

**ALBERTA REGULATION 327/82
Land Surveyors Act
PROFESSIONAL PRACTICE REGULATION**

1 In this regulation,

- (a) “Act” means the Land Surveyors Act.
- (b) “branch office” means a full time office, located at a different location than the primary office, established to provide surveying or land surveying services;
- (c) “designated resident Alberta land surveyor” means an Alberta land surveyor who is designated to the Council as maintaining a specific business office as his normal day to day place of practice;
- (d) “primary office” means an office established by a practitioner to provide surveying or land surveying services;
- (e) “project office” means a temporary office established only to provide a convenient work environment for a specific project.

AR 327/82 s1;62/84;329/85

**PART 1
Professional Practice**

Reply to Communications

2 If the Registrar sends a communication requiring a reply to a practitioner by registered mail or certified mail the practitioner shall reply to the communication within 30 days of receiving it.

AR 327/82 s2

3 Every practitioner shall respond to correspondence requiring a reply within a reasonable time of receiving it.

AR 327/82 s3

Branch Offices

4(1) A practitioner may establish and maintain only 1 primary office for the practice of surveying or land surveying.

(2) Notwithstanding subsection (1), if a practitioner wishes to establish any additional offices, he shall obtain the prior approval of the Council in accordance with subsection (3).

(3) A practitioner may establish and maintain a branch office if

- (a) the Council is satisfied that the office shall be under the direct personal supervision, direction and control of a designated resident Alberta land surveyor who
 - (i) shall be present at the office at all material times,

and

(ii) shall ensure that all surveying or land surveying advice and all services shall be provided by or under the personal supervision, direction and control of the designated resident Alberta land surveyor, and

(b) before opening the branch office he has received prior approval by the Council and, in the case of a corporation or a partnership, it has obtained a permit stamp and certificate for the branch office.

(4) No practitioner shall operate a branch office so that a member of the public may consider that he is dealing with an Alberta land surveyor when that is not the case.

AR 327/82 s4:329/85

4.1(1) An Alberta land surveyor may act as a designated resident Alberta land surveyor for only 1 business office, whether a primary office or a branch office, at any given time.

(2) An Alberta land surveyor may act as the designated resident Alberta land surveyor for only one practitioner at any given time.

AR 329/85 s3

4.2 A surveyor's corporation or partnership may receive only one permit stamp and certificate for each approved branch office.

AR 329/85 s3

4.3 Notwithstanding section 4, the prior approval of the Council is not required for the establishment of a project office.

AR 329/85 s3

Surveyor's Corporations

5(1) A corporation that has, as its object or as one of its objects, the practice of surveying, is eligible to become registered as a surveyor's corporation if it satisfies the Council that:

- (a) its corporate name or the name under which the corporation proposes to engage in the practice of surveying, or both, is appropriate,
- (b) the ownership of the majority of its voting shares is vested in one or more Alberta land surveyors, or in a corporation or corporations the majority of whose voting shares are vested in one or more Alberta land surveyors,
- (c) a majority of its directors are Alberta land surveyors, unless there are only 2 directors in which case one of them shall be an Alberta land surveyor, and
- (d) it has one or more full time permanent employees who are Alberta land surveyors and who:
 - (i) are qualified by training and experience in the fields of surveying in which the corporation intends to engage or offer to engage, and
 - (ii) will assume personal supervision, direction and control of the practice of surveying in which the corporation engages.

(2) A corporation that has as its object or as one of its objects the practice of surveying, and the practice of engineering as defined in the *Engineering, Geological and Geophysical Professions Act*, is eligible to become registered as a surveyor's corporation if it satisfies the Council that:

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- (a) its corporate name or the name under which the corporation proposes to engage in the practice of surveying and the practice of engineering is appropriate,
 - (b) the ownership of the majority of its voting shares is vested in one or more Alberta land surveyors and one or more professional engineers, or in a corporation or corporations the majority of whose voting shares are vested in one or more Alberta land surveyors or one or more professional engineers, and the voting shares are distributed to the Alberta land surveyors, or their corporations, and the professional engineers, or their corporations, on a basis which will bear a reasonable relationship to the distribution of the practice of the corporation as between the practice of engineering and any surveying that is under the control of a land surveyor, but
 - (i) Alberta land surveyors or their corporations shall hold at least 10% of the voting shares and professional engineers or their corporations shall hold at least a further 10% of the voting shares of the corporation, and
 - (ii) if the Council is not satisfied as to the distribution of the voting shares between the Alberta land surveyors or their corporations and the professional engineers or their corporations it shall refer the matter to a committee composed of Alberta land surveyors and professional engineers for a decision by that committee,
 - (c) a majority of the directors of the corporation are Alberta land surveyors and professional engineers,
 - (d) it holds a valid permit from the Association of Professional Engineers, Geologists and Geophysicists of Alberta to engage in the practice of engineering, and
 - (e) it has one or more full time permanent employees who are Alberta land surveyors and who:
 - (i) are qualified by training and experience in the fields of land surveying in which the corporation intends to engage or offer to engage, and
 - (ii) will assume personal supervision, direction and control of the practice of land surveying in which the corporation engages.
- (3)** Notwithstanding subsection (2), a corporation which was actually engaged in the practice of land surveying and the practice of engineering as of June 2, 1981 and which submits an application for registration as a surveyor's corporation within one year of the date this regulation comes into force shall be registered as a surveyor's corporation if it satisfies the Council that:
- (a) a majority of its voting shares are vested in one or more Alberta land surveyors or in a corporation or corporations, the majority of whose voting shares are vested in one or more Alberta land surveyors, or in one or more professional engineers or a corporation or corporations the majority of whose voting shares are vested in one or more professional engineers, or both;
 - (b) a majority of its voting shares will be continued to be owned and controlled by one or more Alberta land surveyors or by a corporation or corporations, the majority of whose voting shares are controlled by one or more Alberta land surveyors, or one or more professional engineers or by a corporation or corporations, the majority of whose voting shares are controlled by one or more professional engineers, or both;
 - (c) it will continue to have, as one of its objects the practice of land surveying;
 - (d) it has one or more full time permanent employees who are Alberta land surveyors and who:
 - (i) are qualified by training and experience in the fields of land surveying in which the corporation intends to engage or offer to engage, and

