[Français](http://www.ontario.ca/fr/lois/loi/00p18)

Professional Foresters Act, 2000

[S.O. 2000, Chapter 18](https://www.ontario.ca/laws/statute/s00018)

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PART I  
GENERAL

Definitions

**1** In this Act,

“Association” means the Ontario Professional Foresters Association; (“Association”)

“by-laws” means the by-laws made under this Act; (“règlements administratifs”)

“Council” means the Council of the Association; (“conseil”)

“Crown forest” means Crown forest as defined in section 3 of the Crown Forest Sustainability Act, 1994; (“forêt de la Couronne”)

“forest” includes Crown forests, woodlands and urban woodlands; (“forêt”)

“forest operations prescription” means,

(a) in respect of a Crown forest, forest operations prescription within the meaning of the Crown Forest Sustainability Act, 1994; and

(b) in respect of all other forests, a set of site-specific harvest, renewal and maintenance activities used to achieve the expected structure and condition and the management objectives for such forests**;** (“prescription touchant des opérations forestières)

“good forestry practices” means good forestry practices as defined in subsection 1 (1) of the Forestry Act; (“bonnes pratiques forestières”)

“member” means a member of the Association; (“membre”)

“Minister” means the Minister of Northern Development, Mines, Natural Resources and Forestry or any other member of the Executive Council to whom responsibility for the administration of this Act may be assigned or transferred under the Executive Council Act; (“ministre”)

“Registrar” means the Registrar of the Association; (“registrateur”)

“Regulations” mean the regulations made under this Act. (“règlements”)

“sustainability” means, in respect of a Crown forest, the sustainability of a Crown forest as determined in accordance with section 2 of the Crown Forest Sustainability Act, 1994 and, in respect of all other forests, the long term health of such forests; (“durabilité)

“urban woodlands” means woodlands found in an urban environment, including those in riparian areas, ravines and wetlands; (“terrain boisé urbain”)

“woodlands” means woodlands as defined in subsection 1 (1) of the Forestry Act; (“terrain boisé”) 2000, c. 18, s. 1; 2021, c. 34, Sched. 21, s. 1.

**Section Amendments with date in force (d/m/y)**

[2021, c. 34, Sched. 21, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S21034" \l "sched21s1s1) - 02/12/2021

Administration of Act

**2** The Minister is responsible for the administration of this Act. 2000, c. 18, s. 2.

Scope of practice

**3** (1)  The practice of professional forestry is the provision of services and advice regarding forest operations and the preparation of plans relating to forestry, good forestry practices and the sustainability of forests, and includes:

(a) designing, specifying or certifying forest operations prescriptions;

(b) appraising or evaluating forest resources and certifying forests;

(c) classifying, inventorying and mapping of forests, including distribution, composition, structure, range, age and tree species;

(d) determining current and desired future forest conditions;

(e) customizing and using information from forest estate models;

(f) assessing or auditing planned forest operations to determine, among other things, whether those operations have been carried out as planned; and

(g) planning and locating forest transportation systems, including forest roads. 2021, c. 34, Sched. 21, s. 2 (1).

Exclusions

(2)  The practice of professional forestry does not include acts performed in relation to the management or manipulation of forests if they are performed,

(a) personally by individuals on land which they own;

(b) by a person acting within the scope of practice of a profession, trade or occupation that is listed in the regulations;

(c) by persons responding to an emergency situation such as a forest fire;

(d) by persons acting under the supervision of a member;

(e) by students enrolled in a forestry education program and under the supervision of the course instructor in the program;

(f) by a member of the armed forces while on duty; or

(g) by a person engaged in scientific research. 2000, c. 18, s. 3 (2).

(3)  Repealed: 2021, c. 34, Sched. 21, s. 2 (2).

**Section Amendments with date in force (d/m/y)**

[2021, c. 34, Sched. 21, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S21034" \l "sched21s2s1) - 02/12/2021

PART II  
ONTARIO PROFESSIONAL FORESTERS ASSOCIATION

Association continued

**4** (1)  The Association is continued under the name Ontario Professional Foresters Association in English and Association des forestiers professionels de l’Ontario in French. 2000, c. 18, s. 4 (1).

Body corporate

(2)  The Association is a body corporate without share capital. 2000, c. 18, s. 4 (2).

Non-application

(3)  The Not-for-Profit Corporations Act, 2010 and the *Corporations Information Act* do not apply to the Association, except as specifically made applicable by the regulations. 2000, c. 18, s. 4 (3); 2017, c. 20, Sched. 8, s. 121 (1).

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 8, s. 121 (1)](http://www.ontario.ca/laws/statute/S17020" \l "sched8s121s1) - 19/10/2021

Objects

**5** (1)  The principal object of the Association is to regulate the practice of professional forestry and to govern its members in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected. 2000, c. 18, s. 5 (1).

Same

(2)  For the purpose of carrying out its principal object, the Association has the following additional objects:

1. To promote and increase the knowledge, skill and proficiency of its members in all things relating to forestry.

2. To establish, maintain and develop standards of knowledge and skill for members.

3. To establish, maintain, develop and enforce standards of qualification and standards of practice for the practice of professional forestry.

4. To issue, renew, amend, suspend, cancel, revoke and reinstate certificates of qualification and registration.

5. To establish, maintain, develop and enforce standards of professional ethics for members.

6. To receive and investigate complaints and allegations against members and to deal with issues regarding discipline, incapacity and unskilled practice.

7. To promote public awareness of the role of the Association and to communicate with the public on behalf of its members.

8. To provide vocational guidance to persons wishing to enter the forestry profession.

9. To perform any other duties and exercise any other powers as are imposed or conferred upon the Association under any Act.

10. To perform such additional functions relating to the practice of professional forestry that the Council considers desirable and that do not conflict with the intent or purpose of this Act, the regulations, or the by-laws. 2000, c. 18, s. 5 (2).

Powers

(3)  For the purpose of carrying out its objects, the Association has the capacity and the powers of a natural person. 2000, c. 18, s. 5 (3).

Council

**6** (1)  The Council of the Association is the board of directors of the Association and shall manage and administer its affairs. 2000, c. 18, s. 6 (1).

Composition

(2)  The Council shall be composed of,

(a) at least nine and no more than 15 persons who are members of the Association and are elected by the members of the Association in accordance with the by-laws; and

(b) at least four and no more than seven persons who are not members of the Association and who are appointed by the Lieutenant Governor in Council, and whose numbers on the Council shall represent at least one-third of the total number of Council members. 2000, c. 18, s. 6 (2).

Term of office

**7** (1)  The term of office of a Council member shall be,

(a) in the case of a member elected under clause 6 (2) (a), the term provided in the by-laws; and

(b) in the case of a member appointed under clause 6 (2) (b), a term not exceeding three years. 2000, c. 18, s. 7 (1).

Same

(2)  Subject to subsection (3), no person appointed under clause 6 (2) (b) may serve more than two consecutive terms. 2000, c. 18, s. 7 (2).

Same

(3)  A person appointed under clause 6 (2) (b) continues to hold office after the expiry of his or her term of office until he or she is re-appointed or his or her successor is appointed. 2000, c. 18, s. 7 (3).

Remuneration and expenses

**8** The persons appointed under clause 6 (2) (b) shall be paid, by the Minister, such expenses and remuneration as are determined by the Lieutenant Governor in Council. 2000, c. 18, s. 8.

Vacancies

**9** If one or more vacancies occur in the membership of the Council, the members remaining in office constitute the Council. 2000, c. 18, s. 9.

Registrar

**10** The Council shall appoint a Registrar, and the Executive Committee may appoint such other persons as are from time to time necessary or desirable, in the opinion of the Executive Committee, to perform the work of the Association. 2000, c. 18, s. 10.

Annual report to Minister

**11** The Council shall submit annually to the Minister in a form satisfactory to the Minister a report on those matters of the business and affairs of the Association that the Minister requires. 2000, c. 18, s. 11.

