



Minutes

PROFESSIONAL STANDARDS COMMITTEE MEETING

Tuesday, May 12, 2020

[Meeting held via Zoom]

Members:

Fanny Wong, P. Eng. (Chair)
Neil Kennedy, P. Eng. (Vice-Chair)
Roger Jones, P. Eng.
Dale Kerr, P. Eng.
James Lowe, P. Eng.
Lisa MacCumber, P. Eng. (Council Liaison)
Nicholas Pfeiffer, P. Eng.
Peter Rüsçh, P. Eng.
Donna Serrati, P. Eng.

Staff:

José Vera, P. Eng.
Jennifer Whang, P. Eng.

Guests:

Andy Lee, P. Eng.

1. OPENING OF MEETING

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

1.1 Zoom Etiquette and Tips

Staff indicated that it would be a good practice to have microphones on mute unless a member is speaking.

1.2 Approval of Agenda

A motion was made to approve the agenda as written.

Moved by: P. Rüsç

Seconded by: J. Lowe

CARRIED

2. MINUTES OF PREVIOUS MEETING AND ISSUES ARISING FROM MEETING

2.1 Approval of Minutes of April 14, 2020 Meeting

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

Moved by: N. Kennedy

Seconded by: P. Rüsç

CARRIED

2.2 Action Items of April 14, 2020 Meeting

Staff reported on the status of the following action items:

- Staff advised that the e-blast notification for the public consultation of the ESDM and AAR Reports guideline had been sent out to stakeholders on May 4, 2020.
- The issue regarding the old professional engineers seals that were issued prior to February 28, 2003 without licence numbers has been forwarded to the Legislation Committee for them to provide the most appropriate methodology to resolve the current issues.
- Staff will provide a presentation to Metrolinx on May 25, 2020 on PEO's new Preparing As-Built and Record Documents guideline.
- Staff provided the PSC members with a copy of the interview questions for the candidates applying to volunteer on the Pre-Start Health and Safety Reviews subcommittee.
- Nothing has been done to review the Services of the Engineer Acting Under the *Drainage Act* guideline, but will proceed to the next step when businesses in Ontario start to re-open.

3. GUIDELINES

3.1 Guideline for Professional Engineers Providing Reports on Mineral Projects

The subcommittee recently updated the proposed draft guideline to incorporate comments received from the PSC and the Canadian Institute of Mining, Metallurgy and Petroleum (CIM).

A motion was made to approve the proposed draft Mineral Projects guideline to send to Council for final approval.

Council Liaison L. MacCumber requested adding that the focus of the guideline is based on requirements from Canadian Securities Administrators (CSA). In addition, she suggested adding a sentence in the guideline to clarify that this guideline does not cover how to apply for industry permits.

Below is a summary of questions and recommendations made by other PSC members:

- In Section 5, Item 5.5 of the guideline, add the definition of “producing issuer” in the guideline, or at least the source.
- In Section 7, Items 2 and 3, refer to the “Assuming Responsibility and Supervising Engineering Work” guideline.
- Section “1.23 Recommendation” on page 9 can be included in a footnote.
- In Section 9, the sentence “Practitioners are also expected to avoid using information for the benefit of themselves or third parties, or to their clients’ or to other practitioners’ disadvantage” was suggested to be rephrased for clarity to understand where this requirement comes from, e.g. common law, securities law, etc.

These items will be discussed with the subcommittee in detail after this PSC meeting, and the subcommittee’s proposed edits will be forwarded to the PSC shortly after for approval.

Action: Staff to forward the issues discussed to the Mineral Projects subcommittee.

3.2 Guideline for Performance Audits and Reserve Fund Studies for Condominiums

The subcommittee Chair reported that the draft guideline had been updated to incorporate the legal opinion on Reserve Fund Studies and the practice of

professional engineering, and a meeting would be set up in the near future.

As there previously was a public consultation done for the Performance Audits and Reserve Fund Studies for Condominiums guideline a few years ago and, taking into consideration that the draft Performance Audits and Reserve Fund Studies for Condominiums guideline has been substantially modified since then, the need for another public consultation will be discussed with the subcommittee members at their next meeting.

3.3 Guideline for Design Evaluation of Demountable Event Structures

The guideline has been completed and staff will do a presentation to the Institution of Structural Engineers. Therefore, this item will be removed from the PSC meeting agenda going forward.

3.4 Use of Seal Performance Standard

The subcommittee Chair reported that:

- The proposed amendments to the Use of Seal requirements have been submitted to the Legislation Committee; and
- The subcommittee met on May 5, 2020 to develop a new Table of Contents for the revised performance standard.

