordance with the Regulatory Policy Protocol approved by Council, reviewing all referred policy proposals that involve authority from the Act, Regulations or By-Laws, and providing regulatory impact analysis and recommendations to Council pursuant, and;
- (v) reviewing Ontario legislation that conflicts with the authority or provisions of the *Professional Engineers Act* or its Regulations, and making recommendations for corrective actions pursuant.

## COMPLAINTS &amp; INVESTIGATION STATISTICS

	2017	2018	2019 (as at Oct. 29)
<b>COC's Caseload</b>			
Filed Complaints <sup>1</sup> not disposed of by COC at previous year-end	75	65	70
Complaints Filed ( <i>PEAct s. 24. 1(a)</i> ) during the Year	63	58	110
Total Caseload in the Year	138	123	180
Total Filed Complaints Disposed of by COC in the Year (for details see <i>COC's Disposition of Complaints</i> below)	73	53	36
<b>Total Filed Complaints Pending for COC Disposition</b> (for details see <i>Status of Active Filed Complaints</i> below)	<b>65</b>	<b>70</b>	<b>144</b>
<b>COC's Disposition of Complaints</b>			
Direct that the matter be referred, in whole or in part, to the Discipline Committee. ( <i>PEAct s. 24. 2(a)</i> )	8	5	4
Direct that the matter not be referred. ( <i>PEAct s. 24. 2(b)</i> )	44	28	24
Take such action as COC considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws. ( <i>PEAct s. 24. 2(c)</i> )	21	20	8
<b>COC's Timeliness Regarding the Disposition of the Complaint<sup>2</sup></b>			
Complaint disposed of within 90 days of filing	0	0	1
Complaint disposed of between 91-180 days of filing	7	3	5
Complaint disposed of after more than 180 days of filing	66	50	30
<b>COC Processing Time – Days from Complaint Filed to COC Disposition (12 mo rolling avg.)</b>			
Average # Days	562	475	397
Minimum # Days	97	168	41
Median # Days	343	342	302
Maximum # Days	2327	2183	1106

<sup>1</sup> Signed Complaint Form filed with the Registrar.

<sup>2</sup> Days from Complaint Filed to date COC Decision is signed by COC Chair.

## Status of Active Filed Complaints

<b>Active Filed Complaints - Total</b>		<b>144</b>
<b><i>Complaints filed more than 180 days ago</i></b>	<b>101</b>	<b>101</b>
Pending Approval and Reason regarding COC Decision	50	
Complaints under active consideration by COC	12	
Completed Investigation ready for COC consideration	12	
Regulatory Compliance Investigation	27	
<b><i>Complaints filed between 91-180 days ago</i></b>	<b>24</b>	<b>24</b>
Pending Approval and Reason regarding COC Decision	7	
Complaints under active consideration by COC	0	
Completed Investigation ready for COC consideration	3	
Regulatory Compliance Investigation	14	
<b><i>Complaints filed within the past 90 days</i></b>	<b>19</b>	<b>19</b>
Pending Approval and Reason regarding COC Decision	0	
Complaints under active consideration by COC	0	
Completed Investigation ready for COC consideration	2	
Regulatory Compliance Investigation	17	

Note:

### **Review by Complaints Review Councillor (PEAct s. 26. (s))**

Where a complaint respecting a member of the Association or a holder of a certificate of authorization, a temporary licence, a provisional licence or a limited licence has not been disposed of by the Complaints Committee **within ninety days** after the complaint is filed with the Registrar, upon application by the complainant or on his or her own initiative the Complaints Review Councillor may review the treatment of the complaint by the Complaints Committee.