Powers of Minister

**12** (1)  In addition to the Minister’s other powers and duties under this Act, the Minister may,

(a) review the activities of the Council and require the Council to provide reports and information;

(b) request the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;

(c) advise the Council with respect to the implementation of this Act, the regulations and the by-laws and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations, by-laws and procedures;

(d) request the Council to make, amend or revoke a regulation. 2000, c. 18, s. 12 (1).

Council to comply

(2)  If the Minister requires the Council to do anything under subsection (1), the Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report to the Minister respecting the compliance. 2000, c. 18, s. 12 (2).

Regulations

(3)  If the Minister requests the Council to make, amend or revoke a regulation under clause (1) (d) and the Council does not do so within 60 days, the Lieutenant Governor in Council may make a regulation to do the thing requested of the Association under clause (1) (d). 2000, c. 18, s. 12 (3).

Same

(4)  For the purposes of subsection (3), the Lieutenant Governor in Council may make a regulation with respect to any matter that the Council may make a regulation under section 52. 2000, c. 18, s. 12 (4).

Conflict

(5)  If there is a conflict between a regulation under section 52 and a regulation made under subsection (3), the regulation made under subsection (3) prevails. 2000, c. 18, s. 12 (5).

Copies of regulation

(6)  The Council shall ensure that a copy of each regulation made under subsection (3) is available for public inspection in the office of the Association. 2000, c. 18, s. 12 (6).

Same

(7)  The Registrar shall provide to any person, on payment of a reasonable charge, a copy of any regulation made under subsection (3). 2000, c. 18, s. 12 (7).

Expenses of Association

(8)  The Minister may pay the Association for expenses incurred in complying with a requirement or request made under subsection (1). 2000, c. 18, s. 12 (8).

Who may practise

**13** No person shall engage in or hold himself, herself or itself out as able to engage in the practice of professional forestry unless the person holds a certificate of registration issued by the Association. 2000, c. 18, s. 13.

Membership

**14** (1)  Every person who holds a certificate of registration issued by the Association is a member, subject to the conditions or limitations to which the certificate is subject. 2000, c. 18, s. 14 (1).

Resignation

(2)  A member may resign his or her membership by filing with the Registrar a resignation in writing, together with his or her professional seal and certificate of registration. 2000, c. 18, s. 14 (2).

Same

(3)  Upon filing a resignation, the certificate of registration of the member is cancelled and the Registrar shall strike the member’s name from the register. 2000, c. 18, s. 14 (3).

Cancellation for default of fees

(4)  The Registrar may cancel a certificate of registration for non-payment of any fee prescribed in the by-laws, non-payment of any assessments or other amounts owing to the Association or for failure to file a return required by the by-laws after giving the member at least two months notice of the default and intention to cancel. 2000, c. 18, s. 14 (4).

Continuing jurisdiction

(5)  A person whose certificate of registration is cancelled, revoked or suspended or who resigns as a member remains subject to the continuing jurisdiction of the Association in respect of a complaint, investigation or disciplinary action arising out of his or her conduct while a member. 2000, c. 18, s. 14 (5).

Designation

(6)  Every member of the Association shall have the right to use the designation “Registered Professional Forester” and may use the initials “R.P.F.” indicating that he or she is a registered professional forester unless the by-laws provide otherwise. 2000, c. 18, s. 14 (6).

Same, prohibition

(7)  No person, other than a member, shall,

(a) use the designation “Registered Professional Forester” or the initials “R.P.F.”, or any name, title, abbreviation or description in any language implying or which may lead to the belief that the person is a registered member of the Association; or

(b) identify themselves by a title or term in any language that includes the words “professional” and “forester” together or any variations or abbreviations of those words or the initials “P.For.”. 2021, c. 34, Sched. 21, s. 3.

**Section Amendments with date in force (d/m/y)**

[2021, c. 34, Sched. 21, s. 3](http://www.ontario.ca/laws/statute/S21034" \l "sched21s3) - 02/12/2021

Committees

**15** (1)  The following committees are hereby established:

1. Executive Committee.

2. Registration Committee.

3. Complaints Committee.

4. Discipline Committee. 2000, c. 18, s. 15 (1).

Appointment

(2)  The Council shall appoint the members of the committees referred to in subsection (1). 2000, c. 18, s. 15 (2).

Chair

(3)  The Council shall name one member of each committee referred to in subsection (1) to chair the committee. 2000, c. 18, s. 15 (3).

Other committees

(4)  The Council may establish and appoint any other committees as it considers necessary. 2000, c. 18, s. 15 (4).

Vacancies

(5)  Subject to subsection 30 (5), where one or more vacancies occur in the membership of a committee, the members remaining in office constitute the committee so long as their number is not fewer than the quorum required in accordance with the by-laws or this Act. 2000, c. 18, s. 15 (5).

Executive Committee

**16** (1)  The Executive Committee shall be composed of,

(a) the president, vice-president and immediate past president of the Council;

(b) one member of Council elected to Council by members of the Association; and

(c) one member of the Council appointed to the Council by the Lieutenant Governor in Council. 2000, c. 18, s. 16 (1).

Quorum

(2)  Three members of the Executive Committee constitute a quorum. 2000, c. 18, s. 16 (2).

Function

(3)  The Executive Committee shall perform such functions of the Council as are delegated to it by the Council or as are specified in this Act, the regulations or by-laws. 2000, c. 18, s. 16 (3).

Exercise of Council’s powers

(4)  Between meetings of the Council, the Executive Committee may exercise any of the powers of the Council with respect to any matters that, in the Committee’s opinion, require immediate attention, other than the power to make, amend or revoke a regulation or by-law or any standard adopted pursuant to a regulation or by-law. 2000, c. 18, s. 16 (4).

PART III  
REGISTRATION

Application for registration

**17** (1)  A person shall send an application for a certificate of registration to the Registrar in accordance with the by-laws. 2000, c. 18, s. 17 (1).

Referral to Registration Committee

(2)  The Registrar shall refer all applications to the Registration Committee. 2000, c. 18, s. 17 (2).

Composition of Registration Committee

**18** (1)  The Registration Committee shall be composed of a minimum of five and a maximum of 10 persons of whom,

(a) at least one is a member of the Council elected to the Council by the members of the Association;

(b) one is a member of the Council appointed to the Council by the Lieutenant Governor in Council; and

(c) the remainder may be members of the Association who are not members of the Council. 2000, c. 18, s. 18 (1).

Quorum

(2)  Three members of the Registration Committee constitute a quorum. 2000, c. 18, s. 18 (2).

Registration

**19** (1)  The Registration Committee shall instruct the Registrar to issue a certificate to any person who submits an application in accordance with the by-laws and who meets the qualifications and requirements set out in the by-laws. 2000, c. 18, s. 19 (1).

Grounds for refusal

(2)  The Registration Committee shall instruct the Registrar not to issue a certificate of registration where, in the opinion of the Committee,

(a) the applicant does not meet the qualifications and requirements for the issuance of the certificate set out in the by-laws;

(b) the past conduct of the applicant affords reasonable grounds for believing that the applicant will not engage in the practice of professional forestry with honesty and integrity or in accordance with the law; or

(c) the applicant previously held a certificate that was revoked as a result of a decision of the Discipline Committee. 2000, c. 18, s. 19 (2).

Terms, etc., attached

(3)  Where the Registration Committee is of the opinion that a certificate of registration should be issued to an applicant with terms, conditions or limitations imposed,

(a) the Committee may instruct the Registrar to do so if the applicant consents to the imposition of the terms, conditions or limitation; and

(b) if the applicant does not give his or her consent, the Committee shall not instruct the Registrar to impose terms, conditions or limitations on the certificate unless notice is given to the applicant in accordance with subsection 20 (1). 2000, c. 18, s. 19 (3).

Notice of proposal not to issue

**20** (1)  Where the Registration Committee proposes to instruct the Registrar,

(a) not to issue a certificate of registration; or

(b) to impose terms, conditions or limitations to which the applicant has not consented on a certificate of registration,

the Registrar shall first serve notice of the proposal, with written reasons for it, on the applicant. 2000, c. 18, s. 20 (1).

