

**REGISTRATION COMMITTEE (REC)**

<b>Approved by Committee:</b> October 10, 2019	<b>Review Date:</b>
<b>Approved by Council:</b> November 15, 2019	<b>Approved Budget:</b> \$32,550 (pending Council approval of 2020 budget)
<b>Mandate [as approved by Council]:</b>	<p><b>Notice of proposal to revoke or refuse to renew</b></p> <p><u>19.(1)</u> Where the Registrar proposes,</p> <p style="padding-left: 40px;">(a) to refuse to issue a licence; or</p> <p style="padding-left: 40px;">(b) to refuse to issue, to suspend or to revoke a temporary licence, a provisional licence, a limited licence or a certificate of authorization,</p> <p>The Registrar shall serve notice of the proposal, together with written reasons therefore, on the applicant. R.S.O. 1990, c. P.28, s. 19 (1); 2001, c. 9, Sched. B, s. 11 (22).</p> <p><b>Exception</b></p> <p><u>(2)</u> Subsection (1) does not apply in respect of a proposal to refuse to issue a licence, a temporary licence, a provisional licence or a limited licence where the applicant previously held a licence, a certificate of authorization, a temporary licence, a provisional licence or a limited licence that was suspended or revoked as a result of a decision of the Discipline Committee. 2001, c. 9, Sched. B, s. 11 (23).</p> <p><b>Notice</b></p> <p><u>(3)</u> A notice under subsection (1) shall state that the applicant is entitled to a hearing by the Registration Committee if the applicant mails or delivers, within thirty days after the notice under subsection (1) is served on the applicant, notice in writing requiring a hearing by the Registration Committee and the applicant may so require such a hearing. R.S.O. 1990, c. P.28, s. 19 (3).</p> <p><b>Power of Registrar where no hearing</b></p> <p><u>(4)</u> Where the applicant does not require a hearing by the Registration Committee in accordance with subsection (3), the Registrar may carry out the proposal stated in the notice under subsection (1). R.S.O. 1990, c. P.28, s. 19 (4).</p> <p><b>Hearing by Registration Committee</b></p> <p><u>(5)</u> Where an applicant requires a hearing by the Registration Committee in accordance with subsection (3), the Registration Committee shall appoint a time for, give notice of and shall hold the hearing. R.S.O. 1990, c. P.28, s. 19 (5).</p> <p><b>Continuation on expiry of committee membership</b></p> <p><u>(6)</u> Where a proceeding is commenced before the Registration Committee and the term of office on the Council or on the committee of a member sitting for the hearing expires or is terminated other than for cause before the proceeding is disposed of but after evidence is heard, the member shall be deemed to remain a member of the Registration Committee for the purpose of completing the disposition of the proceeding in the same manner as if the member's term of office had not expired or been terminated. R.S.O. 1990, c. P.28, s. 19 (6).</p> <p><b>Powers of Registration Committee</b></p> <p><u>(7)</u> Following upon a hearing under this section in respect of a proposal by the Registrar, the Registration Committee may, by order,</p> <p style="padding-left: 40px;">(a) where the committee is of the opinion upon reasonable grounds that the applicant meets the requirements and qualifications of this Act and the regulations and will engage in the practice of professional engineering or in the business of providing services that are within</p>

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the practice of professional engineering with competence and integrity, direct the Registrar to issue a licence, certificate of authorization, temporary licence, provisional licence or limited licence, as the case may be, to the applicant;

(b) where the committee is of the opinion upon reasonable grounds that the applicant does not meet the requirements and qualifications of this Act and the regulations,

(i) direct the Registrar to refuse to issue a licence, certificate of authorization, temporary licence, provisional licence or limited licence, or to suspend or revoke the certificate of authorization issued to the applicant, as the case may be, or

(ii) where the committee is of the opinion upon reasonable grounds that the applicant will engage in the practice of professional engineering with competence and integrity, exempt the applicant from any of the requirements of this Act and the regulations and direct the Registrar to issue a licence, certificate of authorization, temporary licence, provisional licence or limited licence, as the case may be; or

(c) where the committee is of the opinion upon reasonable grounds that it is necessary in order to ensure that the applicant will engage in the practice of professional engineering or in the business of providing services that are within the practice of professional engineering with competence and integrity, direct the Registrar to issue a licence, certificate of authorization, temporary licence, provisional licence or limited licence, as the case may be, subject to such terms, conditions or limitations as the Registration Committee specifies. R.S.O. 1990, c. P.28, s. 19 (7); 2001, c. 9, Sched. B, s. 11 (24).

