

# Professional Engineers Act

## R.R.O. 1990, REGULATION 941

### GENERAL

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*This is the English version of a bilingual regulation.*

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## Definitions

### 1. In this Regulation,

“Chapter” means a chapter established pursuant to the by-laws; (“section”)

“general secretary” means the general secretary appointed by the Council; (“secrétaire général”)

“Junior Regional Councillor” means that one of the two regional councillors from a Region who is serving his or her first year of a two-year term of office; (“conseiller régional subalterne”)

“Member” means a member of the Association; (“membre de l’Ordre”)

“practitioner” means holder of a licence, a temporary licence, a provisional licence, a limited licence or a certificate of authorization, as the case requires; (“praticien”)

“professional practice examination” means the examination in respect of professional ethics, engineering law and other related matters that is set or approved by the Council for the purposes of this Regulation; (“examen sur l’exercice de la profession”)

“Region” means a region established by this Regulation; (“région”)

“register” means a register maintained by the Registrar under section 21 of the Act; (“tableau”)

“seal” means the seal of a practitioner that is approved by the Council under section 52, and, unless the context requires otherwise, includes an electronic image of a seal. (“sceau”) R.R.O. 1990, Reg. 941, s. 1; O. Reg. 13/03, s. 1; O. Reg. 143/08, s. 1; O. Reg. 71/15, s. 1; O. Reg. 709/20, s. 1; O. Reg. 837/21, s. 1.

## COUNCIL ELECTIONS

### Composition of Council

2. Fifteen members shall be elected to the Council as follows:

1. Thirteen members shall be elected to the Council for a two-year term of whom,
  - i. three members shall be elected as councillors-at-large by and from among the Members,
  - ii. two members shall be elected as regional councillors by and from among the Members in each of the five Regions.
2. Two members shall be elected annually by and from among the Members as a president-elect and a vice-president. R.R.O. 1990, Reg. 941, s. 2; O. Reg. 143/08, s. 2; O. Reg. 35/18, s. 1.

### Eligibility — councillor-at-large, regional councillor

2.1 (1) Subject to subsection (3), a Member who meets the following criteria is not eligible to serve as either councillor-at-large or regional councillor until the period described in subsection (2) has ended:

1. The duration of all terms served by the Member in any or a combination of the following offices is, when considered cumulatively, at least six years:
  - i. Councillor-at-large.
  - ii. Regional councillor.
  - iii. Appointee of the Lieutenant Governor in Council under clause 3 (2) (b) of the Act
2. If the Member’s service included filling a vacancy for the remainder of an unexpired term, the duration of all terms served by the member in any or a combination of the offices mentioned in subparagraphs 1 i, ii and iii is, when considered cumulatively, at least seven years. O. Reg. 35/18, s. 2.

(2) For the purposes of subsection (1), the period that must have ended is the period beginning on the Member’s last day of service in a term mentioned in subparagraph 1 i, ii or iii of subsection (1) and ending on the day of the sixth annual meeting of Members held following the Member’s last day of service. O. Reg. 35/18, s. 2.

(3) This section applies for the purpose of determining the eligibility of a person for a term of office that begins after the day Ontario Regulation 35/18 comes into force. O. Reg. 35/18, s. 2.

### Additional officers

3. (1) There shall be the following additional officers of the Association:

1. The president, who is a Member and who was president-elect in the immediately preceding year.
2. A vice-president, who shall be appointed annually by Council from among its members elected or appointed under clause 3 (2) (a) or 3 (2) (b) of the Act at a meeting of Council to be held after the close of business and on the day of the annual meeting of Members or within thirty days thereafter.
3. The past president, who is a Member and who was the president in the immediately preceding year. R.R.O. 1990, Reg. 941, s. 3 (1).

(2) If the president is incapacitated or resigns, the office of president shall be filled by the president-elect, failing that by the vice-president elected by the members, failing that by the vice-president appointed by the Council, or failing that by a member of the Council who the Council shall appoint. R.R.O. 1990, Reg. 941, s. 3 (2); O. Reg. 71/15, s. 2.

(3) Subject to subsection (8), a Member may serve for a maximum of one term as each of the following officers:

1. President-elect.
2. President.

3. Past president. O. Reg. 35/18, s. 2.

(4) Subject to subsection (6), a Member who has served as president-elect, president or past president is not eligible to serve on Council as a councillor-at-large or a regional councillor until the period described in subsection (5) has ended. O. Reg. 35/18, s. 2.

(5) For the purposes of subsection (4), the period that must have ended is the period beginning on the Member's last day of service in a term mentioned in subsection (4) and ending on the day of the sixth annual meeting of Members held following the Member's last day of service. O. Reg. 35/18, s. 2.

(6) The filling of the office of president under subsection (2) shall not be considered serving as president for the purposes of subsections (3) and (4). O. Reg. 35/18, s. 2.

(7) After a Member has served as vice-president for one term, the Member is not eligible to serve as vice-president again until the day of the tenth annual meeting of Members held following the Member's last day of service as vice-president. O. Reg. 35/18, s. 2.

(8) Subsections (3), (4), (5) and (6) apply for the purpose of determining the eligibility of a person for a term of office that begins after the day Ontario Regulation 35/18 comes into force. O. Reg. 35/18, s. 2.

#### **Regions established**

4. The following Regions are established:

1. Western Region.
2. West Central Region.
3. East Central Region.
4. Eastern Region.
5. Northern Region. R.R.O. 1990, Reg. 941, s. 4.

#### **Area of Regions**

5. The area of each Region is the area described in Schedule 1. R.R.O. 1990, Reg. 941, s. 5; O. Reg. 143/08, s. 3; O. Reg. 71/15, s. 3.

#### **Nomination required**

6. No person shall be elected as a member of the Council unless the person has been nominated for election in the manner prescribed in this Regulation. R.R.O. 1990, Reg. 941, s. 6.

#### **Eligibility — Member employed by Association**

7. A Member who is employed by the Association is not eligible for election to the Council unless the Member,

- (a) takes an unpaid leave of absence that takes effect no later than the day after he or she is nominated for election; and
- (b) submits to the Registrar his or her resignation in writing, to take effect at the time he or she would take office. O. Reg. 71/15, s. 4.

#### **Residency requirement — regional councillor**

8. A person elected or nominated for election as a regional councillor must, at the time of the election or nomination, reside within the Region in which the person is elected or nominated for election. R.R.O. 1990, Reg. 941, s. 8.

#### **Residency requirement — cessation of qualification**

9. (1) A regional councillor ceases to be qualified for his or her office when the regional councillor ceases to reside within the Region in which he or she was elected, in which event Council may appoint a Member who resides in the Region to serve the balance of the term of the regional councillor. R.R.O. 1990, Reg. 941, s. 9 (1).

(2) A member of Council ceases to be qualified to hold his or her office when the member ceases to reside within Ontario. R.R.O. 1990, Reg. 941, s. 9 (2).

#### **Eligibility — member of Council**

10. (1) A member of Council is not eligible for election or re-election unless the member's full term of office will have expired by the time the member would take office for a new term, or unless the member submits his or her resignation in writing, effective at the time the member would take office for the new term, to the Association prior to nomination for election or re-election. R.R.O. 1990, Reg. 941, s. 10 (1).

(2) A member of Council who has been appointed by the Lieutenant Governor in Council and who is also a Member is not eligible for election unless the member's term of office will have expired by the time the member would take office for a new term, or unless the member submits his or her resignation in writing, to take effect at the time the member would take office for the new term, to the Lieutenant Governor in Council prior to nomination for election. R.R.O. 1990, Reg. 941, s. 10 (2); O. Reg. 71/15, s. 5.

#### **Manner of voting**

**11.** The Council shall determine in each year whether the voting for the election of members to the Council for that year shall be by ballot cast by mail, by electronic means or by either mail or electronic means. O. Reg. 157/07, s. 2.

#### **Chief Elections Officer**

**11.1** The Council shall appoint in each year a Chief Elections Officer, who shall for that year,

- (a) oversee the nomination of Members for election to the Council and the election of and voting for members to the Council; and
- (b) ensure that nomination, election and voting are conducted in accordance with the procedures established under the Act. O. Reg. 157/07, s. 2.

#### **Central Election and Search Committee**

**12.** (1) The Council shall appoint a Central Election and Search Committee each year composed of,

- (a) the penultimate past-president;
- (b) the immediate past-president;
- (c) the president; and
- (d) two or more other Members. R.R.O. 1990, Reg. 941, s. 12 (1); O. Reg. 157/07, s. 3 (1); O. Reg. 71/15, s. 6.

(2) The penultimate past-president shall act as chair, unless he or she is unable or unwilling to act, in which event another member of the Central Election and Search Committee designated by the Council shall act as chair. R.R.O. 1990, Reg. 941, s. 12 (2); O. Reg. 157/07, s. 3 (2).

(3) The Central Election and Search Committee shall,

- (a) encourage Members to seek nomination for election to the Council as president-elect, vice-president or a councillor-at-large;
- (b) assist the Chief Elections Officer as may be required by him or her; and
- (c) receive and respond to complaints regarding the procedures for nominating, electing and voting for members to the Council in accordance with this Regulation. O. Reg. 157/07, s. 3 (3).

(4) Meetings of the Central Election and Search Committee shall be convened by the chair from time to time or as directed by Council. O. Reg. 157/07, s. 3 (3).

(5) Three members of the Central Election and Search Committee constitute a quorum. O. Reg. 143/08, s. 4.

(6) No member of the Central Election and Search Committee shall consent to being nominated for election to the Council while holding a position with the Committee. O. Reg. 143/08, s. 4.

(7) The Council may remove a member of the Central Election and Search Committee from his or her position if,

- (a) the member is unable or unwilling to fulfil his or her duties or functions as a member of the Committee; or
- (b) the member consents to being nominated for election to the Council in contravention of subsection (6). O. Reg. 143/08, s. 4.

(8) If a vacancy occurs on the Central Election and Search Committee by reason of the death, resignation or removal under subsection (7) of a member of the Committee, the Council may designate a member of the Council to fill the vacancy for the remainder of the unexpired term. O. Reg. 143/08, s. 4.

(9) To be valid, a motion under subsection (7) or (8) must be approved by the votes of at least two-thirds of the members of the Council present and voting on the motion. O. Reg. 143/08, s. 4.

#### **Regional Election and Search Committee**

**13.** (1) The Council shall in each year appoint a Regional Election and Search Committee for each Region composed of the chair of each Chapter in the Region. R.R.O. 1990, Reg. 941, s. 13 (1); O. Reg. 157/07, s. 4 (1); O. Reg. 143/08, s. 5.

(2) The Junior Regional Councillor in each Region shall act as chair of the Regional Election and Search Committee for that Region and shall be entitled to vote only to break a tie. R.R.O. 1990, Reg. 941, s. 13 (2); O. Reg. 157/07, s. 4 (1); O. Reg. 71/15, s. 7 (1).

