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c Pr8 Ontario Association of Property Standards Officers Act, 1992

Ontario

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CHAPTER Pr8

An Act respecting the Ontario Association of Property Standards Officers

Assented to June 25th, 1992

The Ontario Association of Property Standards Officers has applied for special legislation to enable it to govern and discipline its members. It also seeks the power to grant its members the right to use the designations "Certified Property Standards Officer" and "C.P.S.O.". The applicant represents that it is a corporation.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Association" means the Ontario Association of Property Standards Officers.

2. (1) The Ontario Association of Property Standards Officers is continued as a corporation without share capital and the persons registered as members of the Association on the day this Act comes into force and such other persons as hereafter become members of the Association constitute the corporation.

(2) The members of the board of directors and the officers of the Association in office immediately before the coming into force of this Act are continued in office until their successors are elected or appointed under this Act.

(3) The letters patent and supplementary letters patent of the Association are revoked, but the revocation does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

(4) The Association shall be deemed to be a corporation incorporated by a special Act.

3. The objects of the Association are,

(a) to promote and maintain the professional standards of property standards officers;

(b) to provide formal training and continuing education to its members;

(c) to hold conferences and meetings for the discussion of municipal affairs and matters of professional interest to its members and for the presentation of papers and lectures;

(d) to issue copies of papers, lectures and other material to its members and to collect and publish information of interest to its members;

(e) to advise its members of developments in the laws and practices related to their municipal duties.

4. (1) The affairs of the Association shall be managed by a board of directors.

(2) The board shall consist of not fewer than ten persons and not more than thirty-five persons, as the board may determine by by-law, elected from the membership of the Association.

(3) The immediate past president of the Association shall be a member of the board.

(4) The board shall be elected in accordance with the by-laws of the Association.

(5) At any meeting of the board, a majority of the members of the board constitutes a quorum.

(6) The board shall elect from its number a president and vice-president and shall appoint a secretary who need not be a member of the board.

(7) In the case of the death, resignation or incapacity of any member of the board, the office shall be declared vacant by the board and the board shall fill the vacancy for the balance of the term in the manner provided by the by-laws of the Association.

5. (1) The board shall appoint a registrar, who need not be a member of the board.

(2) The registrar shall perform the functions assigned to the registrar by this Act and such other duties as may be assigned by the board.

6. (1) The board may pass by-laws regarding such matters as are necessary to
manage the affairs and carry out the 

Offence

(2) Without restricting the generality of 
subsection (1), the board may pass by-laws,

(a) prescribing the qualifications for and 
conditions of membership in and registra-
tion by the Association;

(b) prescribing a curriculum and courses 
of study to be pursued by students and 
the subjects upon which students and 
candidates for admission as members 
of the Association shall be examined 
and for granting certificates to students 
and candidates who have successfully 
passed the examinations;

(c) providing for the continuing education 
of members of the Association;

(d) regulating and governing the conduct 
of members of the Association in the 
practice of their business or profession 
by prescribing rules of behaviour and 
standards of practice and by providing 
for the suspension, expulsion or other 
penalty for contravention of the rules 
or standards;

(e) prescribing fees payable to the Associ-
ation;

(f) establishing classes of membership in 
the Association and prescribing the 
qualifications for and conditions of 
membership and registration in the 
various classes of membership.

7. The Association shall grant a mem-
bership in the Association to any individual 
who applies in accordance with the by-laws, if the 
individual,

(a) is not less than eighteen years of age;

(b) has complied with the academic and 
experience requirements specified in 
the by-laws of the Association for the 
issuance of membership; and

(c) has passed such examinations as the 
board may set or approve in accor-
dance with the by-laws of the Associa-
tion.

8.—(1) The registrar shall keep a regis-
ter in which shall be entered the names of 
all members of the Association in good 
standing and shall show each member’s 
class of membership.

(2) Only those persons whose names 
appear in the register are members entitled 
to the privileges of membership in the Asso-
ciation.

(3) The register shall be open to examina-
tion by the public at the head office of the 
Association during normal office hours.

9.—(1) Every member of the Associa-
tion may use the designations “Certified 
Property Standards Officer” and 
“C.P.S.O.”.

(2) Any person in Ontario who is not a 
member of the Association is guilty of an 
offence,

(a) if he or she takes or uses the designa-
tion “Certified Property Standards 
Officer” or “C.P.S.O.” either alone or 
in combination with any other word, 
name, title, initial or description; or

(b) if he or she implies, suggests or holds 
out that he or she is a registered mem-
ber of the Association.

10.—(1) A person who has been refused 
membership or who has been subject to a 
disciplinary sanction under the by-laws 
of the Association may appeal to the Divi-
sional Court, in accordance with the rules 
of the court, from the refusal to grant 
membership or from the sanction.

(2) Upon the request of a party desiring to 
appeal to the Divisional Court and upon pay-
ment of a fee, the registrar shall provide the 
party with a certified copy of the record of 
the proceeding that resulted in the refusal to 
grant membership or the imposition of a 
sanction, including certified copies of the 
documents received in evidence at the pro-
ceeding.

(3) An appeal under this section may be 
made on questions of law or fact or both.

(4) The court may affirm or rescind the 
decision being appealed, may substitute its 
opinion for that of the board, may refer the 
matter back to the board for rehearing in 
whole or in part or may direct the board to 
take such action as the court considers 
appropriate.

11.—(1) A copy of the register, certified 
by the registrar as a true copy, shall be 
received in evidence in any proceeding as 
proof, in the absence of evidence to the 
contrary, of a person’s membership and 
class of membership in the Association.

(2) A certificate purporting to be signed 
by the registrar is proof, in the absence of 
evidence to the contrary, that such person is 
the registrar without proof of the signature 
or of that person being in fact the registrar.

(3) The absence of the name of any per-
son from a copy of the register, certified by 
the registrar as a true copy, is proof, in the 
absence of evidence to the contrary, that the 
person is not registered as a member of the 
Association.

12. This Act does not affect or interfere 
with the right of any person who is not a
member of the Association to practise as a property standards officer in the Province of Ontario.

13. Any surplus derived from carrying on the affairs and business of the Association shall be applied solely in promoting and carrying out its objects and shall not be divided among its members.

14. This Act comes into force on the day it receives Royal Assent.

15. The short title of this Act is the *Ontario Association of Property Standards Officers Act, 1992.*