

1970

## c 452 Surveyors Act

Ontario

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## CHAPTER 452

**The Surveyors Act**

## INTERPRETATION

**1.** In this Act,Interpre-  
tation

- (a) "articles" means an agreement respecting training and service between a member of the Association and a student;
- (b) "Association" means The Association of Ontario Land Surveyors;
- (c) "board" means the board of examiners of the Association;
- (d) "by-law" means a by-law of the Association;
- (e) "council" means the council of the Association;
- (f) "professional land surveying" means the advising on, the reporting on, the supervising of or the conducting of surveys to establish, locate, define or describe the lines, boundaries or corners of parcels of land or land covered with water;
- (g) "regulation" means a regulation of the Association;
- (h) "secretary" means the secretary of the Association;
- (i) "student" means a student in professional land surveying. 1968-69, c. 125, s. 1.

## ASSOCIATION

**2.—(1)** The Association of Ontario Land Surveyors constituted a body corporate by section 3 of *The Ontario Land Surveyors Act*, being chapter 34 of the Statutes of Ontario, 1892, is continued as a body corporate.

Association  
continued

(2) The members of the Association are the persons whose names are on the roll of the Association. 1968-69, c. 125, s. 2.

Membership

**3.** The objects of the Association are,

Objects

- (a) to regulate the practice of professional land surveying and to govern the profession in accordance with this Act, the regulations and the by-laws;
- (b) to establish and maintain standards of knowledge and skill among its members; and

(c) to establish and maintain standards of professional ethics among its members,

in order that the public interest may be served and protected. 1968-69, c. 125, s. 3.

**Head office**      **4.** The head office of the Association shall be in The Municipality of Metropolitan Toronto or at such other place in Ontario as is designated by the regulations. 1968-69, c. 125, s. 4.

**Property**      **5.** The Association may purchase, acquire or take by gift, devise or bequest for the purposes of the Association and the furtherance of its objects, but for no other purposes or objects, any real or personal property, and may sell, mortgage, lease or otherwise dispose of any such property. 1968-69, c. 125, s. 5.

#### COUNCIL

**Council**      **6.**—(1) There shall be a council of the Association, which shall consist of,

(a) the Minister of Lands and Forests or his appointee;

(b) the Surveyor General; and

(c) a president, a vice-president and six elected councillors.

**Qualifications of elected members of council**      (2) No person shall be elected as a member of the council unless he is a resident of Ontario and a paid-up member of the Association.

**Qualifications of electors**      (3) No person shall vote in an election of a member of the council unless he is a member of the Association.

**Term of office**      (4) The president and vice-president shall be elected annually by secret ballot and two of the six elected councillors shall be elected annually for a term of three years by secret ballot.

**Lay councillor; legal councillor**      (5) In addition to the members of the council mentioned in subsection 1, the Lieutenant Governor in Council may appoint as councillors for a term of three years,

(a) a resident of Ontario who is not a member of the Association; and

(b) a resident of Ontario who is a barrister and solicitor of at least ten years standing at the bar of Ontario.

**Vacancies**      (6) Where the president, vice-president or a councillor ceases to be a member of the Association, is absent from three consecutive meetings of the council, resigns as a member of the council, becomes incapacitated or dies, the office may be declared vacant by the council, and, if such office should be declared vacant, except in a case of a councillor appointed by the Lieutenant Governor in Council, the council shall fill the vacancy by the

appointment of a person qualified to be elected as a member of the council, and in the case of a vacancy in the office of a councillor appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council may fill the vacancy by appointment of a person of the same class as the councillor causing the vacancy.

(7) No person shall be appointed or elected as a member of the council unless he is a Canadian citizen or other British subject and a person shall cease to be a member of the council if he ceases to be so qualified. 1968-69, c. 125, s. 6.

Canadian citizen

**7.**—(1) The council shall appoint a secretary from among the members of the Association.

Secretary

(2) The secretary may also be appointed as the treasurer.

Idem

(3) In addition to his prescribed duties, the secretary shall maintain and keep for inspection in his office a roll in alphabetical order of the names and the addresses of the members of the Association and shall assign to each member a registration number. 1968-69, c. 125, s. 7.

