

Lecture 2, Jan 16, 2026

Finding Applicable Law

- Municipalities derive their power from the province (e.g. Municipal Act in Ontario)
- In Ontario municipalities can have many names (e.g. city, town, township, village, region, district, county, etc.)
 - *Lower tier* municipalities are often small and are only responsible for a small and local subset of services, with the others handled by upper tier municipalities
 - *Upper tier* municipalities are regional governments that provide broader services (e.g. land-use planning, water and sewage, solid waste, etc)
 - Counties are upper tier municipalities that exist in Southern Ontario
 - Districts are bigger than counties, often in Northern Ontario (e.g. manages roads)
 - Some municipalities (e.g. Toronto) are single-tier
- Conservation authorities are local public sector organizations established by the province (e.g. for a specific river or area)
- A single project often involves many different tiers of government regulations, e.g. a dredging project might involve the local conservation authority, the upper tier and lower tier municipality
- Guidelines are codes and best practices set by industry or administrative bodies, which are not legally binding, but must be recognized and understood when working on a project
 - However, failure to adhere to standards can result in lawsuits for negligence or worse; adherence can be used as legal defense arguments to excuse the maker from negligence
 - Can be issued by governments, professional associations, etc.
- Standards are set out by organizations to ensure consistency and compatibility between products
 - Can come from many sources, e.g. international standards (e.g. ISO, IEEE), national, provincial

Association of Professional Engineers of Ontario

- The Association of Professional Engineers of Ontario (PEO) is the professional administrative body governing engineers in Ontario
 - Other provinces have different governing bodies, and each one manages its own membership
 - PEO is responsible for membership registration, professional obligations, enforcement, education, etc; in general its goal is to ensure engineers practice at their highest level of standards
 - The “right to title” is the protection of the title used by engineers and other professionals
 - The “scope of practice” is the protection that no one other than a registered engineer can practice in the area
 - PEO has powers to discipline any members, operating with a discipline committee similar to a tribunal system
 - * “Discipline” is the process of charging a member for incompetence or breach of duty, while “enforcement” is the process of charging a non-member for violating the right to title or scope of practice
- As a professional administrative body the PEO has powers to create regulations, e.g. regarding licensing requirements, code of ethics, definition of professional misconduct, etc
 - The Code of Ethics is broad and includes more than just adherence to standards (e.g. known issues must be addressed)
 - Breaches of Code of Ethics may result in both civil and legal prosecution (e.g. fraud, negligence)
 - * Civil courts will use the Code as a basis for what an engineer should do
 - *Negligence* is the failure of the engineer’s duty to act fairly and impartially, and with absolute integrity to all parties
 - * Engineers have a duty to act according to the Code, even if compromises are requested by the client
- Engineers have certain duties:
 - Act as faithful agents
 - * Opinions must be presented impartially
 - Conduct themselves with courtesy

- Present fairly the consequences if professional judgement is disregarded
 - * Clients can choose to ignore this but the consequences must be communicated
 - Ensure awareness of all environmental and societal consequences of a project
- The Professional Engineers Act sets the Code of Ethics
- Bulletins are more lightweight than guidelines and services to provide best practices to the engineer; guidelines carry more weight
 - Guidelines or bulletins are best practices but are not always obligatory since each situation is unique
 - * However, deviations from guidelines should be justified and the reason documented
 - Standards must be followed or the engineer risks disciplinary action
 - PEO establishes performance standards and sets out practice bulletins