

<b>Policy Type:</b>  Registration	<b>Effective Date:</b> March 29, 2023
<b>Policy Number and Name:</b>  3.1 Appeals - Articles	<b>Revision Date:</b>
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### ***Rationale***

Pursuant to Land Surveyors Regulations made under subsection 12(1) of the Land Surveyors Act S.N.S. 2010, c. 38 O.I.C. 2013-337 (September 10, 2013), N.S. Reg. 308/2013 as amended by O.I.C. 2014-58 (February 25, 2014), N.S. Reg. 32/2014), the Association must grant any applicant for registration the right to an appeal. (see *Procedures for Appeal to the ANSLs Registration Appeal Committee*) which is included as a separate document on the ansls.ca website.

### ***Definitions***

"Board" means the Board of Examiners of the Association appointed by the Council to carry out the registration functions as set out in this Act, the regulations, and the by-laws.

"Candidate" means a person who has met the criteria for entry in the candidate roster pursuant to the regulations and who has entered a period of articles with an active member as approved by the Board.

"Canadian Board of Examiners for Professional Surveyors (CBEPS)" means the third-party assessor designated by the Board of Examiners through the authority of the Council of the ANSLs.

"Certificate of Completion" means the certificate from CBEPS required of applicants to illustrate compliance with the academic requirements of the Nova Scotia Board of Examiners.

"Council" means the Council of the Association.

"Executive Director" means the Executive Director appointed by the Council who may be an employee, consultant, independent contractor, or agent appointed by Council.

"Member" means, unless the context otherwise requires, a person whose name is entered on the Register.

"Registration Appeal Committee" means the Registration Appeal Committee appointed by Council pursuant to the Regulations. The Committee is comprised of one public representative and two members of the Active membership register, none of whom were involved in the original decisions regarding articles, exams, or survey project.

"Registration examination" means such examination or examinations as may be approved from time to time by the Board as a prerequisite for qualification as a Nova Scotia Land Surveyor.

"Respondent" means the person who is the subject of a complaint or the subject of a registration appeal pursuant to the regulations.

"Parties" to an appeal before the Registration Appeal Committee are the Association and the appellant. (From the Regulations 21 (4))

## **Background**

The Board of Examiners must register and record the name of a person in the candidate roster who pays the applicable registration fee; successfully completes an approved education program; and enters an articling agreement. The Nova Scotia Board of Examiners has delegated to the Canadian Board of Examiners for Professional Surveyors (CBEPS) the assessment of candidates in respect to the academic requirements for a certificate of completion. The scheduling of examinations required by CBEPS normally takes place in March and October of each year. Details can be found on their website: [www.cbeps-cceag.ca](http://www.cbeps-cceag.ca). The CBEPS Appeals Process is included as "Canadian Board of Examiners of Professional Surveyors – Appeals Process" which is included as a separate document referenced on the ansls.ca website.

**It is important to note that an applicant for admission as an active member of the Association must complete all the requirements as set out below but in no particular order. Therefore, the appeals process allows for appeals on decisions regarding any of the requirements for registration and at various points of completion along the way.**

The routes open to those who wish to become Nova Scotia Land Surveyors are as follows:

- a. Obtain a university degree from an accredited university that would qualify for a "certificate of completion" from CBEPS; or,
- b. Graduation from a technology-level program in surveying (e.g., Geomatics Engineering Technology, NSCC Centre of Geographic Sciences, Annapolis Valley Campus, Lawrencetown, Annapolis County, NS) and completion of CBEPS examinations through home study; and
  - serve a stipulated period of articling time with a land surveyor practicing in Nova Scotia to the satisfaction of the Board; (section 41 (1 & 2) and Schedule "C" of the ANSLs bylaws;

- fulfill the jurisdictional examination requirements; and
- complete a “survey project” as assigned and approved by the Board.

c. Application for membership via the Canadian Free Trade Agreement and the Labour Mobility Agreement signed by the Canadian survey associations.

Currently, the most common route to become a licensed Nova Scotia Land Surveyor is as follows:

Obtain a bachelor's degree in survey engineering or in survey science from a Canadian university that qualifies for a “certificate of completion” from the Canadian Board of Examiners for Professional Surveyors (CBEPS); and

- serve a stipulated period of articling time with a land surveyor practicing in Nova Scotia to the satisfaction of the Board; (section 41 (1 & 2) and Schedule “C” of the ANSLS bylaws;
- fulfill the jurisdictional examination requirements; and
- complete a “survey project” as assigned and approved by the Board.

## **Articles**

### ***Purpose***

The objective of this work experience is to ensure that all candidates gain acceptable experience that is practical and varied, and to allow them to progress to the level of maturity required to make reliable professional judgments.

