



ASSOCIATION OF BRITISH COLUMBIA LAND SURVEYORS

**BYLAWS
OF THE
ASSOCIATION OF BRITISH COLUMBIA LAND SURVEYORS**

Approved – March 20, 2015
Amended – November 5, 2015
Amended – March 4, 2016

The following bylaws were approved by the membership at the 110th Annual General Meeting of the Association of BC Land Surveyors, on March 20, 2015 and have been consolidated to include all amendments since that date.

Table of Contents

Description	Page
Part A – Interpretation	3
1 – Definitions	3
2 – Conflict with Land Surveyors Act	3
Part B – Governance	3
3 – General Meetings	3
4 – The Board	4
5 – Election of the Board and Executive Officers	5
6 – Finances	5
Part C – Practice of Land Surveying	6
7 – Membership	6
8 – Entry into the Profession	8
9 – Insurance	9
Part D – Corporations, Partnerships and Other Business Relationships	10
10 – Name of Business	10
11 – Partnerships and Joint Practices	10
12 – Offices	10
Part E – Ethics, Conduct and Professional Responsibility	11
13 – Code of Ethics	11
14 – Regulations Respecting Professional Conduct	11
15 – Revoking Right to Practice	12
16 – Unprofessional Conduct	12
Part F – Competency	13
17 – Practice Advisory Program	13
18 – Calibration	14
19 – Continuing Professional Development	14
Part G – Complaints and Discipline	15
20 – Unauthorized Practice	15
21 – Complaint Inquiry Committee	16
22 – Inspection Survey	19
23 – Communications and Summons	20

Association of British Columbia Land Surveyor's 2016 Bylaws

PART A INTERPRETATION

1. Definitions

In these Bylaws:

- (a) **"Act"** means the Land Surveyors Act.
- (b) **"Survey Rules"** means the General Survey Instruction Rules, made by the Association as authorized by section 75 of the Act, and approved by order of the Surveyor General.
- (c) All remaining capitalized terms will have the meaning set out in the Act, unless a contrary intention is expressed in these Bylaws.

2. Conflict with Land Surveyors Act

If there is a conflict between a provision of these Bylaws and the Act, the Act prevails.

PART B GOVERNANCE

3. General Meetings

3.1 Conduct of Meetings

To the extent not inconsistent with the Act and these Bylaws, meetings of the Members will be conducted in accordance with Robert's Rules of Order Newly Revised, as updated and amended from time to time.

3.2 Chair

Unless the Board directs otherwise, the President must preside over general meetings, as chair.

3.3 Written Resolutions

All resolutions must be in writing and contain the name of the mover and seconder.

3.4 Meeting Discussion

- (a) Subject to the discretion of the chair, no Member may speak on any subject more than twice, save the introducer of the subject, who shall be entitled to reply.
- (b) Before a resolution can be discussed, it must be read at the meeting, from the chair.
- (c) Any motion may be re-opened by a majority vote.

3.5 Voting

- (a) Members are entitled to receive notice of and to attend any general meeting.
- (b) Only Practising Land Surveyors in good standing with the Association and present at a meeting are entitled to vote.
- (c) Except as provided in Part 3.5(e), all motions introduced during a general meeting will be carried by a majority of the Practising Land Surveyors present at the meeting and who cast a vote.
- (d) If a vote results in a draw, the motion will be defeated.
- (e) Resolutions dealing with amendment to the Bylaws, or any matter specified by the Board will only be carried by an affirmative vote of at least two-thirds (2/3) of the Practising Land Surveyors present at the meeting and who cast a vote.

3.6 Notice

- (a) The Board must provide members with notice of every general meeting and annual general meeting, at least fifteen (15) days before the scheduled date of the meeting.

Association of British Columbia Land Surveyor's 2016 Bylaws

- (b) Notice to be provided in accordance with Part 3.6(a) must set out the date, time and location of the meeting, and must include the particulars of any motion to be introduced at such meeting dealing with amendment to the Bylaws, or any other matter specified by the Board.
- (c) Financial statements of the Association must be provided to the Members not less than seven (7) days before the start of an annual general meeting held under Section 10 of the Act.
- (d) Notice of a general meeting may be delivered by personal delivery, transmitted by electronic mail, or sent by registered, certified, regular or express mail, postage prepaid. If notice is delivered or transmitted by electronic mail it will be deemed to have been received on the first business day after the date it was delivered or transmitted; or if sent by mail, on the third (3rd) business day after the date it was sent.

4. The Board

4.1 Powers and Responsibilities

In addition to powers granted to the Board in accordance with the Act:

- (a) The Board is responsible for establishing policy for the admission of Land Surveyors in Training to articles and to admission to the Association.
- (b) The Board may establish a schedule of forms to be used for implementing the provisions of the Act and these Bylaws. The Board may, from time to time, approve new forms and amend existing forms.
- (c) The Board may appoint standing or special committees and name the chair of each one.
- (d) The President is an ex-officio member of all committees.
- (e) Excepting a hearing convened in accordance with sections 60 to 64 of the Act, the Board and every committee of the Board may deal with any matters within the scope of its authority.
- (f) Policies to be established by the Board under these bylaws must be approved as draft policies, by not less than two-thirds (2/3) of Board members entitled to vote and present at a meeting of the Board. The approved draft policies will be circulated to the membership for comment and then submitted for second reading by the Board at a subsequent Board meeting. Policies approved by two-thirds (2/3) of Board members entitled to vote and present during second reading shall become final.

