



Minutes

PROFESSIONAL STANDARDS COMMITTEE MEETING

Tuesday, June 11, 2019

PEO Offices

Members:

Neil Kennedy, P. Eng. (Vice-Chair)
Jamie Catania, P. Eng.
Roger Jones, P. Eng. *[via teleconference]*
Dale Kerr, P. Eng. *[via teleconference]*
James Lowe, P. Eng.
Nicholas Pfeiffer, P. Eng.
Brian Ross, P. Eng.

Council Liaison:

Lisa MacCumber, P. Eng.

Staff:

Sherin Khalil, P. Eng.
José Vera, P. Eng.

Guests:

Peter Rüsçh, P. Eng.
Donna Serrati, 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 5:55 p.m., with seven members of the Committee in attendance. Consequently, quorum was attained.

1.1 Welcome and Introduction - New PSC Members

The PSC members welcomed D. Serrati and P. Rüsç, the two new PSC members, to the Committee, and an introduction was made to everyone.

D. Serrati and P. Rüsç provided information regarding their experience and knowledge, which is beneficial and valuable to the PSC.

1.2 Approval of Agenda

The following additional item was added to the agenda:

- Item 4.3 - Limited Licence Holder Membership on PSC Subcommittees

A motion was made to approve the agenda as modified.

Moved by: N. Pfeiffer Seconded by: J. Catania CARRIED

2. MINUTES OF PREVIOUS MEETING AND ISSUES ARISING FROM MEETING

2.1 Approval of Minutes of May 14, 2019 Meeting

A motion was made to approve the Minutes of the May 14, 2019 meeting as written.

Moved by: J. Lowe Seconded by: B. Ross CARRIED

2.2 Action Items of May 14, 2019 Meeting

Staff reported on the status of the action items.

There was an action item with regard to staff to contacting the Volunteer Management group to enquire on the new process for volunteering. The Volunteer Management group reported that the webpage for volunteer positions is currently under construction, and that an online application is available on the PEO website for volunteers to complete and apply to any committee in which they are interested.

3. GUIDELINES

3.1 Guideline for Environmental Site Assessment, Remediation and Management

The subcommittee is currently reviewing the draft guideline prior to sending to the PSC for comment and/or approval to send out for public consultation.

3.2 Guideline for Performance Audits and Reserve Fund Studies for Condominiums

With the assistance of staff, the subcommittee Chair wrote a memo to the Chair of the PSC with regard to considering the Reserve Fund Studies practice of engineering. The subcommittee is requesting that PEO take a stance regarding the *Condominium Act* being revised to explicitly require engineering input in situations where a building must have originally involved an engineer.

The subcommittee Chair advised that condominium corporations are required by the *Condominium Act* to conduct a Reserve Fund Study every three years (including an on-site review every six years). The purpose of a Reserve Fund Study is to examine all components of the building and site to determine their future capital repair needs, and then develop a funding plan to ensure the corporation puts aside sufficient money to conduct the necessary repairs in the future. Reserve Fund Studies are conducted not only for the purpose of ensuring the safeguarding of the performance of the property, but also for ensuring that the economic interests of the condominium owners are preserved. The Reserve Fund Study helps ensure that all owners of a property contribute to its long-term upkeep, and that future owners are not saddled with disproportionate capital costs.

A Reserve Fund Study must consider all aspects of the building and site, including mechanical and electrical systems, structural systems (e.g. balconies and parking garages), building envelope (walls, roofs, windows and doors), plumbing, elevators, etc. Breaking down these major systems into a list of components that will require major repair or replacement requires not only a thorough understanding of the design and construction of the building, but also an analysis of appropriate building repair techniques based on the building's design and construction.

To conduct a Reserve Fund Study, it is necessary to predict when each of the components in a building will require repair. This requires an understanding of material sciences, including the impact the environment has on each of the components and the deterioration mechanisms that influence the rate of the deterioration.

The subcommittee noted that conducting a Reserve Fund Study does meet the definition of practice of professional engineering, as it involves planning for future building repairs; evaluating repair options; reporting to the condominium owners; application of engineering principles in the evaluation of deterioration mechanisms and repair needs analysis; and the safeguarding of property and economic interests. Also, while not its intent, a Reserve Fund Study often identifies issues that may affect public safety as, often, the only time a technical review of a building is undertaken prior to an actual problem existing is when a Reserve Fund Study with a Site Review is undertaken.

