

The Ontario Land  
**SURVEYOR**  
 Incorporating Blaze

Volume 17 Number 1

## Hon. Leo Bernier to address AOLS Annual Meeting

Meeting's choice of theme, The Wide World of Surveying, reflects membership's broader interest in all surveying practises

In the atmosphere of change presently prevailing in the practise of surveying here in Ontario, there is bound to be marked interest in what Ontario's Minister of Natural Resources, Hon. Leo Bernier, will say in his address following the Convocation Luncheon on Tuesday, February 5, at the Annual Meeting of the Association of Ontario Land Surveyors at Toronto's Hyatt Regency Hotel.

The Minister is certain of an attentive audience, for he may use the Order-in-Council of December 12, 1973, appointing two non-members of the AOLS to its Council of Management, as a take-off point for an expression of the government's views on the future of surveying practice in the province. The Order-in-Council is published elsewhere in this issue of SURVEYOR.

Hon. Leo Bernier's speech will be a highlight of the meeting—but not the only one. R. E. Moore, Monday morning's theme speaker, will point the directions in which the meeting will head. "The Wide World of Surveying," the meeting's

theme, will set the stage for subsequent presentations of more than twenty papers at the technical sessions slated for the afternoons of each of the three days of the meeting.

Monday afternoon's simultaneous technical sessions will be on Cadastral and Geodetic surveying; Tuesday afternoon's will be on Hydrographic surveying and Remote Sensing, and Wednesday afternoon's will be on Photogrammetric and Engineering surveying. For those interested in two subjects being considered at the same time, copies of the paper missed may be obtained by request to the Surveying Zone, chaired by George Babbage, the zone responsible for the technical sessions.

It won't be *all* business at the surveyors' annual powwow. On the Sunday evening before the surveyors do get down to the business of the meeting on Monday morning, the Toronto-based South Central Regional Group is hosting a wine and cheese party in the hotel's Stuart Room. Other social or quasi-social affairs will be the Honorary President's Luncheon on

Monday, the curling on Monday evening, Tuesday's Convocation Lunch of course, the Annual Banquet and President's Ball that evening, and the President's Luncheon on Wednesday, at which President-elect J. D. Dearden will be sworn in to office.

Surveyor's ladies are expected to grace all the business, technical and social functions of the annual meeting, indeed are being urged to show in greater numbers than ever before, although Mrs. John D. (Maureen) Barber and her committee have organized a program that will appeal to many ladies. A sherry party with a guest speaker is planned for Monday morning. Following lunch at Ed's Warehouse, the decor of which seems to fascinate every woman, the ladies will visit Markham Street and its colorful boutiques and antique shops. On Tuesday, the ladies may visit the Ontario Museum and the Yorkville shops and, on Wednesday, join a tour of the University of Toronto and an afternoon theatre party.

It promises to be a memorable annual meeting in more ways than one.

## The Implementation of By-Law No. 73-3

by E. W. PETZOLD  
 President, AOLS

A joint meeting of the Council of Management and the Board of Examiners on November 8, 1973, reviewed the resolution leading to By-Law 73-3 and the Council's plans for implementing it. Written replies to the Board's comments, contained in its letter to Council of October 11, were provided at the meeting. These comments and Council's replies were as follows:

**(a) Comment.** We are uncertain of the real purpose of the by-law.

**Reply.** The purpose of the by-law is to enable the public to identify the field or fields in which a surveyor or a survey firm has practical expertise. It also limits the members of our Association to advertise only in those field or fields of surveying which are entered on the roll opposite their names.

**Comment.** If, as stated, there is to be no restriction of a member to practise in

the field of qualification in which he is registered, then the by-law is only self-glorification.

**Reply.** There will be restrictions on advertising only. A member of our Association will be permitted to practise in any field of surveying. This by-law is in agreement with the philosophy of many other professional Associations in that it informs the public of the sphere of expertise of the professional practitioner.

**Comment.** If there is to be no restriction, grandfathering of others from outside the Association cannot be legally accomplished.

