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# Minutes

## PROFESSIONAL STANDARDS COMMITTEE MEETING

Tuesday, October 8, 2019

PEO Offices

### **Members:**

Fanny Wong, P. Eng. (Chair)  
Neil Kennedy, P. Eng. (Vice-Chair)  
Jamie Catania, P. Eng.  
Roger Jones, P. Eng.  
James Lowe, P. Eng.  
Nicholas Pfeiffer, P. Eng.  
Brian Ross, P. Eng.  
Peter Rüsçh, P. Eng.  
Donna Serrati, P. Eng.

### **Council Liaison:**

Lisa MacCumber, P. Eng. *[via teleconference]*

### **Staff:**

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

### **Regrets:**

Dale Kerr, P. Eng.

## 1. OPENING OF MEETING

The Chair called the meeting to order at 6:00 p.m., with 10 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: N. Kennedy      Seconded by: J. Lowe      CARRIED**

## 2. MINUTES OF PREVIOUS MEETING AND ISSUES ARISING FROM MEETING

### 2.1 Approval of Minutes of September 10, 2019 Meeting

A PSC member had a comment regarding the action item under the Guideline for Design Evaluation of Demountable Event Structures, and it was agreed that the action item should read as follows:

**Action:** Staff to add a note in the draft guideline to indicate that: “In general, for construction under federal jurisdiction, the National Building Code of Canada is the applicable code.”

A motion was made to approve the Minutes of the September 10, 2019 meeting as modified.

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

### 2.2 Action Items of September 10, 2019 Meeting

Staff reported on the status of the action items.

There was a discussion regarding the Briefing Note for the Guideline for Design Evaluation of Demountable Event Structures and that it should be sent to the PSC Council Liaison, the Chair of the subcommittee, and the Chair of the PSC for any comments prior to sending it to Council. It was advised that the deadline to submit Briefing Notes for the November 2019 Council meeting was October 29, 2019.

As well, staff questioned whether the Chair of the Design Evaluation of Demountable Event Structures subcommittee should attend the Council meeting in case of any technical questions that Council members may have on the Guideline for Design Evaluation of Demountable Event Structures. It was advised

that it would be appropriate for the Chair of the subcommittee to attend the Council meeting to answer any questions that may arise.

**Action:** Staff to contact the Council Secretariat to verify the protocol for PSC representatives to attend the November 2019 Council meeting as subject matter experts in case Council members have any questions regarding the Guideline for Design Evaluation of Demountable Event Structures.

**Action:** Staff to send the links to the “Regulatory Performance of Professional Engineers Ontario” and “Action Plan to Implement the Recommendations from the External Regulatory Performance Review” documents to the PSC members.

### **3. GUIDELINES**

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

This guideline is currently out for public consultation, which closes on November 16, 2019.

A PSC member questioned whether the public consultation was sent to specific stakeholders. Staff advised that the public consultation was sent to the following stakeholders:

- Ministry of the Environment, Conservation and Parks
- Ministry of Transportation
- Engineers Canada
- Consulting Engineers of Ontario
- Ontario Society of Professional Engineers
- Municipalities, such as City of Vaughan.

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

The subcommittee members met on September 24, 2019 to discuss the scope of the legal review. The scope of the legal review is to enquire whether Reserve Fund Studies under the *Condominium Act* require the opinion of a licensed engineering professional to determine the expected costs of major repairs and replacement of common elements.

Staff advised that some members of the subcommittee believe that Reserve Fund Studies require licensed engineers, and other members believe Reserve Fund Studies do not require an engineer and are not within the practice of professional engineering.

Staff advised that a Request for Quotation was sent to eight legal firms. Quotes will be received in late October 2019, and the subcommittee will meet sometime in late October or early November 2019 to continue working on the draft guideline.

A PSC member commented that the legal opinion was should have been obtained at the beginning of the work of this subcommittee as it may not be within the practice of professional engineering and would not be within the mandate of PEO. Staff advised that the guideline involves two parts: Reserve Fund Studies and Performance Audits. If the legal opinion determines that Reserve Fund Studies are not within the practice of professional engineering, this part can be removed from the draft guideline.

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

A Briefing Note will be sent to Council for final approval at their November 2019 meeting.

### **3.4 Use of Seal Performance Standard**

The public consultation ended on September 30, 2019. It was advised that the public consultation for proposed amendments to the Use of Seal regulation is standing at over 100 participants. Of these, the following are organizational responses:

- Ministry of Labour
- Ministry of Transportation
- Consulting Engineers of Ontario
- Ontario Aerospace Council

Staff will compile these comments and send to the subcommittee members.

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

The subcommittee met on September 12, 2019 to address the comments received from the public consultation.

It was reported that Councillor Spink had some concerns regarding the draft guideline, and the subcommittee directed a member to contact Councillor Spink to address any concerns or comments. It was advised that at least one more meeting would be required to complete addressing the comments received from the public consultation.

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

The subcommittee members met with the lawyers on September 18, 2019 to discuss the legal comments received.