4.2 Remuneration

- (a) The Board will maintain a policy identifying the role and duties of the President, Vice President, Past President and other members of the Board.
- (b) For undertaking the duties identified in the policy established under Part 4.2(a), Board members will receive an honorarium, for each year of service, as follows:
 - (i) the President will receive \$10,000;
 - (ii) other Board members, except the Secretary and Surveyor General, will receive \$2,500.
- (c) Board members will receive \$250.00 per day for undertaking duties other than those identified in the policy established under Part 4.2(a).
- (d) Board members will be reimbursed for expenses in accordance with the expense policy established by the Board.
- (e) Subject to the policies established pursuant to Parts 4.2(a) and 4.2(d), Members of the Association or representatives of the Board, in the exercise of any task delegated or authorized by the Board may, at the discretion of the Board, be paid an honorarium of up to \$250.00 per day, plus expenses.

Association of British Columbia Land Surveyor's 2016 Bylaws

4.3 Meetings

The Board and every committee of the Board may conduct meetings by joining any number of locations by telephone, internet enabled cameras or any other means of communication that allows all persons participating in and entitled to vote at the meeting to communicate with each other, and for that purpose the Board will maintain a policy with respect to the conduct of such meetings.

5. Election of the Board and Executive Officers

5.1 Election of Executive and Terms of Appointment

- (a) At each annual general meeting, the Members must elect one Practising Land Surveyor to serve as Vice President, commencing on the first day following the adjournment of the annual general meeting.
- (b) No Practising Land Surveyor may serve as Vice President unless he or she has served on the Board for at least one (1) full term as a member at large.
- (c) On the first day following the adjournment of the annual general meeting, the Vice-President in the preceding year becomes President, and the President in the preceding year becomes Past President. The terms of office of the President, Vice President and Past President conclude at the end of the last day of the annual general meeting the following year.

5.2 Election of Board Members-at-Large and Terms of Appointment

At each annual general meeting, the Members must elect two (2) Practising Land Surveyors to serve on the Board as members-at-large, each for a term of two (2) years, commencing on the first day following the adjournment of the annual general meeting.

5.3 Nominations

- (a) Board nominations of Practising Land Surveyors to stand for election to the Board and for Vice President will be circulated to the Association not less than ninety (90) days prior to the date of the annual general meeting at which the election is proposed to take place.
- (b) To stand for election, nominees must be Practising Land Surveyors and must consent to their nomination in writing. Nominees may withdraw their nomination not later than sixty (60) days before the commencement of the annual general meeting, by delivering written notice to the Secretary of the Association.
- (c) Under special circumstances the President may approve a nominee withdrawing their nomination at any time prior to the election, provided at least one (1) nomination for each vacancy remains.

5.4 Balloting

The Secretary must:

- (a) appoint scrutineers to count the ballots;
- (b) ensure that all ballot papers are opened at the appointed time during the annual general meeting, in the presence of the scrutineers; and
- (c) record the final results in the record book.

6. Finances

6.1 Accounting

Each year the Board must appoint a firm of qualified accountants to conduct an annual review of the financial records of the Association, and to report their findings to the Board.

Association of British Columbia Land Surveyor's 2016 Bylaws

6.2 Secretary and Chief Administrative Officer Remuneration

The remuneration of the Secretary and the Chief Administrative Officer must be reviewed and established annually by the Board.

6.3 Annual Budget

An annual budget approved by the Board, in accordance with Board policy, must be presented at each annual general meeting.

6.4 Contingency Fund

- (a) A general contingency fund must be maintained with a minimum balance equal to one quarter (1/4) of the total ordinary expenses of the Association from the last approved Association financial statements.
- (b) This fund may be accessed from time to time to cover extraordinary expenditures, and must be replenished as directed by the Board in order to ensure compliance with Part 6.4(a).
- (c) The Board may also establish separate contingency funds, in accordance with policy established by the Board, for the benefit of the Practice Advisory Department, the Electronic Checklist Registry and any other program established and operated by or on behalf of the Association.

6.5 Banking

- (a) The Board must appoint a chartered bank under the Bank Act, SC 1991, c 46, to act as the banker of the Association.
- (b) Withdrawals of up to \$15,000.00 must be made with the written authorization of any two (2) of the Treasurer, Chief Administrative Officer, Financial Assistant, President or Vice President. Withdrawals which exceed \$15,000.00 must be made with the written authorization of one of the President or the Vice President and one of the Treasurer or Chief Administrative Officer.

6.6 Funding for Specific Programs

- (a) The Association may collect a fee for every plan signed by a Land Surveyor in preparation for filing at the Crown land registry or in the land title register. Subject to the discretion of the Board and in accordance with Board policies, the fee will be used to fund programs in support of quality assurance, practice advisory, professional development and protection of the public interest.
- (b) Any change to the fee will be determined by the Members at a general meeting.

PART C PRACTICE OF LAND SURVEYING

7. Membership

7.1 Annual Membership Fee

- (a) Subject to Part 7.1(e), the annual fee for Practising Land Surveyors is:
 - (i) \$1,340.00 for Practising Land Surveyors who verify in writing that they are members of Professional Surveyors Canada through another professional land surveying association;
 - (ii) \$1,540.00 for all other Practising Land Surveyors.
- (b) The annual fee for Nonpractising Land Surveyors, other than those on the retired list, is \$250.
- (c) The annual fee for each Land Surveyor Associate and Land Surveyor in Training will be established by the Board.
- (d) Except where otherwise provided by the Board, fees are payable on account of a calendar year and are due by January 31 of that specific calendar year.
- (e) The annual fee for Practising Land Surveyors in the current year will be 65% of that shown in item (a) above when a new member is sworn in or affirmed after June 30th in a given year.