**Reply.** This by-law has no effect on anyone except members of the Association of Ontario Land Surveyors.

**(b) Comment.** If the next step after By-law No. 73-3 is to be restriction of members, this does not keep faith with

the suggestions now being made and, in any event, we believe this cannot be done under present legislation and regulations.

**Reply.** The steps that the Association has taken or will take in the future in relation to By-law 73-3 are as follows:

- Academic standards have been set through our recent regulation and through the Survey Science Program established at Erindale College;
- The fields of specialization have been identified;
- By-law 73-3 has been presented by Council and passed by our membership;
- We now have to place our members in the proper fields and have these fields of specialization entered on the roll opposite the members' names;

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- The Code of Ethics must be changed to allow members to inform the public of the field or fields of specialization;
- By-law 73-3 must be amended to change the definitions of the fields of qualification.

**(c) Comment.** A great deal of time, effort and expense will be required to implement By-law 73-3 without apparently accomplishing a real useful purpose. (George Yates, in his report of September 5, 1973, indicates that only fifteen people will apply for other than cadastral qualification).

**Reply.** Council on putting this by-law forth to the membership, and the membership on voting and passing this by-law at its annual convention, have clearly indicated that the time, effort and expense required to implement this by-law are justified.

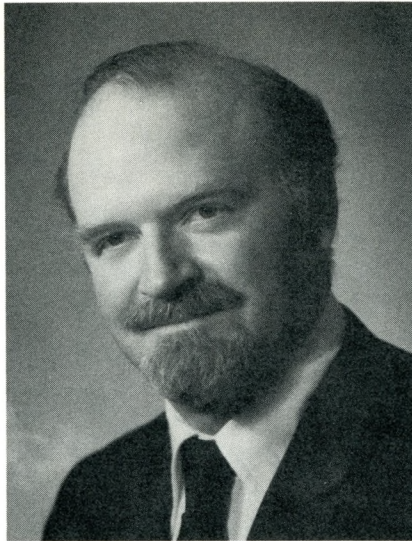
**(d) Comment.** In view of Section 10 (1)(b) of The Surveyors Act, any restriction or qualification of a person's membership in the Association should be authorized by regulation and not a by-law of the Association.

**Reply.** As previously stated, this by-law is not intended to restrict or qualify a member's right to practise in any field of surveying but is intended to restrict or qualify a member's right to advertise only in those fields in which he has demonstrated a certain level of expertise. Our solicitor, John Bogart, has confirmed that since By-law 73-3 is a housekeeping by-law, our membership can pass such by-law under Section 11(1) of The Surveyors Act.

**(e) Comment.** By-law 73-3 states that the qualification of an applicant must be assessed by the Secretary of the Association. In keeping with the Act and Regulations thereunder, a member's or applicant's qualifications *must* be reviewed by the Board of Examiners.

**Reply.** We can see nowhere in the Surveyors Act or the Regulations thereunder where the Board of Examiners *must* review the qualifications of a member of our Association. We, of course, agree that the Board of Examiners has the responsibility to review the qualifications of all students or applicants applying for membership in our Association.

**(f) Comment.** In accordance with the present provisions of the Act, a person wishing to become a member of the Association must first become a student and comply with Section 17, or be a member of an Association of Professional Land Surveyors in some other jurisdiction and comply with the terms of Section 18. The qualifications, training and experience of the applicant in either of the above cases are reviewed by the Board of Examiners and not ruled on by the Secretary of the Association.



*Red Petzold puts the case for By-Law No. 73-3*

**Reply.** We concur with the above comments; however, this by-law does not affect students or members of other Associations of Professional Land Surveyors. It only affects members of the Association of Ontario Land Surveyors in which case there is no section under the Act where the Board of Examiners must review the qualifications, training and experience of our own members.

**(g) Comment.** In many cases, it will be difficult for the Secretary to accurately assess the member's self-evaluation and decide whether or not his point grading is proper.