Roll

**8.** A statement in writing as to the membership or non-membership of any person in the Association purporting to be certified by the secretary is, without proof of office or signature of the secretary, receivable in evidence and constitutes *prima facie* proof of the facts stated therein for all purposes. 1968-69, c. 125, s. 8.

Evidence of entry on the roll

**9.**—(1) The council may appoint a treasurer and such other officials as it considers appropriate.

Treasurer

(2) In addition to his prescribed duties, the treasurer shall enter in the books to be kept for the purpose a true account of all moneys received and paid by him. 1968-69, c. 125, s. 9.

Books of account

**10.**—(1) The council may make regulations respecting any matter that is outside the scope of the power to pass by-laws specified in section 11, and, without limiting the generality of the foregoing,

Regulations

- (a) respecting the government and discipline of members of the Association and students;
- (b) respecting the examination of applicants for admission as students, fixing the terms of articles and providing for the reduction of such terms by reason of educational standing or experience, and respecting the examination of students and applicants for membership in the Association;
- (c) prescribing the form of the summons referred to in subsection 10 of section 27;

- (d) respecting the practice and procedure for hearings held under this Act;
- (e) defining "professional misconduct" for the purposes of this Act and the regulations;
- (f) requiring the bonding of members of the Association or any class thereof, prescribing the collateral security for and terms, conditions and form of bonds, and providing for their forfeiture and the disposition of the proceeds;
- (g) designating a place in Ontario other than in The Municipality of Metropolitan Toronto as the head office of the Association.

## Approvals

(2) No regulation is effective,

- (a) until it has been approved by a majority of the members of the Association present and voting at the next annual meeting or at a general meeting of the Association called for the purpose or until it has been submitted to the members of the Association for approval by means of a mailed secret ballot returnable within thirty days after the mailing thereof and it has been approved by a majority of those voting within the prescribed time; and
- (b) until it has been approved by the Lieutenant Governor in Council. 1968-69, c. 125, s. 10.

## By-laws

**11.**—(1) The council may pass by-laws relating to the administrative and domestic affairs of the Association, and, without limiting the generality of the foregoing,

- (a) governing the nomination, election and taking office of members of the council and providing procedures for determining disputes in connection therewith;
- (b) fixing the remuneration and reimbursement of members of the council and the members of the board and the examiners;
- (c) providing for the appointment of committees of the council and defining their composition and functions;
- (d) providing for the calling of meetings of the Association, the council and committees thereof and of the board, fixing the quorums, and governing the procedure for such meetings;
- (e) respecting the management of the property of the Association;
- (f) providing for the borrowing of money on the credit of the Association and the charging, mortgaging, hypothecating or pledging of any of the real or personal property of the Association to secure any money bor-

rowed or other debt or any other obligation or liability of the Association;

- (g) respecting the application of the funds of the Association, and the investment and reinvestment of any of its funds not immediately required in any investments that may from time to time be authorized investments for joint stock insurance companies and cash mutual insurance corporations under *The Insurance Act*;
- (h) providing for the establishment of scholarships, bursaries and prizes;
- (i) respecting the keeping of records by the Association, the council and the board;
- (j) providing for services to encourage and assist members of the Association in the development of their professional competence and conduct and in carrying on the practice of professional land surveying;
- (k) fixing and providing for levying and collecting or remitting annual and other fees, levies and assessments;
- (l) providing for the appointment and privileges of inactive or honorary members of the Association who shall be deemed not to be members of the Association for the purposes of this Act;
- (m) prescribing the duties of the secretary, the treasurer and any other officials;
- (n) prescribing the design of seals of members of the Association and providing for their use;
- (o) prescribing oaths, providing for their use and designating a depository for them;
- (p) prescribing forms and providing for their use;
- (q) respecting all other things that are considered necessary or convenient for the attainment of the objects of the Association and the efficient conduct of its business. 1968-69, c. 125, s. 11 (1), *amended*.