(3) If the Junior Regional Councillor is unable to act, the Regional Election and Search Committee shall select a chair from among its members and the chair shall be entitled to vote only to break a tie. R.R.O. 1990, Reg. 941, s. 13 (3); O. Reg. 157/07, s. 4 (1); O. Reg. 71/15, s. 7 (2).

(4) The Regional Election and Search Committee for a Region shall encourage Members residing in the Region to seek nomination for election to the Council as a regional councillor. O. Reg. 157/07, s. 4 (2).

(4.1) Meetings of a Regional Election and Search Committee shall be convened by the chair from time to time or as directed by Council. O. Reg. 157/07, s. 4 (2).

(5) A Chapter chair who is unable to attend a meeting of the Regional Election and Search Committee may appoint a delegate, who must be a member of the Chapter executive, to attend the meeting and act in his or her place, and the delegate must deliver the written authorization of the Chapter chair to the chair of the meeting. R.R.O. 1990, Reg. 941, s. 13 (5); O. Reg. 157/07, s. 4 (3).

(6) A majority of Regional Election and Search Committee members constitutes a quorum at any meeting of the committee. R.R.O. 1990, Reg. 941, s. 13 (6); O. Reg. 157/07, s. 4 (3).

(7), (8) REVOKED: O. Reg. 157/07, s. 4 (4).

#### **Nomination requirements**

**14.** (1) A Member may be nominated for election to the Council as president-elect, vice-president or a councillor-at-large by no fewer than fifteen other Members, including Member residents from each Region. O. Reg. 157/07, s. 5.

(2) A Member may be nominated for election to the Council as a regional councillor for a Region by no fewer than fifteen other Members who reside in the Region. O. Reg. 157/07, s. 5.

(3) A nomination under subsection (1) or (2) is not valid unless it is,

(a) signed by all the nominators;

(b) forwarded to the Registrar together with the written consent of the Member nominated; and

(c) received by the Registrar no later than the date and time set by the Council for the receipt of nominations in respect of the election. O. Reg. 157/07, s. 5.

(4) REVOKED: O. Reg. 35/18, s. 3.

#### **Statement re citizenship, residency**

**15.** A Member nominated for election to Council must state in his or her consent to the nomination that he or she is a Canadian citizen resident in Ontario. R.R.O. 1990, Reg. 941, s. 15.

#### **No Member nominated**

**15.1** (1) Where no Member is nominated for election as president-elect, vice-president or councillor-at-large or for election as a regional councillor in any Region, the office of president-elect, vice-president, councillor-at-large or regional councillor, as the case may be, shall be filled by a Member appointed by a majority of the Council. O. Reg. 157/07, s. 6.

(2) A Member is not eligible to be appointed under subsection (1) to the office of regional councillor for a Region unless he or she resides in the Region at the time of the appointment. O. Reg. 157/07, s. 6.

(2.1) REVOKED: O. Reg. 35/18, s. 4.

(3) Despite section 6, a Member appointed to an office under subsection (1) shall be deemed to have been nominated for and elected to the office in accordance with this Regulation. O. Reg. 157/07, s. 6.

#### **One Member nominated**

**16.** Where no more than one Member is nominated for election as president-elect, vice-president or councillor-at-large or for election as a regional councillor in any Region, the Member is elected by acclamation. R.R.O. 1990, Reg. 941, s. 16.

#### **Preparation of ballots**

**17.** (1) The Registrar, or in his or her absence the general secretary, shall prepare ballots for an election to Council setting out the names of the candidates for each office. O. Reg. 157/07, s. 7.

(2) Subsection (1) does not apply in the case of an office to which a Member is appointed by a majority of the Council or elected by acclamation. O. Reg. 157/07, s. 7.

#### **Ballot and list sent to voters**

**18.** The Registrar, or in his or her absence the general secretary, shall send to each Member entitled to vote in respect of an election a ballot and a list of Members, if any, appointed to office by a majority of the Council or elected to office by acclamation. O. Reg. 157/07, s. 7.

#### **Voting**

**19.** (1) A Member who receives a ballot for an election to Council may cast his or her vote by returning, in the manner determined by the Council under section 11, a completed ballot to the Registrar, the general secretary, the Chief Elections Officer or an agent designated by the Council for the purpose no later than the date and time set by the Council. O. Reg. 157/07, s. 7.

(2) The date referred to in subsection (1) shall not be less than twenty-eight days following the date on which the ballots are sent to the Members. O. Reg. 157/07, s. 7.

#### **Appointment of returning officers**

**20.** On or before the date set by the Council for the receipt of ballots, the president shall appoint three returning officers who may, but need not be, Members. R.R.O. 1990, Reg. 941, s. 20; O. Reg. 157/07, s. 8.

#### **Duties of returning officers**

**21.** The returning officers shall,

- (a) observe the processing of ballots to ensure that only duly marked ballots returned before the date and time set by the Council under subsection 19 (1) are counted;
- (b) review rejected ballots;
- (c) re-process rejected ballots found to be valid;
- (d) approve the final count of ballots;
- (e) make such other investigation and inquiry as they consider necessary or desirable for the purpose of supervising the counting of the vote; and
- (f) report the results of the vote to the Registrar not later than three weeks following the date set by the Council for the receipt of ballots. R.R.O. 1990, Reg. 941, s. 21; O. Reg. 13/03, s. 8; O. Reg. 157/07, s. 9.

#### **Determination of election**

**22.** (1) The candidate receiving the greatest number of votes for an office is elected to the office. R.R.O. 1990, Reg. 941, s. 22 (1).

(2) In the event of a tie, an election shall be decided by coin toss conducted by the retiring president. R.R.O. 1990, Reg. 941, s. 22 (2).

#### **Written notice of results**

**23.** (1) The Registrar shall give written notice of the election results, including appointment by a majority of the Council or election by acclamation,

- (a) to all members of the Council; and
- (b) to all persons nominated for the election,

and shall forward the results, including the number of votes cast for each candidate, to all Members prior to the date of the annual meeting of the Members next following the date of the election or the results shall be announced at the annual meeting and forwarded to all Members as soon as practicable thereafter. R.R.O. 1990, Reg. 941, s. 23 (1); O. Reg. 13/03, s. 9; O. Reg. 157/07, s. 10.

(2) The Council may direct the destruction of ballots at any time after receipt by the Council of the notice mentioned in clause (1) (a). R.R.O. 1990, Reg. 941, s. 23 (2).

#### **Closing register of Members**

**24.** (1) The Council may close the register of Members for a period of time not exceeding twenty-one days, exclusive of Sundays and holidays, immediately preceding,

- (a) a meeting of Members; or
- (b) the date upon which ballots for an election are sent to Members. R.R.O. 1990, Reg. 941, s. 24 (1); O. Reg. 157/07, s. 11 (1, 2).

(2) Prior notice of each closing of the register of Members shall be given to all Members. R.R.O. 1990, Reg. 941, s. 24 (2).

(3) During the period of time in which the register is closed, there shall not be recorded,

- (a) any new Member; or
- (b) any change in a Member's contact information, including his or her mailing address, e-mail address or fax number. O. Reg. 157/07, s. 11 (3).

#### **Member's deemed address**

**25.** For the purposes of eligibility for nomination, election and voting, a Member shall be deemed to reside at the address of the Member recorded in the register of Members on the day immediately preceding the date on which ballots in respect of the election are sent to Members. R.R.O. 1990, Reg. 941, s. 25; O. Reg. 157/07, s. 12.

#### **Term of office**

**26.** (1) The elected members of the Council shall take office at the close of business at the annual meeting of the Association next following their election. R.R.O. 1990, Reg. 941, s. 26 (1).

(2) Members of the Council elected for a one-year term shall hold office until the close of business at the next annual meeting of the Members. R.R.O. 1990, Reg. 941, s. 26 (2).

(3) Members of the Council elected for a two-year term shall hold office until the close of business at the second annual meeting of the Members following the commencement of their term of office. R.R.O. 1990, Reg. 941, s. 26 (3).

**No quorum triggers election**

**27.** Where there are vacancies in elected offices on the Council and no quorum remains in office, an election shall be held as soon as practicable in substantially the manner described in this Regulation for a general election. R.R.O. 1990, Reg. 941, s. 27.

**COMMITTEES**

**Executive Committee — composition**

**28.** (1) The Executive Committee shall consist of,

- (a) the president;
- (b) the president-elect;
- (c) the immediate past-president;
- (d) the two vice-presidents; and
- (e) one or more other members of the Council from time to time appointed by the Council. R.R.O. 1990, Reg. 941, s. 28 (1).

(1.1) The Council shall ensure that at least one member appointed to the Council by the Lieutenant Governor in Council is appointed under clause (1) (e) at any given time. O. Reg. 205/09, s. 1.

(2) Three members of the Executive Committee, at least one of whom shall be a person named in clause (1) (a), (b) or (c), constitute a quorum. R.R.O. 1990, Reg. 941, s. 28 (2).

**Executive Committee — powers and duties**

**29.** The Executive Committee,

- (a) may act on behalf of the Council with respect to urgent matters arising between regular meetings of the Council but shall report to the Council with respect to such actions;
- (b) may consult with other committees of the Council;
- (c) shall act upon or report upon matters that are referred to it by the Council;
- (d) may advise the Registrar or any other officer or official of the Association on matters of policy;
- (e) may make periodic reviews, forecasts, plans and recommendations to the Council concerning the future organization and operation of the Association;
- (f) may advise the Council on matters pertaining to Engineers Canada; and
- (g) may advise the Council on all financial matters, including, without limitation, investments, budgets, capital requirements, income, expenditures, salaries, reserves and contingencies or extraordinary expenses, both for current and future operations. R.R.O. 1990, Reg. 941, s. 29; O. Reg. 13/03, s. 10; O. Reg. 709/20, s. 2.

**Fees Mediation Committee**

**30.** (1) The Fees Mediation Committee is continued. R.R.O. 1990, Reg. 941, s. 30 (1).

(2) The Council shall, from time to time, designate Members as eligible to act as members of the Fees Mediation Committee. R.R.O. 1990, Reg. 941, s. 30 (2).

(3) Where a written complaint is received under section 32 of the Act, the Registrar shall select not less than three and not more than four eligible Members to serve on the Fees Mediation Committee with respect to such complaint. R.R.O. 1990, Reg. 941, s. 30 (3).

(4) The Committee shall review the complaint and determine whether it is appropriate to mediate the complaint, and if so, whether the mediation should be conducted by one, two, three or four members of the Committee so selected and which of the members should conduct the mediation, which number and members shall then constitute the Committee. R.R.O. 1990, Reg. 941, s. 30 (4).

**Arbitration by Fees Mediation Committee**

**31.** (1) Where, pursuant to subsection 32 (3) of the Act, all parties to a dispute consent to arbitration by the Fees Mediation Committee by filing with the Registrar a consent in writing signed by all of the parties to the dispute, this section shall apply. R.R.O. 1990, Reg. 941, s. 31 (1).



(2) Each of the parties to the dispute shall prepare and submit to the Registrar a brief written outline of the dispute within ten days following the date of the filing of the consent referred to in subsection (1) or such longer period as may be determined by the Registrar. R.R.O. 1990, Reg. 941, s. 31 (2).

