



**Please use this form to apply for a review before
the Complaints Review Councillor (“CRC”)**

APPLICATION FOR REVIEW FORM

(IN THE MATTER of the treatment of a Complaint handled by the Complaints Committee)

Please note that, while the *Professional Engineers Act* does not impose any time limit as to when an application may be made to the CRC, as a general recommendation, the application should be made as soon as possible after receipt of the decision of the Complaints Committee of the Association of Professional Engineers of Ontario.

The use of this application form is recommended but, if you prefer, you may send a letter directly to the CRC making your request for a review.

**Application for Review pursuant to section 26
of the *Professional Engineers Act* (the “Act”)**

1. The undersigned makes Application for Review to the Complaints Review Councillor (“CRC”) under:

Please check one of the options shown below:

This Application is made under subsection 26(2) of the Act

(where a complaint has not been disposed of by the Complaints Committee within ninety (90) days after the complaint is filed with the Registrar)

OR

This Application is made under subsection 26(3) of the Act

(where a complaint has been disposed of by decision of the Complaints Committee)

- 2. Please explain why you are applying for a review, and provide specific reasons why the Complaints Committee's treatment of a complaint should be reviewed. (If you require more space, you may attach additional sheets):**

- 3. Signature and Date:**

Signature of Complainant

Date

(Please print your name)

4. Complaint File Number and Name that is the subject to this application:

5. Date of written decision of the Complaints Committee (please attach to this application form a copy of the Complaints Committee Decision, as well as the notice of your right to apply for a review letter that you received from the Association):

6. Complainant's Contact Information:

Name: _____
Family/Last Name First Name

Your Company Name (if applicable): _____

Address: _____
Street

_____ City Province Postal Code

Phone Number: _____

Please notify the Office of the Complaints Review Councillor in writing immediately if you change your address or telephone number.

7. The completed original Application Form should be sent by mail or delivered to the address listed below. Please retain a copy for your files.

Office of the Complaints Review Councillor (CRC)
Professional Engineers Ontario
40 Sheppard Avenue West, Suite 206
Toronto, Ontario
M2N 6K9

E-Mail: crc@peo.on.ca
Fax: (416) 224-8168

A Guide for Understanding the Application for Review Process

Please refer to section 25 and section 26 of the *Professional Engineers Act*.

1. A complainant who has previously filed a Complaint with the Registrar for consideration by the Complaints Committee may make an *Application for Review* of the treatment of that complaint by the Complaints Committee to the Complaints Review Councillor (“CRC”).
2. Upon application before the CRC, the Complaint file that was before the Complaints Committee will be transferred to the Office of the CRC from the department that received the original complaint.
3. After receipt of the Application Form by the CRC, you will receive a confirmation that the Complaints file and your Application for Review has been received by the CRC.
4. Pursuant to subsection 26(5) of the Act, the CRC may, at any time after considering an application, make a decision *not to make a review or not to continue a review* in regard to any application made under subsections 26(2) or 26(3) of the Act.
5. A formal Notice will be made by the Complaints Review Councillor (CRC) under subsection 26(6) of the Act only if the CRC *intends to commence* a review.
6. Where the CRC renders a decision not to make a review, or renders a decision not to continue a review, the complainant is provided with the decision, and a copy is also sent to the Association of Professional Engineers of Ontario.
7. Where the CRC provides a Notice of an intention to commence a review, the Association of Professional Engineers of Ontario *must* be provided with a Notice, and a copy will also be sent to the complainant.
8. When the CRC completes a review, the CRC *must* make a report to the complainant, to the person complained against and to the Council of the Association of Professional Engineers of Ontario, and *might* also transmit the report to Minister of the Attorney General of Ontario.

General Inquiries:

Lana Tereshchenko
Tribunal Administrative Officer
Tel.: (416) 224-1100 ext 2269
E-Mail:adminstaffcrc@peo.on.ca

Excerpts from the *Professional Engineers Act, R.S.O. 1990, c. P.28*

Complaints Review Councillor

25. (1) There shall be a Complaints Review Councillor who shall be appointed by Council and shall be,

- (a) a member of the Council appointed by the Lieutenant Governor in Council under clause 3 (2) (c); or
- (b) a person who is neither a member of the Council nor a member of the Association, and approved by the Attorney General. 2010, c. 16, Sched. 2, s. 5 (45).

Idem

(2) The Complaints Review Councillor is not eligible to be a member of the Complaints Committee or the Fees Mediation Committee. R.S.O. 1990, c. P.28, s. 25 (2).

Powers of Complaints Review Councillor

Examination by Complaints Review Councillor

26. (1) The Complaints Review Councillor may examine from time to time the procedures for the treatment of complaints by the Complaints Committee. R.S.O. 1990, c. P.28, s. 26 (1); 2010, c. 16, Sched. 2, s. 5 (46).

Review by Complaints Review Councillor

(2) 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. R.S.O. 1990, c. P.28, s. 26 (2); 2001, c. 9, Sched. B, s. 11 (31).

Application to Complaints Review Councillor

(3) A complainant who is not satisfied with the handling by the Complaints Committee of a complaint to the Committee may apply to the Complaints Review Councillor for a review of the treatment of the complaint after the Committee has disposed of the complaint. R.S.O. 1990, c. P.28, s. 26 (3).