Staff noted that some items, such as Intellectual Property, will be moved to the Professional Engineering Practice guideline. Consequently, staff will begin updating the Professional Engineering Practice guideline.

Action: Staff to provide a proposed Table of Contents to the PSC for the revised Professional Engineering Practice guideline.

3.5 Guideline for Environmental Site Assessment, Remediation and Management

The subcommittee Chair presented the proposed ESA guideline to the PSC.

A motion was made to approve the proposed ESA guideline to send to Council for final approval.

The subcommittee Chair advised that the subcommittee members had reviewed all the comments received from the public consultation. Most of the comments received were requesting for more clarity on certain information. Therefore, there were no significant changes made to the draft guideline. The ESA, Remediation and Management guideline was written by seven well-experienced

engineers; hence, it is expected to provide good guidance for engineers supplementing what is already existing in terms of regulation, and will steer them in the right direction.

Council Liaison L. MacCumber was satisfied that the “Excess Soil” section had been finally completed and included in the draft guideline.

Moved by: N. Kennedy Seconded by: D. Kerr CARRIED

3.6 Guideline for Preparing As-Built and Record Documents

Staff has recently received practice advisory questions regarding the record documents which is likely related to the current COVID-19 and as such, the Preparing As-Built and Record Documents guideline may be very useful.

Staff advised that the Preparing As-Built and Record Documents guideline has been published; hence, this item will be removed from the agenda of the next PSC meeting.

Staff will be making a presentation on this guideline to Metrolinx on May 24, 2020.

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

The subcommittee Chair advised that the proposed draft guideline was sent out for public consultation on May 4, 2020.

Action: Staff to contact the Municipal Engineers Association (MEA) and Regional Public Works Commissioners of Ontario (RPWCO) to invite them to participate in the public consultation.

3.8 Coordinating Licenced Professional Joint Subcommittee

PEO’s Senior Management Team recommended that the professional engineers on this subcommittee meet to develop a Practice Bulletin as the Terms of Reference call for a joint practice guideline with the OAA. This way, there is still an option to complete a joint practice guideline with the OAA in the future.

A motion was made to the direct the PEO members on this subcommittee to develop a Practice Bulletin.

Moved by: L. MacCumber Seconded by: N. Kennedy CARRIED

A PSC member suggested having the Practice Bulletin resemble the text in the Coordinating Licenced Professional guideline. Staff noted that the Practice Bulletin is normally briefer than the guideline, including only the key points.

Action: Staff to discuss with the Committee Chair how the Practice Bulletin on the Coordinating Licenced Professional could be developed in terms of layout, length and information to be included.

3.9 Guideline for Pre-Start Health and Safety Reviews

The subcommittee Chair forwarded the list of recommended candidates for this subcommittee to staff.

A meeting of the subcommittee will be held in approximately one month, after the volunteers have completed the mandatory training.

A PSC member had a concern regarding the internet connection problem, and staff suggested holding a meeting on Zoom/Adobe Connect with telephone.

4. OTHER BUSINESS

4.1 Council Update on PSC Related Issues

Council Liaison L. MacCumber discussed the memo from the Regulatory Compliance Department regarding comments on the guidelines.

There was a discussion regarding developing standards vs. guidelines. A PSC member noted that there needs to be a clear Council position on this matter as, twice previously, PEO's proposals for standards were not approved by Council and, therefore, PEO published guidelines instead of standards. Council Liaison L. MacCumber will discuss this issue with the CEO/Registrar.

4.2 Guidelines to be Updated

4.2.1 Temporary Works

A PSC member noted that more work is required by the PSC members in reviewing this guideline

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

Staff advised that there was nothing new to report.

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

Staff provided a decision matrix to the PSC. The draft of the Professional Engineers Providing Acoustical Engineering Services in Land-Use Planning guideline was forwarded to subject matter experts on the ESDM and AAR Reports subcommittee, who recommended updating the guideline.

Council Liaison L. MacCumber advised that the Ministry of the Environment, Conservation and Parks would like this guideline to be updated. In addition, a significant portion of the guideline covers zoning and the *Planning Act* requirements that are delegated to municipalities.

A motion was made to develop a Terms of Reference for revising the Professional Engineers Providing Acoustical Engineering Services in Land-Use Planning guideline.

Moved by: L. MacCumber Seconded by: N. Kennedy CARRIED

4.3 Data Analytics of Recent Practice Advisory Documents

Staff advised that analytics on Practice Advisory documents will be provided to the PSC regularly; for example, in March, the number one question has been if PEO allows digital seals, as several engineers are now working from home.

5. ADJOURNMENT AND NEXT MEETING

The next meeting is scheduled for June 9, 2020.

The meeting adjourned at 7:30 p.m.