Exception

(2)  Subsection (1) does not apply where the Committee instructs the Registrar not to issue a certificate under clause 19 (2) (c). 2000, c. 18, s. 20 (2).

Contents of notice

(3)  A notice under subsection (1) shall state that the applicant may request, in accordance with subsection (4), that the Registration Committee reconsider its decision. 2000, c. 18, s. 20 (3).

Request for reconsideration

(4)  The request for a reconsideration must be,

(a) in writing;

(b) served on the Registrar within 60 days after the notice under subsection (1) is served on the applicant; and

(c) accompanied by the fee prescribed by the by-laws for the purpose. 2000, c. 18, s. 20 (4).

Submissions

(5)  The request for a reconsideration may be accompanied by written submissions. 2000, c. 18, s. 20 (5).

Power of Registrar where no reconsideration

(6)  Where the applicant does not make a request under subsection (4), the Registrar shall carry out the proposal stated in the notice under subsection (1). 2000, c. 18, s. 20 (6).

Same

(7)  Where the Registrar imposes terms, conditions or limitations on a certificate of registration under subsection (6), the member may not apply under section 22 for the removal or modification of the terms, conditions or limitations earlier than one year from the date that the Registration Committee instructed the Registrar to imposed the terms, conditions or limitations. 2000, c. 18, s. 20 (7).

Exception

(8)  Despite subsection (7), a member may make an application under section 22 before the end of the one-year period with the consent of the Registration Committee. 2000, c. 18, s. 20 (8).

Reconsideration by Registration Committee

**21** (1)  Where the applicant makes a request in accordance with subsection 20 (4), the Registration Committee shall conduct a reconsideration of its decision. 2000, c. 18, s. 21 (1).

Exception

(2)  Despite subsection (1), the Registration Committee may refuse to conduct a reconsideration of its decision if, in its opinion, the request made under subsection 20 (4) is frivolous, vexatious or an abuse of process. 2000, c. 18, s. 21 (2).

Extension of time

(3)  The Registration Committee may extend the time for making a request under clause 20 (4) (b) where it is satisfied that there are apparent grounds for granting relief and that there are reasonable grounds for applying for the extension. 2000, c. 18, s. 21 (3).

Interim directions

(4)  Where the Registration Committee is considering a request under subsection 20 (4), it may give any interim directions to the Registrar it considers appropriate until an order is made under subsection (8). 2000, c. 18, s. 21 (4).

Same

(5)  Interim directions that may be given to the Registrar under subsection (4) include but are not limited to directions to do one or more of the following:

1. Remove specified terms, conditions or limitations on a certificate of registration issued under subsection 20 (6).

2. Impose specified terms, conditions or limitations on a certificate of registration issued under subsection 20 (6).

3. Suspend a certificate of registration issued under subsection 20 (6). 2000, c. 18, s. 21 (5).

Examination of documents, submissions

(6)  The Registration Committee shall ensure that the person who requests a reconsideration is given an opportunity to examine and make written submissions on any documents that the Committee intends to consider during the reconsideration of its decision. 2000, c. 18, s. 21 (6).

No hearing, etc.

(7)  Before making a decision or giving an interim direction under this section, the Registration Committee need not hold a hearing and, except as provided by section 20 and this section, need not afford to any person an opportunity to make oral or written submissions. 2000, c. 18, s. 21 (7).

Orders

(8)  After considering the request made under subsection 20 (4), the submissions and any document that the Committee considers relevant, the Registration Committee may make an order doing one or more of the following:

1. Directing the Registrar to issue a certificate of registration.

2. Directing the Registrar to issue a certificate of registration if the applicant fulfils requirements specified in the by-laws for the issuance of the certificate.

3. Directing the Registrar to issue a certificate of registration subject to specified terms, conditions or limitations.

4. Directing the Registrar not to issue a certificate of registration. 2000, c. 18, s. 21 (8).

Same

(9)  Where the Registration Committee makes an order under paragraph 3 of subsection (8), the person who requested the reconsideration may not apply under section 22 for the removal or modification of the terms, conditions or limitations earlier than one year from the date of the order. 2000, c. 18, s. 21 (9).

Exception

(10)  Despite subsection (9), the person referred to in that subsection may make an application under section 22 before the end of the one-year period with the consent of the Registration Committee. 2000, c. 18, s. 21 (10).

Order to return fee

(11)  The Registration Committee may order that the fee paid under subsection 20 (4) be returned to the person who requested a reconsideration of its decision where, in the opinion of the Committee, to do so would be appropriate in all the circumstances. 2000, c. 18, s. 21 (11).

Service of decision on parties

(12)  The Registration Committee shall give its decision under this section in writing, with reasons, and shall serve the person who requested the reconsideration with a copy. 2000, c. 18, s. 21 (12).

Application for variation

**22** (1)  Subject to subsections 20 (7) and 21 (9) and to subsection (7) of this section, a member may apply to the Registration Committee for an order directing the Registrar to remove or modify any term, condition or limitation imposed by the Committee on his or her certificate of registration. 2000, c. 18, s. 22 (1).

Same

(2)  The application must be,

(a) in writing; and

(b) accompanied by the fee prescribed for the purpose by the by-laws. 2000, c. 18, s. 22 (2).

Submissions

(3)  The application may be accompanied by written submissions. 2000, c. 18, s. 22 (3).

Examination of documents, submissions

(4)  The Registration Committee shall ensure that the applicant is given an opportunity to examine and make written submissions on any documents that the Committee intends to consider in making its decision on the application. 2000, c. 18, s. 22 (4).

No hearing

(5)  Before making a decision or giving a direction under this section, the Registration Committee need not hold a hearing and, except as provided by this section, need not afford to any person an opportunity to make oral or written submissions. 2000, c. 18, s. 22 (5).

Orders

(6)  After considering the application, the submissions and any document that the Committee considers relevant, the Registration Committee may make an order doing one or more of the following:

1. Refusing the application.

2. Directing the Registrar to remove any term, condition or limitation imposed on the certificate of registration.

3. Directing the Registrar to impose specified terms, conditions or limitations on the certificate of registration. 2000, c. 18, s. 22 (6).

Limitations on application

(7)  The Registration Committee, in disposing of an application under this section, may fix a period of not longer than six months during which the applicant may not make another application under subsection (1). 2000, c. 18, s. 22 (7).

Order to return fee

(8)  The Registration Committee may order that the fee paid under subsection (2) be returned to the applicant where, in the opinion of the Committee, to do so would be appropriate in all the circumstances. 2000, c. 18, s. 22 (8).

Service of decision on applicant

(9)  The Registration Committee shall give its decision under this section in writing, with reasons, and shall serve the applicant with a copy. 2000, c. 18, s. 22 (9).

Register and directory

Register

**23** (1)  The Registrar shall maintain a register in which is entered,

(a) the name of every member and the class of certificate of registration held by the member and any certificates of additional qualifications that the member holds;

(b) any designation of a member as a specialist and any withdrawal of recognition of the member’s specialist status;

(c) any terms, conditions or limitations imposed on a certificate of registration;

(d) a notation of any revocation, suspension or cancellation of a certificate of registration;

(e) the fact and amount of a fine imposed by the Discipline Committee and the fact of a reprimand of the Discipline Committee, unless the Discipline Committee directs that no entry be made;

(f) where an entry results from a decision of a committee, the name of the committee that made the decision and any finding of the committee resulting in the entry;

(g) the date of the decision or order that results in an entry under this subsection; and

(h) any other information authorized or prescribed to be entered by the by-laws. 2000, c. 18, s. 23 (1).

Directory

(2)  The Registrar shall maintain a directory in which is entered the name, address, telephone number and employer of each member of the Association. 2000, c. 18, s. 23 (2).

Inspection

(3)  Any person has the right, during normal business hours, to inspect the register and directory maintained by the Registrar unless the Registrar believes that it would jeopardize the safety of any person. 2000, c. 18, s. 23 (3).

Form of register and directory

(4)  The Registrar may maintain the register and directory mentioned in subsections (1) and (2) in a written form or in any electronic or other medium that provides a visual display of recorded information. 2000, c. 18, s. 23 (4).