(3) The Registrar shall then select three Members to serve as the Fees Mediation Committee with respect to the dispute and the Committee may arbitrate the dispute on terms and conditions acceptable to it. R.R.O. 1990, Reg. 941, s. 31 (3).

**32. REVOKED:** O. Reg. 201/12, s. 1.

## LICENSING

### Engineering interns

**32.1** (1) For the purposes of clause 20.1 (1) (c) of the Act, in order to be accepted as an engineering intern, an applicant for a licence must meet the academic requirements for a licence prescribed by this Regulation or be in the process of completing the examinations required by the Academic Requirements Committee in order to meet those requirements. O. Reg. 71/15, s. 10.

(2) Engineering interns have the following privileges:

1. An engineering intern is a member of the Chapter in the Region in which he or she resides and,
  - i. may vote in the Chapter's elections, and
  - ii. may serve as a member of the Chapter executive.
2. An engineering intern may attend annual meetings of Members and meetings of the Council, but is not entitled to vote at an annual meeting.
3. An engineering intern may be appointed to a committee established by the Council, except as otherwise provided in the Act, the regulations or the by-laws.
4. An engineering intern is entitled to receive from the Association,
  - i. notice of annual meetings of Members,
  - ii. notice of the results of elections held under the Act,
  - iii. issues of the Association's official publication, and
  - iv. any other notice, document or information provided by the Association and intended for engineering interns.
5. An engineering intern is entitled to receive from the executive of the Chapter in which he or she is a member any notice, document or information provided by the executive and intended for engineering interns. O. Reg. 71/15, s. 10; O. Reg. 36/18, s. 1; O. Reg. 709/20, s. 3.

### Engineer student class

**32.2** (1) The class of "engineer student" is established as a class of persons whose interests are related to those of the Association. O. Reg. 205/09, s. 2.

(2) The Registrar shall accept as a member of the engineer student class any person who registers for membership on-line through the Association's website in the form provided by the Association for the purpose and is enrolled in,

- (a) the Association's student program; and
  - (b) an engineering program offered by a Canadian university and accredited to the Council's satisfaction or for which accreditation from the Canadian Engineering Accreditation Board is being sought. O. Reg. 205/09, s. 2; O. Reg. 71/15, s. 11.
- (3) Members of the engineer student class have the following privileges:
1. A member of the class may attend annual meetings of Members and meetings of the Council, but is not entitled to vote at an annual meeting.
  2. A member of the class may participate in events organized by the Chapter in the Region in which he or she resides.
  3. A member of the class is entitled to receive from the Association,
    - i. notice of annual meetings of Members,
    - ii. notice of the results of elections held under the Act,
    - iii. electronic issues of the Association's official publication, and
    - iv. any other notice, document or information provided by the Association and intended for members of the class.
  4. A member of the class is entitled to receive from the executive of the Chapter in the Region in which he or she resides any notice, document or information provided by the executive and intended for members of the class. O. Reg. 205/09, s. 2.

(4) A person ceases to be a member of the engineer student class on the day that he or she is no longer enrolled in a program referred to in subsection (2), subject to his or her earlier withdrawal from the class. O. Reg. 205/09, s. 2.

#### **Licensing requirements**

**33.** (1) Each applicant for a licence shall comply with the following rules:

1. The applicant shall demonstrate that he or she has obtained,
    - i. a bachelor's degree in a Canadian engineering program that is accredited to the Council's satisfaction, or
    - ii. equivalent engineering educational qualifications recognized by the Council.
  2. The applicant shall demonstrate that he or she has had 48 months of experience in the practice of professional engineering that, in the Council's opinion, provides sufficient experience to enable him or her to meet the generally accepted standards of practical skill required to engage in the practice of professional engineering.
  3. Up to 12 months of the practical experience referred to in paragraph 2 may be acquired after the applicant has completed one-half of the classroom component of the degree or equivalent educational qualifications. The balance shall be acquired after the degree or equivalent educational qualifications are obtained.
  4. REVOKED: O. Reg. 332/23, s. 1 (1).
  5. The applicant shall successfully complete the professional practice examination. O. Reg. 286/99, s. 1; O. Reg. 709/20, s. 4; O. Reg. 332/23, s. 1 (1).
- (2) REVOKED: O. Reg. 332/23, s. 1 (2).

#### **Examination dates**

**34.** Examinations required by the Academic Requirements Committee shall be held prior to the 1st day of June in each year and at such other times, if any, and at such place or places, as the Council may from time to time determine. R.R.O. 1990, Reg. 941, s. 34.

#### **Arrangements for holding examinations**

**35.** The Registrar is responsible for arranging for the holding of examinations, including the selection of time and examination centres. R.R.O. 1990, Reg. 941, s. 35.

#### **Examination timing**

**36.** (1) In this section,

"academic year" means the period commencing the 1st day of September in a year and ending the 31st day of August in the next following year. R.R.O. 1990, Reg. 941, s. 36 (1).

(2) An applicant for a licence shall write the examination, if only one, or the first examination, if more than one, within the two academic years immediately following the date of issue of the notice to the applicant by the Registrar setting forth the examination requirements that the applicant is required to satisfy. R.R.O. 1990, Reg. 941, s. 36 (2).

(3) All examinations must be successfully completed within eight academic years after the date of notification referred to in subsection (2). R.R.O. 1990, Reg. 941, s. 36 (3).

(4) If an applicant for a licence,

- (a) fails to appear at the time and place set for an examination without reasonable justification submitted in writing; or
- (b) fails to satisfy all examination requirements within the times referred to in subsections (2) and (3),

the applicant's application for a licence shall be withdrawn by the Registrar. R.R.O. 1990, Reg. 941, s. 36 (4).

(5) An applicant who has failed to successfully complete an examination set or approved by the Council is not entitled, except with the permission of the Academic Requirements Committee, to take the examination again and the applicant's application for a licence shall be withdrawn by the Registrar. R.R.O. 1990, Reg. 941, s. 36 (5).

(6) An engineering report, if required to be submitted by an applicant for a licence, shall be written and submitted not later than two years following the date of completion of all examinations other than the professional practice examination required to be fulfilled by the applicant. R.R.O. 1990, Reg. 941, s. 36 (6); O. Reg. 709/20, s. 5.

(7) Where an applicant who is required by the Academic Requirements Committee to take and pass more than one examination fails to take at least one examination in each academic year after taking the first of such examinations, the Registrar shall withdraw the applicant's application for a licence unless the applicant submits to the Registrar reasonable justification in writing for the failure to take the examination. R.R.O. 1990, Reg. 941, s. 36 (7).

#### **Professional practice examination**

**37.** An applicant for a licence or limited licence must pass the professional practice examination not later than two years following the later of,

- (a) the date on which the applicant submitted the application to the Registrar; and
- (b) the date of successful completion of all other examination requirements, other than the writing of an engineering report, if required, or the final determination that no examination or engineering report is required. O. Reg. 709/20, s. 6.

#### **Marking examinations**

**38.** (1) All examinations, other than the professional practice examination, shall be marked on a percentage basis by examiners appointed by the Registrar in accordance with policies established from time to time by the Council. R.R.O. 1990, Reg. 941, s. 38 (1); O. Reg. 709/20, s. 7 (1).

(2) In no event shall a passing mark be determined to be less than 50 per cent. R.R.O. 1990, Reg. 941, s. 38 (2).

(3) The professional practice examination may be marked on a pass or fail basis and shall be marked by examiners appointed by the Registrar in accordance with policies established from time to time by the Council. R.R.O. 1990, Reg. 941, s. 38 (3); O. Reg. 709/20, s. 7 (2).

#### **Results mailed to candidate**

**39.** The results of each examination shall be mailed not later than forty-five working days following the writing of the examination to each candidate who wrote the examination. R.R.O. 1990, Reg. 941, s. 39.

#### **Academic Requirements Committee**

**40.** (1) The Academic Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council and three members of the Committee constitute a quorum. R.R.O. 1990, Reg. 941, s. 40 (1).

(2) Where an application for the issuance of a licence, temporary licence or limited licence is referred to the Academic Requirements Committee pursuant to the Act, the Committee shall,

- (a) assess the academic qualifications of the applicant;
- (b) determine whether the applicant meets the academic qualifications prescribed by this Regulation and so advise the Registrar; and
- (c) if the Committee determines that the applicant does not meet the academic requirements, specify the academic requirements that the applicant must meet, for the purposes of the notice referred to in subsection 14 (6) of the Act. R.R.O. 1990, Reg. 941, s. 40 (2); O. Reg. 71/15, s. 12 (1).

(3) For the purpose of carrying out its duties in subsection (2), the Academic Requirements Committee,

- (a) shall review the education, experience and other qualifications of the applicant in the light of the academic standards established for the issuance of licences, temporary licences or limited licences, as the case requires, at the time of such review;
- (b) may, in the discretion of the Committee and on its own initiative, interview the applicant;
- (c) may refer the experience of an applicant to the Experience Requirements Committee for an assessment and recommendation as to how such experience should be taken into account in assigning examinations to the applicant; and
- (d) shall consider and decide upon the form and content of examinations recommended and the results of such examinations. R.R.O. 1990, Reg. 941, s. 40 (3).

(4) For the purposes of clause 14 (4) (b) of the Act, the Registrar shall refer to the Academic Requirements Committee every application for a limited licence made on or after the day section 16 of Ontario Regulation 71/15 comes into force. O. Reg. 71/15, s. 12 (2).

#### **Experience Requirements Committee**

**41.** (1) The Experience Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council, and three members of the Committee constitute a quorum. R.R.O. 1990, Reg. 941, s. 41 (1).

(2) Where an application for the issuance of a licence, temporary licence or limited licence is referred to the Experience Requirements Committee pursuant to the Act, the Committee shall,

- (a) assess the experience qualifications of the applicant;
- (b) determine whether the applicant meets the experience requirements prescribed by this Regulation and so advise the Registrar; and
- (c) if the Committee determines that the applicant does not meet the experience requirements, specify the experience requirements that the applicant must meet, for the purposes of the notice referred to in subsection 14 (6) of the Act. R.R.O. 1990, Reg. 941, s. 41 (2); O. Reg. 71/15, s. 13.

(2.1) If the Experience Requirements Committee is requested to assess, for the purposes of section 51.1, an applicant for the reinstatement of a licence or limited licence, the Committee shall,

- (a) assess the applicant's knowledge and understanding of the current laws and standards governing the practice of professional engineering; and
- (b) determine whether the applicant's knowledge and understanding is sufficient to warrant the reinstatement of his or her licence or limited licence and so advise the Registrar. O. Reg. 143/08, s. 6.

(3) For the purpose of carrying out its duties, the Experience Requirements Committee may, in the discretion of the Committee and on its own initiative, interview the applicant. R.R.O. 1990, Reg. 941, s. 41 (3).