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c. 224

(2) No by-law is effective until it has been approved by a majority of the members of the Association present and voting at the next annual meeting or at a general meeting of the Association called for the purpose, or until it has been submitted to the members of the Association for approval by means of a mailed secret ballot returnable within thirty days after the mailing thereof and it has been approved by a majority of those voting within the prescribed time. Approval

(3) The by-laws shall be interpreted as though they formed part of this Act. 1968-69, c. 125, s. 11 (2, 3). Interpretation

Code of ethics

**12.—**(1) The council shall prepare and publish from time to time a code of ethics containing standards of conduct designed for the protection of the public, which standards members of the Association must subscribe to and follow in the practice of professional land surveying.

Copies

(2) Copies of the code of ethics shall be sent to the members of the Association and shall be available free of charge to members of the public who apply therefor. 1968-69, c. 125, s. 12.

## BOARD

Composition of board of examiners

**13.—**(1) The board shall consist of,

- (a) a member of the council appointed by the council who shall be the chairman of the board;
- (b) four members of the Association appointed by the council who shall hold office for a term of three years;
- (c) two persons appointed by the Lieutenant Governor in Council who shall hold office for a term of three years; and
- (d) the secretary.

Vacancies

(2) Where a member of the board resigns, dies or becomes unable to act before his term has expired, the authority that appointed him may appoint another person under subsection 1 to complete the unexpired portion of the term.

Acting chairman

(3) Where the chairman of the board is unable to attend a meeting of the board, he shall designate a member of the board to act as chairman for the meeting.

Examiners

(4) The board, with the approval of the council, may appoint one or more competent persons to assist the board in any of the subjects of examination.

Oaths

(5) Each member of the board and any person appointed under subsection 4 shall take and subscribe to the prescribed oath before a person authorized by law to administer oaths.

Meetings

(6) The board shall hold at least one meeting in each year. 1968-69, c. 125, s. 13.

## STUDENTS

Qualifications of students

**14.—**(1) No person shall be a student unless,

- (a) he holds a certificate of educational standing required for admission to a course in civil engineering in a university in Ontario or evidence of an educational standing that in the opinion of the board is the equivalent thereof;
- (b) he passes such of the prescribed examinations as are required by the board; and
- (c) his articles are approved by the board.

(2) An application to be a student shall be made to the secretary and shall be accompanied by evidence satisfactory to the board of the applicant's educational standing, two references as to his good character, and his articles. Application to be student

(3) No articles that have been executed for more than thirty days shall be submitted under subsection 2. Stale articles

(4) When an application under this section is approved by the board, the secretary shall register the applicant as a student and notify the parties to the articles by mail of the registration. 1968-69, c. 125, s. 14. Registration

**15.**—(1) A member of the Association who is a party to articles may, with the consent of the student and the approval of the council, transfer the articles to another member of the Association. Transfer of articles

(2) Upon cause being shown to the council, the council may transfer articles from one member of the Association to another member. 1968-69, c. 125, s. 15. Idem

MEMBERS

**16.** Every person who is a member of the Association on the 31st day of December, 1969, shall be entered on the roll under this Act. 1968-69, c. 125, s. 16. Existing members

**17.**—(1) The board shall upon application admit as a member of the Association a student who, New members

- (a) is twenty-one or more years of age;
- (b) resides,
  - (i) in Ontario,
  - (ii) outside Ontario and is employed for an indefinite period as a full-time employee of an employer having works or facilities in Ontario and is required by the terms of his employment to practise professional land surveying in respect of such works or facilities or has a place of employment in Ontario and proposes to practise professional land surveying in Ontario on a full-time basis;
- (c) has faithfully and regularly served his term of articles, serving one-half of the term in actual survey work in the field and has filed with the society at the close of each year of service a record of his training, certified by the member of the Association to whom he was articulated;
- (d) has, not more than one year before the completion of his articles, passed such of the prescribed examinations as are required by the board;

- (e) has received training and experience in professional land surveying satisfactory to the board;
- (f) has paid all dues owed by him to the Association;
- (g) has produced satisfactory evidence of continued good character;
- (h) has provided himself with a certified standard measure of length; and
- (i) has taken and subscribed the prescribed oath.

## Oaths

(2) The chairman of the board or any other member thereof who is designated by the board for the purpose may administer the oath mentioned in clause *i* of subsection 1. 1968-69, c. 125, s. 17.