Association of British Columbia Land Surveyor's 2016 Bylaws

- (f) Every Nonpractising Land Surveyor, Land Surveyor in Training and Land Surveyor Associate is entitled to receive all publications and papers circulated to the Members, and may attend all general meetings, but is not entitled to vote at any general meeting or vote for the election of officers.

7.2 Transfers of Membership Status

- (a) A Practising Land Surveyor seeking to transfer to the status of Nonpractising Land Surveyor or otherwise to cease holding membership in the Association must give notice in writing to that effect, addressed to, and received by the Secretary, before the first day of January in the year in which the change of status is to take effect.
- (b) Each year, on the first business day following January 31, the Secretary will update the roster of Members with the names of those Members who have paid fees for the current year.
- (c) A Member whose name has been entered on the list of Nonpractising Land Surveyors may, at any time, make written application to the Board for reinstatement to the list of Practising Land Surveyors, and on:
 - (i) confirmation, to the satisfaction of the Board, that the Member meets the requirements of professional competency established by Board policy;
 - (ii) payment of all outstanding arrears of fees, dues and other monies payable to the Association, together with such other sums as may be payable to the Association pursuant to section 34(2) of the Act; and
 - (iii) payment of any fees for Practising Land Surveyors payable in the year of the application, less any fees actually paid by the Member in the year of the application for nonpractising status,the Secretary will reinstate the Member to practising status.
- (d) Any Member who ceases to be a Practising Land Surveyor only by reason of non-payment of annual membership fees may, at any time, make a written application to the Board for reinstatement to the list of Practising Land Surveyors, and on providing:
 - (i) confirmation, to the satisfaction of the Board, that the Member meets the requirements of professional competency established by Board policy; and
 - (ii) payment of all outstanding arrears of fees, dues and other monies payable to the Association, together with such other sums as may be payable to the Association pursuant to section 34(2) of the Act,the Secretary will reinstate the Member to practising status.
- (e) At the direction of the Board, a Member who is in default of the fees payable to the Association will be struck from the respective roster, and will thereafter forfeit all Member benefits.
- (f) A Member who has resigned or who has had their name struck from the roster, for non-payment of fees, may be reinstated on complying with the provisions of s. 49(4) of the Act.

7.3 Life Membership in Association

- (a) A Member who is 65 years of age or over, whose combined age and years on the Practising List total 100 or greater, and who merits such honour, may be nominated by the Board at an annual general meeting for designation as a Life Member of the Association (a "Life Member").
- (b) A Life Member has all the privileges of a Practising Land Surveyor, but does not have to pay any annual Membership fees or dues to the Association.

Association of British Columbia Land Surveyor's 2016 Bylaws

7.4 Retired Membership

- (a) Land Surveyors who are over the age of 65 years or who have, on application to the Board, received special dispensation, may elect to become a retired nonpractising land surveyor (a "Retired Member"), on providing written notice to the Secretary before the first day of January in the year when the change of status is to take effect.
- (b) Retired Members are not eligible for reinstatement to the list of Practising Land Surveyors, except with the consent of the Board.
- (c) A Retired Member is entitled to receive all publications and papers circulated to the Members, and may attend all general meetings, but is not entitled to vote at any general meetings or vote for the election of officers.

7.5 Honourary British Columbia Land Surveyors

The Board may nominate for designation at an annual general meeting, as an honorary British Columbia Land Surveyor, any Person who is not a Land Surveyor and who, in the opinion of the Board, has provided exceptionally outstanding service to the Association.

8. Entry into the Profession

8.1 Requirements for Admittance to the Association as a Land Surveyor in Training

- (a) A Person, who complies with the following, may qualify as a Land Surveyor in Training:
 - (i) provides a certificate of completion from the Canadian Board of Examiners for Professional Surveyors; or
 - (ii) provides a British Columbia Institute of Technology Bachelor of Technology in Geomatics Degree along with the transcript of marks showing that the candidate has achieved an overall average of no less than 70% with no course less than 60% for all courses as required by Board policy; or
 - (iii) provides a post secondary graduation certificate with a degree in geomatics from an educational institution outside of Canada, an internationally accredited standards agency credential evaluation and transcript analysis certificate, proof of good standing in their current international professional land surveying body and proof of two years experience in cadastral land surveying as a land surveyor;and
 - (iv) enters into articles with a Practising Land Surveyor, who has been a Practising Land Surveyor for a minimum of three (3) years. The form of articles will be in such form as may be approved or amended by the Board; and
 - (v) pays the administration fee for assessment and the annual dues set by the Board.
- (b) A Land Surveyor in Training must pay annual fees each year in the amounts specified by the Board, no later than January 31.
- (c) A Land Surveyor in Training must serve a term of articles of not less than 12 months and not more than 32 months and include an appropriate training period performing field and office work in British Columbia, unless deemed otherwise by the Board.
- (d) A Land Surveyor in Training may, from time to time, transfer articles to or enter into new articles with another Practising Land Surveyor. Time already served may count as part of the required article period. Previous articles must be properly endorsed prior to transfer. In the event that the land surveyor will not endorse the transfer, the Board has the authority to endorse the transfer.

Association of British Columbia Land Surveyor's 2016 Bylaws

- (e) A Person serving articles with a Land Surveyor, practising under lawful authority outside British Columbia, may apply to the Secretary to transfer their articles to a Practising Land Surveyor, who has been a Practising Land Surveyor for a minimum of three (3) years. The Secretary may approve any application under this Part and determine the appropriate period of articles to be served in British Columbia.