(4) The Committee shall interview the applicant if there is a question raised with respect to the ability of the applicant to communicate adequately in the English language. R.R.O. 1990, Reg. 941, s. 41 (4).

#### **Fee remission Member**

**41.1** (1) The Registrar shall designate as a "fee remission Member" every holder of a licence who meets the following requirements:

- 1. The holder is not engaged in the practice of professional engineering because he or she,
  - i. is retired from the practice of professional engineering,
  - ii. is enrolled in a post-graduate program,
  - iii. is on maternity, paternity or other family leave,
  - iv. is unemployed, or
  - v. has a long-term health condition or physical impairment that prevents the holder from engaging in the practice of professional engineering.

- 2. The holder gives to the Registrar a written request for the designation stating that he or she is not engaged in the practice of professional engineering and the reason why he or she is not engaged in that practice. O. Reg. 205/09, s. 3.

(2) It is a condition of the licence of every holder designated as a fee remission Member that he or she shall not engage in the practice of professional engineering, and this condition prevails over any other term, condition or limitation to which the holder's licence is subject. O. Reg. 205/09, s. 3.

(3) The Registrar shall revoke a holder's fee remission Member designation if the holder,

- (a) gives to the Registrar notice in writing indicating that the reason for the designation no longer exists and the date on which the reason ceased to exist; and
- (b) pays the following amounts:
  - (i) any fees owing to the Association from the period during which he or she was designated as a fee remission Member, and
  - (ii) the applicable fees specified by the by-laws.
- (iii) REVOKED: O. Reg. 36/18, s. 2.

O. Reg. 205/09, s. 3; O. Reg. 36/18, s. 2.

(4) The Registrar shall confirm the revocation of the designation and the date of the revocation by written notice to the holder of the licence. O. Reg. 205/09, s. 3.

(5) The condition imposed on the holder's licence under subsection (2) that he or she shall not engage in the practice of professional engineering is lifted on the date that the designation is revoked, as indicated in the notice referred to in subsection (4). O. Reg. 205/09, s. 3.

(6) The lifting of the condition imposed on the holder's licence under subsection (2) does not affect the application of any other term, condition or limitation to which the holder's licence is subject. O. Reg. 205/09, s. 3.

#### **Temporary licences — specifications**

**42.** (1) Every temporary licence must specify,

- (a) the works, facilities, machinery, equipment or other property in Ontario to which the temporary licence relates;
- (b) the name of the person, firm or corporation by whom the holder of the temporary licence is employed or engaged to perform services in Ontario within the practice of professional engineering;
- (c) the name of the Member, if any, with whom collaboration is required under this Regulation; and
- (d) the period of time, not exceeding twelve months, for which the temporary licence has been issued. R.R.O. 1990, Reg. 941, s. 42 (1).

(2) It is a condition of every temporary licence that the services within the practice of professional engineering that may be provided by the holder of the temporary licence are limited to the services specified in the temporary licence. R.R.O. 1990, Reg. 941, s. 42 (2).

**Temporary licences — requirements and qualifications for issuance**

**43.** The requirements and qualifications for the issuance of a temporary licence are payment of the fee specified by the by-laws for the temporary licence and one of the following:

1. Residence in a province or territory of Canada other than Ontario and membership in an association of professional engineers in another province or territory of Canada that has objects similar to the objects of the Association and that requires qualifications for membership at least equal to the qualifications required for the issuance of a licence to engage in the practice of professional engineering in Ontario.
2. Qualifications at least equal to the qualifications required for the issuance of a licence to engage in the practice of professional engineering in Ontario.
3. Not less than 10 years of experience in the practice of professional engineering that is relevant to the work to be undertaken under the temporary licence, and wide recognition in relation to that practice. R.R.O. 1990, Reg. 941, s. 43; O. Reg. 71/15, s. 14; O. Reg. 36/18, s. 3.

**Temporary licences — terms and conditions**

**44.** (1) It is a term and condition of every temporary licence that the holder of the temporary licence must collaborate with a Member in the practice of professional engineering in respect of the work undertaken under the temporary licence, unless the holder provides evidence that the holder is knowledgeable about all codes, standards and laws relevant to the work to be undertaken under the temporary licence. O. Reg. 332/23, s. 2.

(1.1) REVOKED: O. Reg. 332/23, s. 2.

(2) It is a term and condition of every temporary licence held by a person who must collaborate with a Member that the holder shall not assume responsibility for any activities within the practice of professional engineering unless the Member collaborating with the holder also assumes responsibility for those activities. O. Reg. 837/21, s. 2.

**Provisional licences**

**44.1** (1) The Registrar shall issue a provisional licence to an applicant who complies with the requirements of paragraphs 1, 2, 3 and 5 of subsection 33 (1). O. Reg. 13/03, s. 12; O. Reg. 709/20, s. 8.

(2) The following conditions apply to every provisional licence:

1. The provisional licence is valid for 12 months from the date of issue. It may be renewed once for up to 12 months.
2. The holder of the provisional licence is entitled to practise professional engineering only under the supervision of a professional engineer, and shall not assume responsibility for any activities within the practice of professional engineering unless the professional engineer supervising the holder also assumes responsibility for those activities. O. Reg. 13/03, s. 12; O. Reg. 837/21, s. 3; O. Reg. 332/23, s. 3.

**Limited licences — conditions**

**45.** The following conditions apply to every limited licence:

1. The practice of professional engineering by the holder of the limited licence must be limited to the services specified in the limited licence.
2. When the holder of the limited licence ceases to provide the services specified in the limited licence, the holder must notify the Registrar and return to the Registrar the limited licence and the seal issued to the holder. O. Reg. 13/03, s. 13.

**Limited licences — requirements and qualifications for issuance**

**46.** (1) The following are prescribed as requirements and qualifications for the issuance of a limited licence:

1. The applicant shall demonstrate that he or she holds a three-year degree or diploma in an engineering, technology or science program or has equivalent educational qualifications, and possesses the knowledge base corresponding to the scope of services within the practice of professional engineering to be provided under the limited licence.
2. The applicant shall demonstrate at least eight years of experience in the practice of professional engineering that the Council considers to be relevant, with at least six years of the experience corresponding to the scope of services within the practice of professional engineering to be provided under the limited licence.
3. The applicant shall pass the professional practice examination.
4. The applicant shall demonstrate that he or she is of good character.
5. The applicant shall submit to the Registrar a completed application in the form titled “Limited Licence Application”, dated July 2023 and available from the Association.

6. The applicant shall pay the applicable fees specified by the by-laws. O. Reg. 71/15, s. 16; O. Reg. 36/18, s. 4; O. Reg. 709/20, s. 9; O. Reg. 332/23, s. 4 (1, 2).

(2) REVOKED: O. Reg. 332/23, s. 4 (3).

**Limited licences — engineering technologist class**

**46.0.1** (1) The engineering technologist class of limited licence is established. O. Reg. 71/15, s. 17.

(2) The Registrar shall issue an engineering technologist class of limited licence to any person who, in addition to meeting the requirements for a limited licence set out in section 46, demonstrates that he or she is a certified member in good standing with the Ontario Association of Certified Engineering Technicians and Technologists and holds a Certified Engineering Technologist title with that body. O. Reg. 71/15, s. 17.

(3) A reference in this Regulation to the holder of a limited licence includes reference to the holder of an engineering technologist class of limited licence, unless the context requires otherwise. O. Reg. 71/15, s. 17.

(4) If the holder of an engineering technologist class of limited licence indicates in an annual renewal form under section 50 or a notice of a change under section 50.1 that he or she is no longer a certified member in good standing with the Ontario Association of Certified Engineering Technicians and Technologists and no longer holds a Certified Engineering Technologist title with that body, the Registrar shall reissue the holder's engineering technologist class of limited licence as a limited licence. O. Reg. 71/15, s. 17.

(5) If the Registrar otherwise discovers that the holder of an engineering technologist class of limited licence is no longer a certified member in good standing with the Ontario Association of Certified Engineering Technicians and Technologists and no longer holds a Certified Engineering Technologist title with that body, the Registrar shall, after giving 60 days notice to the holder, reissue the holder's engineering technologist class of limited licence as a limited licence. O. Reg. 71/15, s. 17.

(6) REVOKED: O. Reg. 36/18, s. 5 (1).

(7) The holder of a limited licence issued under this section shall forthwith deliver to the Registrar his or her engineering technologist class of limited licence, together with the related seal. O. Reg. 71/15, s. 17.

(8) The Registrar shall reissue a limited licence issued under this section as an engineering technologist class of limited licence, if the holder,

(a) demonstrates that he or she has been reinstated as a certified member in good standing with the Ontario Association of Certified Engineering Technicians and Technologists and holds a Certified Engineering Technologist title with that body; and

(b) pays the fee specified by the by-laws for the issuance of the seal described in subsection 52 (5). O. Reg. 71/15, s. 17; O. Reg. 36/18, s. 5 (2).

(9) Subsections (4), (5) and (8) apply only if the holder continues to meet the requirements for a limited licence. O. Reg. 71/15, s. 17.

**Fee remission limited licence holder**

**46.1** (1) The Registrar shall designate as a "fee remission limited licence holder" every holder of a limited licence who meets the following requirements:

1. The holder is not engaged in the practice of professional engineering because he or she,

i. is retired from the practice of professional engineering,

ii. is enrolled in a post-graduate program,

iii. is on maternity, paternity or other family leave,

iv. is unemployed, or

v. has a long-term health condition or physical impairment that prevents the holder from engaging in the practice of professional engineering.

2. The holder gives to the Registrar a written request for the designation stating that he or she is not engaged in the practice of professional engineering and the reason why he or she is not engaged in that practice. O. Reg. 205/09, s. 4.

(2) Subsections 41.1 (2) to (6) apply with necessary modifications with respect to a designation under subsection (1). O. Reg. 205/09, s. 4.

**Certificates of authorization — requirements and qualifications for issuance**

**47.** The following are prescribed as requirements and qualifications for the issuance of a certificate of authorization:

1. The applicant shall designate as the person or persons who will assume responsibility for and supervise the services within the practice of professional engineering to be provided under the certificate of authorization one or more holders of,

- i. a licence,
  - ii. a temporary licence, or
  - iii. a limited licence, if the application for the limited licence was made on or after the day section 16 of Ontario Regulation 71/15 came into force.
2. The applicant shall submit to the Registrar a completed application in the form titled “Application for Certificate of Authorization”, dated November 2013 and available from the Association.
  3. The applicant shall pay the applicable fees specified by the by-laws. O. Reg. 71/15, s. 18; O. Reg. 36/18, s. 6.

**Certificates of authorization — must specify terms and conditions**

**48.** Every certificate of authorization that is issued by the Registrar shall contain a description of any terms and conditions to which it is subject under the Act. O. Reg. 71/15, s. 18.

**Certificates of authorization — expiry**

**49.** (1) If a holder of a temporary licence is the only person assuming responsibility for and supervising the services within the practice of professional engineering to be provided under a certificate of authorization, the certificate of authorization expires on the date on which the holder’s temporary licence expires. O. Reg. 71/15, s. 18.

