

# SRD - Back to Basics

## Peer Competence Review Revised!

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**R**ecent revisions to the Surveyors Act, and O. Reg. 216/10 and Regulation 1026, have brought many changes to the surveying profession in Ontario. While the changes appear to be made in an attempt to make the act and regulations comprehensive with regard to the expanded profession, a number appear to have the possibility of great impact on traditional cadastral practices.

The introduction of integrated surveys has become a hot button topic of conversation with many surveyors, and for a time has overshadowed some of the other changes in the updated regulations. Integration has brought much discussion and theoretical explanation, but very little thought regarding the practical application. Integration is sure to be on our radar screens for some time to come.

Equally as important as the concept of integration will be the definitions in Regulation 1026, being the definitions of a FIRM, and the concept of a PROJECT. Section 40 of Regulation 1026 deals with the inspection program, and introduces the terms “firm”, and “project”.

### Inspection Program

**40 (4) At least once each year, the member or members appointed by the Council shall inspect at least one plan or project prepared by each firm. R.R.O. 1990, Reg. 1026, s. 40 (4).**

Essentially, firm is the object to which the systematic and comprehensive reviews by the Survey Review Department (SRD) will now be applied.

Section 40 defines a firm in two parts, namely

- (a) any professional member or group of professional members that undertakes professional land surveying, or**
- (b) a government department or agency, that undertakes cadastral surveying, whether or not it is a service offered to the public;**

By definition then, in section (a) a firm is “any professional member or group of professional members...” This portion of the definition appears to reflect the direction of successive councils of the AOLS that ALL OLS’s be subject to the Peer Competence Review (PCR) process.

With regard to the existing review process, to date the SRD has responded to this direction of Council by changing departmental processes to include all surveyors who certify plans in firms with more than one OLS. As the department continues to evolve the process, all members will now be subject to review, whether or not they are certifying plans.

With this widening of the scope of definition, questions arise as to the application to “all members”. The obvious application with the recent expansion of the profession is that this is intended to apply to both the Cadastral and the CR (Certificate of Registration) membership. In so doing, however, the application has applied to many in the profession who have not been subject to the peer competence review process in the past, and includes members who do not regularly certify plans.

How then might a review take place for classes of surveyors who are not certifying plans? A number of situations might arise from this section, from the ridiculous to the sublime, and might include semi-retired or honorary members, or members who are working on the staff of companies that do not certify plans or perhaps even staff members of our own Association who are OLS’s.

With regard to government departments, in section (b) of the definition of “firm” government departments or agencies themselves are now also defined as firms. These departments then will be reviewed and possible conflicts might arise in the varied situations of government offices that employ OLS’s. It is foreseeable that conflicts between managers of departments who are not OLS’s may occur if being required to submit projects for review. Would a reluctant upper level manager require a subordinate OLS to give up his/her commission to avoid departmental review?

What sort of review process might be applicable to the Surveyor General, or the AOLS Registrar, or for that matter the Manager of the SRD itself? All are persons who do not regularly certify plans, but who are OLS’s.

The review process as it relates to Certificate of Registration (CR), must apply in a like manner to the cadastral side of the Association. All CR members must be reviewed, with submissions for Systematic and Comprehensive review.

### PROJECT

**40 (4) At least once each year, the member or members appointed by the Council shall inspect at least one plan or project prepared by each firm. R.R.O. 1990, Reg. 1026, s. 40 (4).**

From section 40 “project” means a plan, map, drawing, file, report or any other form of transmittal by which a professional member advises or gives an opinion as to,

- (a) the establishment or determination of boundaries delineating any right or interest in land or land covered with water, or

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- (b) the determination or analysis of spatial attributes of natural and artificial features on, above or below the surface of the earth, whether or not the surface of the earth is situated below water.


The new definition of project, while it at first blush appears to be an inclusive way to deal with the variety of reports and details that might make up the day to day business of the CR membership, also appears to widen the scope of reviewable items on the cadastral side of the association.

It is hard to imagine a cadastral job that would not fall under the auspices of “plan, map, drawing, file, report or any other form of transmittal”. This concept follows the direction given by successive Councils of the AOLS that all OLS’s be reviewed, and appears to widen the scope to include that all jobs prepared by OLS’s be available for the peer competence review process.

With this wider scope brought forward within the new definition of “project” all jobs will now be required to be tracked, and a number assigned to them to allow the possibility of review. Traditionally, stickers have been applied to plans providing both the opportunity to track files, as well as provide the departmental funding. While the sticker process is not necessarily required, it is a methodology that is currently well known. Will the system of stickers continue? At least in the short term I believe it will. Review of the process is currently being undertaken, with input from the CR branch of the association so that any changes will reflect a system that will work for everyone.

Care should be taken in review of the issues that relate to the terminology “Project”. Confusion may occur with the common understanding of the term and the definition from the regulation. The plain meaning, which in regular usage, will vary from surveyor to surveyor, should not be confused with the definition of Project from section 40 of Regulation 1026. An example of this might be a “project” to Surveyor “A” that might include all of a new subdivision, and include many plans. Surveyor “B” might believe that this is many smaller projects. Which one applies?

The definition of *Project* also specifically relates to the advice or opinion about “boundaries” and “features” of land. A clear distinction of the application of the term *Project* is required. In as much as the expected update of the Interpretive Guide will help to address this issue, it would seem that opinions relate in much the same way that they always have and that if you present your client with multiple opinions in one project (common usage) you should be expected to have each of these multiple opinions available for review by the SRD.

On a go forward basis, as the tracking and funding model evolves, changes will undoubtedly be brought to the membership in the form of a new SRD By-Law for approval. 

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