8.2 Requirements for Admittance to the Association as a Land Surveyor Associate

- (a) A Person, who complies with the following, will qualify as a Land Surveyor Associate:
 - (i) provides evidence of registration as the equivalent of a Practising Land Surveyor with a professional land surveying association in Canada;
 - (ii) satisfies the Board of their competence, conduct and character; and
 - (iii) pays an administration fee for assessment and the annual dues set by the Board.
- (b) A Land Surveyor Associate must pay annual fees each year in the amounts specified by the Board, no later than January 31.

8.3 Requirements for Admittance to the Association as a Land Surveyor

- (a) All candidates for membership as a land surveyor are required to successfully complete, in accordance with Board policy, each of the following:
 - (i) a field project or projects;
 - (ii) an examination or examinations covering statutes and regulations pertaining to surveying; and
 - (iii) an examination or examinations consisting of practical surveying.
- (b) Candidates for membership as Land Surveyors in the Association are required to submit to and, in the opinion of the Board, successfully complete a professional assessment interview conducted in the manner prescribed by the Board.
- (c) The Board may authorize an exemption from any of the categories described in Part 8.3(a) and the professional assessment interview described in Part 8.3(b) and establish a jurisdictional examination where an agreement on interprovincial mobility has been entered into by the Association. Board policy will govern the requirements for successful completion of the examinations under this Part.
- (d) To pass each exam, field project and jurisdictional exam, all candidates are required to obtain not less than 70%.
- (e) The fee for the examinations is set by the Board and is not refundable.
- (f) After passing the examinations, the candidate must pay:
 - (i) the fee for commission, as set by the Board;
 - (ii) the current annual dues for a Land Surveyor; and
 - (iii) a fee for publishing the candidate's name in the Gazette.

9. Insurance

9.1 Professional Liability Insurance

- (a) Every Practising Land Surveyor must maintain professional liability insurance in an amount and on such terms as specified in these Bylaws or by Board policy. The Board policy shall set out the minimum insurance coverage per loss and per insurance policy period for a Practising Land Surveyor. In no event, will the amount be less than \$250,000 per loss and \$250,000 per policy period.

Association of British Columbia Land Surveyor's 2016 Bylaws

- (b) Unless there is a conflict with these bylaws or the Act, a Practising Land Surveyor is bound by, and must comply with, the terms and conditions of their professional liability insurance.
- (c) A Practising Land Surveyor is exempt from Part 9.1(a) if:
 - (i) a Member of the Association who is either a Life Member, or is employed by a municipal, provincial or federal government, a government agency or the Land Title and Survey Authority of British Columbia, and who does not engage directly or indirectly in the practice of land surveying for the general public, with or without compensation;
 - (ii) the Board so permits and the Practising Land Surveyor is employed by another Person and does not engage directly or indirectly in the practice of land surveying for the general public whether with or without compensation.
- (d) Unless otherwise exempted by the Act or these Bylaws, every policy of professional liability insurance must, at a minimum, provide insurance coverage for any and all actions undertaken at any time by that Member as a Land Surveyor. If the policy of insurance limits in any respect coverage for past actions, the Member must also carry a separate "past actions" professional liability insurance policy.
- (e) Every Practising Land Surveyor must forward to the Secretary, on an annual basis, a declaration that the land surveyor:
 - (i) is covered by professional liability insurance in accordance with Part 9.1(a) and 9.1(e) and that they will maintain uninterrupted coverage until such time as they have notified the secretary of exemption pursuant to Part 9.1(c); or
 - (ii) is exempt from maintaining professional liability insurance coverage pursuant to Part 9.1(c) and that they will not practice land surveying for the general public until they have notified the Secretary in accordance with this Part.

PART D

CORPORATIONS, PARTNERSHIPS AND OTHER BUSINESS RELATIONSHIPS

10. Name of Business

- (a) Members may only practice or otherwise do business as a Land Surveyor under a name or style that has been approved by the Board in accordance with policies established by the Board.
- (b) The Board shall not approve a name, which, in the sole discretion of the Board, is self-laudatory, misleading to the public or fails to maintain the dignity of Land Surveyors or the Practice of Land Surveying.
- (c) The Board must not require any Member to change or alter the name or style under which that Member does business if the Board previously approved the use of that name.

11. Partnerships and Joint Practices

- (a) Subject to the approval of the Board, Members may enter into partnerships or joint practices, to provide an integrated service to the public.
- (b) The Board may establish and amend policy for the conduct of the practice of land surveying, within a partnership or joint practice.

12. Offices

No Land Surveyor or group of Land Surveyors may conduct business from any location unless a Land Surveyor supervises the operations of that location, in accordance with bylaw 14.2(b) and policy established by the Board.

PART E
ETHICS, CONDUCT AND PROFESSIONAL RESPONSIBILITY

13. Code of Ethics

Every Member:

- (a) must, at all times adhere to the Code of Ethics as prescribed in Schedule F of the Schedule of Forms. Schedule F may only be amended by a majority of voting members at an annual general meeting;
- (b) must, at all times, abide by their oath or affirmation of office;
- (c) must not give any oath, swear any affidavit, make a statement in any certificate, or issue any plan or sketch which the Member knew or should reasonably have known was untrue, inaccurate, or misleading .

14. Regulations Respecting Professional Conduct

14.1 Services

- (a) No Member shall provide land surveying services to more than one (1) person, in connection with the same matter, without the knowledge and informed consent of each such person.
- (b) Members must observe all British Columbia professional land surveying standards and Survey Rules.
- (c) When engaging in the practice of land surveying:
 - (i) Members must carry out assignments and professional commitments diligently, skillfully and promptly, and are not excused from doing so by reason only of financial constraint.
 - (ii) No Member will make any fraudulent charge for services rendered to any person.
- (d) Advertising or promotion by a Member
 - (i) must be truthful;
 - (ii) must not by design mislead any person;
 - (iii) must be presented in a manner maintaining the dignity and honour of land surveyors and the practice of land surveying.