The subcommittee is, therefore, requesting that PEO take a stance regarding the Regulations to the *Condominium Act*, and seek to have the Regulations amended to explicitly require engineering (or architectural) input in situations where the building must have originally involved an engineer (or architect) in its design and construction.

A PSC member commented that the Legislation Committee maintains a Regulatory Conflict Log, and this issue may be recorded in the log. Staff will look into and verify if this falls under the Regulatory Conflict Log managed by the Legislation Committee.

There was a discussion regarding obtaining a legal review of the “Performance Audits and Reserve Fund Studies for Condominiums” guideline, and the PSC members agreed that a legal review would be appropriate for this guideline.

A motion was made that the PSC direct staff to determine what acts meet the definition of the practice of professional engineering within the context of Reserve Fund Studies, and obtain a legal opinion on this matter.

Moved by: D. Kerr

Seconded by: J. Lowe

CARRIED

Action: Staff to commence the process to obtain a legal opinion to determine what acts within a Reserve Fund Study constitute the practice of professional engineering.

3.3 Guideline for Design Evaluation of Demountable Event Structures

The subcommittee met on May 15, 2019, and some changes were made to the draft guideline by the subcommittee members. The draft guideline will be sent to the PSC by September 2019.

There was a discussion regarding the PSC’s responses to the Coroner’s Inquest Recommendations. The PSC Council Liaison reported that PEO Council will look into these recommendations at the June 2019 Council meeting.

3.4 Use of Seal Guideline

The proposed "Use of the Seal" performance standard is currently out for public consultation, which closes on August 2, 2019.

A question arose regarding whether PEO had received any comments as yet from the public consultation, and staff advised that 50 comments had been received over several days.

Staff advised that a request had been received from Chapters to extend the closing date of the public consultation.

3.5 Guideline for Professional Engineers Providing Reports on Mineral Projects

The guideline was sent out for public consultation, which closed on May 31, 2019. The subcommittee will meet sometime in July 2019 to commence addressing the comments received.

3.6 Guideline for Preparing As-Built and Record Documents

A meeting will be scheduled with the subcommittee members and lawyers to discuss the legal review received.

3.7 MECP - Professional Engineers Providing Engineering Reports under O. Reg. 1/17 (ESDM and AAR Reports)

The subcommittee met on May 22, 2019 to address comments received from the Ministry of the Environment, Conservation and Parks; however, the subcommittee requested another meeting to complete addressing these comments. The meeting has been scheduled for June 18, 2019.

There was a discussion regarding whether the draft guideline should be sent to the PSC members for review prior to sending to the lawyers. The PSC members agreed that the guideline should be sent to the PSC prior to legal review.

3.8 Coordinating Licensed Professional Joint Subcommittee

The subcommittee will be meeting on June 19, 2019 to continue working on the draft guideline.

3.9 Guideline for Pre-Start Health and Safety Reviews

A Briefing Note was sent to Council for approval to form a subcommittee to revise the existing version of the guideline.

It was advised that both Council and the Enforcement Committee have questions regarding the Briefing Note submitted. The Enforcement Committee had previously requested that the PSC develop a performance standard regarding Pre-Start Health and Safety Reviews instead of merely updating the existing draft guideline.

The PSC members commented that the guideline should be reviewed and revised prior to making a decision regarding a performance standard.

A PSC member commented that the decision with regard to the development standard being required should left be up to the subject matter experts on the subcommittee.

4. OTHER BUSINESS

4.1 Council Update on PSC Related Issues

The next Council meeting is scheduled for on June 21, 2019.

4.2 PEO Strategic Plan and Strategic Goals

Staff advised that the objectives of the Strategic Plan that were relevant to the PSC were submitted.

There was a comment regarding engaging the Complaints & Investigations Department annually to provide a report of complaints relevant to the PSC.

There was a question on whether PEO would develop more webinars, and staff advised that a webinar on the Use of the Seal was currently available on YouTube, and that the PEAK ethics module covers the Code of Ethics, so there would have to be further discussions on what material to cover for future webinars.

4.3 Limited Licence Holder Membership on PSC Subcommittees

An enquiry was received from the Volunteer Management group regarding the membership of Limited Licence holders on PSC subcommittees.

The PSC members reviewed the PSC's Terms of Reference, and the wording regarding membership is very broad. The PSC's interpretation is that Limited Licence holders can be members of PSC subcommittees as long as they are experienced in the area of engineering that they are applying for.

5. ADJOURNMENT AND NEXT MEETING

The next meeting is scheduled for September 10, 2019.

The meeting adjourned at 7:30 p.m.