Surveyors  
from other  
jurisdictions

**18.** The board shall upon application admit as a member of the Association any person who furnishes satisfactory proof that he,

- (a) is twenty-one years or more of age;
- (b) resides in Ontario or resides outside Ontario under the circumstances set out in subclause ii of clause *b* of subsection 1 of section 17;
- (c) is a member of an association of professional land surveyors in a jurisdiction other than Ontario that has objects similar to those of the Association and requirements for membership no less exacting than those in effect in Ontario;
- (d) has received training and experience in professional land surveying satisfactory to the board;
- (e) has produced satisfactory evidence of good character;
- (f) has paid the prescribed fee;
- (g) has passed such examinations and served articles for such term as the board determines; and
- (h) has complied with clauses *h* and *i* of subsection 1 of section 17. 1968-69, c. 125, s. 18.

Hearing  
where  
application  
for member-  
ship, etc.,  
refused

**19.—(1)** Where an applicant for membership has met the academic and experience requirements, or an applicant for readmittance has paid the required dues and has passed any required examinations, and his application is refused, the board or the council, as the case may be, shall, upon the written request of the applicant received by the secretary within fifteen days of the receipt by the applicant of written notice of the refusal, conduct a hearing of the matter.

Conduct of  
hearing

(2) Section 27 applies *mutatis mutandis* to any hearing conducted under this section except that upon any such hearing the

board or the council, as the case may be, may make findings of fact by such standards of proof as are commonly relied upon by reasonable and prudent men in the conduct of their own affairs. 1968-69, c. 125, s. 19.

**20.**—(1) Any fee, assessment or levy payable under the by-laws shall be deemed to be a debt due to the Association and is recoverable with costs in the name of the Association in any court of competent jurisdiction. Recovery of dues

(2) Where any fee, assessment or levy payable under the by-laws remains unpaid for a period of six months after the date upon which it became due, the secretary shall send a written notice of such default by prepaid mail to the defaulting member at his address shown on the roll and, if payment is not made within one month thereafter, the council may direct the secretary to remove his name from the roll, and thereupon he ceases to be a member, but the council shall upon application readmit him if he, Suspension for non-payment of dues

- (a) pays the amount of fees, assessments and levies that he would have owed if he had continued to be a member or such part thereof as the council considers just; and
- (b) passes such examination as the council may direct. 1968-69, c. 125, s. 20.

**21.** A member of the Association may resign from the Association upon giving written notice to the secretary and paying all dues owed by him to the Association. 1968-69, c. 125, s. 21. Resignations

**22.** Where a member of the Association has resigned from the Association, the board may upon application readmit him if he, Re-admission to membership

- (a) pays the annual membership fee for the year; and
- (b) passes such examination as the board may direct. 1968-69, c. 125, s. 22.

**23.** A member of the Association shall have a seal of the prescribed design, which shall contain his name and his registration number. 1968-69, c. 125, s. 23. Seal

**24.** The secretary shall issue a certificate of membership in the Association to each member who shall keep it prominently displayed in his place of business. 1968-69, c. 125, s. 24. Certificate of membership

**25.**—(1) Every member of the Association is entitled to engage in the practice of professional land surveying. Right to practise

(2) Every member of the Association is entitled to use the title "Ontario Land Surveyor" or the abbreviation "O.L.S.". 1968-69, c. 125, s. 25. Right to use title

## PARTNERSHIPS, CORPORATIONS

Practice prohibited by partnerships and corporations

**26.**—(1) No partnership, association of persons or corporation as such shall be a member or shall, except as authorized by this section, practise professional land surveying.

Certificates of authorization

(2) A partnership, association of persons or corporation that holds a certificate of authorization may, in its own name, practise professional land surveying,

- (a) if one of its principal or customary functions is to engage in the practice of professional land surveying; and
- (b) if the practice of professional land surveying is done under the responsibility and supervision of a member of the partnership or the association of persons, a director of the corporation, or a full-time employee of the corporation, who in any case is a member of the Association; and
- (c) in the case of a corporation, if a majority of each class of its shares is owned by and registered in the name of one or more members of the Association.