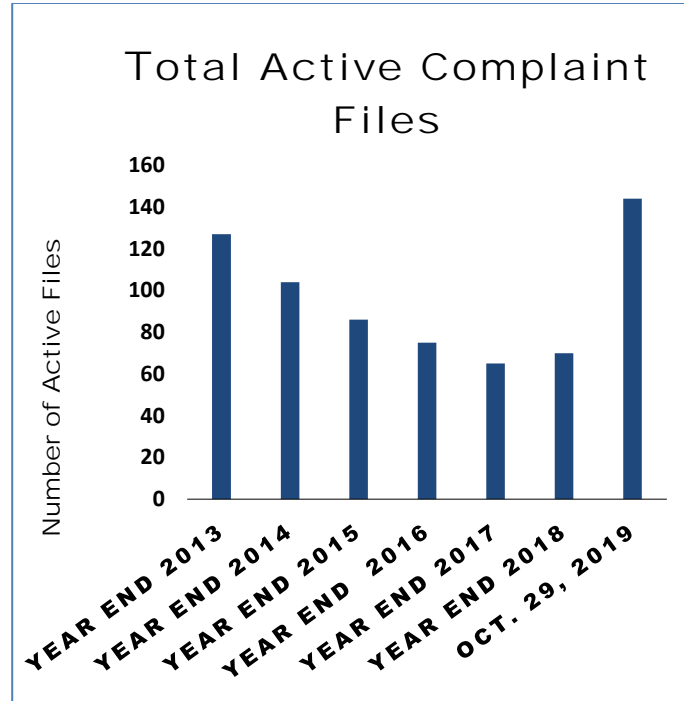
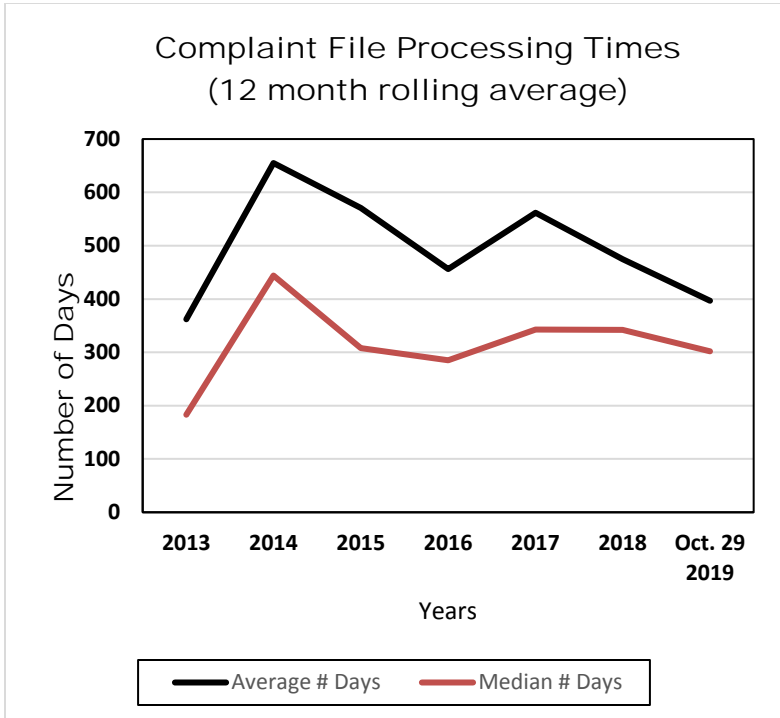
### **Glossary of Terms:**

Complaint Filed – Signed Complaint Form filed with the Registrar.

Investigation Complete – Investigation Summary document prepared and complaint file ready for COC consideration

