



Minutes

PROFESSIONAL STANDARDS COMMITTEE MEETING

Tuesday, February 11, 2020

PEO Offices

Members:

Fanny Wong, P. Eng. (Chair)

Roger Jones, P. Eng.

Dale Kerr, P. Eng.

James Lowe, P. Eng.

Peter Rüsçh, P. Eng.

Donna Serrati, P. Eng.

Council Liaison:

Lisa MacCumber, P. Eng.

Staff:

Sherin Khalil, P. Eng.

José Vera, P. Eng.

Regrets:

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

Nicholas Pfeiffer, P. Eng.

Guest:

Jason Cox, P. Eng.

1. OPENING OF MEETING

The Chair called the meeting to order at 6:00 p.m., with 7 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: J. Lowe Seconded by: R. Jones CARRIED

2. MINUTES OF PREVIOUS MEETING AND ISSUES ARISING FROM MEETING

2.1 Approval of Minutes of January 14, 2020 Meeting

A motion was made to approve the Minutes of the January 14, 2020 meeting as written.

Moved by: D. Kerr Seconded by: J. Lowe CARRIED

2.2 Action Items of January 14, 2020 Meeting

Staff reported on the status of the action items.

There was a discussion regarding the action item of whether minor changes to update a guideline would require Council approval. Staff advised that this question can be answered based on two factors: firstly, would the change to the guideline require public consultation; and secondly, would the change be legally challenged?

A PSC member reported that Council approval of guidelines is not the same as before since approval will be added to the consent agenda. In theory, Council can send the guideline to the PSC if they have any concerns regarding guidelines. Perhaps, if there is a minor change to a guideline that does not require public consultation, an Information Briefing Note should be sent to Council to explain why a public consultation is not required.

3. GUIDELINES

3.1 Guideline for Professional Engineers Providing Reports on Mineral Projects

J. Cox, a member of the Mineral Projects subcommittee, attended the PSC

meeting as a guest to present the changes which were made to the guideline after the public consultation, and to answer any questions that the PSC members may have.

J. Cox advised that the public consultation comments were addressed in the guideline, which is ready for final approval.

J. Cox also provided an overall summary of the updated version of the guideline and outlined the areas that were updated and the new sections which were added to address the comments received from the public consultation.

The PSC members provided the following comments on the guideline:

- Add the Decision of the Discipline case that was referenced in the draft guideline titled “November 13, 2007 Statement of Allegations of the PEO vs Serdar Kalaycioglu and decision of the Ontario Court of Appeal in R. vs Stucky (see PEO Gazette July/August 2009)”;
- A suggestion was made to add a bullet on stakeholder consultation, such as indigenous, in the section titled “Environmental and Permits;
- Capitalized terms should be defined in the guideline or should be referenced to the relevant standards;
- Staff to review and check acronyms and definitions;
- The sentence on page 10 should be rephrased as follows: 2. “not take responsibility for the work of others without being sufficiently qualified and competent”;
- Add the principle behind the reference to the Elliot Lake Recommendation in the guideline and how it is relevant to the Mineral Projects guideline;
- Add the principle behind the reference to using computer software on page 11 and how it is relevant to the Mineral Projects guideline; and
- There was concern regarding the title of the guideline.

It was agreed that approval of the guideline would be deferred to the next meeting, after the above comments had been addressed by the subcommittee.

3.2 Guideline for Performance Audits and Reserve Fund Studies for Condominiums

The subcommittee members met with the lawyers on January 20, 2020 to

discuss the scope of the legal review. The subcommittee Chair advised that the legal opinion had been received from the lawyers and was included in the PSC agenda package.

The key point in the legal opinion states that *“It is courting disaster if an RF study does not receive engineering input when there are high-risk elements to consider, such as high-rise buildings, parking garages.”*

Staff advised that the legal opinion was given to PEO’s Policy Department and legal counsel to participate in the Ministry of Consumer Services consultation.

It was advised that the guideline should state when engineering input would be required. A subcommittee member believes that, if it is engineering, then the Reserve Fund Study should be done differently and the scope of service of engineers should be different.

The subcommittee members will meet sometime soon to continue working on the guideline.

3.3 Guideline for Design Evaluation of Demountable Event Structures

PEO’s Communications Department has completed the final editorial review of the guideline. Staff has sent the guideline to the subcommittee Chair to ensure that the presentation and format are consistent with the context of the guideline.

3.4 Use of Seal Performance Standard

The subcommittee members will next meet on February 13, 2020 to complete addressing the comments received from the public consultation.

Staff advised that the legal opinion should be provided on the specific comments received from the Ministry of Transportation and Ontario Power Generation.