Copies

(5)  The Registrar shall provide to any person, on payment of a reasonable charge, a copy of any part of the register or directory referred to in subsections (1) and (2), respectively. 2000, c. 18, s. 23 (5).

Suspension

**24** (1)  The Registrar may suspend a member’s certificate of registration for,

(a) failure to pay a fee or penalty prescribed by the by-laws; or

(b) failure to provide information required by the by-laws. 2000, c. 18, s. 24 (1).

Notice

(2)  The Registrar shall not suspend a certificate of registration without first giving the member two-months notice of the default and intention to suspend. 2000, c. 18, s. 24 (2).

Concurrent notice

(2.1)  The notice may be combined with a notice to cancel the member’s certificate of registration under subsection 14 (4). 2009, c. 33, Sched. 22, s. 8 (1).

Reinstatement

(3)  A person whose certificate of registration was suspended by the Registrar under subsection (1) is entitled to have the suspension removed on payment of the fees and penalties prescribed by the by-laws or on provision of the information required by the by-laws, as the case may be. 2000, c. 18, s. 24 (3).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 22, s. 8 (1)](http://www.ontario.ca/laws/statute/S09033" \l "sched22s8s1) - 15/12/2009

PART IV  
COMPLAINTS COMMITTEE

Composition

**25** (1)  The Complaints Committee shall be composed of not fewer than six and not more than 14 persons, of whom,

(a) at least one is a member of the Council appointed to the Council by the Lieutenant Governor in Council;

(b) at least one, but not the majority of the Committee members other than those appointed under clause (a), are members of the Council elected to the Council by the members of the Association; and

(c) the remainder are members of the Association who are not members of the Council. 2000, c. 18, s. 25 (1); 2009, c. 33, Sched. 22, s. 8 (2).

Quorum

(2)  Three members of the Complaints Committee constitute a quorum. 2000, c. 18, s. 25 (2).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 22, s. 8 (2)](http://www.ontario.ca/laws/statute/S09033" \l "sched22s8s2) - 15/12/2009

Duties of Complaints Committee

**26** (1)  The Complaints Committee shall consider and investigate complaints regarding the conduct or actions of a member made by,

(a) a member of the public;

(b) a member of the Association;

(c) the Registrar;

(d) the Minister. 2000, c. 18, s. 26 (1).

Refusal to investigate and consider complaint

(2)  Despite subsection (1), the Complaints Committee shall refuse to consider and investigate a complaint if, in its opinion,

(a) the complaint does not relate to professional misconduct, unskilled practice or incapacity on the part of a member; or

(b) the complaint is frivolous, vexatious or an abuse of process. 2000, c. 18, s. 26 (2).

Procedural requirements

(3)  No action shall be taken by the Complaints Committee under subsection (5) unless,

(a) a complaint in a format required by the by-laws has been filed with the Registrar;

(b) the member whose conduct or actions are being investigated has been notified of the complaint and given at least 30 days in which to submit in writing to the Committee any explanations or representations the member may wish to make concerning the matter; and

(c) the Committee has examined or has made a reasonable effort to examine the information and documents that the Committee believes are relevant to the complaint. 2000, c. 18, s. 26 (3).

Same

(4)  Notice of a complaint under clause (3) (b) shall include reasonable particulars about any allegations contained in the complaint. 2000, c. 18, s. 26 (4).

Direction

(5)  The Complaints Committee in accordance with the information it receives may,

(a) direct that the matter be referred, in whole or in part, to the Discipline Committee;

(b) direct that the matter not be referred under clause (a); or

(c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act, the regulations or the by-laws. 2000, c. 18, s. 26 (5).

Same

(6)  The Complaints Committee shall give its decision in writing to the Registrar for the purposes of subsection (7) and, except where the decision is made under clause (5) (a), its reasons for the decision. 2000, c. 18, s. 26 (6).

Notice

(7)  The Registrar shall provide the complainant and the person complained against with a copy of the written decision made by the Complaints Committee and its reasons for the decision, if any. 2000, c. 18, s. 26 (7).

No hearing

(8)  Before making a decision or giving a direction under this section, the Complaints Committee need not hold a hearing and, except as provided by this section, it need not afford to any person an opportunity to make oral or written submissions. 2000, c. 18, s. 26 (8).

Timely disposal

(9)  The Complaints Committee shall use its best efforts to dispose of a complaint within 120 days of it being filed with the Registrar, although failing to do so does not affect the validity of the decision or direction of the Committee. 2000, c. 18, s. 26 (9).

PART V  
DISCIPLINE COMMITTEE

Composition

**27** (1)  The Discipline Committee shall be composed of not fewer than six and not more than 10 persons, of whom,

(a) at least one is a member of the Council appointed to the Council by the Lieutenant Governor in Council;

(b) at least one and no more than two are members of the Council elected to the Council by the members of the Association; and

(c) the remainder are members of the Association who are not members of the Council. 2000, c. 18, s. 27 (1); 2009, c. 33, Sched. 22, s. 8 (3).

Quorum

(2)  Three members of the Discipline Committee constitute a quorum. 2000, c. 18, s. 27 (2).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 22, s. 8 (3)](http://www.ontario.ca/laws/statute/S09033" \l "sched22s8s3) - 15/12/2009

Duties of Discipline Committee

Reference by Executive Committee

**28** (1)  The Executive Committee may direct the Discipline Committee to hold a hearing and determine any allegation of incapacity, professional misconduct or unskilled practice of forestry on the part of a member. 2000, c. 18, s. 28 (1).

Duties of Discipline Committee

(2)  The Discipline Committee shall,

(a) when so directed by the Executive Committee under subsection (1) or by the Complaints Committee under clause 26 (5) (a), hear and determine allegations of incapacity, professional misconduct or unskilled practice of forestry against a member;

(b) hear and determine matters referred to it under subsection 45 (5); and

(c) perform such other duties as are assigned to it by the Council. 2000, c. 18, s. 28 (2).

Parties

**29** The Association and the member whose conduct is being investigated are parties to the proceedings before the Discipline Committee. 2000, c. 18, s. 29.

Panels

**30** (1)  The Discipline Committee may sit in two panels simultaneously so long as a quorum of the Committee is present in each panel. 2000, c. 18, s. 30 (1).

Assignment of panels

(2)  The person chairing the Discipline Committee shall assign the members of the Committee to its panels and may change an assignment at any time. 2000, c. 18, s. 30 (2).

Eligibility to sit on panel

(3)  Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject matter of the hearing, other than as a member of the Executive Committee considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee. 2000, c. 18, s. 30 (3).

Expiry of term of office during proceeding

(4)  Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a person sitting for the hearing expires or is terminated, other than for cause, before the proceeding has been disposed of but after evidence has been heard, the person shall be deemed, for the purposes of dealing with that matter, to remain a member of the panel until the final disposition of the matter. 2000, c. 18, s. 30 (4).

Incapacity of member during proceeding

(5)  Where the Discipline Committee commences a hearing and any member of the Committee becomes unable to continue to act, the remaining members may complete the hearing despite the absence of the member and may render a decision as effectually as if all members of the Committee were present throughout the hearing, despite the absence of a quorum of the Committee. 2000, c. 18, s. 30 (5).

Non-communication by panel members

**31** (1)  Members of the Discipline Committee shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or any party’s representative except upon notice to and opportunity for all parties to participate. 2000, c. 18, s. 31 (1).

Exception, legal advice

(2)  Despite subsection (1), the Discipline Committee may seek legal advice from, and communicate with, an adviser independent from the parties and, if it does so, the nature of the advice shall be made known to the parties in order that they may make submissions as to the advice. 2000, c. 18, s. 31 (2).

Hearings to be public

**32** (1)  A hearing of the Discipline Committee shall, subject to subsection (2), be open to the public. 2000, c. 18, s. 32 (1).