# Complaints and Investigation Statistics (As at October 29, 2019)

C-530

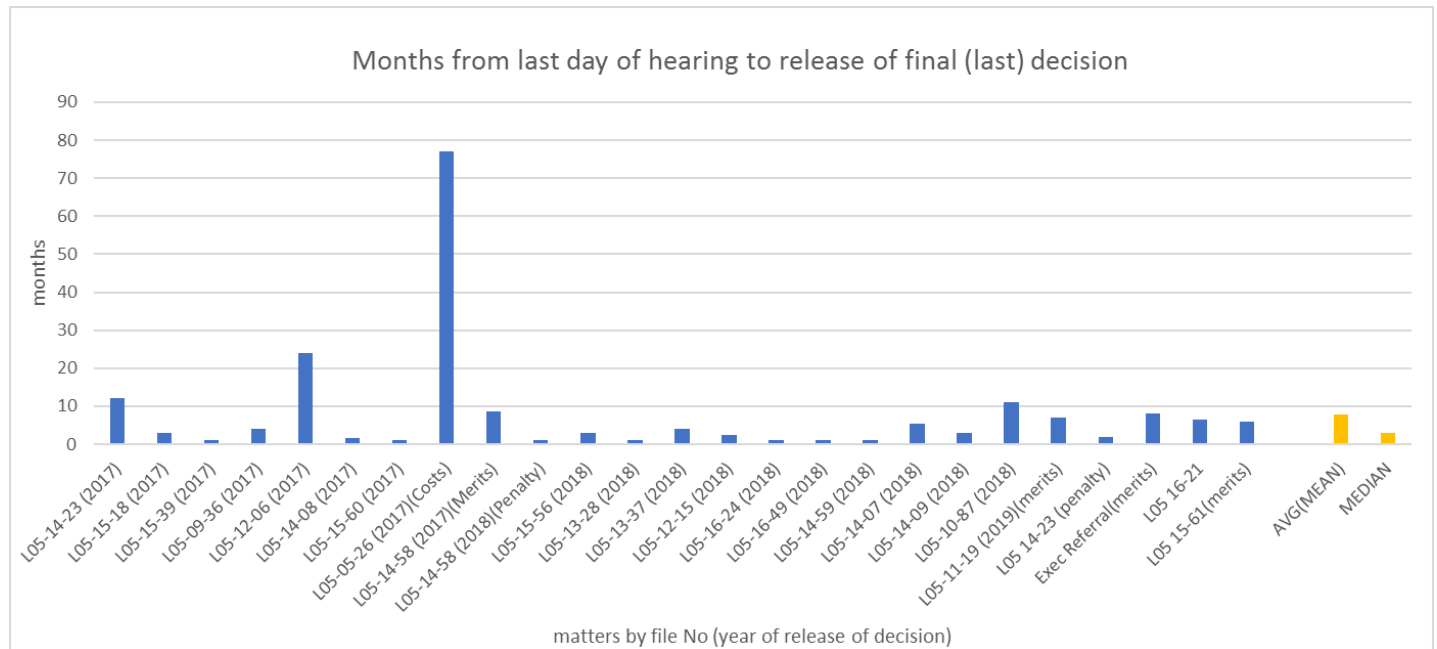


## DISCIPLINE STATISTICS – November 2019 Council Meeting Report

### Discipline Phase

	2017	2018	2019
			(as of Oct. 29)
Matters Referred to Discipline	8	5	4
Matters Pending (Caseload)	14	8	9*
Written Decisions Issued	10	11	5
<b>DIC Activity</b>			
Pre-Hearing Conferences Held	8	7	4
Hearings Phase commenced (but not completed)	1	0	0
Hearings Phase completed (but no D&R issued)	2	3	3 (2 out of 3 are decisions on penalty)

\*Two referrals were combined into 1 and were counted as 1.