Applications for certificates

(3) A partnership, association of persons or corporation that desires a certificate of authorization shall submit to the secretary an application in the prescribed form containing,

- (a) the names and addresses of all its partners, members, officers or directors, as the case may be;
- (b) the names of all its partners, its members in the case of associations of persons, its directors or full-time employees in the case of corporations, who are the members of the Association who will be in charge of professional land surveying on its behalf;
- (c) from among the names specified under clause *b* the name or names of its official representative or representatives whose duty it is to ensure that this Act, the regulations and the by-laws are complied with by the partnership, the association of persons or the corporation, as the case may be,

and shall, whenever there is a change in the particulars given in its application, give notice of the change to the secretary within thirty days after the effective date of the change.

Issue of certificates

(4) If subsection 3 is complied with, the secretary shall issue to the applicant a certificate of authorization.

*Ipsa facto* revocation of certificate

(5) Where the holder of a certificate of authorization ceases to have any official representative, the certificate is *ipso facto* revoked, and the partnership, association of persons or corporation shall not practice professional land surveying until a new certificate of authorization is issued.

(6) Where the council finds that the holder of a certificate of authorization has failed to observe any of the provisions of this section or has been guilty of conduct that would, in the case of a member of the Association, have been professional misconduct, the council may reprimand the holder or suspend or revoke the certificate of authorization.

Reprimand  
of holder of  
certificate

(7) Sections 19, 27 and 28 apply *mutatis mutandis* to the refusal to issue a certificate of authorization and to the revocation or suspension of a certificate of authorization. 1968-69, c. 125, s. 26.

Application  
of ss. 19, 27,  
28

#### DISCIPLINE

**27.**—(1) Subject to subsection 2, where the council finds that a person who is a member of the Association is guilty of professional misconduct or has obtained admission as a member by reason of misrepresentation, the council may by order do one or more of the following:

Powers of  
council to  
discipline  
members

1. Reprimand such person and, if considered proper, direct that the fact of the reprimand be recorded on the roll.
2. Suspend the membership of such person for such time as the council considers proper and direct that the reinstatement of such membership on the termination of such suspension be subject to such conditions, if any, as the council considers proper.
3. Direct that the imposition of any penalty be suspended or postponed for such period and upon such terms as the council considers proper and that at the end of such period and upon the compliance with such terms any penalty be remitted.
4. Direct that the membership of such person be cancelled and that the name of such person be removed from the roll.
5. Direct that the decision of the council be published in detail or in summary in such manner or medium as the council considers appropriate in any particular case.
6. Direct that, where it appears that the proceedings were unwarranted, such costs as to the council seem just be paid by the Association to the member whose conduct was the subject of such proceedings.

(2) The council shall not take any action under subsection 1 unless,

Complaint  
and hearing

- (a) a complaint under oath has been filed with the secretary and a copy thereof has been served on the person whose conduct is being investigated;

- (b) the person whose conduct is being investigated has been served with a notice of the time and place of the hearing; and
- (c) the council has heard evidence of or on behalf of the complainant and, if the person whose conduct is being investigated appears at the hearing and so requests, has heard his evidence or evidence on his behalf and has reached the decision that he is guilty.

Power to  
take sworn  
evidence

(3) Any person presiding at a hearing may administer oaths to witnesses and require them to give evidence under oath.

Failure  
to appear

(4) If the person whose conduct is being investigated fails to appear in answer to the notice at the time and place appointed, the hearing may be conducted in his absence.

Disciplinary  
hearings to  
be held  
*in camera*

(5) Hearings shall be held *in camera*, but if the person whose conduct is being investigated requests otherwise by a notice in writing delivered to the secretary before the day fixed for the hearing, the council may conduct the hearing in public or otherwise as it thinks proper.

Adjourn-  
ments

(6) The council may adjourn any hearing at any time and from time to time.

Attendance  
of persons  
being in-  
vestigated

(7) A person whose conduct is being investigated, if present in person at the hearing, has the right to be represented by counsel or agent, to adduce evidence and to make submissions and any such person may be compelled to attend and give evidence in the manner provided in subsection 10.

Hearing of  
evidence  
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c. 151

(8) The oral evidence submitted at a hearing shall be taken down in writing or by any other method authorized by *The Evidence Act*.