Exclusion of public

(2)  The Discipline Committee may make an order that the public be excluded from a hearing or any part of a hearing if the Committee is satisfied that,

(a) matters involving public security may be disclosed;

(b) financial or personal or other matters may be disclosed at the hearing of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public; or

(c) the safety of a person may be jeopardized. 2000, c. 18, s. 32 (2).

Same

(3)  The Discipline Committee may make an order that the public be excluded from a hearing while it receives evidence or submissions or deliberates whether to exclude the public from all or part of a hearing under subsection (2). 2000, c. 18, s. 32 (3).

Orders preventing public disclosure

(4)  In any situation in which an order may be made under subsection (2) or (3), the Discipline Committee may make orders it considers necessary to prevent the public disclosure of information disclosed at the hearing and may for such purpose make an order banning the publication or broadcasting of that information. 2000, c. 18, s. 32 (4).

Findings of fact

**33** The findings of fact of the Discipline Committee pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15, 15.1, 15.2 and 16 of the *Statutory Powers Procedure Act*. 2000, c. 18, s. 33.

Examination of documentary evidence

**34** (1)  A party to a hearing before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. 2000, c. 18, s. 34 (1).

Rules concerning disclosure

(2)  The Discipline Committee may make rules under section 25.1 of the *Statutory Powers Procedure Act* respecting the disclosure of evidence. 2000, c. 18, s. 34 (2).

Delivery of expert witness report

**35** A party to a hearing before the Discipline Committee who intends to call an expert witness at the hearing shall, at least 10 days before the commencement of the hearing, deliver to the other party a report, signed by the expert, setting out his or her name, address and qualifications and the substance of his or her proposed testimony. 2000, c. 18, s. 35.

Non-compliance with disclosure requirements

**36** (1)  If a party fails to comply with subsection 34 (1), section 35 or with any rule made under subsection 34 (2), the Discipline Committee shall not admit the evidence in question or allow the expert to testify at the hearing unless,

(a) the other parties to the hearing consent to the evidence being admitted;

(b) the evidence is necessary in order to rebut evidence previously presented at the hearing; or

(c) the Committee believes the evidence is necessary in order to make a fair determination in the matter before it. 2000, c. 18, s. 36 (1).

Costs

(2)  If a party fails to comply with subsection 34 (1), section 35 or with a rule made under subsection 34 (2), the Committee may order that party to pay costs to the other party. 2000, c. 18, s. 36 (2).

Recording of oral evidence

**37** The oral evidence taken before the Discipline Committee shall be recorded and, if a request is made, copies of a transcript of the oral evidence shall be furnished upon the same terms as in the Superior Court of Justice. 2000, c. 18, s. 37.

Release of documentary evidence

**38** Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to the person within a reasonable time after the matter in issue has been finally determined. 2000, c. 18, s. 38.

Control of procedure

**39** (1)  The Discipline Committee may determine its own practice and procedure in relation to hearings and may make rules under section 25.1 of the *Statutory Powers Procedure Act* governing such practice and procedure and the exercise of its powers in relation thereto that are not inconsistent with this Act. 2000, c. 18, s. 39 (1).

Forms

(2)  The Discipline Committee may require the use of such forms as it considers appropriate. 2000, c. 18, s. 39 (2).

Vote on decisions

**40** All disciplinary decisions of the Committee require the vote of a majority of the members of the Committee present at the meeting. 2000, c. 18, s. 40.

Only members at hearing participate in decision

**41** No member of the Discipline Committee shall participate in a decision of the Committee following upon a hearing unless he or she was present throughout the hearing and heard the evidence and argument of the parties. 2000, c. 18, s. 41.

Findings and powers

Finding of professional misconduct

**42** (1)  The Discipline Committee shall find a member guilty of professional misconduct if, in the opinion of the Committee, the member is guilty of professional misconduct as defined in the regulations. 2000, c. 18, s. 42 (1).

Finding of unskilled practice

(2)  A member shall be found guilty of unskilled practice of forestry by the Discipline Committee if the member has displayed in his or her professional conduct a lack of knowledge, skill or judgment or a disregard for the forest of a nature or to an extent that demonstrates that the member is unfit to engage in the practice of professional forestry or that the member’s practice should be restricted. 2000, c. 18, s. 42 (2).

Finding of incapacity

(3)  A member shall be found to be incapacitated if the member is suffering from a physical or mental condition or disorder that makes it desirable in the interest of the public that the member no longer be permitted to practise or that the member’s practice be restricted. 2000, c. 18, s. 42 (3).

Powers of Discipline Committee

(4)  Where the Discipline Committee finds a member guilty of professional misconduct or unskilled practice of forestry or finds a member to be incapacitated, it may make an order doing one or more of the following:

1. Directing the Registrar to revoke the member’s certificate of registration.

2. Directing the Registrar to withdraw recognition of the specialist status of the member.

3. Directing the Registrar to suspend the member’s certificate of registration or suspend recognition of the specialist status of the member, or both, for a stated period.

4. Directing the Registrar to impose specified terms, conditions or limitations upon the member’s certificate of registration indefinitely or for such period of time as is specified by the Committee.

5. Directing that the imposition of a penalty be postponed for a specified period and not be imposed if specified terms are met within that period.

6. Imposing a fine in an amount that the Committee considers appropriate, to a maximum of $10,000, to be paid by the member to the Minister of Finance for payment into the Consolidated Revenue Fund.

7. Requiring that the member be reprimanded by the Committee or its delegate and, if considered warranted, direct that the fact of the reprimand be recorded on the register for a specified or unlimited period.

8. Directing that the finding and the order of the Committee be published, in detail or in summary, with or without the name of the member, in the official publication of the Association, and in any other manner or medium that the Committee considers appropriate.

9. Fixing costs and expenses to be paid by the member. 2000, c. 18, s. 42 (4).

Same

(5)  In making an order under paragraph 5 of subsection (4), the Committee may specify the terms that it considers appropriate, including but not limited to terms requiring the successful completion by the member of specified courses of study. 2000, c. 18, s. 42 (5).

Limitation on s. 45 application

(6)  After the Committee has made an order directing the Registrar to revoke or suspend a member’s certificate of registration or to impose terms, conditions or limitations on a certificate, the member shall not apply under section 45 earlier than one year from the date of the order unless the order specifies otherwise. 2000, c. 18, s. 42 (6).

Publication of decision on request

(7)  The Discipline Committee shall cause a determination by the Committee that an allegation of incapacity, professional misconduct or unskilled practice of forestry was unproved to be published in the official publication of the Association, on the request of the member against whom the allegation was made. 2000, c. 18, s. 42 (7).

Costs

(8)  Where the Discipline Committee is of the opinion that the commencement of the proceeding was unwarranted, the Committee shall order that the Association reimburse the member for his or her costs or such portion thereof as the Committee fixes. 2000, c. 18, s. 42 (8).

Entry in register

(9)  Where the Discipline Committee imposes a fine or reprimands a member, the Committee may direct that the fact and amount of the fine or the fact of the reprimand not be entered in a register required to be kept under subsection 23 (1). 2000, c. 18, s. 42 (9).

Notice of decision

**43** (1)  Subject to subsection (2), the Discipline Committee shall serve its decision, with reasons,

(a) on the parties; and

(b) where the matter was referred to the Discipline Committee as a result of a complaint under subsection 26 (1), on the complainant. 2000, c. 18, s. 43 (1).

Same

(2)  Where the hearing was closed, the Discipline Committee may, in its discretion, serve its decision on the complainant without reasons. 2000, c. 18, s. 43 (2).

Stay of decision on appeal

**44** Where the Discipline Committee revokes or suspends a certificate of registration, withdraws or suspends recognition of specialist status or imposes terms, conditions or limitations on a certificate on the ground of incapacity, unskilled practice of forestry or professional misconduct, the decision takes effect immediately even if an appeal is taken from the decision, unless the court to which the appeal is taken orders otherwise. 2000, c. 18, s. 44.

Reinstatement or variation of terms

Reinstatement after disciplinary proceedings

**45** (1)  A member whose certificate of registration or designation as a specialist has been revoked or suspended for cause under this Act may apply in writing to the Registrar to have a new certificate issued, the designation restored or the suspension removed. 2000, c. 18, s. 45 (1).

