

**Terms of Reference  
Registration Committee (REC)**

**Issue Date:** November 25, 2011  
**Approved by Council:**

**Review Date:** October 24, 2016  
**Review by:** Registration Committee

<b>Legislated and Other Mandate 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>(a) to refuse to issue a licence; or</p> <p>(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>
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### **Powers of Registration Committee**

(7) Following upon a hearing under this section in respect of a proposal by the Registrar, the Registration Committee may, by order,

(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 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 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

	<p>certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.</p> <p><b>Powers of court on appeal</b></p> <p>(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 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.</p>
<p><b>Key Duties and Responsibilities</b></p>	<p><b>Hearing by Registration Committee</b></p> <p>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).</p> <p><b>Powers of Registration Committee</b></p> <p>(7) Following upon a hearing under this section in respect of a proposal by the Registrar, the Registration Committee may, by order,</p> <p>(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 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;</p> <p>(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,</p> <p>(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</p> <p>(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</p> <p>(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).</p> <p><b>Extension of time for requiring hearing</b></p> <p>(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</p>

	<p>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).</p>
<p><b>Constituency &amp; Qualifications of Committee/Task Force Members</b></p>	<p><b>Regulations</b></p> <p><u>7.(1)</u> Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,</p> <p>5. Respecting the composition of the committees required by this Act, other than the Complaints Committee and the Discipline Committee, the mechanism of the appointment of members of the committees and procedures ancillary to those specified in this Act in respect of any committee;</p> <p>7. Prescribing the quorums of the committees required by this Act other than the Complaints Committee and the Discipline Committee;</p> <p><b>Registration Committee</b></p> <p><u>19.1 (1)</u> The Registration Committee is continued and shall be composed of the following persons appointed by the Council:</p> <p>1. At least two persons, each of whom is either,</p> <p>i. a member of the Council appointed by the Lieutenant Governor in Council, or</p> <p>ii. a person who is neither a member of the Council nor a member of the Association, and approved by the Attorney General.</p> <p>2. At least three members of the Association. 2010, c. 16, Sched. 2, s. 5 (39).</p>
<p><b>Qualifications and Election of the Chair</b></p>	<p>Notice of election is provided on meeting agenda. The election normally takes place at the first meeting of the year. Majority vote is required for the candidate to be elected.</p>
<p><b>Qualifications and Election of the Vice Chair(s)</b></p>	<p>Notice of election is provided on meeting agenda. The election normally takes place at the first meeting of the year. Majority vote is required for the candidate to be elected.</p>
<p><b>Duties of Vice Chair(s)</b></p>	<p>To assist the Chair in carrying out the duties of the committee as a whole, but excludes any legislated functions of the chair. Vice-Chair takes over the Chair's duties and responsibilities if he/she is unavailable or unable to act.</p>
<p><b>Term Limits for Committee Chair and Vice Chair</b></p>	<p>The Chair and Vice Chair are elected annually for a one-year term, from January to December. The Chair and Vice Chair may be re-elected to their positions to serve a maximum of three (3) consecutive years. To ensure continuity, it is desirable that the Vice Chair moves to the Chair's position, once the Chair's term of service is expired. Once the Chair and/or Vice Chair have served for the maximum term for their respective positions, they are not eligible for reappointment to those positions. The Chair, once having served as Chair, may only serve as a general committee member.</p>

<b>Term Limits for Committee Members</b>	<b>Note:</b> <i>Given the statutory mandate of the Registration Committee (REC) as well as the reliance on the expertise and experience of their members in order to carry out their legislated mandates, there is no term limit imposed on the general membership of this committee.</i>
<b>Succession Planning</b>	<b>Note:</b> All committees must have a succession plan, approved by Council, to ensure the orderly transition of the position of chair and vice chair as well as provide for the renewal of the committee's membership and on-boarding of new committee members.
<b>Quorum</b>	19.1 (2) Three members of the Registration Committee, of whom at least one is a member of Council appointed by the Lieutenant Governor in Council, constitute a quorum. 2010, c. 16, Sched. 2, s. 5 (39).
<b>Meeting Frequency and Time Commitment</b>	The frequency of hearings is dependent on the number of requests received from applicants. Panels preside over 5 to 10 matters per year. The Committee normally meets four times per year. Meetings are usually scheduled after a training session.
<b>Operational Year Time Frame</b>	The Committee operates on a January to December year.
<b>Committee Advisor</b>	Johnny Zuccon, P.Eng., Deputy Registrar, Standards and Tribunals