Rules of  
evidence

(9) The rules of evidence applicable in civil proceedings are applicable at hearings, but at a hearing members of the council may take notice of generally recognized technical or scientific facts or opinions within the specialized knowledge of members of the council if the person whose conduct is being investigated has been informed before or during the hearing of any such matters noticed and he has been given an opportunity to contest the material so noticed.

Summons  
to witness

(10) The president, the vice-president or the secretary may, and the secretary upon application of a person whose conduct is being investigated shall, issue a summons in the prescribed form commanding the attendance and examination of any person as a witness, and the production of any document the production of which could be compelled at the trial of an action, to appear before the council at the time and place mentioned in the summons and stating that failure to obey the summons will

render the person liable to imprisonment on an application to the Supreme Court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance as a witness at a trial in the Supreme Court.

(11) If any person,

- (a) on being duly summoned to appear as a witness makes default in attending; or
- (b) being in attendance as a witness refuses to take an oath legally required to be taken, or to produce any document in his power or control legally required to be produced by him, or to answer any question which he is legally required to answer; or
- (c) does any other thing which would, if the council had been a court of law having power to commit for contempt, have been contempt of that court,

Failure of witness to appear, etc.

the person presiding at the hearing may certify the offence of that person under his hand to the Supreme Court and the court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statements that may be offered in defence, punish or take steps for the punishment of that person in the like manner as if he had been guilty of contempt of court.

(12) At a hearing the complainant and the person whose conduct is being investigated have the right to examine the witnesses called by them respectively, and to cross-examine the witnesses opposed in interest.

Examination and cross-examination

(13) The decision taken after a hearing shall be in writing and shall contain or be accompanied by the reasons for the decision in which are set out the findings of fact and the conclusions of law, if any, based thereon, and a copy of the decision and the reasons therefor, together with a notice to the person whose conduct is being investigated of his right of appeal, shall be served upon him within thirty days after the date of the decision. 1968-69, c. 125, s. 27 (1-13).

Decisions

(14) A record shall be compiled for every hearing consisting of the complaint and the notice referred to in subsection 2, any intermediate rulings or orders made in the course of the proceedings, a transcript of the oral evidence, if a transcript has been prepared, such documentary evidence and things as were received in evidence and the decision and the reasons therefor, and documents and things received in evidence may be released to the persons tendering them when all appeals have been finally disposed of or the right to appeal has terminated. 1968-69, c. 125, s. 27 (14), *amended*.

Record

Service of documents

(15) Any document required to be served under this Act upon a person whose conduct is being investigated shall be served personally upon him, but where it appears that service cannot be effected personally, the document may be served by mailing a copy thereof in a registered letter addressed to him at his residence or office address as shown by the records of the Association, and service shall be effected not less than ten days before the date of the hearing or the event or thing required to be done, as the case may be, and proof by affidavit of the service is sufficient.

Re-instatement after suspension

(16) Where a member has been suspended from practising under this section, he may, upon payment of all dues owed by him to the Association, apply to the council to be reinstated as a member and the council may terminate the suspension of such member upon such terms as it considers proper.

Re-admission after expulsion

(17) A person whose membership has been cancelled under this section may apply to the council for membership and the council shall, subject to subsection 18, hear the application and make such order as it considers proper and may include as a term of any such order such conditions as the council considers proper to be fulfilled before the applicant is admitted to membership or to be observed by such member thereafter.

Idem

(18) Except with the consent of the council, no application under subsection 17 shall be heard before the expiry of two years from the date of the cancellation of membership or the date of the final disposition of any appeal.

Idem

(19) Upon a hearing for admission to membership under subsection 17, the council shall follow, in so far as is practicable, the procedure provided for in the case of a complaint under this section, and a former member has the same right of appeal from an order made by the council under subsection 17 as is provided in section 28.

Committee of council

(20) The council may appoint a committee to act for and on its behalf composed of not fewer than five members of the council, one of whom shall be the president or the vice-president, and may delegate to the committee all or any of its powers and duties under this section upon such terms and conditions, if any, as the council considers proper, and a decision or order of the committee is the decision or order of the council.