14.2 Professional Responsibility

- (a) A Member is responsible for every survey or other survey related instrument that Member prepares or signs.
- (b) A Member must not knowingly permit any representation or perception that a third party was responsible for any survey or other instrument prepared or signed by that Member.

14.3 Projects of Other Members

- (a) A Member must not knowingly accept an engagement to provide services on a project if, with respect to that same project, a previously engaged land surveyor, has not consented to the Member's engagement and has an outstanding claim for compensation.
- (b) A Member must provide consent pursuant to Part 14.3(a) if the outstanding claim for compensation is not supported by a written agreement or letter of engagement signed in favour of that Member or that Member's firm.
- (c) No Member should unreasonably withhold consent requested pursuant to Part 14.3(a).
- (d) On the request of any person, the Board may, direct a Member to give consent subject to terms and conditions the Board considers reasonable and appropriate.

Association of British Columbia Land Surveyor's 2016 Bylaws

14.4 Undertakings

- (a) Members must strictly and scrupulously fulfill every undertaking given to any other person.
- (b) No Member should give or demand an undertaking that cannot be fulfilled.
- (c) For the purpose of this Part, an "undertaking" is a formal promise, given by a Member, in that Member's professional capacity.

15. Revoking Right to Practice

No Member who fails to comply with:

- (a) Section 49(1) of the Act;
- (b) Part 9.1(e) of these bylaws; or
- (c) Part 19.2(b) of these bylaws,

shall engage in the practice of land surveying, hold themselves out as a Member in good standing with the Association or otherwise exercise any privilege accorded to Members, unless and until that Member has:

- (i) confirmed, to the satisfaction of the Board, that the Member has complied with all statutory requirements and requirements imposed by Bylaw as they relate to Parts 15(a), (b) and (c);
- (ii) paid to the Association, all outstanding arrears of fees, dues and other monies (including all amounts due in accordance with Section 34(2) of the Act), together with an administrative fee, fixed in accordance with Board policy, not to exceed Five Hundred (\$500.00) Dollars per occurrence.

16. Unprofessional Conduct

Any Member who:

- (a) breaches Part 13 of these bylaws;
- (b) fails to comply with Part 14.3(a) or otherwise neglects or refuses to abide by the direction of the Board given pursuant to Part 14.3(d) of these bylaws;
- (c) breaches Part 14.4 of these bylaws;
- (d) breaches Part 15 of these bylaws;
- (e) breaches Part 23 of these bylaws;
- (f) is determined by the Board to be incompetent, meaning:
 - (i) to lack an adequate knowledge of, to have demonstrated neglect of, or to have failed to exercise the ordinary skills of a member; or
 - (ii) to have breached the requirements of any statute of British Columbia or the regulations or bylaws made thereunder respecting the Practice of Land Surveying or British Columbia land surveyors.
- (g) is determined by a court of competent jurisdiction, to have committed an act of theft, embezzlement, or fraud or to have committed an offence which is punishable by a period of incarceration; or
- (h) engages in the practice of land surveying while suspended contrary to an Order of the Board issued under Section 60 of the Act

may be guilty of unprofessional conduct.

**PART F
COMPETENCY**

17. Practice Advisory Program

17.1 Practice Advisory Panel

- (a) Subject to Part 17.1(e), the Practice Advisory Panel will consist of not less than four (4) Members appointed by the Board for a term, to be set by the Board, not less than one (1) year and not more than three (3) years.
- (b) No Member shall sit on the Practice Advisory Panel for a period of more than six (6) consecutive years, unless otherwise authorized by the Board.
- (c) The Practice Advisory Panel will annually appoint one (1) member of the Practice Advisory Panel to serve as chair and a second Member to serve as vice-chair, both positions to be held for a term of one (1) year, to a maximum of two (2) consecutive years.
- (d) To be eligible for appointment to the Practice Advisory Panel, a Member must have been, at the time of appointment, a practicing land surveyor for a period of at least five (5) years.
- (e) At any time, the Board may remove any member of the Practice Advisory Panel, appoint a Member to the Practice Advisory Panel to replace the chair or a member-at-large who resigns or otherwise ceases participation in the Practice Advisory Panel, or to increase the number of Members appointed to the Practice Advisory Panel.
- (f) The Practice Advisory Panel and the Practice Advisory Department shall operate in accordance with policy approved by the Board.

17.2 Objectives of the Practice Advisory Panel

The objectives of the Practice Advisory Panel are to:

- (a) develop programs to assist Members to practice land surveying competently; and
- (b) support and provide guidance to the Practice Advisory Department.

17.3 Continuing Education

The Practice Advisory Panel, through the Practice Advisory Department and the Continuing Professional Development Committee, may fund, develop, support or promote any educational program intended to improve a Member's knowledge or skill in the practice of land surveying.

17.4 Reviews

- (a) Subject to Part 17.4(b) and 17.4(c) and any policy established by the Board in accordance with Part 17.8, the Practice Advisory Department, may review any plans, files, documents or records of a Member.
- (b) Reviews conducted in accordance with this bylaw will emphasize continuing professional development.
- (c) The Practice Advisory Department must not review documents or records of a financial, contractual or employment nature relating to that Member's practice without the Member's consent or an order of the Board.
- (d) Upon completion of a review, the Practice Advisory Department shall prepare and deliver a report to the Member in accordance with policy established by the Board.

17.5 Action by the Practice Advisory Panel

The Practice Advisory Panel may refer to the Complaint Inquiry Committee any matter giving the Practice Advisory Panel reasonable cause to believe that a Member has engaged in unprofessional conduct or has otherwise breached the Act or any other statute or regulation governing the profession of land surveying, these Bylaws, the Survey Rules or generally accepted standards of the practice of land surveying.