**PROFESSIONAL ENGINEERS ONTARIO  
P. ENG. STATISTICS  
2019**

C-530

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Members on Register													
Beginning	83,716	83,777	83,976	84,245	84,335	84,632	84,818	84,871	85,110				83,716
New Members	316	304	357	370	405	331	297	356	330				3,066
Reinstatements	25	22	32	34	40	28	36	28	23				268
Resignation - Regular	(55)	(42)	(27)	(49)	(51)	(42)	(50)	(43)	(49)				(408)
- Retirees	(18)	(16)	(12)	(27)	(28)	(43)	(57)	(35)	(57)				(293)
Deceased	(22)	(25)	(31)	(17)	(41)	(28)	(11)	(18)	(23)				(216)
Deletions - Regular	(85)	(39)	(47)	(89)	(34)	(56)	(71)	(49)	(47)				(517)
- Retirees	(100)	(5)	(3)	(132)	6	(4)	(91)	0	(1)				(330)
<b>Total Ending</b>	<b>83,777</b>	<b>83,976</b>	<b>84,245</b>	<b>84,335</b>	<b>84,632</b>	<b>84,818</b>	<b>84,871</b>	<b>85,110</b>	<b>85,286</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>85,286</b>
Members on Register Summary													
Full Fee Members	69,114	69,336	69,491	69,608	69,917	69,992	70,230	70,460	70,565				70,565
Partial Fee Remission - Retired	12,908	12,951	13,017	12,924	12,962	13,015	12,957	12,968	13,017				13,017
Partial Fee Remission - Health	388	388	385	385	386	384	383	376	388				388
Maternity and/or Parental Leave, Unemployment, Postgraduate remission & Others	1,367	1,301	1,352	1,418	1,367	1,427	1,301	1,306	1,316				1,316
<b>Total Membership</b>	<b>83,777</b>	<b>83,976</b>	<b>84,245</b>	<b>84,335</b>	<b>84,632</b>	<b>84,818</b>	<b>84,871</b>	<b>85,110</b>	<b>85,286</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>85,286</b>
Membership Licence													
Initial Applications	371	332	393	453	582	380	615	494	452				4,072
Applications Approved for FCP	240	100	111	103	63	19	9	1	0				646
Female Members on													
Register - Beginning	9,507	9,547	9,587	9,633	9,681	9,747	9,803	9,831	9,892				9,507
New Female Engineers	40	40	46	48	66	56	28	61	33				418
<b>Total Female Engineers</b>	<b>9,547</b>	<b>9,587</b>	<b>9,633</b>	<b>9,681</b>	<b>9,747</b>	<b>9,803</b>	<b>9,831</b>	<b>9,892</b>	<b>9,925</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9,925</b>

**PROFESSIONAL ENGINEERS ONTARIO  
ENGINEER IN TRAINING - STATISTICS  
2019**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Recorded													
Beginning of Month	14,709	14,928	14,902	14,935	14,823	14,836	14,876	14,904	14,730				14,709
New Recordings	233	142	158	182	203	186	161	338	370				1,973
New Recordings-FCP	284	159	131	96	131	71	108	28	0				1,008
Reinstatements	22	30	22	37	25	18	21	9	16				200
P. Eng. Approvals	(78)	(204)	(149)	(211)	(156)	(126)	(149)	(214)	(149)				(1,436)
Resignations/Deletions	(106)	(28)	(27)	(121)	(93)	(28)	(46)	(255)	(409)				(1,113)
Lapse/Non Payment	(136)	(125)	(102)	(95)	(97)	(81)	(67)	(80)	(61)				(844)
Deceased	0	0	0	0	0	0	0	0	0				0
<b>Total Ending</b>	<b>14,928</b>	<b>14,902</b>	<b>14,935</b>	<b>14,823</b>	<b>14,836</b>	<b>14,876</b>	<b>14,904</b>	<b>14,730</b>	<b>14,497</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,497</b>
<b>Female Recording on Register</b>													
Beginning	3,165	3,200	3,210	3,213	3,183	3,185	3,182	3,188	3,166				3,165
New Female Recordings	35	10	3	(30)	2	(3)	6	(22)	(41)				(40)
<b>Total Female Recordings</b>	<b>3,200</b>	<b>3,210</b>	<b>3,213</b>	<b>3,183</b>	<b>3,185</b>	<b>3,182</b>	<b>3,188</b>	<b>3,166</b>	<b>3,125</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,125</b>



