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# Minutes

## PROFESSIONAL STANDARDS COMMITTEE MEETING

Tuesday, May 8, 2018

PEO Offices

### **Members:**

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

Jamie Catania, P. Eng.

Denis Dixon, P. Eng.

Roger Jones, P. Eng.

Dale Kerr, P. Eng.

James Lowe, P. Eng.

Nicholas Pfeiffer, P. Eng.

Brian Ross, P. Eng.

Heather Swan, P. Eng.

### **Staff:**

Sherin Khalil, P. Eng.

José Vera, P. Eng.

### **Regrets:**

Fanny Wong, P. Eng. (Chair)

## 1. OPENING OF MEETING

In the absence of the Chair, the Vice-Chair called the meeting to order at 5:45 p.m., with 9 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: R. Jones**

**Seconded by: J. Catania**

**CARRIED**

## **2. MINUTES OF PREVIOUS MEETING**

### **2.1 Approval of Minutes of April 10, 2018 Meeting**

A motion was made to approve the Minutes of April 10, 2018 meeting as written.

**Moved by: N. Pfeiffer**

**Seconded by: J. Catania**

**CARRIED**

### **2.2 Action Items of April 10, 2018 Meeting**

Staff reported on the status of the action items.

## **3. GUIDELINES**

### **3.1 Guideline for Performance Audits and Reserve Fund Studies for Condominiums**

There was nothing new to report.

The subcommittee is holding off on the development of the guideline as the Ministry of Government and Consumer Services is currently updating their regulation on Performance Audits and Reserve Fund Studies.

### **3.2 Guideline for Structural Condition Assessments of Existing Buildings and Designated Structures**

There was nothing new to report.

It was previously reported that the Ministry of Municipal Affairs developed a white paper on "Potential Changes to Ontario's Building Code Parking Structures". The subcommittee members will start working on the performance standard as soon as the Ministry of Municipal Affairs updates their regulations.

### 3.3 Guideline for Design Evaluation of Demountable Event Structures

This guideline is currently out for public consultation, which was to close on May 11, 2018; however, the deadline has been extended to June 11, 2018 as per the Engineers Architects and Building Officials' (EABO) request.

### 3.4 Use of Seal Guideline

Staff provided a draft performance standard to the PSC members for their comments.

Staff reported that the subcommittee has requested a legal review of the proposed standard.

Question: Will the proposed standard be sent to the Legislation Committee?

Answer: The proposed performance standard will be sent for legal review first.

Staff reported that the PSC can keep the Legislation Committee informed.

There was concern if there would be a problem with engineers using their seal for internal use.

Staff reported that the current wording of professional misconduct under the *Professional Engineers Act* means that an engineer sealed an engineering document that was not prepared or checked. Professional misconduct in the proposed performance means that a document was sealed in a manner that was contrary to Section 53.

The subcommittee requested a legal review on the updated wording of professional misconduct in the proposed performance standard.

Question: Can an engineer seal documents if he/she did not complete the PEAK program?

Answer: Yes, as there is no connection between sealing documents and the PEAK program.

There was concern regarding a situation where an engineer provides a sealed document to legal counsel and if this would create an impression that the engineer provided an engineering opinion. Staff advised that the seal should be applied to engineering documents that contain engineering judgement or instruction.

Furthermore, the seal cannot be used in advertising; however, the seal can be applied to a proposal, and should be restricted to engineering documents.

Staff advised that the comments discussed can be addressed in the guideline.

Staff advised that a memo from the subcommittee Chair to the PSC Chair will be sent, requesting a legal review of the proposed performance standard and updated guideline.

A PSC member recommended that staff discuss with other PEO staff to verify whether the draft should go to the Legislation Committee prior to sending out for legal review.

A PSC member reported that the Electrical Safety Authority requirement that accepts inspection from electrician and is not accepted by an engineer could be within the practice of professional engineering. Another PSC member commented that electricians wire electricity in houses.

A PSC member advised that Interim Registrar, J. Zuccon, was copied on the above matter.

There was a comment regarding signature and date requirements on the electronic seal.

There was a comment regarding the proposed wording in the performance standard. The proposed definition of "Affix" should include the requirements of sign, date and seal.

There was a comment on a scenario where a project involves three parties - a supervisor who supervises the person who prepared the document and another person assumes responsibility; who should seal in this situation?

There was a comment regarding Section 2 in the draft performance standard to ensure that the engineer who seals the documents will assume responsibility for the engineering work.

It was suggested that the current guideline should be attached with the draft performance standard and provided to the lawyer, requesting a legal review, and verify whether the draft performance standard reflects the current requirements in the guideline.

A PSC member recommended modifying the wording in the draft performance standard as per the above comments.

A PSC member commented on a situation where an engineer reviews work done by another engineer. The review engineer should redo everything to ensure calculations and details of design.