Notice of application

(3.1) A complainant who applies for a review under subsection (2) or (3) shall give the person complained against notice of the application. 2010, c. 16, Sched. 2, s. 5 (47).

No inquiry into merits

- [\(4\)](#) In an examination under subsection (1) or a review under subsection (2) or (3), the Complaints Review Councillor shall not inquire into the merits of any particular complaint made to the Complaints Committee. 2010, c. 16, Sched. 2, s. 5 (48).

Discretionary power of Complaints Review Councillor

- [\(5\)](#) The Complaints Review Councillor may decide not to make or continue a review under subsection (2) or (3) if,
- (a) the review is or would be in respect of the treatment of a complaint that was disposed of by the Complaints Committee more than twelve months before the matter came to the attention of the Complaints Review Councillor; or
 - (b) in the opinion of the Complaints Review Councillor,
 - (i) the application to the Complaints Review Councillor is frivolous or vexatious or is not made in good faith, or
 - (ii) the person who has made application to the Complaints Review Councillor has not a sufficient personal interest in the subject-matter of the particular complaint. R.S.O. 1990, c. P.28, s. 26 (5); 2010, c. 16, Sched. 2, s. 5 (49, 50).

Notice, no review

- [\(5.1\)](#) If the Complaints Review Councillor decides under subsection (5) not to make or continue a review, he or she shall give notice of the decision to the Complaints Committee, to the complainant and to the person complained against. 2010, c. 16, Sched. 2, s. 5 (51).

Notice of examination or review

- [\(6\)](#) Before commencing an examination or review, the Complaints Review Councillor shall give notice to the Complaints Committee of his or her intention to commence the examination or review and, in the case of a review, shall also give notice to the person complained against. 2010, c. 16, Sched. 2, s. 5 (52).

Office accommodation

- [\(7\)](#) The Council shall provide to the Complaints Review Councillor such accommodation and support staff in the offices of the Association as are necessary to the performance of the powers and duties of the Complaints Review Councillor. R.S.O. 1990, c. P.28, s. 26 (7).

Privacy

- [\(8\)](#) Every examination or review by the Complaints Review Councillor shall be conducted in private. R.S.O. 1990, c. P.28, s. 26 (8); 2010, c. 16, Sched. 2, s. 5 (53).

Receipt of information

- [\(9\)](#) In conducting an examination or review, the Complaints Review Councillor may hear or obtain information from any person and may make such inquiries as he or she thinks fit. R.S.O. 1990, c. P.28, s. 26 (9); 2010, c. 16, Sched. 2, s. 5 (54).

Hearing not required

- [\(10\)](#) The Complaints Review Councillor is not required to hold or to afford to any person an opportunity for a hearing in relation to an examination, review or report under this section. R.S.O. 1990, c. P.28, s. 26 (10); 2010, c. 16, Sched. 2, s. 5 (55).

Duty to provide information

- [\(11\)](#) On the request of the Complaints Review Councillor, a member of the Council, member of a committee of the Association or officer or employee of the Association shall give to the Complaints Review Councillor,
- (a) any information regarding the proceedings and procedures of the Complaints Committee regarding the treatment of complaints made to it that the Complaints Review Councillor requires; and
 - (b) access to all records, reports, files and other papers and things belonging to or under the control of the member, officer or employee, or the Association, that relate to the treatment by the Complaints Committee of complaints or any particular complaint, as specified by the Complaints Review Councillor. 2010, c. 16, Sched. 2, s. 5 (56).

Report

- [\(12\)](#) On completing an examination or review, the Complaints Review Councillor shall make a report of his or her findings. 2010, c. 16, Sched. 2, s. 5 (56).

Report re examination

- [\(13\)](#) The Complaints Review Councillor shall give a copy of a report respecting an examination under subsection (1) to the Council and to the Complaints Committee. 2010, c. 16, Sched. 2, s. 5 (56).

Report re review

- [\(14\)](#) The Complaints Review Councillor shall give a copy of a report respecting a review under subsection (2) or (3) to the Council, to the Complaints Committee, to the complainant and to the person complained against. 2010, c. 16, Sched. 2, s. 5 (56).

Report to Minister

- [\(15\)](#) If the Complaints Review Councillor is of the opinion that a report made under this section should be brought to the attention of the Minister, the Complaints Review Councillor shall give a copy of the report to the Minister. 2010, c. 16, Sched. 2, s. 5 (56).

Recommendations

- [\(16\)](#) The Complaints Review Councillor may include in a report his or her recommendations in respect of the procedures of the Complaints Committee, either generally or with respect to the treatment of a particular complaint. R.S.O. 1990, c. P.28, s. 26 (16); 2010, c. 16, Sched. 2, s. 5 (57).

Consideration of report by Council

- [\(17\)](#) The Council shall consider every report, and any recommendations included in the report, that it receives from the Complaints Review Councillor, and shall notify the Complaints Review Councillor of any action it takes as a result. 2010, c. 16, Sched. 2, s. 5 (58).

Consideration of report by Complaints Committee

- [\(18\)](#) The Complaints Committee shall consider every report, and any recommendations included in the report, that it receives from the Complaints Review Councillor, and shall notify the Complaints Review Councillor of any action it takes as a result. 2010, c. 16, Sched. 2, s. 5 (58).