



Minutes

PROFESSIONAL STANDARDS COMMITTEE MEETING

Tuesday, October 20, 2015

PEO Offices

Members:

Jamie Catania, P. Eng.

Denis Dixon, P. Eng.

Roger Jones, P. Eng.

Neil Kennedy, P. Eng.

Dale Kerr, P. Eng.

Colin Moore, P. Eng.

Nicholas Pfeiffer, P. Eng. (Acting Chair)

Brian Ross, P. Eng.

Heather Swan, P. Eng. [*via teleconference*]

Staff:

Sherin Khalil, P. Eng.

José Vera, P. Eng.

Regrets:

Andy Bowers, P. Eng. (Chair)

Les Mitelman, P. Eng.

Fanny Wong, P. Eng. (Vice-Chair)

1. OPENING OF MEETING

The Chair called the meeting to order at 6:00 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:** C. Moore **CARRIED**

2. MINUTES OF PREVIOUS MEETING

2.1 Approval of Minutes of September 15, 2015 Meeting

A motion was made to approve the Minutes of the September 15, 2015 meeting as modified.

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

2.2 Action Items of September 15, 2015 Meeting

Action: Staff to update the Action Items log.

3. GUIDELINES

3.1 Guideline for Structural Engineering Design in Buildings

Staff advised that the subcommittee members met on October 6, 2015 to address the comments that were received from the public consultation.

Staff advised that there were comments received from the Ontario Association of Architects, the Ministry of Municipal Affairs and Housing, Large Municipalities Chief Building Officials, and Consulting Engineers Ontario.

Staff will send a doodle poll to schedule another meeting to complete addressing the public consultation comments.

3.2 Forensic Engineering Guideline

Follow-Up: Staff prepared a Briefing Note and sent the guideline for Council approval at the next meeting in November 2015.

Staff reported that the Briefing Note was held up due to the Mover being unable to attend a Council meeting.

Staff suggested adding a note to all PSC Briefing Notes which includes both a Mover and a designate if the Mover is unavailable.

The PSC members agreed on this suggestion.

Question: When will PSC members receive an update regarding the Forensic Engineering Guideline?

Answer: At the December 2015 meeting.

3.3 Condo Reserve Studies Guideline

The subcommittee members are working on editing the guideline.

The draft guideline might be ready for public consultation early next year.

Action: Staff to send the Condo Reserve Studies Guideline to the PSC members for their feedback and comments.

3.4 Solid Waste Management Guideline

Follow-Up: PSC members sent comments on the Solid Waste Management Guideline to PEO staff.

Staff has incorporated all comments received from the PSC members into one version and sent the consolidated version to the subcommittee members for their feedback.

The subcommittee members are reviewing the PSC comments. Comments will be addressed in the draft guideline.

Question: Will the draft guideline be sent to the PSC members for review prior to the public consultation?

Answer: Yes, the guideline will be sent to the PSC members.

The PSC Chair will send a letter to the PEO Registrar, indicating that engineers have reported that the application process too often depends on the interpretation of the Ministry of the Environment and Climate Change inspectors and not the regulations.

Action: PSC Chair to send a letter to the PEO Registrar regarding Solid Waste Management issues.

3.5 Guideline for Preparing As-Built and Record Documents

The subcommittee members are working on editing the draft guideline and will meet on October 28, 2015.

Action: Staff to propose to the subcommittee that stakeholders may need to be invited as guests after the draft guideline is completed.

Action: The subcommittee will provide a draft guideline to the PSC in late 2015.

3.6 Guideline for Structural Condition Assessments

Follow-Up: Staff included the following items on the agenda of the next subcommittee meeting: (1) text from the Newfoundland Guideline; and (2) Roundtable Building Consultants Minutes.

Staff advised that there were comments received from the Ministry of Municipal Affairs and Housing, Ministry of Labour, and PSC members.

The subcommittee members are meeting on October 21, 2015 to address the comments that were received from the Ministry of Municipal Affairs and Housing, the Building Safety Technical Advisory Panel, the Ministry of Labour, and the PSC members.

3.7 Data Matrix Bulletin

Staff reported that they had prepared a first draft of the bulletin using similar wording from the Ontario Association of Architects' Regulatory Practice Bulletin and the Ministry of Municipal Affairs and Housing's Transit Supportive Land Use Planning Guide.

PEO staff has contacted the Ministry of Municipal Affairs and Housing and the Ontario Association of Architects to seek their permission to reference their respective documents.

Action: Staff to send an example of a data matrix to the PSC members.

3.8 Guideline for Temporary Structures for Events

Staff prepared and sent the Briefing Note to approve the development guideline for Temporary Structures for Events to the next Council meeting in November 2015.

Staff will update the PSC members at the December 2015 meeting.

3.9 Use of Seal

Staff previously advised that Engineers Canada has a model guide for Authentication of Engineering Documents.

Engineers Canada's model guide should be considered when the Use of the Professional Engineer's Seal Guideline is updated.

Staff advised that the Use of the Professional Engineer's Seal Guideline may need to be updated as sealing of 3-D models and electronic software are not addressed in the guideline.

Staff advised that the regulation will require update if the Use of the Professional Engineer's Seal Guideline is updated.

Action: Staff to undertake an evidence-based study for the Use of the Professional Engineer's Seal Guideline practice issues in Ontario and provide a PowerPoint presentation to the PSC members.

3.10 Professional Engineers Providing Reports on Mineral Properties

Follow-Up: Staff reviewed the Mining Guideline and prepared a PowerPoint presentation.