Staff updated the PSC members regarding the recent issue that came to the attention of PEO staff, where Engineering Firm A prepared the design and the client decided to hire Engineering Firm B to provide as-built and/or record documents. The question to the lawyers was whether Engineering Firm B could use the design (CAD drawings) of Engineering Firm A to prepare the as-built and record documents, and the logo of Engineering Firm A be removed and replaced by that of Engineering Firm B. The lawyers advised not to address this issue in the guideline since it is a legal issue and involves the *Copyright Act*, which is not within the mandate of the *Professional Engineers Act*.

The subcommittee members agreed on the legal comments, and they were incorporated and addressed in the draft guideline.

The subcommittee Chair advised that the guideline was ready for PSC approval prior to sending to Council for approval for publication.

A PSC member had a concern regarding clients making revisions to record drawings, and it was advised that it was the client's responsibility to retain an engineer to revise and verify record drawings. Furthermore, this issue is not within the mandate of the guideline and, consequently, this issue was not addressed in the draft guideline.

A motion was made to approve the draft guideline and send to Council for approval at their November 2019 meeting.

**Moved by: N. Pfeiffer                      Seconded by: N. Kennedy                      CARRIED**

There was a discussion regarding the subcommittee Chair attending the November 2019 Council meeting in case Council members have any technical questions on the Guideline for Preparing As-Built and Record Documents. The subcommittee Chair may not be available to attend this Council meeting, and it was agreed that P. Rüschi would attend.

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

A Request for Quotation was sent to legal firms.

A question arose regarding the timeline of this process, and it was advised that the deadline to receive quotes from legal firms is the end of October 2019. Subsequently, a meeting should be scheduled with the subcommittee members and lawyers to discuss the scope of the legal review and any questions the lawyers may have regarding the scope.

### **3.8 Coordinating Licensed Professional Joint Subcommittee**

The subcommittee members met on June 19, 2019.

The subcommittee members held a discussion regarding using the term “Prime Consultant” in the draft guideline; however, the subcommittee’s Terms of Reference uses the term “Coordinating Licensed Professional”.

The subcommittee Chair is currently reviewing the draft guideline and, once completed, the subcommittee members will meet again to continue working on the draft guideline.

It was questioned whether the term “Prime Consultant” was part of the *Architects Act*. The response was that it was, however, it was not a defined term in either the *Architects Act* or the *Professional Engineers Act*. In industry, the role of the “Prime Consultant” is to negotiate the contract for a project, whereas the role of the “Coordinating Licensed Professional” is to coordinate the design work between all professionals on a project.

### **3.9 Guideline for Pre-Start Health and Safety Reviews**

Staff reported that the volunteer positions for this subcommittee will be posted on the PEO website sometime in late October 2019. Interviews will be scheduled with the subcommittee Chair and staff once the Volunteer Management Group narrow down the candidates received.

## **4. OTHER BUSINESS**

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

Council approved the Terms of Reference for the Guideline for Pre-Start and Health and Safety Reviews at their September 2019 meeting.

Council approved the “Action Plan to Implement the Recommendations from the External Regulatory Performance Review, 2019” at their September 2019 meeting.

## 4.2 PEO Strategic Plan and Strategic Goals

There was a discussion regarding the PSC strategic objectives, as follows:

- Engage subject matter experts at an early stage to help develop Terms of Reference for guidelines.
- Collaborate with government at an early stage to help develop Terms of Reference for guidelines.
- Engage PEO investigators to provide relevant complaints to the PSC.
- Recorded webinars to be developed for new guidelines.

There was a discussion regarding presenting practice guidelines at PEO Chapters in order to increase awareness of PEO practice guidelines to PEO members. Staff advised that staff have been invited often to provide presentations on the Use of Seal, the Code of Ethics, and the Structural Conditions Assessment guideline.

A question arose on whether the PSC members should be engaged in Chapters to present PEO practice guidelines. It was recommended to hold off on this discussion until the November 2019 Council meeting.

## 4.3 PEO Practice Guidelines and Articles Analytics

Staff obtained the web analytics on PEO practice guidelines and practice articles. In 2019, the Professional Engineering Practice guidelines received more views than the Use of the Seal guideline.

There was a discussion regarding the next guideline which should be updated, and it was advised that the Professional Engineers - Temporary Works (1993) guideline may require an update as it has recently been used in many Discipline cases.

It was questioned whether views include when engineers open PDF or electronic versions of PEO's *"Engineering Dimensions"*.

**Action:** Staff to enquire whether views on practice articles include when engineers open PDF or electronic versions of PEO's *"Engineering Dimensions"*.

There was a discussion regarding the practice article "Duty to Warn" which could replace the section on "Whistleblowing" in the Professional Engineering Practice guideline.

**Action:** Staff to consult with the Complaints Department as to which guideline should be updated next based on complaints received.

A PSC member commented that it would be beneficial to review all outdated guidelines as the policy is to review every five years; then PSC can decide on which guideline has the priority to be updated next. Staff advised that the PSC's Work Plan is review one guideline at every meeting.

**Action:** Staff to bring all outdated guidelines to the next PSC meeting.

A PSC member commented that the Discipline Committee is currently looking into the competency issue.

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

The next meeting is scheduled for November 12, 2019.

The meeting adjourned at 7:30 p.m.