**PROFESSIONAL ENGINEERS ONTARIO  
CERTIFICATE OF AUTHORIZATION - STATISTICS  
2019**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
<b>C of A Holders - Beginning</b>													
Regular	5,755	5,776	5,807	5,813	5,857	5,871	5,871	5,895	5,921				5,755
Temporary	30	31	30	27	27	27	30	28	27				30
Sub Total	5,785	5,807	5,837	5,840	5,884	5,898	5,901	5,923	5,948	0	0	0	5,785
<b>New Certificates Issued</b>													
Regular	42	40	40	55	60	34	41	33	32				377
Temporary	1	0	0	0	1	3	1	0	2				8
Sub Total	43	40	40	55	61	37	42	33	34	0	0	0	385
<b>Reinstatements</b>													
Regular	0	0	0	0	4	2	0	0	3				9
Temporary	0	0	0	0	0	0	0	0	0				0
Sub Total	0	0	0	0	4	2	0	0	3	0	0	0	9
<b>Deletions</b>													
Closed	(21)	(9)	(34)	(11)	(50)	(36)	(16)	(7)	(101)				(285)
Suspended, Revoked and other	0	0	0	0	0	0	(1)	0	0				(1)
Temporary	0	(1)	(3)	0	(1)	0	(3)	(1)	0				(9)
Sub Total	(21)	(10)	(37)	(11)	(51)	(36)	(20)	(8)	(101)	0	0	0	(295)
<b>Total Ending</b>													
Regular	5,776	5,807	5,813	5,857	5,871	5,871	5,895	5,921	5,855	0	0	0	5,855
Temporary	31	30	27	27	27	30	28	27	29	0	0	0	29
	<b>5,807</b>	<b>5,837</b>	<b>5,840</b>	<b>5,884</b>	<b>5,898</b>	<b>5,901</b>	<b>5,923</b>	<b>5,948</b>	<b>5,884</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,884</b>

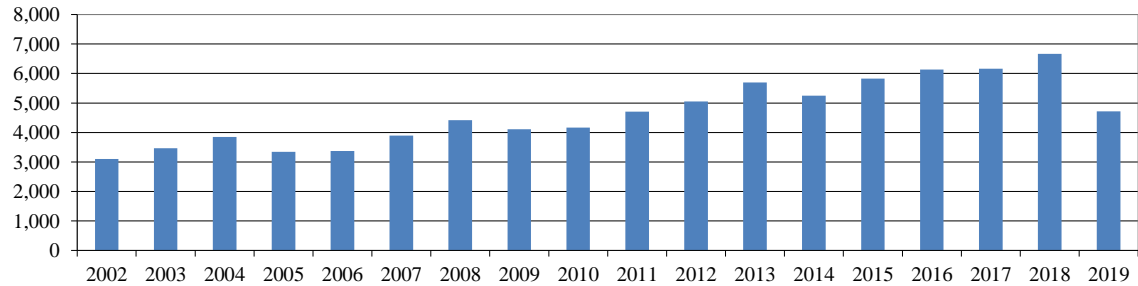
**PROFESSIONAL ENGINEERS ONTARIO  
CONSULTANTS - STATISTICS  
2019**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
<b>Consultants</b>													
Beginning of Period	980	973	972	980	976	976	979	978	977				980
New Designations	0	1	10	6	0	6	4	2	6				35
Reinstatements	0	0	0	1	0	0	1	0	1				3
Deletions	(7)	(2)	(2)	(11)	0	(3)	(6)	(3)	(4)				(38)
<b>Total Ending</b>	<b>973</b>	<b>972</b>	<b>980</b>	<b>976</b>	<b>976</b>	<b>979</b>	<b>978</b>	<b>977</b>	<b>980</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>980</b>