**Action:** Staff to discuss with other PEO staff to verify whether the draft performance standard should go to the Legislation Committee prior to sending out for legal review.

**Action:** Staff to modify the wording in the proposed performance standard as per the comments that were discussed at today's meeting.

### **3.5 Guideline for Professional Engineers Providing Reports on Mineral Projects**

The subcommittee will meet on May 9, 2018. As well, the subcommittee is getting close to having a draft ready for the PSC.

The subcommittee Chair will attend the June 2018 PSC meeting to address any questions or comments that the PSC members may have on the updated version of the draft guideline.

### **3.6 Guideline for Preparing As-Built and Record Documents**

There was nothing new to report. The last meeting of the subcommittee was held on March 28, 2018.

The subcommittee will next meet on May 15, 2018 to revise the Terms of Reference.

A request to obtain a legal review of the guideline will be sent to the PSC.

### **3.7 Guideline for Environmental Site Assessment, Remediation and Management**

The subcommittee met on April 26, 2018.

The subcommittee members are still working on updating the existing guideline to bring it up to current best practices. A draft will likely be sent to the PSC by the Fall for review and comments.

A representative of the subcommittee will be invited to a PSC meeting to address any questions the PSC may have.

### **3.8 MOECC - Professional Engineers Providing Engineering Reports under O. Reg. 1/17 (ESDM and AAR Reports)**

The subcommittee met on May 3, 2018. The subcommittee members reviewed the majority of the draft guideline and addressed most of the MOECC comments.

The next meeting will be scheduled in late May/early June 2018 to finalize the draft.

The subcommittee members reviewed the proposed memo to the PSC Chair, requesting a legal review. The subcommittee added all concerns and questions they had for the lawyer that should be addressed.

### **3.9 Coordinating Licensed Professional Joint Subcommittee**

The joint subcommittee met on May 2, 2018.

There was a discussion regarding OAA's request to submit the draft guideline to OAA Council for comments. OAA Council is aware that submitting the guideline will be for comment only, and not for approval or publication. B. Ennis, Director, Policy and Professional Affairs, held a discussion with OAA's Director to ensure consistency of guideline development by PEO and OAA.

### **3.10 Pre-Start Health and Safety Reviews**

Staff received a response from the Chair of the Enforcement Committee.

Staff contacted Roger Jeffreys from the Ministry of Labour to obtain the Ministry's input on the current version of the guideline. The Ministry will get back to PEO staff by May 18, 2018.

## **4. OTHER BUSINESS**

### **4.1 Proposal to Develop Practice Bulletin for OHSA Section 54(1)(k)**

A request was received from Interim Registrar J. Zuccon to develop a practice bulletin regarding the requirements in the *Occupational Health and Safety Act* (OHSA) for engineers to provide a sealed report stating that equipment is not likely to endanger a worker.

Staff recommended contacting the Ministry of Labour to get a better understanding of when Section 54(1)(k) is used.

**Action:** Staff to obtain more information from the Ministry of Labour regarding when Section 54(1)(k) of the *Occupational Health and Safety Act* is used.

#### **4.2 Council Update on PSC Related Issues**

There was nothing new to report.

Council Liaison, M. Wesa's term has ended. A request for a new Council Liaison for the PSC has been sent to the Volunteer Management Group.

#### **4.3 Requests for Proposals**

There was nothing new to report.

#### **4.4 PEO's 2018-2020 Strategic Plan**

Staff reported that the strategic objectives will be submitted to PEO staff.

A PSC member commented that the PSC may need to put together a wish list of guidelines and standards that should be reviewed and updated.

Staff reported that PEO has a policy to review guidelines every five years.

A PSC member reported that a web analytics was provided on the current guidelines.

There was a suggestion to review existing guidelines and prioritize them. Perhaps, a work plan could be developed.

A PSC member questioned if PEO staff could manage more subcommittees to update or develop new guidelines. Staff advised that, realistically, the ideal capacity for support staff would be four subcommittees each.

A PSC member questioned how the PSC could get a guideline developed faster.

A PSC member commented that a subcommittee member should be assigned to clean up the draft guideline, rather than staff, in order to speed up the development process.

The question arose if PEO had looked at the cost of guideline development.

A suggestion was made for PSC subcommittees to hold a videoconference instead of meeting in person once a month in order to speed up the development process.

A PSC member commented that it would be depend upon the size of the subcommittee as there could be restrictions on the number of attendees.

It was reported that a technical writer could be hired, who can meet every member to take edits and comments. Hiring a writer could be a cost problem. The writer should be a technical subject matter expert.

**Action:** Staff to obtain information on the cost of guideline development.

## **5. ADJOURNMENT AND NEXT MEETING**

The next meeting is scheduled for June 12, 2018.

The meeting adjourned at 7:30 p.m.