

## Terms of Reference Complaints Review Councillor (CRC)

Issue Date: September 19, 2014

Review Date: May 19, 2017

<b>Legislated and other Mandate Approved by Council</b>	<p><b>Complaints Review Councillor</b></p> <p><u>25.(1)</u> There shall be a Complaints Review Councillor who shall be appointed by Council and shall be,</p> <p>(a) a member of the Council appointed by the Lieutenant Governor in Council under clause 3 (2) (c); or</p> <p>(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).</p> <p><b>Idem</b></p> <p><u>(2)</u> 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).</p> <p><b>Powers of Complaints Review Councillor</b></p> <p><b>Examination by Complaints Review Councillor</b></p> <p><u>26.(1)</u> The Complaints Review Councillor may examine from time to time the procedures for the treatment of complaints by the Association. R.S.O. 1990, c. P.28, s. 26 (1); 2010, c. 16, Sched. 2, s. 5 (46).</p> <p><b>Review by Complaints Review Councillor</b></p> <p><u>(2)</u> 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).</p> <p><b>Application to Complaints Review Councillor</b></p> <p><u>(3)</u> 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).</p> <p><b>Notice of application</b></p> <p><u>(3.1)</u> 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).</p> <p><b>No inquiry into merits</b></p> <p><u>(4)</u> 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).</p>
---	--

### **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 in respect of the Association shall be conducted in private. R.S.O. 1990, c. P.28, s. 26 (8).

### **Receipt of information**

(9) In conducting an examination or review in respect of the Association, 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).

<p><b>Key Duties and Responsibilities</b></p>	<p><b>Examination by Complaints Review Councillor</b></p> <p><u>26.(1)</u> The Complaints Review Councillor may examine from time to time the procedures for the treatment of complaints by the Association. R.S.O. 1990, c. P.28, s. 26 (1). 2010, c. 16, Sched. 2, s. 5 (46).</p> <p><b>Review by Complaints Review Councillor</b></p> <p><u>(2)</u> 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).</p>
<p><b>Constituency &amp; Qualifications of Committee/Task Force Members</b></p>	<p><b>Complaints Review Councillor</b></p> <p><u>25.(1)</u> There shall be a Complaints Review Councillor who shall be appointed by Council and shall be,</p> <p style="padding-left: 40px;">(a) a member of the Council appointed by the Lieutenant Governor in Council under clause 3 (2) (c); or</p> <p style="padding-left: 40px;">(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).</p> <p><b>Idem</b></p> <p><u>(2)</u> 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).</p>
<p><b>Qualifications and Election of the Chair</b></p>	<p>N/A</p>
<p><b>Qualifications and Election of the Vice Chair(s)</b></p>	<p>N/A</p>
<p><b>Duties of Vice Chair(s)</b></p>	<p>N/A</p>
<p><b>Term Limits for Committee Members</b></p>	<p>Appointments to the CRC are subject to Council appointment, policies and the <i>Professional Engineers Act</i>.</p>
<p><b>Quorum</b></p>	<p>1</p>
<p><b>Meeting Frequency and Time Commitment</b></p>	<p>1-2 meeting per year, if necessary – depending on the number of requests for review received.</p>
<p><b>Operational Year Time Frame</b></p>	<p>N/A</p>
<p><b>Committee Advisor</b></p>	<p>Salvatore Guerriero, P.Eng., LL.M., Manager, Tribunals</p>