**Reply.** We have tested approximately fifteen members of our Association who will likely be applying in the fields of qualification other than cadastral, and have found that their self-evaluation has, in every case, been very conservative. It is our opinion that the returns of our membership should be accepted on the honor system and the Secretary should not involve himself in deciding whether or not the point grading is correct.

**(h) Comment.** Additional staff may be required to cope with extra work in processing, evaluating and recording qualifications and requests from over 650 current members, as well as *all* future applicants.

**Reply.** Our research has indicated that only 5% of our membership will apply for fields other than cadastral surveying and our membership, by passing the by-law, has indicated that they expect the Association to provide the budget and staff to cope with this extra work.

**(i) Comment.** The definitions of the fields of qualification are vague and will be difficult to apply.

**Reply.** We agree with this comment and have been reviewing these definitions since April, 1973, with the intention of amending the by-law at our next Annual Meeting.

**(j) Comment.** The Board may not have sufficient expertise to deal with applicants referred to it.

**Reply.** The Board has the right to obtain whatever expertise it requires from outside the Board to deal with the applicants referred to it. Furthermore, if it is necessary to hire people outside our Association, and we believe this will not be required, then Council is prepared to pay these outside experts from funds in its budget.

**(k) Comment.** The Board is already carrying a heavy workload and additional time may be required to deal with the applicants referred to it under By-law 73.

**Reply.** We realize that the Board of Examiners has a heavy workload and for this reason it may be wise to establish a sub-committee to deal with any applicants referred to it by the Secretary.

**(l) Comment.** There are no guidelines for the Board to apply in dealing with applicants referred to it beyond the point rating system set up for the use of the Secretary.

**Reply.** We believe that the application forms which were recently distributed are sufficient guidelines for the Board of Examiners. It is our belief that Council would be presumptuous in dictating guidelines which were more restrictive than these.

**(m) Comment.** There are no guidelines to indicate how Council would review any appeals of decisions from the Board.

**Reply.** Council has not yet established their own guidelines and will do so only as the need occurs. However, it is obvious that Council will give due consideration to the Board of Examiners' opinion.

**(n) Comment.** We believe that there will be a number of members who will request registration in more than one field and if their applications are denied, internal dissension or even Court action could result.

**Reply.** It is our responsibility to administer the affairs of our Association in the public interest which may not be in the self-interest of some of our members. On discussing this matter with several of our members, we believe that there may be some internal dissension, however, we do not believe that any Court action will result.

**(o) Comment.** If it is the intention that practice will eventually be restricted to the fields in which a member is registered, we believe the number of discipline problems will increase substantially.

**Reply.** As previously stated, the members will be restricted in advertising only and the members' professional practices will not be restricted in any manner whatsoever. This by-law can result in discipline problems only if a member advertises in a field or fields in which he or his firms are not qualified.

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## Changes in the Official Registrar

### 1973

		Reg. No.	
November 22	<b>PRESTON, Ronald Keith</b>	1351	New Registration
November 22	<b>KERR, Brian William</b>	1352	New Registration
November 22	<b>GIDDY, Glenn Edward</b>	1353	New Registration
November 26	<b>HATKOSKI, Richard Jack</b>	1354	New Registration
November 26	<b>VAUGHAN, George Brian</b>	1355	New Registration
November 27	<b>GRANT, Gary Joel</b>	1129	Re-instated
November 27	<b>HOLSTEAD, Donald</b>	657	Deceased
December 6	<b>CARLYLE, Burnham Wellington</b>	1356	New Registration
December 6	<b>ZETTEL, Robert Walter</b>	1357	New Registration
December 17	<b>BEARMAN, Frederick Robert</b>	773	Resigned
December 24	<b>MILLALEY, James Peter</b>	1358	New Registration
December 27	<b>FULFORD, Francis Bruce</b>	1359	New Registration
December 31	<b>HUME, Darrell Lawrence</b>	1360	New Registration
December 31	<b>ROOTH, Carl Joseph</b>	1361	New Registration
December 31	<b>ROWE, Timothy</b>	1362	New Registration