### **Extension of time for requiring hearing**

(8) The Registration Committee may extend the time for the giving of notice requiring a hearing by an applicant under this section before or after the expiration of such time where it is satisfied that there are apparent grounds for granting relief to the applicant following upon a hearing and that there are reasonable grounds for applying for the extension, and the Registration Committee may give such directions as it considers proper consequent upon the extension. R.S.O. 1990, c. P.28, s. 19 (8).

### **Parties**

(9) The Registrar and the applicant who has required the hearing are parties to proceedings before the Registration Committee under this section. R.S.O. 1990, c. P.28, s. 19 (9).

### **Opportunity to show compliance**

(10) The applicant shall be given a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue of the licence, the certificate of authorization, the temporary licence, the provisional licence or the limited licence. R.S.O. 1990, c. P.28, s. 19 (10); 2001, c. 9, Sched. B, s. 11 (25).

### **Examination of documentary evidence**

(11) A party to proceedings under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. R.S.O. 1990, c. P.28, s. 19 (11).

### **Members holding hearing not to have taken part in investigation, etc.**

(12) Members of the Registration Committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or representative of a party except upon notice to and opportunity for all parties to participate, but the Registration Committee may seek legal

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advice from an adviser independent from the parties and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law. R.S.O. 1990, c. P.28, s. 19 (12).

### **Recording of evidence**

(13) The oral evidence taken before the Registration Committee at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Superior Court of Justice. R.S.O. 1990, c. P.28, s. 19 (13); 2001, c. 9, Sched. B, s. 11 (66).

### **Only members at hearing to participate in decision**

(14) No member of the Registration Committee shall participate in a decision of the Registration Committee following upon a hearing unless he or she was present throughout the hearing and heard the evidence and argument of the parties. R.S.O. 1990, c. P.28, s. 19 (14).

### **Release of documentary evidence**

(15) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to the person by the Registration Committee within a reasonable time after the matter in issue has been finally determined. R.S.O. 1990, c. P.28, s. 19 (15).

### **Applicant**

(16) In this section,

“Applicant” means applicant for a licence or applicant for or holder of a temporary licence, a provisional licence, a limited licence or a certificate of authorization. R.S.O. 1990, c. P.28, s. 19 (16); 2001, c. 9, Sched. B, s. 11 (26).

### **Fiduciary, etc., relationship between corporation and client**

20. A corporation that holds a certificate of authorization has the same rights and is subject to the same obligations in respect of fiduciary, confidential and ethical relationships with each client of the corporation that exist at law between a member of the Association and his client. R.S.O. 1990, c. P.28, s. 20.

### **Appeal to court**

31.(1) A party to proceedings before the Registration Committee or the Discipline Committee may appeal to the Divisional Court, in accordance with the rules of court, from the decision or order of the committee.

### **Certified copy of record**

(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee therefore, the Registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

### **Powers of court on appeal**

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee to take any action which the committee may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the committee or the court may refer the matter back to

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	the committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper. R.S.O. 1990, c. P.28, s. 31.		
<b>Terms of Reference [Key duties]:</b>	<b>Hearing by Registration Committee</b> 19(5) Where an applicant requires a hearing by the Registration Committee in accordance with subsection (3), the Registration Committee shall appoint a time for, give notice of and shall hold the hearing. R.S.O. 1990, c. P.28, s. 19 (5).		
<b>Equity and Diversity Awareness</b>	<b>Equity and Diversity Awareness</b> 1. Was the E & D module reviewed in order to have tasks and activities align with the E&D Policies? YES  2. Is each task/activity being done in an equitable manner and engaging diverse groups?- YES  3. Are there any barriers to information dissemination, human resources, physical space, and cultural differences? - NO		
<b>Tasks, Outcomes and Success Measures:</b>	<b>Task/Activities:</b>	<b>Outcomes success measures:</b>	<b>Due date:</b>
	Hold hearings, as required	100%	Ongoing
	Decision-Writing - Decisions issued within 6 weeks: - Decisions issued within 6 months:	70% 100%	Ongoing
	Hold REC meetings (minimum 2 per year)	100%	Ongoing
	Attend training sessions (internal and external)	80%	Ongoing
	Participate on subcommittees ( approximately 5 members on the Subcommittee)	100%	Ongoing
	RFP for Independent Legal Counsel	N/A	N/A
	Review and update Rules of Procedure as required	100%	Ongoing
	Review and update Registration Committee Handbook as required	100%	Ongoing
	New member orientation sessions (approximately 1)	100%	Ongoing
<b>Performance metrics</b>	See above in Tasks, Outcomes and Success Measures. No individual review of members' performance is done.		
<b>Inter-Committee Collaboration:</b>	N/A		
<b>Stakeholders:</b>	N/A		