

# THE CANADIAN COUNCIL OF LAND SURVEYORS

## SECOND ANNUAL REVIEW OF THE LABOUR MOBILITY AGREEMENT FOR CANADIAN LAND SURVEYORS

Wednesday July 9, 2003

By Teleconference

12:00 p.m. Eastern Time

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### MINUTES

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<b>Presiding:</b>	Phil Milo, CCLS Past President
<b>Recorder:</b>	Sarah Cornett, CCLS Executive Director
<b>Signatory Representatives:</b>	
Jean-Claude Tétreault	Association of Canada Lands Surveyors
Fred Hutchinson	Association of Nova Scotia Land Surveyors
Alan Hicks	Association of New Brunswick Surveyors
Luc St.-Pierre	L'Ordre des Arpenteurs-Géomètres du Québec
Bill Buck	Association of Ontario Land Surveyors
Steve Bossenmaier	Association of Manitoba Land Surveyors
Dave Gurnsey	Saskatchewan Land Surveyors Association
Ron Hall	Alberta Land Surveyors' Association
Chuck Salmon	Corporation of Land Surveyors of the Province of British Columbia
<b>Observer:</b>	
Rick Sherby	Association of Manitoba Land Surveyors
<b>Absent:</b>	
Dave Morris	Association of Prince Edward Island Land Surveyors
unknown	Association of Newfoundland Land Surveyors

#### 1. CALL TO ORDER

The meeting was called to order by the Chair at 12:05 p.m. Eastern daylight savings time.

#### 2. WELCOME AND INTRODUCTIONS

Round table introductions were made. It was noted that the Association of Newfoundland Land Surveyors had not named a representative for this meeting.

#### 3. ADOPTION OF AGENDA

**MOTION LM-03-01** BE IT RESOLVED THAT the agenda be adopted as circulated.

MOVED: Dave Gurnsey

SECONDED: Fred Hutchinson

CARRIED

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### 4. REVIEW OF IMPLEMENTATION AND APPLICATION OF THE AGREEMENT TO DATE

**This meeting is called in order to fulfill the obligations described in sections 5.1 and 5.3 of the Mutual Recognition Agreement on Labour Mobility for land Surveyors in Canada.**

**The participants were asked to submit the following information prior to this meeting. Responses received in advance were compiled and circulated to all representatives.**

- i *Name and contact information for representative of the association on the monitoring group.*
- ii *An update on any outstanding changes in your Act, Regulations, By-laws or Policies that were required in order that your association could comply with the terms of the agreement.*
- iii *An update on applicable action items contained in the minutes of the previous meeting.*
- iv *An indication of how many people have applied to your association under the agreement and the status of their applications (i.e. under consideration, on hold pending administrative changes, completed.)*
- v *If you have completed the process of licensing any applicants under the agreement, please consider asking those individuals to provide a brief report about how the agreement could be improved upon or clarified, from their perspective.*
- vi *An indication of any comments or observations, other topics for discussion, or questions about the agreement, its implementation, or application.*

**Each participant was asked in turn, to make observations or pose questions related to the agreement or the circulated information. The following is a synopsis of the discussions.**

ACLS representative, J-C T treault, posed a question to SLSA representative, Dave Gurnsey, regarding a CLS applicant being asked to ‘start over’ under an MRA application. Dave Guernsey expanded on information presented in his submission to the meeting. It was noted that concerns over the application were compounded by significant changes in legislation as well as changes to the examination process during the period between the individual’s articling application and MRA application. Several comments were added by other meeting participants including that without having all of the details of the case to review, and knowing that each association has the obligation to ensure the qualifications of each applicant, the SLSA would seem to have made a valid decision in this specific case. It was noted that the agreement was never intended to be a means to skirt the basic requirements for licensure in any jurisdiction. The individual has now completed all requirements and has received an SLSA licence.

The ANSLs representative, Fred Hutchinson, gave brief review of the submitted information, noting that the second applicant under the agreement should receive their

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licence very shortly. The issue of reciprocity in recognizing a portion of articling time for regular applicants (i.e. not an applicant under the agreement) was brought forward. The point was made that the academic pre-qualification is being addressed through the current regional Boards of Examiner MOU and the National Board of Examiners discussion, that the MRA addressed post licensure reciprocity, and that this third reciprocity issue in the articling process may well be next natural discussion topic. It was generally agreed that the topic is outside of the mandate of this group and may fit better within the mandate of either the proposed National Board of Examiners or the renewed terms of reference of the CCLS Board of Examiners Co-ordinating Committee.

The ANBLS representative, Alan Hicks, gave a brief review of the submitted information. It was noted that membership has been dropping in New Brunswick and that the movement of surveyors is primarily out of province rather than in. It was noted that an application had been made by a Maine Land Surveyor and that research had indicated that while the NAFTA agreement would not override the Land Surveyors Act requirement for Canadian Citizenship, the Canadian Charter may override if the individual was a resident of Canada. It was noted that there had been indications that Canadian licences had been received in the States as indicating valid qualifications for licensure there.