- (ii) will assume personal supervision, direction and control of the practice of land surveying in which the corporation engages.

AR 327/82 s5;62/84

Surveyor's Partnerships

6 If

- (a) an Alberta land surveyor or surveyor's corporation or both, and
- (b) one or more persons who are not Alberta land surveyors or surveyor's corporations

wish to enter into partnership as a surveyor's partnership for the purpose of engaging in the practice of surveying, the Alberta land surveyor or surveyor's corporation shall apply to the Council for registration of the partnership as a surveyor's partnership.

AR 327/82 s6

7 An application for registration as a surveyor's partnership may be granted by Council if it is satisfied that:

- (a) the partnership name or the name under which the partnership proposes to engage in the practice of surveying, or both is appropriate,
 - (b) the partnership has at least one full time partner who is an Alberta land surveyor or surveyor's corporation or a corporation or corporations the majority of whose voting shares are vested in one or more Alberta land surveyors,
 - (c) the partnership has an individual who is an Alberta land surveyor and is a partner or full time employee who
 - (i) is qualified by training and experience in the fields of surveying in which the partnership intends to engage or offer to engage, and
 - (ii) will assume personal supervision, direction and control of the practice of surveying in which the partnership engages,
- and
- (d) a controlling interest of the partnership is vested in one or more Alberta land surveyors or surveyor's corporations or in a corporation or corporations, the majority of whose voting shares are owned by one or more Alberta land surveyors.

AR 327/82 s7;62/84

Names under which a Practitioner may engage in the Practice of Surveying

8 A practitioner may only engage in the practice of surveying

- (a) in the case of an individual, in his own name,
- (b) in the case of a surveyor's corporation, in its corporate name or in a name approved by the Council,
- (c) in the case of a surveyor's partnership, in its partnership name or in a name approved by the Council, or
- (d) where the permit is issued in the name of a corporation that is itself a subsidiary of one or more parent corporations, in its corporate name if the words "subsidiary of (the name of the parent)" are included in any reference to its corporate name.

9(1) The Council shall not approve

- (a) the name of a corporation or partnership that is applying for a permit to practice as a surveyor's corporation or surveyor's partnership under section 5 or 7, or
- (b) a name other than a corporate or a partnership name in which the corporation or partnership wishes to practice,

if the Council considers the name self laudatory or misleading to the public.

(2) The Council may only approve a name that it considers to be appropriate and that maintains the dignity of the profession.

AR 327/82 s9

10(1) If the Council determines that the name of an applicant for a permit or other approval of a name is not or may not be appropriate under which to conduct the practice of surveying the Council shall give the applicant an opportunity to be heard before Council.

(2) After hearing the applicant, the Council shall approve or refuse to approve the name.

AR 327/82 s10

Responsibility

11(1) A surveyor's corporation and surveyor's partnership shall keep the Registrar advised of the names of the one or more Alberta land surveyors who are full time permanent employees of the corporation or a partner in the partnership, who are supervising the practice of the corporation or partnership and who are assuming professional responsibility for it.

(2) The Alberta land surveyor taking professional responsibility for the practice of a surveyor's corporation or surveyor's partnership shall, on relinquishing that responsibility, forthwith notify the Registrar in writing.

AR 327/82 s11

PART 2 General

Quorums

12 The quorum for a meeting of the Council is 6 members of Council.

AR 327/82 s12

13 The quorum for a meeting of the Practice Review Board is 3 members of the Board.

AR 327/82 s13

Registration Committee

14(1) The Registration Committee shall be composed of at least 4 persons appointed by the Council.

(2) The quorum for a meeting of the Registration Committee is 3 members of the Committee.

AR 327/82 s14

Amendments

15 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, an enactment, amendment or repeal does not come into force unless it is approved by the Lieutenant Governor in Council.

AR 327/82 s15

Repeal

16 *The By-laws of the Alberta Land Surveyors' Association (Alta. Reg. 91/66) under the Land Surveyors Act being chapter L-4 of the Revised Statutes of Alberta 1980 are repealed.*

AR 327/82 s16