

(no amdt)

**ALBERTA REGULATION 325/82  
Land Surveyors Act  
DISCIPLINE REGULATION**

**PART 1  
General**

**1(1)** In this Regulation

- (a) “Act” means the *Land Surveyors Act*;
- (b) “chairman” or “vice-chairman” mean respectively the chairman or a vice-chairman of the Discipline Committee.

**(2)** Unless the context otherwise requires, the *Interpretation Act* applies to this regulation.

AR 325/82 s1

**Discipline Committee**

**2(1)** The Discipline Committee shall be composed of at least 5 Alberta land surveyors appointed by the Council.

**(2)** The chairman of the Discipline Committee shall be a member of the Council.

**(3)** A quorum of the Discipline Committee is 3 of its members, one of whom shall be the chairman or a vice-chairman.

AR 325/82 s2

**Complaints and Notification**

**3** If a complaint is made to the Registrar about a practitioner, the Registrar shall, if necessary, request that the complaint be made in writing.

AR 325/82 s3

**4(1)** On receipt of a written complaint the Registrar shall determine whether the complaint can properly be the subject of mediation and if so whether both parties agree to mediation.

**(2)** If the Registrar determines that the complaint is not capable of being the subject of mediation, or if one or both parties do not agree to mediation, the Registrar shall

- (a) refer the complaint to the chairman or a vice-chairman for investigation,
- (b) notify the complainant in writing that the complaint has been referred to the chairman or a vice-chairman for investigation and send him a copy of the relevant sections of the Act that pertain to complaints and disciplinary proceedings, and this regulation, and
- (c) notify the practitioner concerned that the complaint has been referred to the chairman or a vice-chairman for investigation.

**(3)** If a complainant and the practitioner concerned both agree to mediation, the Registrar shall notify both of them and the mediator concerned of their desire for mediation under section 36 of the Act.

### Service of Notices

**5(1)** When a notice is permitted or required to be served under the Act or this regulation, it shall be served

- (a) by personal service, or
- (b) if, in the opinion of the chairman, personal service is not possible or practical, the notice may be served by pre-paid double registered mail or certified mail addressed to the person at his last known business address as recorded in the records or register of the Association, and the notice shall be deemed to have been served on the 5th day after it is mailed.

**(2)** If notice must be served on the Registrar, the Discipline Committee or any member of it or the Council, it may be served on him or it at the head office of the Association.

AR 325/82 s5

### Costs

**6** If the Discipline Committee or the Council makes an order as to the payment of costs those costs may include all or any of the following costs:

- (a) any transportation, accommodation and living expenses paid to a person conducting a preliminary investigation or a member of the Discipline Committee or the Council involved in investigating and hearing the matter;
- (b) the fees of an Alberta land surveyor making a survey for the purpose of the proceedings;
- (c) an honorarium or payment made to a person referred to in clause (a) for participating in the manner;
- (d) cost of hiring a reporter to take a transcript of the proceeding and the transcript of proceedings;
- (e) witness fees;
- (f) cost of renting rooms or renting recording equipment;
- (g) fees payable to the solicitor acting on behalf of the Association;
- (h) any other costs incurred by or on behalf of the Association that are attributable to the review, investigation, hearing or an appeal resulting from it.

AR 325/82 s6

## PART 2 Re-Instatements

### Application for Reinstatement

**7(1)** A practitioner whose registration is cancelled as a result of disciplinary proceedings may apply to the Council to be reinstated.

**(2)** The Council may establish a committee of inquiry to consider the application for reinstatement and make recommendations to Council.

**(3)** The registration of the former practitioner shall not be reinstated in the register except by order of the Council or a Court of competent jurisdiction.

AR 325/82 s7

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**Re-examination**

**8** If a practitioner is suspended or his registration is cancelled for 1 year or more he may be required by the Council to take examinations prescribed by the Practice Review Board or the Council before his reinstatement becomes effective.

AR 325/82 s8

**Fees**

**9** Subject to section 8, a practitioner whose registration is cancelled as a result of non-payment of fees, dues or levies shall be reinstated on application to the Council together with payment of arrears and on payment of any fees, dues or levies that are payable under the General By-laws.

AR 325/82 s9

**PART 3  
Amendments**

**10** This Regulation may be re-enacted, amended or repealed in the same way that the General By-laws of the Association may be enacted, amended or repealed but, in accordance with the Act, a re-enactment, amendment or repeal of this regulation does not come into force unless it is approved by the Lieutenant Governor in Council.

AR 325/82 s10