The OAGQ representative, Luc St.-Pierre, noted that the Order had received no application under the MRA but that there are increasing numbers of applicants from other parts of the world. The Council has discussed the issue of more than one exam per year and noted that while there are not enough applicants to warrant more frequent regular exams, special exams would certainly be considered on an individual basis if requested. A cost recovery fee for these exams is charged to the applicant. In response to a question, Luc noted that international applicants are evaluated closely, with the assistance of University of Laval in understanding academic qualifications. The examination process also is felt to provide assurance of qualifications.

The AOLS representative, Bill Buck, reiterated that the one applicant to date cannot be sworn in due to the regulation changes not yet being passed through the government process. The changes have been passed by the membership.

The AMLS representative, Steve Bossenmaier, noted that there had been no applicants to date. It has been noted, by an MB Council member, that an arbitration process of some kind should be established to resolve issues between associations, should they arise. It was noted that at the last meeting of the Monitoring Group, consensus had been reached that a mediation process within the CCLS structure, would be established when it was needed and not in anticipation of such a need. See minutes of July 3, 2002 item 4. v. f.

The SLSA representative, Dave Gurnsey, noted that inquiries had been received from individuals who had made substantial progress through the articling process but that those individuals had opted to remain within that stream rather than transfer to the MRA process. The Association does expect to receive more applications in the future and believes that subsequent applications will be smoother than the last one.

The ALSA representative, Ron Hall, noted that there has been significant activity as indicated in the submitted report. There are several individuals within the regular articling process who are eligible under the agreement but have chosen to continue

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articles. Ron also noted that the practical exam has been completely overhauled eliminating the computations issue, a second sitting of exams per year has been implemented, and regulatory changes have been completed. It is hoped that the new examination process, which includes building a database of questions, may lead to the ability to have examinations on demand. Ron posed a question to the ACLS representative, J-C Tétreault, regarding the changes to the requirement for the affidavit of experience. It was noted that the changes were a response to the last meetings conclusion that the policy constituted a barrier to applicants under the agreement.

Ron was questioned about an NSLS being accepted as an affiliate member (i.e. an applicant under the agreement in Alberta) and then requesting retirement status with the ANSLS. It was suggested that this would invalidate the application in Alberta because the individual would no longer be an eligible applicant, not having an active license in Nova Scotia. A retired member in Nova Scotia would be required to re-qualify prior to being reinstated to full licensed status. The ALSA has informed the individual that relinquishing his NSLS licence would not affect his status as an applicant to the ALSA because the retirement would be 'recent' and not considered to be indicative of a lack of qualifications. It was noted that a similar situation had arisen in Saskatchewan and that individual was advised by the SLSA that they should keep their active licence in Saskatchewan until the other licence had actually been granted.

There was general agreement that serious complications could arise if the letter of the agreement in this key area is not consistently applied by all signatory associations. The retired NSLS is not technically eligible for licensure by the ALSA under the agreement. The ALSA could be subjecting itself to difficulties, both in liability and in setting precedent, by licensing such an individual. Scenarios such as the licensing of this individual being delayed beyond the definition of 'recent' retirement, issues with their competency arising after licensure calling into question the ALSA's process, the individual applying for another license and that third jurisdiction questioning the validity of the application and ALSA's process, could be difficult to anticipate or resolve.

The Corp. BCLS representative, Chuck Salmon, in reflecting on the licensing of non active surveyors from other jurisdictions, noted that their legislative requirements under section 44 uses the wording "is or was authorized to practice" unlike the agreement. However, the Corporation has significant latitude under that section and could assess each individual with more scrutiny than an MRA applicant prior to licensing. Chuck noted that he has recently received an inquiry from a land surveyor about applying under the agreement and has sent out information. He also noted that the computations exam had been split into two parts to comply with the terms of the agreement. There is one individual, licensed in another jurisdiction, who is proceeding through the older legislated process recognizing other licenses (section 44) rather than under the agreement. The Corporation is looking at the possibility of a limited type of membership or restricted license, for section 44 or MRA candidates. Similarly, membership categories are being looked at for other categories, such as students, as the current membership definition is very restrictive.

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### **5. REPORT FROM THE ASSOCIATION OF PRINCE EDWARD ISLAND SURVEYORS AND DISCUSSION OF POTENTIAL FOR INCLUSION OF THAT ASSOCIATION IN THE AGREEMENT.**

The APEILS representative was not available. It was noted that at the April 2003 CCLS annual meeting no change in the APEILS position was indicated.

### **6. SUMMARY OF ACTION ITEMS/NEXT STEPS**

It was agreed that CCLS should ensure that the issue of articling reciprocity is considered in the re-examination of the terms of reference for the BECC or National Board or alternative.

### **7. NEXT MEETING / ADJOURNMENT**

In discussing the timing of the next meeting, it was noted that this is a standing committee under the agreement and that CCLS would arrange a meeting on request should an issue arise between the required annual reviews. It was also noted that the agreement requires the reporting of any changes to an associations licensing process to the other signatory associations.

It was noted that having the meeting after the AGM's give an opportunity for reporting to this forum and determined that the next meeting would be arranged by CCLS next Spring.

The meeting was adjourned at 1:20 p.m. Eastern Daylight Savings Time.