

1994

## c Pr44 Ontario Professional Planners Institute Act, 1994

Ontario

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## CHAPTER Pr44

## An Act respecting the Ontario Professional Planners Institute

*Assented to December 9, 1994*

Preamble	<p>The Ontario Professional Planners Institute has applied for special legislation to grant certain of its members the right to exclusively use the designations "Registered Professional Planner" and "R.P.P." and to enable it to govern and discipline its members. The applicant represents that it is a corporation.</p> <p>It is appropriate to grant the application.</p> <p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>	<p>(d) to improve the quality of Ontario environments and communities by the application of planning principles;</p> <p>(e) to encourage participation and co-operation among those persons, associations and groups concerned with improving the quality of Ontario environments and communities;</p> <p>(f) to stimulate the generation, development, dissemination and discussion of ideas on planning.</p>	
Definition	<p>1. In this Act, "council" means the board of directors of the Institute.</p>	<p>(2) In subsection (1), planning includes the scientific, aesthetic and orderly disposition of land, resources, facilities and services, with a view to securing physical, economic and social efficiency, a sound environment, health and well-being.</p>	Planning
Corporation continued	<p>2. (1) The Ontario Professional Planners Institute is continued as a corporation without share capital.</p>		
Members of the corporation	<p>(2) The persons registered as members of the Institute on the day this Act comes into force and such other persons who later become members of the Institute constitute the corporation.</p>		Council
Continuation of the present council	<p>(3) The members of the council 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.</p>	<p>4. The affairs of the Institute shall be managed by the council, constituted in accordance with the by-laws of the Institute.</p> <p>5. (1) The council may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Institute, including,</p>	By-laws
Letters patent revoked	<p>(4) The letters patent of the Institute are revoked, but the revocation of the letters patent does not affect the rights or obligations of the Institute or any by-law, resolution or appointment of the Institute except to the extent that the by-law, resolution or appointment is inconsistent with this Act.</p>	<p>(a) regulating and governing the rights and responsibilities of members of the Institute;</p> <p>(b) prescribing fees payable to the Institute; and</p> <p>(c) providing for affiliation agreements with other organizations.</p>	
Special Act corporation	<p>(5) The Institute shall be deemed to be a corporation incorporated by a special Act.</p>	<p>(2) Without restricting the generality of subsection (1), the council shall pass by-laws,</p>	Same
Objects	<p>3. (1) The objects of the Institute are,</p> <p>(a) to promote, maintain and regulate high standards of professional planning practice and ethical behaviour;</p> <p>(b) to further the recognition of the planning profession in Ontario;</p> <p>(c) to promote the value, use and methods of planning;</p>	<p>(a) establishing one class of membership to be known as full membership and prescribing other classes of membership of the Institute, including retired membership;</p> <p>(b) prescribing the academic, experience and examination requirements for the various classes of membership in the Institute; and</p>	

	(c) regulating and governing the conduct of members of the Institute in the practice of their profession, by prescribing rules of professional conduct and standards of practice and by providing for suspensions, expulsions or other penalties for professional misconduct, incapacity or incompetence.		8. (1) The council shall appoint a registrar whose duties shall include keeping a register in which shall be entered the names of all members of the Institute in good standing and each member's class of membership.	Register
			(2) Only those persons whose names appear in the register are entitled to the privileges of membership in the Institute.	Privileges
Confirmation of by-laws	(3) No by-law passed by the council comes into force until it is confirmed or amended and confirmed by the members of the Institute at an annual meeting or at a special meeting called for the purpose of considering the by-law.		(3) The register shall be open to examination by the public at the head office of the Institute during normal business hours.	Open to the public
Vote by mail	6. For the purpose of any meeting, members of the Institute may, if the by-laws so provide and in the manner set out in the by-laws, cast their votes by mail.		(4) 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 Institute.	Evidence
Membership	7. (1) The Institute shall admit to a class of membership any person who applies to become a member of that class in accordance with the by-laws if the person has fulfilled the academic, experience and examination requirements prescribed by the by-laws for that class of membership.		(5) 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 person's signature or of the person being in fact the registrar.	Same
Admission to full membership	(2) Despite subsection (1), the Institute shall admit as a full member any person who applies to become a full member in accordance with the by-laws and,		(6) 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 a member of the Institute.	Same
	(a) who is a member of that class of membership in the Canadian Institute of Planners that is equivalent to full membership in the Ontario Professional Planners Institute; or		9. (1) Every full member of the Institute may use the designations "Registered Professional Planner" and "R.P.P."	Designations
	(b) who is a member of a class of membership in a professional planners organization outside Canada that is considered by the council to be equivalent to full membership in the Institute, if the applicant fulfils the examination requirements referred to in subsection (1).		(2) Every retired member of the Institute may use the designations "Registered Professional Planner" and "R.P.P." together with an indication that the person is a retired member.	Same
By-laws not to discriminate	(3) No by-law of the Institute shall have the effect of prohibiting any person from being admitted to any class of membership of the Institute by virtue of his or her academic credentials or professional experience having been obtained outside Ontario or Canada.		(3) A person in Ontario who is not a full member or a retired member of the Institute is guilty of an offence,	Offence
			(a) if the person takes or uses the designation "Registered Professional Planner" or "R.P.P." alone or in combination with any other word, name, title, initial or description; or	
			(b) if the person implies, suggests or holds himself out as a full member or a retired member of the Institute.	
Membership continued	(4) Every person who was a member of the Institute immediately before the coming into force of this Act, and who was entitled by virtue of his or her class of membership to be nominated for election to the council, becomes a full member of the Institute upon the coming into force of this Act.		(4) On conviction of an offence under subsection (2), the person is liable to a fine of not more than \$5,000.	Penalty
			(5) This Act does not affect or interfere with the right of any person who is not a full member or a retired member of the Institute to describe himself or herself as a planner or a professional planner or to practise as a planner	Right to practise unaffected

or a professional planner or to work in the field of planning.

Reconsideration by council

10. (1) Upon request by any person who applies to become a member of the Institute, or by any party to a disciplinary proceeding conducted by the Institute in accordance with its by-laws, the council shall reconsider any process or action undertaken by the Institute with respect to such application or proceeding.

Appeal

(2) A person who, after a reconsideration by the council under subsection (1), has been refused membership in the Institute or has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court from the refusal or sanction.

Record

(3) Upon the request of a person desiring to appeal to the Divisional Court and upon payment of a reasonable fee, the Institute shall give the person a certified copy of the record

of the application or proceeding, including the documents submitted and the decision appealed from.

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

(5) In an appeal under this section, the court may affirm, rescind or vary the decision being appealed, may substitute its opinion for that of the Institute and may exercise the powers of the Institute, may refer the matter for rehearing in whole or in part or may direct the Institute to take such action as the court considers appropriate.

(6) The Institute is a party to an appeal under this section.

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

12. The short title of this Act is the *Ontario Professional Planners Institute Act, 1994*.

Grounds for appeal

Powers of court

Institute is a party

Commencement

Short title