Variation of terms after disciplinary proceedings

(2)  If the Discipline Committee has imposed terms, conditions or limitations on a member’s certificate of registration, the member may apply in writing to the Registrar for the removal or modification of the terms, conditions or limitations. 2000, c. 18, s. 45 (2).

Time of application

(3)  An application under subsection (1) or (2) shall not be made before the end of the one-year period referred to in subsection 42 (6) or before the expiry of the period fixed for the purpose by the Discipline Committee under subsection 42 (6), as the case may be. 2000, c. 18, s. 45 (3).

Same

(4)  If an applicant’s previous application under this section was refused and the Discipline Committee did not fix a period under paragraph 7 of subsection (6), an application under subsection (1) or (2) shall not be made earlier than one year from the date of the previous order. 2000, c. 18, s. 45 (4).

Referral to Discipline Committee

(5)  The Registrar shall refer an application under subsection (1) or (2) to the Discipline Committee. 2000, c. 18, s. 45 (5).

Order

(6)  The Discipline Committee may, after a hearing, make an order doing one or more of the following:

1. Refusing the application.

2. Directing the Registrar to issue a certificate of registration to the applicant.

3. Directing the Registrar to remove the suspension of the applicant’s certificate of registration.

4. Directing the Registrar to impose specified terms, conditions and limitations on the applicant’s certificate of registration.

5. Directing the Registrar to remove any term, condition or limitation on the applicant’s certificate of registration.

6. Directing the Registrar to restore a designation as a specialist.

7. Fixing a period during which the applicant may not apply under this section. 2000, c. 18, s. 45 (6).

Application

(7)  Sections 29 to 41 apply with necessary modifications to a hearing under this section. 2000, c. 18, s. 45 (7).

Reinstatement, no hearing

**46** The Council or Executive Committee may, without a hearing, with respect to a member who has had a certificate of registration or a designation as a specialist suspended or revoked for any reason under this Act, make an order doing one or more of the following:

1. Directing the Registrar to issue a certificate of registration to the member or former member.

2. Directing the Registrar to remove the suspension of the member’s certificate of registration.

3. Directing the Registrar to restore a designation as a specialist. 2000, c. 18, s. 46.

PART VI  
APPEALS TO COURT

Appeal to court

**47** (1)  A party to a proceeding before the Registration Committee or the Discipline Committee may appeal to the Divisional Court, in accordance with the rules of court, from the decision or order of the Committee. 2000, c. 18, s. 47 (1).

Parties

(2)  For the purposes of an appeal under this section,

(a) a person who requests that the Registration Committee reconsider its decision under section 20 and the Association are parties to the reconsideration under section 21 by the Registration Committee; and

(b) a person who applies for an order under section 22 and the Association are parties to the proceeding under section 22 by the Registration Committee. 2000, c. 18, s. 47 (2).

Certified copy of record

(3)  Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee prescribed by the by-laws for the purpose, the Registrar shall furnish the party, at the party’s expense, with a certified copy of the record of the proceeding, including any documents received in evidence and the decision or order appealed from. 2000, c. 18, s. 47 (3).

Powers of court on appeal

(4)  An appeal under this section may be made on questions of law and the court may affirm or may rescind the decision of the committee appealed from and may refer the matter back to the committee for rehearing, in whole or in part, in accordance with such directions as the court considers appropriate. 2000, c. 18, s. 47 (4).

PART VII  
REGISTRAR’S INVESTIGATIONS

Registrar’s investigation

**48** (1)  The Registrar may, with the approval of the Executive Committee, appoint one or more persons to investigate the conduct of a member if the Registrar believes on reasonable and probable grounds that the member is guilty of professional misconduct or unskilled practice of forestry or is incapacitated. 2000, c. 18, s. 48 (1).

Powers of investigators

(2)  An investigator may without warrant or court order,

(a) inquire into and examine the practice of the person under investigation in respect of whom the investigation is being made; and

(b) upon production of his or her appointment, enter at any reasonable time the business premises of the person under investigation, or of his or her employer, make reasonable inquiries of any person at the premises and examine documents and things at the premises that are relevant to the subject matter of the investigation. 2000, c. 18, s. 48 (2).

Definition

(3)  In subsection (2),

“business premises” means any place, other than a dwelling, where the person is, or was previously, engaged in the practice of professional forestry or where a member keeps his or her business records. 2000, c. 18, s. 48 (3).

Application of *Public Inquiries Act, 2009*

(4)  Section 33 of the Public Inquiries Act, 2009 applies to the investigation. 2009, c. 33, Sched. 6, s. 80.

Duty to co-operate

(5)  Every person under investigation and every employer of a person under investigation shall co-operate fully with a person appointed to make an investigation into the practice of the person under investigation. 2000, c. 18, s. 48 (5).

Obstruction prohibited

(6)  No person, including an employer of a person under investigation, shall obstruct an investigator or withhold or conceal from him or her or destroy anything that is relevant to the investigation. 2000, c. 18, s. 48 (6).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 6, s. 80](http://www.ontario.ca/laws/statute/S09033" \l "sched6s80) - 01/06/2011

Entries and searches

**49** (1)  Where a justice of the peace is satisfied, on evidence upon oath by an investigator, that there is reasonable ground for believing that evidence relating to professional misconduct, the unskilled practice of forestry, or the incapacity of a member is in a place including a dwelling, the justice of the peace may issue a warrant authorizing the investigator to enter the place and to search any documents or things relevant to the subject matter of the investigation. 2000, c. 18, s. 49 (1).

Use of force

(2)  A warrant issued under subsection (1) authorizes the person or persons named in the warrant to carry out the warrant by force if necessary and together with such police officers as are called upon for assistance. 2000, c. 18, s. 49 (2).

Time of execution

(3)  A warrant issued under subsection (1) shall specify the hours and days during which it may be executed. 2000, c. 18, s. 49 (3).

Expiry

(4)  A warrant issued under subsection (1) shall state the date on which it expires, which shall be a date not later than 15 days after the warrant is issued. 2000, c. 18, s. 49 (4).

Renewal

(5)  A warrant under this section may be renewed in the circumstances in which a warrant may be made under subsection (1), before or after expiry, for one or more periods each of which is not more than 30 days. 2000, c. 18, s. 49 (5).

Application without notice

(6)  A justice of the peace may receive and consider an application for a warrant under subsection (1) or an application for a renewal under subsection (5) without notice to, and in the absence of, the person under investigation. 2000, c. 18, s. 49 (6).

Removal of documents, etc.

**50** (1)  An investigator under this Part may, upon giving a receipt therefor, remove any documents or things examined under section 48 or 49 relating to the subject matter of the investigation for the purpose of making copies or extracts. 2000, c. 18, s. 50 (1).

Return of documents, etc.

(2)  An investigator shall promptly return any documents or things removed under subsection (1) or, where the originals are required for the purposes of the investigation, return a copy to the member under investigation or to his or her employer. 2000, c. 18, s. 50 (2).

Copy as evidence

(3)  Any copy or extract made as provided in subsection (1) and certified to be a true copy or extract by the person who made it is admissible in evidence to the same extent as, and has the same evidentiary value as, the document or thing of which it is a copy or extract. 2000, c. 18, s. 50 (3).

Report of investigation

**51** The investigator shall report the results of the investigation to the Registrar who shall report the results to the Council or such committee as the Registrar considers appropriate. 2000, c. 18, s. 51.

PART VIII  
REGULATIONS AND BY-LAWS

Regulations

**52** (1)  Subject to the approval of the Lieutenant Governor in Council, the Council may make regulations,

(a) making any provision of the *Business Corporations Act*, the Not-for-Profit Corporations Act, 2010, and the *Corporations Information Act* applicable to the Association, with such modifications as the Council considers necessary or advisable;

(b) defining professional misconduct for the purposes of this Act;

(c) prescribing and governing a code of ethics for professional foresters;

(d) establishing a list of professions, trades and occupations for the purposes of clause 3 (2) (b). 2000, c. 18, s. 52 (1); 2017, c. 20, Sched. 8, s. 121 (2).