### 1974

January 2	<b>PICKARD, Barry Roger</b>	1363	New Registration
January 3	<b>ELMS, Malcolm Rex</b>	1364	New Registration
January 3	<b>STASSEN, Bastian John</b>	1365	New Registration
January 3	<b>CURL, Gary Norman</b>	1366	New Registration
January 4	<b>LeGRIS, Murray James</b>	1367	New Registration
January 10	<b>KUPFERSCHMIDT, Martin</b>	1368	New Registration
January 14	<b>DORE, Richard Francis</b>	636	Deceased

Active membership: 675

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Also at that meeting a very concise discourse on the Fields of Qualification and reasoning behind their implementation was presented, as follows:

By-law 73-3 passed at the Annual Meeting in February 1973 represents a major policy statement of the members of the Association endorsing the fields of qualification within the profession. This policy is consistent with the thinking and action of the Association and witnessed by (1) the initiation of the Survey Science Program at Erindale, (2) the resolutions passed by the membership at two annual meetings that professional land surveying includes *inter alia* activity at the professional level in the fields of geodesy and photogrammetry.

The purpose of the by-law is to enable the public to identify the field in which a surveyor has expertise or competence and to allow that member to advertise his specialty. Other professions are following a similar procedure of identification of specialties, such as Law and Engineering.

The Law Society is presently proposing that its members be categorized in their fields of specialty such as Real Estate, Corporate Law, Labor, Criminal, etc., so that the public may be aware of their specialties and that they may be identified in their law directories and telephone directories.

The Professional Engineers Association saw fit to allow their members to be classed as specialists and consultants and this is now an Ontario Regulation, and I would like to quote here what their feeling was on this aspect of specialization. "The regulations are the culmination of twenty years of discussion by the professional body on the desirability of designating current competence of members over and above the bare possession of minimum qualifications for registration. It is also the profession's response to the public and government outcry for greater accountability by the privileged professional. Further, its purpose is (1) to identify to the public those members who have demonstrated the possession of particular and extensive growth expanse in a particular field and (2) to provide some indication of current competence and through a process of requalification to ensure such competence is not eroded by time or circumstances."

What has our Association done to implement our thinking in this regard? Certainly the Survey Science Program at Erindale College was initiated by the Ontario Land Surveyors to give their members the academic training required in many of these specialties. Many of our members have gained considerable work experience in their specialties and now wish to advertise those specialties to the public.

By-law 73-3 was a step taken to implement the Association's thinking in the fields of specialties within our present membership and to have members placed in their appropriate fields and be entered on the roll of the Association.

Basically, what we are trying to do is to allow our present members to advertise their specialties and at the same time provide the new Erindale graduates with the right to inform the public of their specialties. I would certainly consider that the passing of By-law 73-3 is the Association's response to the public and government for greater accountability by the privileged professional and I would urge all members to consider the implementation of this by-law.

After considerable fruitful discussion, the Council and the Board then concurred that, with minor revisions, By-law 73-3 was a part of our confirmed legislation, that it was operable, and that it was in the best interests of the public and the Association that the execution of this by-law be proceeded with. Individual opinions were sought and recorded on the method of execution of the by-law, and the general consensus was as follows:

1. That we allow a self-evaluation of combined and practical experience in each category, against published standards, and with a monitoring procedure to ensure reasonably uniform standards.
2. That we accept the committee proposal with a revised graph according to the suggestions that were made at the joint meeting.

Since that time the revised forms have been prepared and sent out to the membership.

Further to Comment a(2) and its reply, I would like to re-affirm to the membership that your Council does not entertain restricted licensing in any of its deliberations, in fact it is opposed to the restriction of practicing.

We do believe, however, that a member should be able to identify his expertise in various fields.

Although this by-law will only allow your name to be entered on the roll in the various fields, it will facilitate any further amendment to the Code of Ethics enabling you to advertise in the appropriate fields.

I have every confidence that you will treat your application with the appropriate seriousness and concern.

**Support  
Surveyors'  
Scholarships**