3.5 Guideline for Environmental Site Assessment, Remediation and Management

The subcommittee members met on January 28, 2020 and addressed half of the comments that were received from the public consultation.

The subcommittee members will meet again on February 27, 2020 to complete addressing the comments received.

3.6 Guideline for Preparing As-Built and Record Documents

PEO's Communications Department has completed the final editorial review of the guideline. Staff has sent the guideline to the subcommittee Chair to ensure that the presentation and format are consistent with the context of the guideline.

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

The subcommittee members held a teleconference meeting with the lawyers on December 12, 2019, and the legal opinion should be received by mid-February 2020.

The next subcommittee meeting is scheduled for March 11, 2020 to meet with the lawyers and discuss the legal opinion received.

3.8 Coordinating Licensed Professional Joint Subcommittee

The subcommittee and PSC members reviewed the first draft of the guideline and provided their feedback and comments. The Chair of the subcommittee advised that a meeting should be scheduled to address the comments received.

Action: Staff to schedule a meeting for the subcommittee members to address the comments received from the PSC and the subcommittee members.

3.9 Guideline for Pre-Start Health and Safety Reviews

The names of the short-listed candidates were sent to the Chair of the subcommittee and interviews will be scheduled for the second week of March 2020.

3.10 Temporary Works Guideline

This guideline was included in the PSC agenda package. Staff has updated the references in the Appendix of the guideline. Some PSC members reviewed and provided comments, as follows:

- The sealing requirements section in the guideline should be updated to reflect the changes made to the Use of the Seal regulatory requirements; and
- Construction & Field Review, Section 3, second sentence - should be updated to add "for intended purpose".

4. OTHER BUSINESS

4.1 Council Update on PSC Related Issues

The Council Liaison advised that, at the last Council meeting, the activity filter was discussed, which includes four categories as follows:

- Regulatory (PSC)
- Policy
- Governance (Finance and Audit)
- Others

Council will decide on what should be done on “Others”.

4.2 Guidelines to be Updated

The PSC is considering updating the Temporary Works guideline. Further discussion is required to decide whether a minor or major update will be required.

4.3 Quality Verification Services

Staff advised that the Ministry of Transportation is no longer interested in developing a practice bulletin.

A PSC member advised that there was an article in the Toronto Star titled “MTO to eliminate contractor Quality Verification Engineers”.

It was questioned whether the Quality Verification Engineer is only involved in construction projects, and the response was no, but could be involved in roads, bridges, sewers, etc.

It was also questioned whether PEO had a position on the Quality Verification Engineer, and the response was that PEO did not.

4.4 Services of the Engineer Acting Under the *Drainage Act*

Staff received a letter requesting an update on this guideline.

Action: Staff to add this guideline to the next PSC meeting agenda.

Action: Staff to discuss with PEO’s Policy Department and legal counsel as the Ministry of Agriculture, Food and Rural Affairs has released a

new “Guide for Engineers Working under the *Drainage Act* in Ontario”, which may have an impact on the PEO guideline.

4.5 Engineers Canada National Guideline on Sustainable Development and Environmental Stewardship for Professional Engineers

Staff advised that Engineers Canada has a national guideline which would require PSC members to review and verify whether PEO should reference this document or need to develop a new guideline in this area.

The PSC members agreed to add this guideline to the list of national guidelines on PEO’s website.

A motion was made to include the list of national guidelines on PEO’s website.

Moved by: J. Lowe

Seconded by: P. Rüsçh

CARRIED

Action: Staff to request PEO’s Communications Department to publish the Engineers Canada National Guideline on Sustainable Development and Environmental Stewardship for Professional Engineers on the PEO website under the National Guidelines.

It was questioned whether the National Guidelines could be used in the Discipline process, and the response was that they could be if legally challenged.

Staff advised that the College of Dentists created a guideline which was never sent out for public consultation, and this guideline was later used in a Discipline case. It was, therefore, considered as not relevant and could not be used by practitioners.

It was suggested that some wording should be added in the guidelines to point out that guidelines can be used in Discipline cases if an expert witness can indicate it is up to the current standard.

Action: Staff to request PEO’s Regulatory Compliance Department to present some information to the PSC members with regard to using guidelines in Discipline cases.

4.6 Professional Engineers Providing Acoustical Engineering Services in Land-Use Planning Guideline

Staff advised that the guideline was sent to subject matter experts, and staff are waiting to receive feedback.

Staff will update the PSC members as soon as more information is received.

5. ADJOURNMENT AND NEXT MEETING

The next meeting is scheduled for March 10, 2020.

The meeting adjourned at 8:00 p.m.