**PROFESSIONAL ENGINEERS ONTARIO  
APPLICATIONS RECEIVED  
2002 - 2019**

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
JANUARY	341	539	440	364	316	308	372	336	393	414	397	440	530	561	453	565	599
FEBRUARY	222	260	345	259	319	257	234	338	276	278	384	422	380	422	460	403	422
MARCH	234	169	298	340	316	272	345	379	373	453	398	428	395	368	265	435	436
APRIL	277	279	304	269	291	280	381	294	239	338	297	414	361	356	484	383	472
MAY	299	394	425	270	298	293	278	279	303	314	353	394	324	292	450	415	451
JUNE	220	221	337	264	273	279	332	320	306	322	374	388	356	472	421	485	482
JULY	265	200	297	286	254	355	460	395	332	398	482	529	486	555	554	513	603
AUGUST	269	357	272	301	285	367	413	326	358	493	508	505	495	547	638	601	661
SEPTEMBER	352	455	382	254	251	333	415	402	383	451	388	512	542	466	567	586	557
OCTOBER	206	257	253	263	282	396	419	428	372	469	540	646	568	648	566	664	672
NOVEMBER	238	190	236	304	226	505	430	340	497	481	503	525	416	565	754	651	802
DECEMBER	178	140	261	168	260	248	334	270	336	295	432	491	392	576	525	460	510
<b>TOTAL</b>	<b>3,101</b>	<b>3,461</b>	<b>3,850</b>	<b>3,342</b>	<b>3,371</b>	<b>3,893</b>	<b>4,413</b>	<b>4,107</b>	<b>4,168</b>	<b>4,706</b>	<b>5,056</b>	<b>5,694</b>	<b>5,245</b>	<b>5,828</b>	<b>6,137</b>	<b>6,161</b>	<b>6,667</b>
<b>MONTHLY AVERAGE</b>	<b>258</b>	<b>288</b>	<b>321</b>	<b>279</b>	<b>281</b>	<b>324</b>	<b>368</b>	<b>342</b>	<b>347</b>	<b>392</b>	<b>421</b>	<b>475</b>	<b>437</b>	<b>486</b>	<b>511</b>	<b>513</b>	<b>556</b>
<b>YEAR TO DATE</b>	<b>3,101</b>	<b>3,461</b>	<b>3,850</b>	<b>3,342</b>	<b>3,371</b>	<b>3,893</b>	<b>4,413</b>	<b>4,107</b>	<b>4,168</b>	<b>4,706</b>	<b>5,056</b>	<b>5,694</b>	<b>5,245</b>	<b>5,828</b>	<b>6,137</b>	<b>6,161</b>	<b>6,667</b>