Association of British Columbia Land Surveyor's 2016 Bylaws

17.6 Appeal

Other than a decision of the Practice Advisory Panel made under Part 17.5, a Member will have the right, within 30 days following receipt of a report, to appeal to the Practice Advisory Panel, any findings or recommendations of the Practice Advisory Department.

17.7 Confidentiality

- (a) Except for the purpose of complying with the objectives of the Act or with these Bylaws, the Board, the Practice Advisory Panel and every person participating in a review under Part 17.4 other than the Member being reviewed must hold, in confidence, and must not disclose to any third party:
 - (i) all information and documents received during the conduct of a review;
 - (ii) any report prepared for or on behalf of the Practice Advisory Panel; or
 - (iii) any action taken or decision made by the Practice Advisory Panel.
- (b) Despite Part 17.7(a), the Practice Advisory Panel may disclose information that is otherwise to be held in confidence:
 - (i) with the consent of the Member;
 - (ii) to the Complaint Inquiry Committee or the Board, where the Practice Advisory Panel has reasonable grounds to believe that the Act or these Bylaws have been breached or that a Member has engaged in unprofessional conduct;
 - (iii) to the Surveyor General or to a law enforcement agency, where the Practice Advisory Panel has reasonable grounds to believe that a Member has committed an offence; or
 - (iv) where required to do so, by court order.

17.8 Policy

The Board may establish policy, as it considers necessary, to achieve the objectives of the Practice Advisory Program including, without limitation, policy relating to the procedure and conduct of a review under Part 17.4 and the conduct of an appeal under Part 17.6.

18. Calibration

- (a) All equipment used in a survey must be in adjustment, in calibration and standardized.
- (b) Land Surveyors must keep records of calibration and standardization results and carry out sufficient analysis of the data to prove that the equipment is operating to a standard acceptable to the Board.

19. Continuing Professional Development

19.1 Continuing Professional Development Program

- (a) In this Part:
 - “**Approved Professional Development**” means a course of study, continuing education seminar or meeting or other activity, that is in accordance with the policy established by the Board in accordance with Part 19.4.
 - “**Continuing Professional Development Committee**” means the Board or a committee appointed by the Board and to whom the Board has delegated authority for the purposes of this Part.
 - “**Continuing Professional Development Cycle**” means, with respect to a Member, a three (3) year period commencing on the date determined by the Continuing Professional Development Committee, and then each rolling three year period thereafter.

Association of British Columbia Land Surveyor's 2016 Bylaws

"Continuing Professional Development Program" means, in each Continuing Professional Development Cycle, a minimum of 45 credit hours of Approved Professional Development, or such other minimum number of hours determined by resolution of the Board in the calendar year immediately preceding commencement of such Continuing Professional Development Cycle.

19.2 Requirement to Complete and Report Mandatory Professional Development

- (a) Before December 31 in each calendar year, every Member who is not excused in accordance with Part 19.2(c) or Part 19.3(b) must disclose to the Secretary, in a form approved by the Board, Approved Professional Development completed by that Member in such calendar year.
- (b) Before December 31 in the last year of each Continuing Professional Development Cycle, every Member who is not excused in accordance with Part 19.2(c) or Part 19.3(b) must certify to the Secretary, in a form approved by the Board, that the Member has fulfilled the requirements of the Continuing Professional Development Program for that Continuing Professional Development Cycle.
- (c) The Continuing Professional Development Committee may recommend to the Board circumstances in which a member, meeting specific criteria established by the Board, may be excused from completing part or all of the Continuing Professional Development Program.

19.3 Failure to Complete or Report Continuing Professional Development

- (a) Except to the extent excused in accordance with Part 19.2(c), and subject to Part 19.3(b), a member who fails to comply with either Part 19.2(a) or Part 19.2(b) will have their right to practice revoked in accordance with Part 15.
- (b) The Board, may, in its discretion and where special circumstances exist, defer the actions of Part 15 in accordance with Part 19.3(a) for such period of time as the Board deems reasonable.
- (c) At least 30 days before revoking the right to practice under Part 19.3(a), the Secretary must deliver to the member a notice setting out:
 - (i) the date upon which Part 15 will take effect;
 - (ii) the reason for revoking their right to practice;
 - (iii) the means by which a member may apply to the Board for relief under Part 19.3(b).

19.4 Continuing Professional Development Program Policy

The Board shall publish and distribute to each member a policy with respect to the Continuing Professional Development Program, setting out, among other things:

- (i) Approved Professional Development categories;
- (ii) the prescribed circumstances and specific criteria set out in Part 19.2(c);
- (iii) guidelines for the exercise of any discretion pursuant to Part 19.3(b).

PART G COMPLAINTS AND DISCIPLINE

20. Unauthorized Practice

20.1 Facilitation of Unauthorized Practice

- (a) A member must not knowingly facilitate, by any means, the practice of land surveying by a person who is neither a practicing land surveyor nor a person permitted to engage in the practice of land surveying under section 59 of the Act. Without limitation, a member must not act as an agent or permit his or her name to be used or held out in any way that enables a person to engage in the unauthorized practice of land surveying.

Association of British Columbia Land Surveyor's 2016 Bylaws

- (b) Except as provided in Part 14.1(d), no Member may offer or pay a commission or other form of compensation to secure work to any person other than an employee or partner of that Member or the Member's land surveying firm

20.2 Board Authority to Respond to Illegal Practice

If the Board is satisfied that there is reason to believe that there is or will be a contravention of Section 59 of the Act, the Board may take such action as it deems necessary and, for this purpose, may authorize the payment of legal or other fees.