(2) If two or more holders of a temporary licence are the only persons assuming responsibility for and supervising the services within the practice of professional engineering to be provided under a certificate of authorization, the certificate of authorization expires on the date on which the last of the temporary licences expires. O. Reg. 71/15, s. 18.

**Certificates of authorization — annual renewal form and fee**

**50.** Every year, every holder of a certificate of authorization shall, on or before the anniversary of the date on which the certificate was issued,

- (a) submit to the Registrar a completed annual renewal form, provided by the Association for the purpose, indicating whether the information contained in the registers in respect of the certificate is current and correct and providing information respecting any necessary changes or corrections; and
- (b) pay the annual fee specified by the by-laws. O. Reg. 71/15, s. 18; O. Reg. 36/18, s. 7.

**Notice of information change**

**50.1** (1) Every holder of a licence, temporary licence, provisional licence, limited licence or certificate of authorization shall give to the Registrar notice, in the form provided by the Association for the purpose, of any change in the information contained in the registers relating to the holder. O. Reg. 71/15, s. 18.

(2) The notice of a change shall indicate the date on which the change occurred and be submitted no later than 30 days after that date. O. Reg. 71/15, s. 18.

**Licence reinstatement if Member resigned**

**51.** (1) The following qualifications and requirements are prescribed for the reinstatement of the licence of a Member who resigned:

1. Payment of the fees owing by the applicant for reinstatement to the Association at the time the applicant resigned, if any, and of the fees specified by the by-laws for the current year.
2. Payment of any reinstatement fee specified by the by-laws.
3. Production of evidence of good character. O. Reg. 36/18, s. 8.

(2) REVOKED: O. Reg. 36/18, s. 8.

(3) Any term, condition or limitation that applied to a licence when a Member resigns continues to apply to the reinstated licence and, for greater certainty, a Member who at the time that he or she resigned was designated as a fee remission Member continues to be so designated on the reinstatement of his or her licence. O. Reg. 205/09, s. 5 (2).

**Licence reinstatement if cancelled for non-payment**

**51.1** (1) The following qualifications and requirements are prescribed for the reinstatement of a licence or limited licence that was cancelled for non-payment of fees:

1. Payment of the fees owing by the applicant for reinstatement to the Association at the time his or her licence or limited licence was cancelled and of the fees specified by the by-laws for the current year.
2. Payment of any reinstatement fee specified by the by-laws.
3. Production of evidence of good character, if the payments referred to in paragraph 1 are made in full more than one year after the cancellation.

4. Successful completion of an assessment by the Experience Requirements Committee that the applicant has sufficient knowledge and understanding of the current laws and standards governing the practice of professional engineering, if the payments referred to in paragraph 1 are made in full more than two years after the cancellation. O. Reg. 36/18, s. 9.

(2) REVOKED: O. Reg. 36/18, s. 9.

(3) Any term, condition or limitation that applied to a licence or limited licence that was cancelled for non-payment of fees continues to apply to the reinstated licence or limited licence and, for greater certainty, a person who at the time that his or her licence or limited licence was cancelled was designated as a fee remission Member or fee remission limited licence holder, as the case may be, continues to be so designated on the reinstatement of his or her licence or limited licence. O. Reg. 205/09, s. 6 (2).

## CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT PROGRAMS

### Continuing education and professional development programs

**51.2** (1) The Council may establish one or more programs of continuing education and professional development for Members and holders of temporary licences, provisional licences and limited licences. O. Reg. 353/22, s. 1.

(2) If the Council establishes a program under subsection (1), a Member or holder of a temporary licence, provisional licence or limited licence to whom the program applies shall, in each year, meet the following requirements in respect of the program:

1. The Member or holder shall, no later than January 31 in the year,
  - i. provide to the Registrar a declaration as to whether the Member or holder is practising professional engineering or is not practising professional engineering,
  - ii. complete any professional practice course that is part of the program and provide proof of completion to the Registrar, and
  - iii. if the Member or holder declares themselves to be practising professional engineering, complete and submit to the Registrar a self-assessment determining the number of hours of continuing education and professional development activities that are required to be completed by the Member or holder in the year as part of the program.
2. If the Member or holder is practising professional engineering, the Member or holder shall, no later than December 31 in the year, report to the Registrar the continuing education and professional development activities determined by the self-assessment referred to in subparagraph 1 iii that were completed by the Member or holder in the year.
3. The Member or holder shall meet any other requirements with respect to the program that may be specified by the Council. O. Reg. 353/22, s. 1.

(3) If a non-practising Member or holder who makes a declaration under subparagraph 1 i of subsection (2) in a year resumes practising professional engineering during that year,

- (a) the Member or holder shall, no later than 30 days after resuming practising, provide an updated declaration under that subparagraph and complete and submit the self-assessment under subparagraph 1 iii of subsection (2); and
- (b) the requirements of paragraph 2 of subsection (2) begin to apply in the following year. O. Reg. 353/22, s. 1.

(4) In the case of a Member or holder whose licence, temporary licence, provisional licence or limited licence is issued or reinstated during a year, subsection (2) begins to apply to the Member or holder at the time or times specified by the Registrar, with such modifications as may be specified by the Registrar. O. Reg. 353/22, s. 1.

(5) The requirements of subsections (2) and (3) shall be met in the form and manner specified by the Registrar. O. Reg. 353/22, s. 1.

(6) The Registrar may monitor Members and holders of temporary licences, provisional licences or limited licences for compliance with the requirements of subsections (2) and (3) in accordance with subsection (5). O. Reg. 353/22, s. 1.

(7) The Registrar may suspend a licence, temporary licence, provisional licence or limited licence if the Member or holder does not meet the requirements of subsections (2) and (3) in accordance with subsection (5). O. Reg. 353/22, s. 1.

(8) A suspension under subsection (7) remains in effect until the Registrar is satisfied that the Member or holder has met the requirements. O. Reg. 353/22, s. 1.

(9) The Registrar shall notify the Member or holder in writing of a suspension under subsection (7) and of the removal of a suspension under subsection (8). O. Reg. 353/22, s. 1.

## SEALS AND TITLES

### Seals

**52.** (1) Every Member shall have a seal of a design approved by the Council, the impression of which shall include,

- (a) the surname and initials or given names of the Member;



- (b) the words “Licensed Professional Engineer”, “ingénieur agréé” or “ingénieure agréée”, and “Ontario”; and
  - (c) the licence number. R.R.O. 1990, Reg. 941, s. 52 (1); O. Reg. 13/03, s. 15 (1); O. Reg. 305/18, s. 1 (1).
- (1.1) If a Member’s seal was issued before February 28, 2003, clause (1) (c) does not apply. O. Reg. 13/03, s. 15 (2); O. Reg. 81/06, s. 2.
- (2) Where a Member’s seal was issued prior to the 1st day of September, 1984, the word “Registered” may appear in place of the word “Licensed” on the seal. R.R.O. 1990, Reg. 941, s. 52 (2).
- (3) Every holder of a temporary licence shall have a seal of a design approved by the Council, the impression of which shall include,
- (a) the surname and initials of the holder of the temporary licence;
  - (b) the words “Temporary Licensee” or “titulaire de permis temporaire”, and “Association of Professional Engineers of Ontario” or “Ordre des ingénieurs de l’Ontario”;
  - (c) the temporary licence number;
  - (d) the date of expiry; and
  - (e) a statement of the limitations on the temporary licence that may affect the public. R.R.O. 1990, Reg. 941, s. 52 (3); O. Reg. 305/18, s. 1 (2).
- (3.1) Every holder of a provisional licence shall have a seal of a design approved by the Council, the impression of which shall include,
- (a) the surname and initials of the holder of the provisional licence;
  - (b) the words “Provisional Licensee” or “titulaire de permis provisoire”, and “Association of Professional Engineers of Ontario” or “Ordre des ingénieurs de l’Ontario”;
  - (c) the provisional licence number;
  - (d) the date of expiry; and
  - (e) a statement that the holder is entitled to practise professional engineering only under the supervision of a professional engineer, and shall not assume responsibility for any activities within the practice of professional engineering unless the professional engineer supervising the holder also assumes responsibility for those activities. O. Reg. 13/03, s. 15 (2); O. Reg. 305/18, s. 1 (3); O. Reg. 837/21, s. 4.
- (4) Subject to subsection (5), every holder of a limited licence shall have a seal of a design approved by the Council, the impression of which shall include,
- (a) the surname and initials of the holder of the limited licence;
  - (b) the words “Association of Professional Engineers of Ontario” or “Ordre des ingénieurs de l’Ontario” and one or more of the following:
    - (i) “Limited Engineering Licensee”,
    - (ii) “titulaire de permis restreint d’ingénieur”,
    - (iii) “LEL”,
    - (iv) “PRI”;
  - (c) the limited licence number;
  - (d) a statement that the limited licence is limited to the services within the practice of professional engineering mentioned in the limited licence; and
  - (e) REVOKED: O. Reg. 13/03, s. 15 (3).
  - (f) a statement of the limitations on the limited licence that may affect the public. R.R.O. 1990, Reg. 941, s. 52 (4); O. Reg. 13/03, s. 15 (3); O. Reg. 71/15, s. 19 (1-3); O. Reg. 305/18, s. 1 (4).
- (5) In the case of a holder of an engineering technologist class of limited licence, clause (4) (b) does not apply, and the holder’s seal shall instead include the words “Association of Professional Engineers of Ontario” or “Ordre des ingénieurs de l’Ontario” and one or more of the following:
1. “Licensed Engineering Technologist”.
  2. “technologue en ingénierie titulaire de permis”.
  3. “LET”.
  4. “TITP”. O. Reg. 71/15, s. 19 (4); O. Reg. 305/18, s. 1 (5).

