



## Administrative Law for Regulated Professionals

### A Primer for Members and Statutory Committees

As land surveyors, we seldom think of Administrative Law as a subject area that is relevant to our work. Yet, it is surprisingly pervasive, touching all professional and business activities subject to statutory control or regulation. Administrative Law is about the process by which a statutory power of decision is exercised. This body of law is premised upon core social values of democracy (e.g., fairness, impartiality) and seeks the “maximum feasible reduction of arbitrariness.” Accordingly, Administrative Law lies at the heart of the public protection mandate of a regulated profession.



This online version of the full-day event held October 2015 includes the recorded presentations, papers and slide decks (where applicable). The purpose of the seminar was to relate the various acts, principles, structures and processes of Administrative Law to AOLS members’ practice as well as to the workings of AOLS council and committees. Questions addressed included:

- What is Administrative Law and where can it be found?
- What can surveyors learn from Administrative Law to better perform their professional self-governing role and to act within their jurisdiction in such activities as planning applications?
- Why is process so important?
- What are the principles of natural justice and how do they apply in a surveyor’s day to day practice?
- What can be expected at a hearing triggered by an application for title absolute under the *Land Titles Act*? What are the new tribunal rules which apply in that setting?
- As part of the machinery of making self-government happen, what requirements must statutory committee members observe when exercising power?

This program has been accredited by

**The Association of  
Ontario Land Surveyors**



for 12 *Formal Activity* CPD credits.

- Why does the process of handling a complaint under the *Surveyors Act* become increasingly formal as it escalates?
- If a surveyor is guilty, why is a hearing needed at all?

Go to [4pointlearning.ca](http://4pointlearning.ca) to register (click [here](#) for registration instructions). If you have questions, please contact [info@4pointlearning.ca](mailto:info@4pointlearning.ca). The fee for 2 month's online access is \$425+HST.

The binder containing the papers and slide decks (where applicable) from the presenters is included in the fee. It is also available for [purchase](#) as a separate item. Please note that the binder *by itself* does not qualify for AOLS CPD credits.

## PRESENTATIONS

### Overview

- Administrative Law: Why?
- Delegated Legislation and Power: Why?
- Elements of the Canadian Legal System Underpinning Administrative Law
- Jurisdiction – Basic concepts
- Procedural Fairness as Essential to Keeping Jurisdiction
- Fairness
- Bias
- Mental Health, Addiction and Protecting the Public: Implications for Processing Complaints and the Discipline of Land Surveyors

### The Importance of Process

- Enabling Statutes
- *Statutory Powers Procedure Act*
- Tribunal Rules
- Common Law Principles

### The Surveyor Before *Planning Act* Committees

- Committees of Adjustment and Land Division Committees
- Procedure and Preparation
- Limits on the Surveyor's role: *Surveyors Act* and *Law Society Act*

### Hearings Before the Director of Titles: New Rules

- Statutory Framework

- Need for the New Rules
- Goals to be Achieved in Resolving Disputes
- Compliance with New Rules and Practical Implications

### **Implications of the New Rules for Surveyors and Lawyers**

- Preparation of Application
- Configuring Objections
- Making Argument and Submissions in Advance
- Potential Problems

### **Complaints and the Process under the *Surveyors Act***

- Statutory Framework
- Relationship to Fees Mediation
- Limits on Jurisdiction
- Options Available for Disposition
- Punishment or Rehabilitation?
- Practical Scenarios from Perspectives of both Member and the Committee
- Accountability of the Complainant – What is this?

### **Discipline Proceedings Under the *Surveyors Act***

- How are proceedings started?
- Why the highest level of formality?
- What happens at a hearing?
- What are possible outcomes?
- What is a joint submission?

### **Court Proceedings**

- Appeal vs. Judicial Review
- Supervisory Role of the Courts
- What the Courts Look For “On The Record”
- Deference to Specialized Tribunals
- Remedies and Types of Disposition
- Costs and Financial Implications

### **Exercises, Review and Discussions**

- Examples and Problem-Solving Opportunities
- What was learned?
- Questions & Answers