

1992

c Pr8 Ontario Association of Property Standards Officers Act, 1992

Ontario

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Bibliographic Citation

Ontario Association of Property Standards Officers Act, 1992, SO 1992, c Pr8

Repository Citation

Ontario (1992) "c Pr8 Ontario Association of Property Standards Officers Act, 1992," *Ontario: Annual Statutes*: Vol. 1992, Article 43.
Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1992/iss1/43

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CHAPTER Pr8

An Act respecting the Ontario Association of Property Standards Officers

Assented to June 25th, 1992

Preamble

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.

Corporation continued

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.

Present board and officers to continue

(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.

Letters patent revoked

(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.

Special Act corporation

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

Objects

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.

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.

Composition of board

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

Past president on board

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

Election of board

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

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.

Officers

(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.

Vacancies

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

Registrar

(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.

Duties

6.—(1) The board may pass by-laws regarding such matters as are necessary to

By-laws

manage the affairs and carry out the objects of the Association.

Idem

(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 registration 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 Association;
- (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.

Membership

7. The Association shall grant a membership 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 accordance with the by-laws of the Association.

Register

8.—(1) The registrar shall keep a register 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.

Privileges of membership

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

Examination of register

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

9.—(1) Every member of the Association may use the designations "Certified Property Standards Officer" and "C.P.S.O.".

Designations

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

Offence

- (a) if he or she takes or uses the designation "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 member 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 Divisional Court, in accordance with the rules of the court, from the refusal to grant membership or from the sanction.

Appeal re membership or sanctions

(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment 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 proceeding.

Copy of record

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

Grounds for appeal

(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.

Powers of court

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.

Evidence

(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.

Idem

(3) The absence of the name of any person 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.

Idem

12. This Act does not affect or interfere with the right of any person who is not a

Right to practise unaffected

member of the Association to practise as a property standards officer in the Province of Ontario.

rying out its objects and shall not be divided among its members.

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

Surplus

13. Any surplus derived from carrying on the affairs and business of the Association shall be applied solely in promoting and car-

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