Minister’s review

(2)  At least 30 days before a regulation is made by Council under subsection (1), a copy of the proposed regulation shall be provided to the Minister for his or her review. 2000, c. 18, s. 52 (2).

Copies of regulations

(3)  The Council shall ensure that a copy of each regulation is available for public inspection in the office of the Association. 2000, c. 18, s. 52 (3).

Same

(4)  The Registrar shall provide to any person, on payment of a reasonable charge, a copy of any regulation made under this section. 2000, c. 18, s. 52 (4).

Copies to be forwarded

(5)  The Council shall send a copy of each regulation made under subsection (1) to each member of the Association. 2000, c. 18, s. 52 (5).

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 8, s. 121 (2)](http://www.ontario.ca/laws/statute/S17020" \l "sched8s121s2) - 19/10/2021

By-laws

**53** (1)  The Council may pass by-laws,

1. fixing the number of members to be elected to the Council under clause 6 (2) (a) and defining constituencies along regional, occupational and other lines for the purpose, and prescribing the number of representatives of each constituency;

2. respecting the qualifications, nomination, election and term or terms of office of the members to be elected to the Council, disputed elections, and governing the filling of vacancies created by the departure of elected members of the Council;

3. prescribing the conditions disqualifying elected members from sitting on the Council and governing the removal of disqualified members of the Council;

4. respecting the calling, holding and conducting of meetings of the Council, the duties of members of the Council and prescribing the quorum of the Council;

5. respecting the selection of members from the Council for membership on the Executive Committee, the Registration Committee, the Complaints Committee, and the Discipline Committee;

6. respecting the selection of members from the Association who are not members of the Council for membership on the Registration Committee, the Complaints Committee, and the Discipline Committee;

7. respecting the practice and procedure, the filling of vacancies, the duties of members, the calling, holding and conduct of meetings for any committee required by this Act;

8. providing for the establishment, composition, selection of members, powers, duties, quorums, filling of vacancies, practices and procedures of committees other than those required by this Act;

9. providing for the establishment of panels of any committee required by this Act and providing that a panel of a committee may exercise the powers and carry out the duties of the committee, subject to the restrictions, if any, specified in the by-law;

10. respecting indemnification by the Association of members of the Council, of members of committees and of officers and employees of the Association;

11. respecting conflict of interest rules for members of the Council, for members of committees and for officers and employees of the Association;

12. providing for the remuneration of members of the Council and members of committees other than members appointed by the Lieutenant Governor in Council, and providing for payment of necessary expenses of the Council and committees in the conduct of their business;

13. delegating to the Executive Committee the powers and duties set out in the regulations or by-laws, but this paragraph does not authorize the delegation of the power to make, amend or revoke a regulation or by-law;

14. respecting the duties and authority of the Registrar;

15. providing for the appointment of an individual as an acting Registrar who has all the powers and performs all of the duties of the Registrar under this Act and the by-laws when the Registrar is absent or unable to act or when there is a vacancy in the office of the Registrar;

16. respecting the reporting and publication of decisions of the Association, the Council and the committees;

17. prescribing classes or categories of membership, including classes of membership that are temporary, provisional or otherwise limited, the rights and obligations which may attach to such classes or categories of membership, prescribing the terms, conditions and limitations which may be imposed in a certificate of registration and providing for exemptions from any term or condition of a class or category of membership;

18. respecting conditions or requirements of eligibility for membership, including standards, qualifications, examinations, experience and character requirements for the issuance of certificates of registration, and providing for exemptions from those requirements;

19. providing for the designation of members as specialists, prescribing the qualifications and requirements for designation as a specialist, providing for the suspension or revocation of such a designation and for the regulation and prohibition of the use of the designation by specified members;

20. providing for the re-examination of applicants and for the procedure and conditions of restoring registration where such registration has been cancelled or suspended under this Act;

21. respecting the accreditation of forestry education programs offered by post-secondary educational institutions and on-going education programs for foresters offered by post-secondary educational institutions and other bodies;

22. prescribing a quality assurance program and requiring members and employers of members to participate in and co-operate with the program;

23. requiring members to have professional liability insurance satisfying prescribed requirements and to give proof of the insurance to the Registrar in the prescribed manner;

24. prescribing a continuing education program and requiring members and employers of members to participate in and co-operate with the program;

25. establishing processes and criteria for suspending certificates of registration and for removing such suspensions for members who fail to participate in and co-operate with the quality assurance program, or who fail to meet the continuing education or professional liability insurance requirements;

25.1 designating or establishing a body to provide an internal review of or appeal from any decision of the Registration Committee with respect to a certificate of registration for the purposes of the Fair Access to Regulated Professions and Compulsory Trades Act, 2006, including a proposal for the issuance or non-issuance of such a certificate or for the imposition of conditions on such a certificate and including the variation of such a certificate under section 22, and specifying all necessary matters in connection with designating or establishing the body, including the number and appointment of its members;

25.2 specifying the persons who may apply for an internal review or appeal described in paragraph 25.1, the procedure for so applying, including the time limits for so applying, the parties to the internal review or appeal and the rights and obligations of those parties, including requirements that an applicant must meet as a condition for so applying;

25.3 specifying the powers of the body for the internal review or appeal described in paragraph 25.1 and all matters necessary for the body to carry out its functions described in that paragraph;

26. respecting any matter ancillary to this Act with regard to the issuance, expiry, renewal, amendment, cancellation, suspension, revocation and reinstatement of certificates of registration;

27. requiring the making of returns of information by members of the Association in respect of names, addresses, telephone numbers, professional associates, partners, employees and professional activities, and any other information which, in the opinion of Council, is necessary for the administration of this Act, the regulations and the by-laws;

28. authorizing entries in, and the form of maintenance of, registers of members and former members of the Association and prescribing the information that must be kept in the register and the information that may be removed from the register, and providing for the issuance of certificates of standing by the Registrar;

29. prescribing and requiring the making and keeping of records by members of the Association in respect of the practice of professional forestry;

30. requiring the payment of fees and levies by members including penalties for late payment, prompt payment discounts and interest on late payments and fees for anything the Registrar is required or authorized to do, and prescribing the amounts of such fees, levies, penalties, discounts and interest or providing that the amount be set by a prescribed person;

31. prescribing and governing standards of practice for the practice of professional forestry;

32. prohibiting the practice of professional forestry where there is a conflict of interest and defining conflict of interest for that purpose;

33. governing the use of names and designations in the practice of professional forestry by members of the Association;

34. prescribing the seal and other insignia of the Association and providing for their use;

35. requiring and governing the signing and sealing of documents and plans by members of the Association, specifying the form of seals and respecting the issuance and ownership of seals;

36. providing for the method of service of any document or class of documents for the purposes of clause 55 (1) (c);

37. exempting any member of the Association from any provision of the by-laws under such special circumstances in the public interest as the Council considers advisable;

38. authorizing the communication of material that comes to a person’s knowledge in the course of duties, employment, review or investigation under this Act, to specified classes of persons or for specified purposes;

39. requiring and providing for the inspection and examination of premises used in connection with the practice of the profession and of equipment, books, accounts, reports and records of members relating to their practices;

40. respecting the managing, regulating and discharging of the business affairs of the Association;

41. providing procedures for the making, amending and revoking of regulations and by-laws. 2000, c. 18, s. 53 (1); 2009, c. 33, Sched. 22, s. 8 (4); 2017, c. 2, Sched. 9, s. 9.

Unanimous by-laws

(2)  A by-law or resolution of the Council signed by a majority of the members of the Council is as valid as if passed at a meeting of the Council held for that purpose. 2000, c. 18, s. 53 (2).

Confirmation

(3)  A by-law passed by the Council is not effective until confirmed by the members at a meeting or by means of a vote conducted by mail. 2000, c. 18, s. 53 (3).

Exception

(4)  Subsection (3) does not apply to a by-law passed within four months after this Act comes into force. 2000, c. 18, s. 53 (4). Note: This Act came into force on May 1, 2001.