### Sealing, signing and dating of engineering documents

- 53.** (1) In this section,
- “document” includes a drawing, specification, plan, report, design or model, whether it is in paper or electronic format or in any other form or medium; (“document”)
- “engineering content” means any content in a document, whether express or implied, the preparation of which involves the practice of professional engineering; (“contenu en ingénierie”)
- “engineering document” means a document that contains engineering content and is intended to be used for a purpose that involves the practice of professional engineering. (“document d’ingénierie”) O. Reg. 837/21, s. 5.
- (2) A practitioner shall, subject to subsections (7) and (8), sign, date and affix their seal to an engineering document if,
- (a) the document’s engineering content is prepared by the practitioner; or
- (b) the practitioner otherwise assumes responsibility for any part of the document’s engineering content. O. Reg. 837/21, s. 5.
- (3) For the purposes of subsection (2),
- (a) the practitioner may use an electronic signature, as defined in the *Electronic Commerce Act, 2000*; and
- (b) an electronic image of the practitioner’s seal may be affixed, if the image,
- (i) is of a size that is reasonably visible within the engineering document relative to the document’s other content, and
- (ii) includes the number of the practitioner’s licence, temporary licence, provisional licence or limited licence. O. Reg. 837/21, s. 5.
- (4) The practitioner shall ensure that their signature and the date are applied,
- (a) at the same time or immediately after the seal is affixed; and
- (b) in a legible manner, either within or immediately adjacent to the seal or in the immediate vicinity of the seal, and not obscuring or otherwise altering the practitioner’s name or the number of their licence, limited licence, provisional licence or temporary licence. O. Reg. 837/21, s. 5.
- (5) The practitioner shall ensure that the intended purpose of the engineering content of the engineering document is clearly stated on or in the document. O. Reg. 837/21, s. 5.
- (6) If clause (2) (b) applies, the practitioner shall ensure that the engineering document clearly indicates the portion of the document’s engineering content for which the practitioner assumes responsibility, including by way of suitable text located in the immediate vicinity of the practitioner’s seal. O. Reg. 837/21, s. 5.
- (7) A practitioner may, but is not required to, sign, date or affix their seal to an engineering document to which subsection (2) would otherwise apply in any of the following circumstances:
1. An engineering document prepared by the practitioner solely for use by the practitioner’s employer or, if the practitioner is self-employed, the practitioner.
  2. An engineering document prepared by the practitioner, if the preparation of the document’s engineering content does not require the practitioner to hold a licence, temporary licence, provisional licence or limited licence under subsection 12 (1) of the Act. O. Reg. 837/21, s. 5.
- (8) A practitioner shall not affix their seal to an engineering document that is incomplete or in draft form. O. Reg. 837/21, s. 5.
- (9) A practitioner shall not affix their seal, including in the circumstances described in subsection (7), other than,
- (a) to an engineering document; and
- (b) in accordance with this section. O. Reg. 837/21, s. 5.
- (10) A practitioner shall take reasonable steps to prevent their seal from being affixed to a document without their consent. O. Reg. 837/21, s. 5.
- (11) The presence of a practitioner’s seal on an engineering document shall, for the purposes of a proceeding before the Discipline Committee, be presumed to indicate that the practitioner assumed responsibility for engineering content in the document, or, if more than one seal is affixed to the document, that the practitioners jointly and severally assumed responsibility, subject to any qualification or limitation that is clearly indicated on or in the document and is reasonably understandable by users of the document. O. Reg. 837/21, s. 5.
- (12) For greater certainty, where a practitioner is required by subsection (2) to affix their seal to an engineering document, or where, but for subsection (7), a practitioner would be required to affix their seal to an engineering document, the absence

of the seal on the document has no bearing on the responsibility assumed by the practitioner for engineering content in the document. O. Reg. 837/21, s. 5.

(13) Clause (3) (b) does not apply during any period in which a practitioner has returned or is required to return their seal to the Registrar under this Regulation. O. Reg. 837/21, s. 5.

#### **Delivery of seal and licence to Registrar — suspension, revocation**

**54.** Every person whose licence, temporary licence, provisional licence, limited licence or certificate of authorization is suspended or revoked and every partnership whose certificate of authorization is suspended or revoked shall forthwith deliver it to the Registrar together with the person's or partnership's related seal and the certificate, if any, designating the person as a specialist or a consulting engineer. R.R.O. 1990, Reg. 941, s. 54; O. Reg. 13/03, s. 17.

#### **Delivery of seal and licence to Registrar — surrender**

**55.** Every person who resigns from the Association and every person or partnership who surrenders a temporary licence, provisional licence, limited licence or certificate of authorization shall forthwith deliver to the Registrar the person's or partnership's licence, temporary licence, provisional licence, limited licence or certificate of authorization together with the related seal and the certificate, if any, designating the person as a specialist or a consulting engineer. R.R.O. 1990, Reg. 941, s. 55; O. Reg. 13/03, s. 18.

#### **Titles and abbreviations**

**55.1** (1) The following are the titles and abbreviations that may be used in the practice of professional engineering by the holder of a licence or temporary licence:

1. "Professional engineer", "engineer", "ingénieur" or "ingénieure".
2. "P.Eng." or "ing.". O. Reg. 205/09, s. 7; O. Reg. 305/18, s. 2.

(2) The following are the titles and abbreviations that may be used in the practice of professional engineering by the holder of a limited licence:

1. "Limited Engineering Licensee" or "titulaire de permis restreint d'ingénieur".
2. "LEL" or "PRI". O. Reg. 205/09, s. 7.

(3) The following are the titles and abbreviations that may be used in the practice of professional engineering by the holder of an engineering technologist class of limited licence:

1. "Licensed Engineering Technologist" or "technologue en ingénierie titulaire de permis".
2. "LET" or "TITP". O. Reg. 71/15, s. 20.

### **CONSULTING ENGINEER DESIGNATION**

#### **Requirements for designation**

**56.** (1) The Council shall designate as a consulting engineer every applicant for the designation who,

- (a) is a Member;
- (b) is currently engaged, and has been continuously engaged, for not less than two years or such lesser period as may be approved by the Council, in the independent practice of professional engineering in Canada;
- (c) has, since becoming a Member, had five or more years of professional engineering experience that is satisfactory to the Council;
- (d) has passed the examinations prescribed by the Council or has been exempted therefrom, pursuant to subsection (2). R.R.O. 1990, Reg. 941, s. 56 (1); O. Reg. 402/07, s. 1.

(2) The Council may exempt an applicant from any of the examinations mentioned in clause (1) (d) where the Council is of the opinion that the applicant has appropriate qualifications. R.R.O. 1990, Reg. 941, s. 56 (2).

#### **Expiry of designation**

**57.** (1) Designation as a consulting engineer expires five years from the date of issuance of notice of the designation. R.R.O. 1990, Reg. 941, s. 57 (1).

(2) The Council shall redesignate as a consulting engineer every applicant who,

- (a) is a Member;
- (b) is currently engaged in the independent practice of professional engineering in Canada; and
- (c) has during the five years since the date of issue of the applicant's most recent designation as a consulting engineer had professional engineering experience satisfactory to the Council. R.R.O. 1990, Reg. 941, s. 57 (2); O. Reg. 402/07, s. 2.

#### **Notice of decision to applicant**

**58.** The Registrar, upon the granting or refusing of an application for a designation or redesignation shall mail or send electronically forthwith to the applicant a notice stating,

- (a) that the applicant has or has not been granted a designation or redesignation as a consulting engineer, as the case may be; and
- (b) in the case of a refusal to grant the designation or redesignation, the reasons therefor. R.R.O. 1990, Reg. 941, s. 58; O. Reg. 71/15, s. 21.

#### **Titles**

**59.** A Member who has been designated or redesignated as a consulting engineer may use the title “consulting engineer”, “ingénieur-conseil” or “ingénieure-conseil”, or a variation of one of those titles approved by Council from time to time so long as the Member is in the independent practice of professional engineering and the designation or redesignation is valid. R.R.O. 1990, Reg. 941, s. 59; O. Reg. 305/18, s. 3.

#### **Independent practice of professional engineering**

**60.** For the purpose of this Regulation, a Member shall be deemed to be in the independent practice of professional engineering if the Member,

- (a) holds a certificate of authorization and is primarily engaged in offering or providing services within the practice of professional engineering to the public; or
- (b) is a partner in or employee of a holder of a certificate of authorization, is designated in the application for the certificate as a person who will assume responsibility for and supervise the services of the holder that are within the practice of professional engineering and is primarily engaged in offering or providing, on behalf of the holder, services within the practice of professional engineering to the public. R.R.O. 1990, Reg. 941, s. 60.

#### **Consulting Engineer Designation Committee**

**61.** (1) The Consulting Engineer Designation Committee is continued. R.R.O. 1990, Reg. 941, s. 61 (1).

(2) The Consulting Engineer Designation Committee may make recommendations to the Council in respect of all matters relating to applications for designation as a consulting engineer including, without limitation,

- (a) the standards to be applied;
- (b) procedures for and the form and content of examinations;
- (c) the qualifications of applicants;
- (d) the exemption of applicants from examinations; and
- (e) the length of time engaged in independent practice required. R.R.O. 1990, Reg. 941, s. 61 (2).

#### **Consulting Engineer Designation Committee — composition**

**62.** (1) The Consulting Engineer Designation Committee shall consist of a chair, vice-chair and such other Members as are appointed by the Council. R.R.O. 1990, Reg. 941, s. 62 (1).

(2) A majority of the members of the Consulting Engineer Designation Committee must be designated consulting engineers. R.R.O. 1990, Reg. 941, s. 62 (2).

(3) The Consulting Engineer Designation Committee may, from time to time, appoint one or more subcommittees to assist it in carrying out any of its functions and to make recommendations to it with respect thereto. R.R.O. 1990, Reg. 941, s. 62 (3).

(4) The majority of the members of a subcommittee of the Consulting Engineer Designation Committee must be designated consulting engineers. R.R.O. 1990, Reg. 941, s. 62 (4).

(5) The chair of a subcommittee of the Consulting Engineer Designation Committee must be a member of the Consulting Engineer Designation Committee. R.R.O. 1990, Reg. 941, s. 62 (5).

#### **Applicant to appear**

**63.** An applicant for designation as a consulting engineer shall, if requested, appear personally before the Council or the Consulting Engineer Designation Committee or a subcommittee thereof. R.R.O. 1990, Reg. 941, s. 63.

#### **Reconsideration**

**64.** (1) Where the Council has refused an application for designation as a consulting engineer, the applicant may, within thirty days of the date of receipt of notice of the refusal, request that the Council reconsider the application together with such additional information as is submitted by the applicant. R.R.O. 1990, Reg. 941, s. 64 (1).

(2) Upon receipt of a request from an applicant pursuant to subsection (1), the Council shall reconsider the application, taking into account the additional information, if any, submitted by the applicant with the request. R.R.O. 1990, Reg. 941, s. 64 (2).

(3) Upon the reconsideration, the Council may make findings of fact by such standards of proof as are commonly relied upon by reasonable and prudent persons in the conduct of their own affairs and may refer the matter to and accept recommendations from such holders of licences or committee of holders of licences as it considers appropriate in the circumstances. R.R.O. 1990, Reg. 941, s. 64 (3).

#### **Notice to applicant re reconsideration**

**65.** The Registrar upon the granting or refusing of an application for reconsideration of an application for designation or redesignation shall mail or send electronically forthwith to the applicant a notice stating,

- (a) that the prior refusal of designation or redesignation as a consulting engineer has been confirmed or that the application for designation or redesignation as a consulting engineer has been granted, as the case may be; and
- (b) in the case of a confirmation of a refusal to grant the designation or redesignation, the reasons therefor. R.R.O. 1990, Reg. 941, s. 65; O. Reg. 71/15, s. 22.

#### **No reapplication for twelve months**

**66.** An applicant for designation or redesignation as a consulting engineer who has been refused the designation by Council is not entitled to reapply therefor for a period of twelve months after,

- (a) the date of receipt of notice of the refusal of the Council; or
- (b) in the case of a reconsideration by the Council, the date of receipt of notice of the refusal of the Council upon the reconsideration. R.R.O. 1990, Reg. 941, s. 66.