20.3 Publication

When the Board obtains a court order or an agreement restraining a person from the unauthorized practice of land surveying, the Board may, in order to protect the public interest, publish a summary of the circumstances and of the order or agreement, in such form as the Board may specify.

20.4 Employment

- (a) A Member may not accept employment as a Land Surveyor with any entity that is not duly qualified under the Land Surveyors Act or these Bylaws to provide land surveying services in British Columbia.
- (b) Nothing in this Part prohibits a Member from accepting employment as a Land Surveyor with any entity that does not, as between it and the public, engage in the practice of land surveying.

21 Complaint Inquiry Committee

21.1 Appointment

- (a) Subject to Part 21.1(e), the Complaint Inquiry Committee will consist of not less than three (3) Members appointed by the Board for a term, to be set by the Board, of not less than one (1) year or more than three (3) years.
- (b) No Member shall sit on the Complaint Inquiry Committee for a period of more than six (6) consecutive years, unless otherwise authorized by the Board.
- (c) The Complaint Inquiry Committee will annually appoint one (1) Member of the Complaint Inquiry Committee to serve as chair, for a term of one (1) year.
- (d) To be eligible for appointment to the Complaint Inquiry Committee, a Member must have been, at the time of appointment, a practicing land surveyor for a period of at least five (5) years.
- (e) At any time, the Board may remove any Member of the Complaint Inquiry Committee, appoint a Member to the Complaint Inquiry Committee to replace the chair or a Member-at-large who resigns or otherwise ceases participation in the Complaint Inquiry Committee, or to increase the number of Members appointed to the Complaint Inquiry Committee.

21.2 Conflict of Interest

A Member of the Complaint Inquiry Committee who is directly or indirectly interested in the investigation of a complaint must:

- (i) promptly and fully disclose to the Complaint Inquiry Committee the nature and extent of the interest; and
- (ii) abstain from participating in the investigation of the complaint, in any action taken by the Complaint Inquiry Committee to address the complaint, or in any hearing or inquiry conducted by the Board, in accordance with the Act, unless summoned to appear.

21.3 Complaints

- (a) Any person may deliver a written complaint against a Member to the Secretary.
- (b) The Secretary must forward, to the Complaint Inquiry Committee, any complaint, which the Secretary is unable to resolve in a manner satisfactory to Complainant.

Association of British Columbia Land Surveyor's 2016 Bylaws

- (c) Written information received from any source indicating, in the opinion of the Complaint Inquiry Committee, that the conduct of a Member may constitute a violation of the Act or any other statute or regulation governing the profession of land surveying, these Bylaws, the Survey Rules, or generally accepted practice standards, must be treated as a complaint under this Part.

21.4 Investigation

- (a) Subject to Part 21.4(b) and (c), the Complaint Inquiry Committee must investigate every complaint received.
- (b) The Complaint Inquiry Committee may, at any time, attempt to resolve a complaint through mediation or other informal means.
- (c) Unless otherwise directed by the Board, the Complaint Inquiry Committee may decline to investigate a complaint if it is satisfied that the complaint:
 - (i) is outside the jurisdiction of the Association;
 - (ii) is frivolous, vexatious, or an abuse of process; or
 - (iii) does not allege facts that, if proved, would constitute a violation of any statute governing the profession of land surveying, these Bylaws, the Survey Rules, or generally accepted practice standards.
- (d) The Complaint Inquiry Committee must deliver a copy of the complaint to every Member about whom the complaint is made.
- (e) Despite Part 21.4(d):
 - (i) the Complaint Inquiry Committee may delay notifying a Member of a complaint for such period of time as the Complaint Inquiry Committee considers necessary for the effective investigation of the complaint;
 - (ii) the Complaint Inquiry Committee may, on the request of the complainant, and must, at the direction of the Board, refrain from identifying the complainant or providing information of a personal or private nature.
- (f) Every member must cooperate fully with an investigation conducted under this part, and without limiting the generality of the foregoing, must respond fully and substantively, in the form specified by the Complaint Inquiry Committee:
 - (i) to the complaint; and
 - (ii) to all correspondence from the Complaint Inquiry Committee, for which a response has been requested.
- (g) In conducting an investigation under this part, the Complaint Inquiry Committee may:
 - (i) require production of a Member's files, documents and other records for examination or copying;
 - (ii) require a Member to:
 - (A) attend an interview,
 - (B) answer questions and provide information relating to matters under investigation, or
 - (C) cause an employee or agent of the Member to answer questions and provide information relating to the investigation;
 - (iii) enter the business premises of the Member, on reasonable notice, between the hours of 8:00 AM and 5:00 PM, or at such other time as may be agreed with the Member.

Association of British Columbia Land Surveyor's 2016 Bylaws

- (h) A Member who is required to produce files, documents and other records, provide information or attend an interview under Part 21.4(g) must comply with the requirement as soon as practicable and, in any event, by the time and date set by the Complaint Inquiry Committee.
- (i) Nothing in Part 21.4 will deprive the Member of the right to seek the advice of or to be represented by legal counsel.

21.5 Action by the Complaint Inquiry Committee

- (a) After investigating a complaint, the Complaint Inquiry Committee must refer the complaint and any recommendations to the Board, unless the Complaint Inquiry Committee is satisfied that:
 - (i) the complaint is not valid;
 - (ii) the complaint does not disclose conduct warranting further action; or
 - (iii) the matter giving rise to the complaint has been resolved.
- (b) The Complaint Inquiry Committee must provide both the Member and the complainant with the determination summarizing:
 - (i) the action taken under Part 21.5(a);
 - (ii) reasons supporting any decision to take no further action, where applicable; and
 - (iii) instructions for appealing a decision of the Complaint Inquiry Committee.