Copies of by-laws

(5)  The Council shall,

(a) forward a copy of each by-law confirmed under subsection (3) to the Minister and to each member; and

(b) keep a copy of each by-law confirmed under subsection (3) available for public inspection in the office of the Association. 2000, c. 18, s. 53 (5).

Same

(6)  The Registrar shall provide to any person, on payment of a reasonable charge, a copy of any by-law made under this section. 2000, c. 18, s. 53 (6).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 22, s. 8 (4)](http://www.ontario.ca/laws/statute/S09033" \l "sched22s8s4) - 15/12/2009

[2017, c. 2, Sched. 9, s. 9](http://www.ontario.ca/laws/statute/S17002" \l "sched9s9) - 22/03/2017

General or specific by-laws

**54** (1)  A regulation or by-law made under any provision of this Act may be general or specific. 2000, c. 18, s. 54 (1).

Classes

(2)  Without limiting the generality of subsection (1), a regulation or by-law may be limited in its application to specified classes of members or certificates. 2000, c. 18, s. 54 (2).

Conflict

(3)  Where a conflict appears between any provision of this Act, the regulations or by-laws and the provisions of the *Crown Forest Sustainability Act*, *1994*, any regulations made thereunder, and any manual prepared under section 68 of that Act, the provisions of the *Crown Forest Sustainability Act*, *1994* any regulations made thereunder, and any manual prepared under section 68 of that Act shall prevail. 2000, c. 18, s. 54 (3).

PART IX  
MISCELLANEOUS

Service

**55** (1)  A notice or document to be given or served under this Act is sufficiently given or served if it is,

(a) delivered personally;

(b) sent by mail; or

(c) given or served in accordance with by-laws respecting service. 2000, c. 18, s. 55 (1).

Same

(2)  Where a notice or document to be given under this Act is sent by mail addressed to a person at the last address of the person in the records of the Association, there is a rebuttable presumption that the notice or document is delivered to the person on the fifth day after the day of mailing. 2000, c. 18, s. 55 (2).

Confidentiality

**56** (1)  Every person engaged in the administration of this Act, including an investigator appointed under section 48, shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties and shall not communicate any of those matters to any other person except,

(a) in connection with the administration of this Act, the regulations, and the by-laws or any proceeding under this Act or the by-laws;

(b) to his or her counsel;

(c) with the consent of the person to whom the information relates;

(d) to the extent that the information is available to the public under this Act; or

(e) to prevent or report the commission of a crime. 2000, c. 18, s. 56 (1).

Offence

(2)  Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $25,000. 2000, c. 18, s. 56 (2).

Official publication

**57** The Council shall maintain an official publication of the Association. 2000, c. 18, s. 57.

Immunity

**58** (1)  No action or other proceeding for damages shall be instituted against the Association, the Council, a committee of the Association or a member of the Council or a committee of the Association, or an officer, employee, agent or appointee of the Association for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act, a regulation or a by-law or for any neglect or default in the performance or exercise in good faith of such duty or power. 2000, c. 18, s. 58 (1).

Indemnity if action brought

(2)  Every member of the Council or a committee of the Association and every officer, employee, agent or appointee of the Council or a committee of the Association, and their heirs, executors and administrators, and estate and effects, respectively, shall from time to time and at all times, be indemnified and saved harmless out of the funds of the Association, from and against,

(a) all costs, charges and expenses whatsoever that he or she sustains or incurs in or about any action or proceeding brought or commenced against him or her in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him or her, in or about the execution of the duties of his or her office;

(b) all other costs, charges and expenses that he or she sustains or incurs in or about or in relation to the affairs thereof,

except such costs, charges or expenses as are occasioned by his or her own wilful neglect or default. 2000, c. 18, s. 58 (2).

Compliance order

**59** (1)  Where it appears to the Association that any person does not comply with any provision of this Act, the regulations or the by-laws, despite the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Association may apply to a judge of the Superior Court of Justice for an order directing the person to comply with the provision and upon the application the judge may make the order or such other order as the judge thinks fit. 2000, c. 18, s. 59 (1).

Appeal

(2)  An appeal lies to the Divisional Court from an order made under subsection (1). 2000, c. 18, s. 59 (2).

Registrar’s certificate as evidence

**60** Any statement containing information from the records required to be kept by the Registrar under this Act and purporting to be certified by the Registrar under the seal of the Association is admissible in evidence in all courts and tribunals as proof in the absence of evidence to the contrary of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal. 2000, c. 18, s. 60.

Offences involving falsity

Offence, falsification of documents

**61** (1)  Any person who knowingly provides false information in respect of information that must be entered in the register or directory under section 23 and any person who issues a false certificate of registration or document with respect to the issuance of a certificate of registration is guilty of an offence and on conviction is liable to a fine of not more than $10,000. 2000, c. 18, s. 61 (1).

Same, false representation

(2)  Every person who wilfully procures or attempts to procure the issuance of a certificate of registration by knowingly making a false representation or declaration, either orally or in writing, is guilty of an offence and on conviction is liable to a fine of not more than $10,000. 2000, c. 18, s. 61 (2).

Same, assisting

(3)  Every person who knowingly assists a person in committing an offence under subsection (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than $10,000. 2000, c. 18, s. 61 (3).

Limitation period

(4)  Proceedings to obtain a conviction for an offence under subsection (1) or (2) shall not be commenced after the expiration of two years after the date on which the offence was, or is alleged to have been, committed. 2000, c. 18, s. 61 (4).

Offence

**62** (1)  Every person who contravenes section 13 is guilty of an offence and on conviction is liable for the first offence to a fine of not more than $15,000 and for each subsequent offence to a fine of not more than $30,000. 2000, c. 18, s. 62 (1).

Same

(2)  Every person who contravenes subsection 14 (7) is guilty of an offence and on conviction is liable for the first offence to a fine of not more than $5,000 and for each subsequent offence to a fine of not more than $15,000. 2000, c. 18, s. 62 (2).

Same

(3)  Every person who contravenes an order under subsection 32 (4) is guilty of an offence and on conviction is liable to a fine of not more than $10,000 and for each subsequent offence to a fine of not more than $20,000. 2000, c. 18, s. 62 (3).

Same

(4)  Every person who contravenes subsection 48 (5) or (6) is guilty of an offence and on conviction is liable to a fine of not more than $10,000. 2000, c. 18, s. 62 (4).

Corporation

(5)  Where a corporation is convicted of an offence under subsection (1), (2), (3) or (4), the maximum fine that may be imposed is $25,000 on a first conviction and $50,000 on each subsequent conviction and not as provided in subsection (1), (2) or (3). 2000, c. 18, s. 62 (5).

Limitation period

(6)  Proceedings shall not be commenced in respect of an offence under subsection (1), (2), (3) or (4) after two years after the date on which the offence was, or is alleged to have been, committed. 2000, c. 18, s. 62 (6).

Conflict

**63** In the event of a conflict between this Act or the by-laws and the *Statutory Powers Procedure Act*, the provisions of this Act and the by-laws prevail. 2000, c. 18, s. 63.

**64** Omitted (amends or repeals other Acts). 2000, c. 18, s. 64.

**65., 66** Omitted (provides for transition). 2000, c. 18, ss. 65, 66.

**67** Omitted (amends or repeals other Acts). 2000, c. 18, s. 67.

**68** Omitted (provides for coming into force of provisions of this Act). 2000, c. 18, s. 68.

**69** Omitted (enacts short title of this Act). 2000, c. 18, s. 69.

Note: Every person who is a member of the Association immediately before this Act comes into force shall be deemed to hold a certificate of registration under this Act subject to the same terms, conditions and limitations as previously applied to the person’s membership. See: 2000, c. 18, ss. 65, 68.

Note: The members of Council who were in office immediately before the coming into force of this Act shall be deemed to be the members of Council after the day this Act comes into force and shall continue in office until the expiration of their terms or until their offices otherwise become vacant. See: 2000, c. 18, ss. 66, 68.

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