#### **Titles — use by Member**

**67.** Only a Member designated by the Council may use the title “consulting engineer”, “ingénieur-conseil” or “ingénieure-conseil”, or a variation of one of those titles approved by the Council from time to time. R.R.O. 1990, Reg. 941, s. 67; O. Reg. 305/18, s. 4.

#### **Titles — use by certificate holder**

**68.** A holder of a certificate of authorization who is primarily engaged in offering to the public services within the practice of professional engineering and who satisfies the Council that the practice of professional engineering by the holder is and will be carried on under the responsibility and supervision of a designated consulting engineer named in the application for the certificate of authorization or in a related notice of change filed with the Registrar may use the title “consulting engineer”, “ingénieur-conseil” or “ingénieure-conseil”, or a variation of one of those titles approved by Council from time to time. R.R.O. 1990, Reg. 941, s. 68; O. Reg. 36/18, s. 10; O. Reg. 305/18, s. 5.

#### **Titles — cessation of use by certificate holder**

**69.** A holder of a certificate of authorization ceases to be entitled to use the title “consulting engineer”, “ingénieur-conseil” or “ingénieure-conseil”, or a variation of one of those titles approved by the Council when there ceases to be a designated consulting engineer who assumes responsibility for and supervises the practice of professional engineering provided by the holder of the certificate of authorization or when the holder ceases to be primarily engaged in offering to the public services within the practice of professional engineering. R.R.O. 1990, Reg. 941, s. 69; O. Reg. 305/18, s. 6.

#### **Notice of cessation**

**70.** A designated consulting engineer who ceases to be responsible for and to supervise the practice of professional engineering by a partnership or a corporation shall give notice of the cessation forthwith to the Registrar. R.R.O. 1990, Reg. 941, s. 70.

#### **Listing of designated Members**

**71.** The Council may cause to be published from time to time a listing of Members designated as consulting engineers and of holders of certificates of authorization entitled to use the title “consulting engineers”, “ingénieurs-conseils” or “ingénieures-conseils”, or a variation of one of those titles. R.R.O. 1990, Reg. 941, s. 71; O. Reg. 305/18, s. 7.

### **MISCELLANEOUS**

#### **Professional misconduct — definition**

**72.** (1) In this section,

“harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known as unwelcome and that might reasonably be regarded as interfering in a professional engineering relationship; (“harcèlement”)

“negligence” means an act or an omission in the carrying out of the work of a practitioner that constitutes a failure to maintain the standards that a reasonable and prudent practitioner would maintain in the circumstances. (“négligence”) R.R.O. 1990, Reg. 941, s. 72 (1); O. Reg. 657/00, s. 1 (1).

(2) For the purposes of the Act and this Regulation,

“professional misconduct” means,

- (a) negligence,
- (b) failure to make reasonable provision for the safeguarding of life, health or property of a person who may be affected by the work for which the practitioner is responsible,
- (c) failure to act to correct or report a situation that the practitioner believes may endanger the safety or the welfare of the public,
- (d) failure to make responsible provision for complying with applicable statutes, regulations, standards, codes, by-laws and rules in connection with work being undertaken by or under the responsibility of the practitioner,
- (e) signing, dating or sealing an engineering document, or failing to do one or more of them, in contravention of section 53,
- (f) failure of a practitioner to present clearly to the practitioner's employer the consequences to be expected from a deviation proposed in work, if the professional engineering judgment of the practitioner is overruled by non-technical authority in cases where the practitioner is responsible for the technical adequacy of professional engineering work,
- (g) breach of the Act or regulations, other than an action that is solely a breach of the code of ethics,
- (h) undertaking work the practitioner is not competent to perform by virtue of the practitioner's training and experience,
- (i) failure to make prompt, voluntary and complete disclosure of an interest, direct or indirect, that might in any way be, or be construed as, prejudicial to the professional judgment of the practitioner in rendering service to the public, to an employer or to a client, and in particular, without limiting the generality of the foregoing, carrying out any of the following acts without making such a prior disclosure:
  1. Accepting compensation in any form for a particular service from more than one party.
  2. Submitting a tender or acting as a contractor in respect of work upon which the practitioner may be performing as a professional engineer.
  3. Participating in the supply of material or equipment to be used by the employer or client of the practitioner.
  4. Contracting in the practitioner's own right to perform professional engineering services for other than the practitioner's employer.
  5. Expressing opinions or making statements concerning matters within the practice of professional engineering of public interest where the opinions or statements are inspired or paid for by other interests,
- (j) conduct or an act relevant to the practice of professional engineering that, having regard to all the circumstances, would reasonably be regarded by the engineering profession as disgraceful, dishonourable or unprofessional,
- (k) failure by a practitioner to abide by the terms, conditions or limitations of the practitioner's licence, provisional licence, limited licence, temporary licence or certificate,
- (l) failure to supply documents or information requested by an investigator acting under section 33 of the Act,
- (m) permitting, counselling or assisting a person who is not a practitioner to engage in the practice of professional engineering except as provided for in the Act or the regulations,
- (n) harassment. R.R.O. 1990, Reg. 941, s. 72 (2); O. Reg. 657/00, s. 1 (2); O. Reg. 13/03, s. 19; O. Reg. 837/21, s. 6.

#### **Signing Discipline Committee documents**

**73.** Documents, other than decisions, of the Discipline Committee may be signed by the Registrar or a deputy registrar on behalf of the Committee. R.R.O. 1990, Reg. 941, s. 73.

#### **Certificates of authorization — professional liability insurance**

**74.** (1) Subject to subsection (2), a holder of a certificate of authorization must be insured against professional liability under a policy of professional liability insurance which complies with the following minimum requirements:

1. A policy limit for each single claim of not less than \$250,000 and either an aggregate policy limit for all claims of not less than \$500,000 per year or an automatic policy limit reinstatement feature.
2. A maximum deductible amount under the policy of the greater of \$5,000 or 5 per cent of the annual fees the holder billed in the twelve months immediately before the issuance of the policy.
3. Coverage for liability for errors, omissions and negligent acts arising out of the performance of all services within the practice of professional engineering offered or provided to the public by the insured subject to such exclusions and conditions and otherwise on such terms as are consistent with normal insurance industry practice from time to time.
4. A provision that neither party may cancel or amend the policy of insurance in a way that results in non-compliance with this Regulation without first giving the other party at least forty-five days written notice or, in the event of non-payment of premiums, fifteen days written notice.

5. The insurance must be placed with an insurer with an aggregate capital and surplus of at least \$20,000,000 or an underwriter or syndicate of underwriters operating on the plan known as Lloyds. R.R.O. 1990, Reg. 941, s. 74 (1).
- (2) A holder of a certificate of authorization is not required to be insured against professional liability under subsection (1) if,
  - (a) the holder is participating in the Indemnity Plan of the Ontario Association of Architects and the holder's practice is limited to professional activities covered by that Plan;
  - (b) substantially all claims arising out of the service performed within the practice of professional engineering would be covered by other insurance whose terms of coverage are not materially less than the minimum requirements under subsection (1);
  - (c) the professional liability insurance would be in respect of pollution hazards, nuclear hazards, aviation hazards or shipping hazards; or
  - (d) before entering into an agreement to provide professional engineering services, the holder notifies each person to whom the holder intends to provide professional engineering services that the holder is not insured in accordance with the minimum requirements of this section and receives from each such person written authority to provide these services without that insurance. R.R.O. 1990, Reg. 941, s. 74 (2).
- (3) The notice under clause (2) (d) shall be in the form provided by the Association for the purpose, and shall be signed by,
  - (a) in the case of a holder who is a natural person, the person;
  - (b) in the case of a holder that is a corporation, an officer or director of the corporation;
  - (c) in the case of a holder that is a partnership, a partner in the partnership; or
  - (d) in the case of a holder that is a partnership of corporations, an officer or director of a partner in the partnership. O. Reg. 71/15, s. 23.

#### **Advertising restrictions**

**75.** A Member or holder of a temporary licence, a provisional licence, a limited licence or a certificate of authorization may advertise only,

- (a) in a professional and dignified manner;
- (b) in a factual manner without exaggeration;
- (c) in a manner that does not directly or indirectly criticize a Member or holder or an employer of a Member or holder; and
- (d) without reference to or use of the seal of the Member or holder or the seal of the Association. R.R.O. 1990, Reg. 941, s. 75; O. Reg. 13/03, s. 20; O. Reg. 837/21, s. 7.

#### **Schedule of suggested fees**

**76.** (1) Where the Council establishes a committee to prepare or assigns to a committee the preparation of a schedule of suggested fees, the committee must be composed of approximately equal numbers of Members involved in providing engineering services to the public and Members involved in purchasing such services. R.R.O. 1990, Reg. 941, s. 76 (1).

(2) The committee shall prepare and recommend to the Council a schedule of suggested fees for professional engineering services. R.R.O. 1990, Reg. 941, s. 76 (2).

(3) A schedule of suggested fees that is approved by the Council shall be published by the Association. R.R.O. 1990, Reg. 941, s. 76 (3).

(4) A schedule of suggested fees that is approved by the Council shall be reviewed annually by the committee and amendments to the schedule that are recommended by the committee and approved by the Council shall be published by the Association. R.R.O. 1990, Reg. 941, s. 76 (4).

(5) The committee shall receive and consider recommendations submitted to it by Members and by the public and may consider salary surveys conducted from time to time by the Association or others. R.R.O. 1990, Reg. 941, s. 76 (5).

#### **Code of Ethics**

**77.** The following is the Code of Ethics of the Association:

1. It is the duty of a practitioner to the public, to the practitioner's employer, to the practitioner's clients, to other members of the practitioner's profession, and to the practitioner to act at all times with,
  - i. fairness and loyalty to the practitioner's associates, employer, clients, subordinates and employees,
  - ii. fidelity to public needs,
  - iii. devotion to high ideals of personal honour and professional integrity,

- iv. knowledge of developments in the area of professional engineering relevant to any services that are undertaken, and
  - v. competence in the performance of any professional engineering services that are undertaken.
2. A practitioner shall,
- i. regard the practitioner's duty to public welfare as paramount,
  - ii. endeavour at all times to enhance the public regard for the practitioner's profession by extending the public knowledge thereof and discouraging untrue, unfair or exaggerated statements with respect to professional engineering,
  - iii. not express publicly, or while the practitioner is serving as a witness before a court, commission or other tribunal, opinions on professional engineering matters that are not founded on adequate knowledge and honest conviction,
  - iv. endeavour to keep the practitioner's licence, temporary licence, provisional licence, limited licence or certificate of authorization, as the case may be, permanently displayed in the practitioner's place of business.
3. A practitioner shall act in professional engineering matters for the practitioner's employer as a faithful agent or trustee and shall regard as confidential information obtained by the practitioner as to the business affairs, technical methods or processes of an employer and avoid or disclose a conflict of interest that might influence the practitioner's actions or judgment.
4. A practitioner must disclose immediately to the practitioner's client any interest, direct or indirect, that might be construed as prejudicial in any way to the professional judgment of the practitioner in rendering service to the client.
5. A practitioner who is an employee-engineer and is contracting in the practitioner's own name to perform professional engineering work for other than the practitioner's employer, must provide the practitioner's client with a written statement of the nature of the practitioner's status as an employee and the attendant limitations on the practitioner's services to the client, must satisfy the practitioner that the work will not conflict with the practitioner's duty to the practitioner's employer, and must inform the practitioner's employer of the work.
6. A practitioner must co-operate in working with other professionals engaged on a project.
7. A practitioner shall,
- i. act towards other practitioners with courtesy and good faith,
  - ii. not accept an engagement to review the work of another practitioner for the same employer except with the knowledge of the other practitioner or except where the connection of the other practitioner with the work has been terminated,
  - iii. not maliciously injure the reputation or business of another practitioner,
  - iv. not attempt to gain an advantage over other practitioners by paying or accepting a commission in securing professional engineering work, and
  - v. give proper credit for engineering work, uphold the principle of adequate compensation for engineering work, provide opportunity for professional development and advancement of the practitioner's associates and subordinates, and extend the effectiveness of the profession through the interchange of engineering information and experience.
8. A practitioner shall maintain the honour and integrity of the practitioner's profession and without fear or favour expose before the proper tribunals unprofessional, dishonest or unethical conduct by any other practitioner. R.R.O. 1990, Reg. 941, s. 77; O. Reg. 48/92, s. 1; O. Reg. 13/03, s. 21; O. Reg. 71/15, s. 24.