21.6 Appeal

- (a) A complainant may appeal to the Board, within thirty (30) days following receipt of, any decision of the Complaint Inquiry Committee under Part 21.5(a).
- (b) On receiving an appeal filed pursuant to Part 21.6(a), the Board must designate a member of the Board as an Appeal Officer, to review the documents obtained, collected or produced by the Complaint Inquiry Committee pursuant to the complaint.
- (c) After conducting a review, the Appeal Officer must do one of the following:
 - (i) confirm the decision of the Complaint Inquiry Committee;
 - (ii) return the complaint to the Complaint Inquiry Committee for further investigation;
 - (iii) recommend that the Board conduct an inquiry or hearing in accordance with the Act and these Bylaws.
- (d) The Appeal Officer must inform the complainant and the Member of the decision under Part 21.6(c) and the reasons therefore.
- (e) In making a recommendation pursuant to Part 21.6(c)(iii), the Appeal Officer will describe the nature of the complaint but not any evidence, either in support of the complaint or against it.

21.7 Inquiries

- (a) Upon consideration of a reference received from the Complaint Inquiry Committee pursuant to Part 21.5(a) or from an Appeal Officer pursuant to Part 21.6(c)(iii), the Board may conduct an inquiry in accordance with the Act.
- (b) In any inquiry:
 - (i) the Board may give directions, consistent with the Act and these Bylaws respecting the conduct of the inquiry, including but not limited to the date, time and location for hearing as well as any procedural aspect;
 - (ii) a representative of the Complaint Inquiry Committee will present evidence and make submissions to the Board in support of the complaint, and for that purpose may retain counsel;

Association of British Columbia Land Surveyor's 2016 Bylaws

- (iii) the Member must be informed of their right to retain counsel;
- (iv) the onus to establish, on a balance of the probabilities, that a Member engaged in conduct constituting a breach of the Act or any other statute governing the profession of land surveying, these Bylaws, the Survey Rules, or generally accepted practice standards rests with the Complaint Inquiry Committee;
- (v) notwithstanding Part 21.7(b)(iv), the Board may draw an adverse inference from the refusal of a Member to attend an inquiry, to be sworn or to answer to the satisfaction of the Board any questions put to the Member;
- (vi) the Complaint Inquiry Committee must fully disclose to the Member, prior to the actual inquiry, all evidence which it intends to present to the Board;
- (vii) the Board may admit as evidence any oral or written testimony, record or other thing that the Board considers credible or trustworthy and which is relevant to the subject matter of the inquiry, whether or not that evidence would be admissible in a court of competent jurisdiction.

21.8 Confidentiality

- (a) No Person may disclose any information or records forming part of the investigation of a complaint conducted by the Complaint Inquiry Committee or an inquiry conducted by the Board except for the purpose of complying with the objectives of the Act, these Bylaws, or a court order.
- (b) Despite Part 21.8(a), the Board may direct the Complaint Inquiry Committee to disclose any information or records forming part of the investigation of a complaint conducted by the Complaint Inquiry Committee to the Surveyor General or to a law enforcement agency, where the Board has reasonable grounds to believe that a Member has committed an offence.

22 Inspection Survey

22.1 Complaints of Incorrect Survey

- (a) The Secretary must forward to the Complaint Inquiry Committee any complaint received in writing showing evidence that a survey or plan made by a Member is incorrect, and that the complainant has endeavoured, without success, to have the Member address such complaint.
- (b) The Complaint Inquiry Committee may request that the Board appoint a Practising Land Surveyor to inspect the work about which a complaint has been received.
- (c) If the Practising Land Surveyor appointed under Part 22.1(b) concludes that the survey or plan forming the subject of the complaint is in error, the Board may take such steps as it considers appropriate, including without limitation, engaging a Practising Land Surveyor to correct the survey or plan.

22.2 Opinion of the Surveyor General

In order to maintain the professional standards of the Association, the Board or the Complaint Inquiry Committee may seek a report from the Surveyor General with respect to any survey or plan prior or subsequent to its deposit in the Land Title Office or the Crown Land Registry, and upon receipt of such report may take such action as the Board considers necessary.

22.3 Costs

The cost of inspection surveys and corrections and any hearing connected therewith, will be borne by the Member or Members in error, either in whole or in part, and in such proportions respectively as the Board decides.

Association of British Columbia Land Surveyor's 2016 Bylaws

23. Communications and Summons

- (a) Members must reply to communications from the Secretary, the Practice Advisory Panel, the Practice Advisory Department, the Complaint Inquiry Committee and the Board requiring a response by the date specified in that communication.
- (b) Any summons issued by the Board in accordance with section 61 or section 62 of the Act must specify:
 - (i) the place of appearance, which must be within the Province of British Columbia;
 - (ii) the time of appearance, which must not be less than ten (10) days after delivery of the summons.
- (c) Any Member who, without reasonable excuse, fails to appear as directed in a summons, is guilty of unprofessional conduct. The burden of establishing "reasonable excuse" rests with the Member.

I, Charles H. N. Salmon, B.C.L.S., L.M. Secretary of the Association of British Columbia Land Surveyors, hereby certify that the foregoing is a consolidated set of bylaws, current to, and incorporating all amendments made to and including, March 4, 2016.

Deposited with the Minister of Forests, Lands and Natural Resource Operations on March 8, 2016, in accordance with section 5(5) of the Land Surveyors Act, R.S.B.C. 1996, c.248, as amended.

Charles H.N. Salmon, B.C.L.S., L.M.
Secretary