### ***Guidelines***

1. Application of Theory: The skillful application of theory is an important component of professional land surveying. Experience must include active participation in and supervision of: (a) project research and analysis, including scope and operating conditions, safety and environmental issues, economic feasibility, technical merit; (b) collection and assessment of field evidence; (c) applying technical and legal solutions; (d) making final project decisions in a practical and timely manner; (e) delivering final product and managing finances/budget.
2. Practical Experience: The Candidate must gain experience by: (i) Attending work sites, locating and assessing evidence, taking measurements, setting out positions, dealing with clients, regulatory authorities and the public; (ii) Conducting research at relevant locations, and applying statutes and regulations

to projects; (iii) Observing and participating in all record keeping requirements and practices including field notes and project files; (iv) Reading and understanding the legal aspects of relevant contracts and ensuring the terms are followed; (v) Achieving an understanding of professional and business ethics and applying this understanding in his/her business practices; (vi) Gaining an insight into the importance of being part of a team.

The period of articles shall include 24 months of acceptable professional land surveying work experience based on the above Guidelines and the Elements stated below. The 24 months of experience assumes a minimum of 3300 hours that must be totaled and signed off by the Nova Scotia Land Surveyor and submitted to the Board. The Nova Scotia Land Surveyor only signs off on the articles when they feel that the candidate has acquired the appropriate level of experience to obtain active membership. For a minimum of 50% of the 24 months a Candidate shall be in a supervisory position or role.

### ***Elements of Experience***

The Candidate must gain experience in the following elements of professional land surveying using the associated minimum time (percentage) criteria.

The Guidelines should be applied to these elements as applicable. The Element and Minimum Time Percentages totaling 100 are as follows:

Boundary Retracement, 20;

Boundary Establishment, 10;

Technical Surveys, 10 (e.g., Site, control, location certificates, etc.);

Research and Analysis of Evidence, 5;

Preparation of Description of reports, 5;

Professional Development, 5 (e.g., Client interaction, estimates, business management, etc.); Discretionary Practice, 45 (determined by the candidate and the member).

### ***Approval Process***

- The Board must approve the articling agreement of a person seeking membership as a candidate before the period of articles begins.
- The Board must approve the name of the active member entering into an articling agreement with a candidate.
- With the approval of the Board, a candidate may transfer the responsibility of articles to another active member by signing a new articling agreement.

- A candidate must complete the period of articles in the manner and in accordance with the timelines in the articling agreement.
- Upon completion of the articling period, an active member to whom a candidate is articulated must sign a form approved by the Board confirming that all the requirements of the articling agreement have been met.

An initial interview with the candidate, the principal, and a minimum of three members of the Board of Examiners will be scheduled by the ANSLs within 60 days of receiving the articling paperwork and fees. Candidates may receive credit for any field time, office time and examinations written prior to approval of articles. During the interview, the action plan to complete articles submitted by the candidate and principal will be reviewed by the Board to ensure that it is realistic. This interview is required prior to the Board approving articles. The interviews are generally held in person but have been done online due to location. There are three possible outcomes to this interview:

- The Board approves articles.
  - o The ANSLs Administration notifies the candidate and principal in writing within two weeks of the interview regarding approval of articles.
- The Board defers approval of articles until additional information is received.
  - o ANSLs Administration sends a letter to the candidate and principal regarding deferral of articles within two weeks of the interview.
- The Board refuses articles. The Board will not approve articles if:
  - o the principal is unable to provide the candidate with sufficient training and experience.
  - o the principal accepts more than one candidate under articles per calendar year. (The principal may accept two candidates per calendar year if one of the candidates is transferring articles or any other extenuating circumstance.)
  - o ANSLs Administration will send the written decision with reason(s) to the candidate and principal within three weeks of the interview.

### ***Appeals Process***

An individual whose articles are refused by the Board may, within 30 days of receiving a written notice of refusal and the reasons for it, send a written request for an appeal to the Executive Director. The request should set out the reasons why, in the individual's opinion, the articles should be approved. The Council must, within 30 days after receipt of a request, forward the matter to the Registration Appeals Committee for a review of the articles. An individual who requests a review must be notified in writing by the Association of the date, place, and time that the Registration Appeals Committee will review the articles and is entitled to appear and make representations to the Council when it reviews the articles. The date for the review will be no later than 60 days after the date upon which the Committee received the request from Council.

### ***Disposition by Registration Appeal Committee***

The Registration Appeal Committee must do 1 of the following upon completion of the registration appeal process:

- 1)
  - (a) confirm the original decision of the Board;
  - (b) vary the original decision of the Board;
  - (c) dismiss the original decision of the Board.
- 2) The Registration Appeal Committee must give its decision, with reasons, in writing within 30 days.
- 3) A decision of the Registration Appeal Committee is final.
- 4) The Registration Appeal Committee must send a copy of its written decision to all of the following parties:
  - (a) the appellant, by registered mail or personal service;
  - (b) the Association, by regular mail or personal service.

### ***Supports in place for the Candidate***

Additional information on the initial interview is in the Candidate Handbook that is posted on the ANSLS website. The principal is the primary support for the candidate throughout the articling process. The initial interview is designed to ensure that the principal is going to provide the support required to the pupil. It also gives the candidate an opportunity to raise concerns or make requests for accommodations.

### ***Objectivity***

The Board of Examiners members and Registration Appeals Committee members receive training on initial interviews and uses a questionnaire when conducting the interviews to create consistency.