Practice pending appeal

(21) Except in the case of professional misconduct constituting incompetence on the part of the person whose conduct was investigated, the suspension or cancellation of the membership of a person whose conduct was investigated under this section does not become effective until any appeal has been finally disposed of or the right of appeal has terminated. 1968-69, c. 125, s. 27 (15-21).

APPEAL

**28.**—(1) Any person who has been refused admittance or readmission to membership in the Association or who has been reprimanded or whose membership is suspended or cancelled may appeal from the order of refusal, reprimand, suspension or cancellation to the Court of Appeal within fifteen days from the day upon which he is served with the order of refusal, reprimand, suspension or cancellation. Appeal

(2) Upon the request of any person desiring to appeal and upon payment of the cost thereof, the secretary shall furnish such person with a certified copy of all proceedings, evidence, reports, orders and papers received as evidence by the board or council in dealing with and disposing of the matter complained of. Certified copies of papers

(3) If the appellant fails to pay the cost of the certified copy and the cost of such additional copies of the evidence as may be reasonably required for the purposes of the appeal within fifteen days after written demand from the secretary, the appeal shall be deemed to be abandoned. Failure to pay costs

(4) An appeal under this section shall be by motion, notice of which shall be served upon the secretary, and the record shall consist of a copy, certified by the secretary, of the proceedings before the board or council, the evidence taken, the report of the board or council and all decisions, findings and orders of the board or council in the matter. Procedure and record

(5) Except as otherwise provided, appeals under this section shall be in accordance with the practice in appeals from the decision or order of a judge of the Supreme Court. Practice

(6) Upon the hearing of an appeal under this section, the Court of Appeal may make such order as the court considers proper or may refer the matter or any part thereof back to the board or council with such directions as the court considers proper. Orders

(7) The Court of Appeal may make such order as to the costs of the appeal as the court considers proper. 1968-69, c. 125, s. 28. Costs

OFFENCES

**29.**—(1) Every person, other than a member of the Association, who, Offences, persons

(a) uses the title "Ontario Land Surveyor" or uses any addition to or abbreviation of such title, or uses the designation "surveyor" or any words, name or designation that will lead to the belief that he is a member of the Association;

(b) advertises, holds himself out, or conducts himself in any way or by any means as a member of the Association; or

(c) engages in the practice of professional land surveying, is guilty of an offence.

Idem

(2) Every person, who,

- (a) wilfully procures or attempts to procure admission to the Association for himself or for another person by making, producing or causing to be made or produced any fraudulent representation or declaration either oral or written;
- (b) wilfully procures or attempts to procure a certificate of authorization for a partnership, association of persons or corporation by making, producing or causing to be made or produced any fraudulent representation or declaration either oral or written; or
- (c) knowingly makes any false statement in any application, declaration or other document under this Act or the regulations,

is guilty of an offence.

Offences,  
partner-  
ships,  
associations  
and  
corporations

(3) Where a partnership, association of persons or corporation that has no subsisting certificate of authorization,

- (a) practises professional land surveying;
- (b) uses any name, title, description or designation that will lead to the belief that it is entitled to practise professional land surveying; or
- (c) advertises, holds itself out or conducts itself in any way or in such manner as to lead to the belief that it is entitled to practise professional land surveying,

every member of the partnership, every member of the association of persons, or the corporation and every director thereof, is guilty of an offence.

Idem

(4) Where a partnership, association of persons or corporation that has a subsisting certificate of authorization practises professional land surveying in contravention of this Act, every member of the partnership, every member of the association of persons or the corporation and every director thereof, is guilty of an offence.

Penalties

(5) Every person, member of a partnership, member of an association of persons, and every corporation and director thereof, who is guilty of an offence under this section is, on summary conviction, liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Limitation  
of  
proceedings

(6) No proceedings shall be commenced for a contravention of any of the provisions of this section after two years from the date of the commission of such contravention. 1968-69, c. 125, s. 29.

**30.** No action or other proceedings for damages shall be instituted against the council or the board, or any member or official of the council or the board or any person appointed by the council or the board for any act done in good faith in the performance or intended performance of any duty or in the exercise or in the intended exercise of any 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 any such duty or power. 1968-69, c. 125, s. 30.

Protection  
from  
actions