**Applications Received - Year To Date**

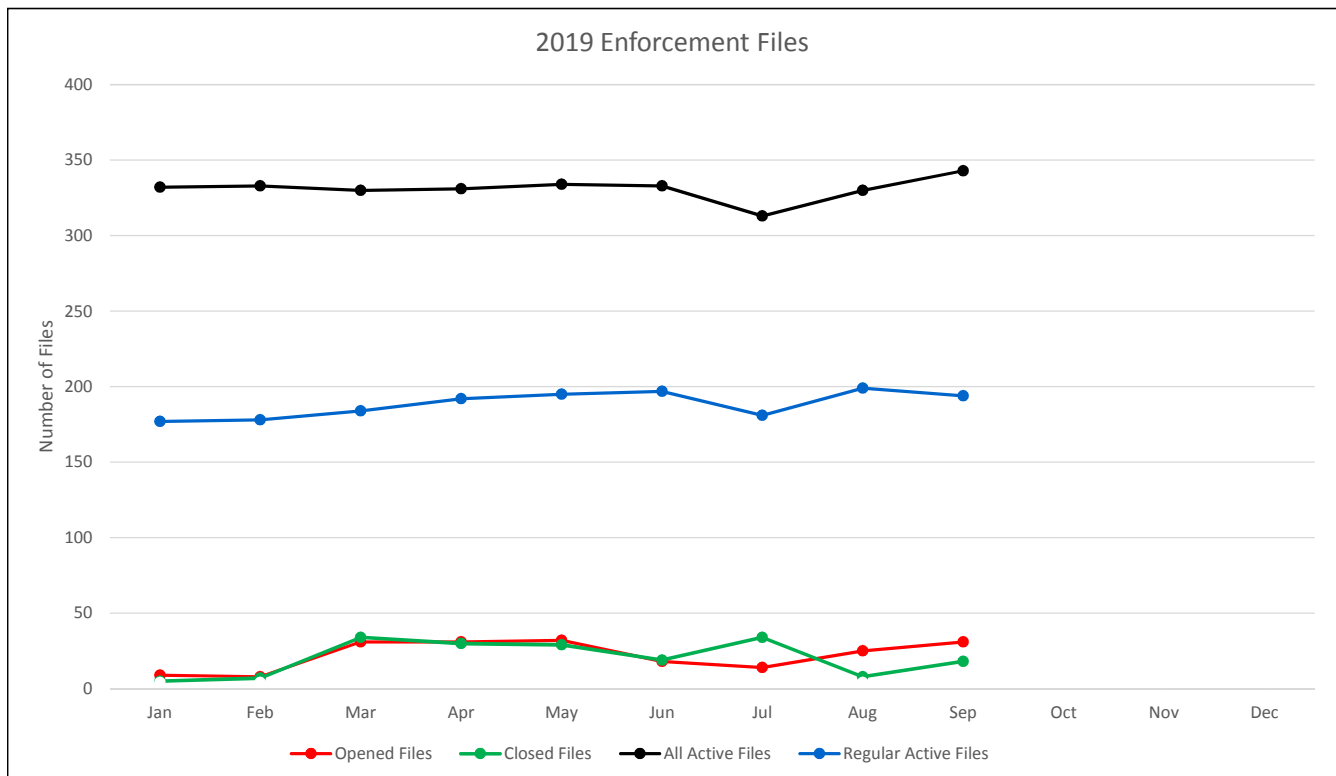


# Monthly Enforcement Statistics for 2019

		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	FY 2019
Enforcement Standard Files	Open Backlog	173												173
	Files Opened	9	8	31	31	32	18	14	25	3				171
	Files Closed	5	7	25	23	29	16	30	7	8				150
	Net Active Files	177	178	184	192	195	197	181	199	194				194
	Active in Past 12 Months	703	638	570	536	507	467	419	420	404				
	Median Active Days	24	65	78	78	103	133	165	166	189				
	Closed in Past 12 Months	525	459	385	343	311	270	238	221	209				
	Median Days to Close	1	1	1	1	14	57	74	78	99				

		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	FY 2019
Enforcement Business Name Challenges with MGCS	Open Backlog	155												155
	Files Opened	0	0	0	0	0	0	0	0	0				0
	Files Closed	0	0	9	7	0	3	4	1	0				24
	Net Active Files	155	155	146	139	139	136	132	131	131				131
	Active in Past 12 Months	170	170	170	169	169	169	169	169	169				
	Median Active Days	1137	1165	1196	1226	1257	1287	1318	1349	1366				
	Closed in Past 12 Months	15	15	24	30	30	33	37	38	38				
	Median Days to Close	958	958	1433	1555	1555	1533	1514	1518	1518				

		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	FY 2019
Enforcement Total Case Load	Open Backlog	328												328
	Files Opened	9	8	31	31	32	18	14	25	31				199
	Files Closed	5	7	34	30	29	19	34	8	18				184
	Net Active Files	332	333	330	331	334	333	313	330	343				343
	Active in Past 12 Months	873	808	740	705	676	636	588	589	601				
	Median Active Days	118	167	225	247	280	328	414	424	403				
	Closed in Past 12 Months	540	474	409	373	341	303	275	259	254				
	Median Days to Close	1	1	1	10	36	82	133	152	153				



**REGISTRATION STATISTICS – November 2019 Council Meeting Report**Registration Phase

	<b>2017</b>	<b>2018</b>	<b>2019</b> (as of Oct. 29)
Requests for Hearing	3	0	5
Premature Applications (No Notice of Proposal)	1	0	0
Matters Pending (Caseload)	6	1*	5**
Written Final Decisions Issued	5	2	1
Appeals to the Divisional Court	0	0	0
<b><i>REC Activity</i></b>			
Pre-Hearing Conferences Held	2	1	3
Hearings Phase completed, but no D&R issued	0	0	0

\* The Registrar granted a license in 2018 to two of the applicants; no hearing required.

\*\* One matter was withdrawn by the applicant.