

# Complaints Process

## A Public Information Guide

The Saskatchewan Land Surveyors Association (the SLSA) is a professional body governed by provincial legislation, namely *The Land Surveyors and Professional Surveyors Act* (the Act). It is granted the authority, through this legislation, to regulate the profession and practice of land surveying and professional surveying in Saskatchewan, on behalf and in the interest of the general public. There are distinctions between land surveying and professional surveying, though this guide will typically refer to them collectively as land surveying.

The Association protects the public by setting high standards for academic qualifications, experience, continuing education, insurance and professional practice in the surveying profession. Only practicing land surveyors in good standing with the Association are permitted to practice land surveying (or legal surveys) in Saskatchewan.

Matters related to complaints towards land surveyors and professional surveyors are delegated by the Act to the SLSA's **Professional Conduct Committee** to investigate and report on the complaint. Another committee created under this Act, the **Discipline Committee**, is mandated to conduct a hearing and determine the outcome should a complaint be deemed sufficiently serious after investigation. These committees are required to investigate, report, conduct a hearing, and decide the outcome of a complaint related to a surveyor's professional competence and conduct. These separate bodies, one for investigation, one for a hearing, follow the standard legislative model for self-regulating professions in Saskatchewan.

### Reasons for Complaints

The Saskatchewan Land Surveyors Association requires that land surveyors must practice in accordance with various acts and regulations, must practice competently, and must follow their code of ethics. Land surveyors are required to adhere to:

- Requirements of general legislation and regulations made respecting the practice of land surveying
- *The Land Surveys Act and Regulations*
- Bylaws of the Association
- Generally accepted standards of the practice of land surveying

A breach of any of the above requirements may be a legitimate basis for a complaint.

The SLSA cannot help with all concerns and may be unable to:

- provide advice on specific surveying scenarios or the overall approvals process for surveys. A land surveyor should be engaged in advising on these matters.
- adjudicate boundary disputes through the complaints process. If you believe a land surveyor has made a mistake, an in-depth conversation with the surveyor is the first step in better understanding of the status. Seeking a second opinion may be the next option if the boundary is still in question.
- address monetary or contractual disputes. These are not within the mandate of the Association to resolve. A written estimate of costs and details on terms of the survey agreement (the contract) are highly recommended.

### The complaints process

1. A complaint is to be in writing for the Association to formally act on it. The written complaint would detail the nature of the matter, the surveyor involved, any third parties involved and key dates & location. The complaint would be directed to the Executive Director of the Association.
2. Upon receiving a written complaint, the matter is forwarded to the Professional Conduct Committee. This committee will make sure it has no conflicts of interest with either the surveyor or the complainant in assigning a panel to the particular investigation. While there may be only two or three members assigned to the panel, the entire committee will be involved with deciding the outcome.
3. The committee will deliver a copy of the complaint to the land surveyor about whom the complaint is made, though with personal contact information redacted.
4. The Professional Conduct Committee is tasked with conducting a rigorous inquiry of the complaint through interviews of each party, records of the project and possibly site visits.

5. Upon completion of the investigation, the Professional Conduct Committee compiles the facts of the inquiry in the form of a written report. Upon analysis of the facts, the report must either:
  - a. Refer the matter to the Discipline Committee should there be suitable evidence of incompetence or misconduct or;
  - b. Decide the complaint should be dismissed and does not warrant further action on the matter.
6. In the case a matter is dismissed, copies of the report will be distributed to the complainant, the member under investigation and the council of the Association.
7. In the case in which the matter is referred to the Discipline Committee, the report will set out a “formal complaint”. The Discipline Committee will “hear and determine” the formal complaint in a Discipline Hearing under rules detailed in the overriding legislation.
8. The investigation and the hearing part of the overall process are intentionally separate components. Different persons form each committee and with different mandates. Information gathered in the investigation is held in strict confidence and sharing information between these committees outside of the formal hearing is prohibited.

### Hearing process

A discipline hearing will be heard by the Discipline Committee and shall determine whether or not the member is guilty of professional misconduct or incompetence. The Discipline Committee acts similar to a judge and jury, with the investigative body (the Professional Conduct Committee) directing the prosecution of the formal complaint. Rules of evidence, cross-examination, witness testimony, etc. are all set out in the governing legislation - *The Land Surveyors and Professional Surveyors Act*. Each party to the complaint would be allowed legal representation. Typically a hearing would be open to the public.

### If discipline is required

If the Discipline Committee finds the land surveyor or professional surveyor to be guilty of professional incompetence or misconduct, it may issue an order restricting the members practice as the committee considers “just” for the circumstances. Options for discipline include suspension, reprimand, restrictions on the type of work, peer mentoring, education program, cautionary letter, etc. A fine and overall costs of the investigation and hearing may also be applied. A member found guilty may appeal the decision of the Discipline Committee to a Judge of the Court of Queen’s Bench.

### Questions or concerns

Before filing a complaint, discuss your concerns with the land surveyor involved. Misunderstandings can arise over a lack of communication and a resolution may occur through better communication. If you have a question about land surveying in general or are concerned with the manner in which a land surveyor offers services to the public, contact the Association for assistance.

### How to file a complaint

The complaint submission form can be obtained by contacting the Association office. The completed form and any supporting documents can be submitted by email or through regular post.

### What to expect

If you file a formal written complaint, you can expect:

- A confidential investigation to ensure the process is fair to you and to the land surveyor.
- Your matter will be treated seriously.
- Information you provide will be forwarded to the land surveyor for their consideration.
- Any third parties that may have relevant information may be interviewed in the investigation.
- The hearing, if there is one, will likely be open to the public.
- You will be kept informed of the decisions of the investigation and/or the hearing.

There are no set time constraints on investigating a matter or a discipline hearing. The Association is mindful of the stress and uncertainty encountered by each party in a prolonged process and will strive to expedite these matters. Most complaints will be resolved within one year.