Staff previously advised that Councillor Marilyn Spinks is requesting an update on the Mining Guideline.

Staff provided a PowerPoint presentation on the Professional Engineers Providing Reports on Mineral Properties Guideline informing the PSC members on the outdated external references and outdated internal references.

The PSC members advised that it would be useful to perform web analytics on the Professional Engineers Providing Reports on Mineral Properties Guideline and other guidelines to prioritize the projects that the PSC members are working on. Based on the web analytics, the PSC members will decide how to proceed.

A PSC member advised that the title of the guideline is not appropriate; specifically the term “Properties”.

Action: Staff to perform web analytics on the Professional Engineers Providing Reports on Mineral Properties Guideline and other guidelines.

Action: Staff to consult the subject matter experts to determine if the Professional Engineers Providing Reports on Mineral Properties Guideline needs update.

4. STANDARDS

4.1 Supervising and Delegating Standard

Staff previously advised that the Legislative Counsel indicated that the *Professional Engineers Act* does not provide PEO with authority to create regulations regarding many of the items in the standard, nor mention anything regarding supervision, except in the context of supervising the services provided by a Certificate of Authorization.

Currently, staff is working to determine if the *Professional Engineers Act* needs to be changed before implementing this standard.

Question: What is the difference between guidelines and standards?

Answer: Standards are hard regulations and briefer than guidelines. Guidelines are soft law, which interpret and expand on the information that is in standards.

Question: What prevents a Guideline from becoming a Standard, and who makes the decision?

Answer: The PSC and relevant subcommittee decide if a Guideline should become a Standard. The PSC’s and relevant subcommittee’s decision is sent for Council approval and, at times, a Standard requires government approval.

5. OTHER BUSINESS

5.1 Status of PSC Projects

There was nothing new to report.

Action: Staff to provide additional information on the proposed Guideline Interpreting PEA for Regulators.

5.2 Elliot Lake Recommendations

Follow-Up: PSC members sent their feedback and comments on the Prime Consultant seed document.

Staff provided a PowerPoint presentation on the Review of Recommendation 1.21 of the “Report of the Elliot Lake Commission of Inquiry”.

The PowerPoint presentation included the following motion:

- The Professional Standards Committee agrees with the rationale for Recommendation 1.21, but finds the implementation problematic for the reasons contained in this report.
- Therefore, the PSC recommends that the Registrar contact the Ministry of the Attorney General to explain that the *Professional Engineers Act* is not an appropriate route to implement the intent of Recommendation 1.21 since report owners are often not engineers. Consequently, it is recommended that the Ministry of the Attorney General consider how to best place obligations on report owners to achieve the objective of Recommendation 1.21.

Moved by: B. Ross

Seconded by: N. Kennedy

CARRIED

The PSC members agreed with the PSC motion.

Action: Staff to send a Briefing Note for the next Council meeting in November 2015 for their approval.

5.3 Industrial Subcommittee

Follow-Up: Staff sent a Briefing Note for the next Council meeting in November 2015 for their approval.

Action: Staff to update the PSC on the Industrial Subcommittee Final Report at the December 2015 meeting.

5.4 Climate Change and Engineering

Staff previously advised that the Engineers Canada model guide has changed to a national guideline, and is now available to the public.

Action: Staff to investigate adding a link to the Engineers Canada National Guideline in the Guideline section on the PEO website.

5.5 Practice Review Pilot Voluntary Program

Staff advised that Siemens Canada is interested in the Voluntary Program.

Action: Staff to contact the Discipline Committee to find out if they will use the new Practice Review Guideline.

Action: Staff to contact Consulting Engineers Ontario for new volunteers.

Action: Staff to contact the Chair of the Complaints Committee to find out if the Practice Review Guideline could be used by the Committee.

Action: Staff to investigate if new Certificate of Authorization holders should get the Practice Review Guideline.

5.6 Dam Safety Review Guideline

Staff previously advised that the Ontario Ministry of Natural Resources has a Dam Safety Review Guideline. Furthermore, the Professional Engineers and Geoscientists of B.C. have Legislated Dam Safety Reviews.

The PSC members are requesting more information for the practice issues regarding dam reviews before taking further action.

Action: Staff to undertake an evidence-based study for dam review guideline practice issues in Ontario.

Action: Staff to communicate with the Ministry of Natural Resources to get more information regarding the dam review regulations.

5.7 Site Remediation

Engineers Canada has a model guide for “Professional Engineers Providing Services in Environmental Site Assessment, Remediation and Management”. When updating the Site Remediation Guideline, the Engineers Canada model guide should be considered.

A member suggested that PEO should propose volunteers to national bodies when developing a guideline.

Action: Staff to send PEO's Site Remediation Guideline and Engineers Canada model guide to the PSC members to verify if the Site Remediation Guideline needs to be updated.

Action: Staff to review PEO's Site Remediation Guideline and provide a Power Point Presentation to verify whether the guideline needs update or not.

5.8 Council Update

Councillor R. Jones will update the PSC members on Council matters relating to the PSC.

5.9 Practitioner-Centered Research Project

Staff advised that the Practitioner-Centered Research Project is a new policy tool and new methodology from the Policy Department to determine if a guideline or Act needs update or change.

Action: Staff to provide more information on the intent of this policy.

6. ADJOURNMENT AND NEXT MEETING

The meeting adjourned at 7:45 p.m.

Below are the meeting dates for the balance of 2015:

- November 17, 2015
- December 8, 2015

Action: Staff to review how many guidelines need to be updated due to the new Limited Licence regulations.

Follow-Up: Staff added a new item to next agenda as "Council Update".