**78. REVOKED:** O. Reg. 258/08, s. 1.

#### **Registrar's action re public interest**

**78.1** The Registrar, if informed of a situation that may endanger life, health, property or the public welfare, may take such action as is reasonably necessary to serve or protect the public interest. O. Reg. 46/92, s. 1.

#### **On-line document submission**

**78.2** If a document is submitted under this Regulation to the Registrar on-line through the Association's website, a statement or information contained in the document that is required to be certified as true and correct by a person is deemed to have been so certified once the application is submitted. O. Reg. 71/15, s. 25.

#### **Interruption in postal service or electronic communication**

**79.** In the event of an interruption in postal service or electronic communication, the Council may take such steps as it considers appropriate including, without limitation,

- (a) the extension, for such periods as it considers reasonable in the circumstances, of any time periods set forth in this Regulation; and



- (b) the use of such alternate means of communication as it considers appropriate in the circumstances. R.R.O. 1990, Reg. 941, s. 79; O. Reg. 157/07, s. 13.

**79.1** REVOKED: O. Reg. 36/18, s. 11.

**Application of *Not-for-Profit Corporations Act, 2010***

**80.** (1) The following provisions of the *Not-for-Profit Corporations Act, 2010* apply in respect of the Association, subject to the modifications set out in subsection (2) and such other modifications as may be necessary:

1. Section 5.
2. Section 37.
3. Section 40.
4. Section 61.
5. Sections 69 to 71.
6. Subsections 72 (1), (2) and (4).
7. Subsections 73 (1) and (2).
8. Sections 74 and 75.
9. Sections 77 to 79.
10. Sections 81 to 83.
11. Subsection 91 (1).
12. Subsections 92 (1), (2) and (3).
13. Section 92.1.
14. Subsections 93 (1), (2) and (2.1).
15. Subsection 94 (1).
16. Subsection 95 (1).
17. Section 96.
18. Clause 97 (1) (b).
19. Sections 98 to 101.
20. Sections 174 to 180.
21. Sections 192 to 194.
22. Subsections 199 (1), (2) and (2.1). O. Reg. 560/21, s. 1.

(2) For the purposes of subsection (1), any reference to a “director” shall be read as a reference to a “councillor” and any reference to an “officer” shall be read as a reference to an “officer of the Association”. O. Reg. 560/21, s. 1.

**81.** REVOKED: O. Reg. 205/09, s. 9.

**82.- 87.** REVOKED: O. Reg. 36/18, s. 11.

**88.** REVOKED: O. Reg. 36/18, s. 12.

TABLE 1 REVOKED: O. Reg. 71/15, s. 26.

SCHEDULE REVOKED: O. Reg. 143/08, s. 10.

**SCHEDULE 1**

1. The Western Region includes that part of Ontario lying south and west of a line drawn as follows:

Beginning at the Canada-United States border at the Town of Fort Erie on the Niagara River, north along the Niagara River to the Town of Niagara-on-the-Lake on the shoreline of Lake Ontario; then west along the shoreline of Lake Ontario to the boundary between the City of Burlington and the Town of Oakville; then north along that boundary to its northern end; continuing north along the same line to Highway 407; then west on Highway 407 to Halton Regional Road 5; continuing west along Halton Regional Road 5 to the western boundary of The Regional Municipality of Halton; then north along that boundary to Highway 401; then east on Highway 401 to Halton Regional Road 25; then north on Halton Regional Road 25, which becomes Wellington County Road 125, to Wellington County Road 124; then west on Wellington County Road 124 to Wellington County Road 26; then north on Wellington County Road 26

to Wellington County Road 18; then east on Wellington County Road 18, which becomes Dufferin County Road 3, to Dufferin County Road 24; then north on Dufferin County Road 24 to Dufferin County Road 109; then west on Dufferin County Road 109 to Dufferin County Road 25; then north on Dufferin County Road 25 to Highway 89; then east on Highway 89 to Dufferin County Road 124; then north on Dufferin County Road 124 to the northern boundary of the County of Dufferin; then north along the eastern boundary of the County of Grey to Grey County Road 19; then northwest on Grey County Road 19 to Nottawasaga Bay.

2. The West Central Region includes that part of Ontario lying within a line drawn as follows:

Beginning at Lake Ontario at the boundary between the City of Burlington and the Town of Oakville, north along that boundary to its northern end; continuing north along the same line to Highway 407; then west on Highway 407 to Halton Regional Road 5; continuing west along Halton Regional Road 5 to the western boundary of The Regional Municipality of Halton; then north along that boundary to Highway 401; then east on Highway 401 to Halton Regional Road 25; then north on Halton Regional Road 25, which becomes Wellington County Road 125, to Wellington County Road 124; then west on Wellington County Road 124 to Wellington County Road 26; then north on Wellington County Road 26 to Wellington County Road 18; then east on Wellington County Road 18, which becomes Dufferin County Road 3, to Dufferin County Road 24; then north on Dufferin County Road 24 to Dufferin County Road 109; then west on Dufferin County Road 109 to Dufferin County Road 25; then north on Dufferin County Road 25 to Highway 89; then east on Highway 89 to Dufferin County Road 124; then north on Dufferin County Road 124 to the northern boundary of the County of Dufferin; then east along the northern boundary of the County of Dufferin to its eastern boundary; then south along the eastern boundary of the County of Dufferin to the northern boundary of The Regional Municipality of Peel; then east on the northern boundary of The Regional Municipality of Peel to the eastern boundary of The Regional Municipality of Peel; then south along the eastern boundary of The Regional Municipality of Peel to the southern boundary of The Regional Municipality of York; then east along the southern boundary of The Regional Municipality of York to the West Don River; then south and southeast along the West Don River to Yonge Street; then south on Yonge Street to Yorkville Avenue; then west on Yorkville Avenue to Bay Street; then south on Bay Street to College Street; then east on College Street to Yonge Street; then south on Yonge Street to Lake Ontario; then west along the shoreline of Lake Ontario, but including the Toronto Islands, to the boundary between the City of Burlington and the Town of Oakville.

3. The East Central Region includes that part of Ontario lying within a line drawn as follows:

Beginning at Georgian Bay at the eastern end of the northern boundary of The District Municipality of Muskoka, east along that boundary to the western boundary of Algonquin Provincial Park; then south along the western boundary of Algonquin Provincial Park to the northern boundary of the County of Haliburton; then west and then south and then west and then south along the northern boundary of the County of Haliburton to the central portion of the northern boundary of the City of Kawartha Lakes; then west and then south and then west and then south along the northern boundary of the City of Kawartha Lakes to the northern boundary of The Regional Municipality of Durham; then west along the northern boundary of The Regional Municipality of Durham to its western boundary; then south along the western boundary of The Regional Municipality of Durham to York Regional Road 32; then northeast following a line to the junction where Highway 7 and Highway 12 meet; then east on Highway 7 to the western boundary of the City of Kawartha Lakes; then south and then east and then south along the western boundary of the City of Kawartha Lakes to the northern boundary of The Regional Municipality of Durham; then east along the northern boundary of The Regional Municipality of Durham to its eastern boundary; then south along the eastern boundary of The Regional Municipality of Durham to Lake Ontario; then west along the shoreline of Lake Ontario to Yonge Street; then north on Yonge Street to College Street; then west on College Street to Bay Street; then north on Bay Street to Yorkville Avenue; then east on Yorkville Avenue to Yonge Street; then north on Yonge Street to the West Don River; then north and northwest along the West Don River to the southern boundary of The Regional Municipality of York; then west along the southern boundary of The Regional Municipality of York to its western boundary; then north along the western boundary of The Regional Municipality of York to the southern boundary of the County of Simcoe; then west and then north and then west and then north along the western boundary of the County of Simcoe to Grey County Road 19; then northwest on Grey County Road 19 to Nottawasaga Bay.

4. The Eastern Region includes that part of Ontario lying within a line drawn as follows:

Beginning at Lake Ontario at the western boundary of the County of Northumberland, north along that boundary to the southern boundary of the City of Kawartha Lakes; then west along the southern boundary of the City of Kawartha Lakes to its western boundary; then north and then west and then north along the western boundary of the City of Kawartha Lakes to Highway 7; then west on Highway 7 to the junction where Highway 7 and Highway 12 meet; then southwest following a line to the eastern end of York Regional Road 32; then north along the western boundary of The Regional Municipality of Durham to its northern boundary; then east along the northern boundary of The Regional Municipality of Durham to the western boundary of the City of Kawartha Lakes; then north and then east and then north and then east along the western boundary of the City of Kawartha Lakes to the western boundary of the County of Haliburton; then north and then east and then north and then east along the northern boundary of the County of

Haliburton to the western boundary of Algonquin Provincial Park; then north along the western boundary of Algonquin Provincial Park to its northern boundary; then east along the northern boundary of Algonquin Provincial Park to the western boundary of the County of Renfrew; then north along the western boundary of the County of Renfrew to the Ottawa River.

5. The Northern Region includes that part of Ontario lying north of a line drawn as follows:

Beginning at the Ottawa River at the western boundary of the County of Renfrew, south along that boundary to the northern boundary of Algonquin Provincial Park; then west along the northern boundary of Algonquin Provincial Park to its western boundary; then south along the western boundary of Algonquin Provincial Park to the southern boundary of the Territorial District of Parry Sound; then west along the southern boundary of the Territorial District of Parry Sound to Georgian Bay; then northwest following a line through Georgian Bay to the mid-point in the main channel between the Bruce Peninsula and Manitoulin Island; then west following a line to the Canada-United States border.

O. Reg. 71/15, s. 27.

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