

successful consultation wondered about the factors that lead to success, we should continue to ask this question of ourselves and our Institute. We should involve ourselves in the discussion, participate in CPL, be familiar with our Code of Practice, attend our annual conference and keep in touch with the university programs from which many of us graduated. Through these actions you can help shape the appropriate role for OPPI in this and other areas in the years ahead.

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# Serving the Public Interest

Marilyn Radman

**F**ifteen years ago this December, the planning profession took a major step forward with the passing of the *OPPI Act*. This step was hailed by planners across Ontario as government recognition of planning as a profession and that those who practice planning as professionals possess certain skills, experience and knowledge. We should celebrate this anniversary by reflecting on the significance of this step and the advances in our profession since that time; and most importantly to recognize that once again, it is time for our profession to consider taking another large step forward by investigating

the feasibility of regulating the planning profession through provincial legislation.

At this point, some readers may be wondering why we need new provincial legislation, since the *OPPI Act* is already established. The powers of the *OPPI Act* are extremely limited. They grant full and retired OPPI members the right to use the designation Registered Professional Planner (RPP and RPP Ret.) and specify that only those that have fulfilled the academic, experience, and examination requirements prescribed by OPPI's by-laws may do so. However, the *OPPI Act* applies only to OPPI members. It does not establish regulations for the planning profession as a whole, nor does it stop non-members from calling themselves professional planners.

The Act distinguishes planners from other professions—in a negative sense. Engineers, lawyers, foresters and accountants, among others, have legislation that regulates their profession and sets standards and controls. Without belonging to their college you can not call yourself an engineer, lawyer, forester, etc. Standards are set for these professions and the public knows that when they hire a professional engineer, that the engineer meets those standards. Sadly, the same can not be said about all professional planners.

It is suspected that this is the reason that planners have been "caught" by the requirements of the *Access to Justice Act*, and why OPPI members specifically (not professional planners) have been given an exemption—albeit temporary—from having to obtain a paralegal licence. Clearly we are not quite there yet as a profession.

We need to ask ourselves how the public interest is being served, and what it will mean to our profession if we are successful in securing a Public Act regulating all professional planners practicing in this province. This investigation must also consider what should be in this legislation and what other legislation, such as the *Planning Act*, should be amended to reflect the new legislation.

OPPI Council created a working group to investigate the feasibility of provincial legislation. With the help of a government relations firm, the working group has begun to answer these questions and others. The timing of this



Marilyn Radman

## The following members have resigned or been removed from the roster

The following Full Members resigned in good standing from OPPI for the 2009 membership year:

Peter C. Boyer  
Helen Bulat  
Brian Carney  
P. Craig Emick  
Arndt W. Guenther  
K. Wendy Johncox  
Donna F. Lue  
James R. McKenzie  
Len R. Miller  
Nancy L. Morand  
Ronald R. Nault  
Allan P. Rezoski

The following Full Members have been removed from the roster for non-payment of membership fees for 2009:

Rima Ammouri  
Robert Blazeovski

James M. Collishaw  
Larry D. Cotton  
Heather L. Hood  
J. David Hulchanski  
Tamara J. Kerbel  
Caroline Kirkpatrick  
Francois Loiselle  
Judith I. McKenzie  
Mark E. Thompson  
Peter J.T. White

The By-laws of OPPI requires that this notice be published in the Ontario Planning Journal. The notice is accurate at the time of going to press.

For questions regarding membership, please contact  
Christina Edwards, Membership Coordinator, at:  
416-483-1873 Ext. 222,  
1-800-668-1448 Ext. 222 or at  
membership@ontarioplanners.on.ca



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# Are You Wearing Two Hats?

By the Professional Development and Practices Committee

**D**o you belong to more than one professional organization? Are you also a landscape architect, school trustee, engineer, lawyer, board member or member of a Committee of Adjustment? This "dual membership" can give rise to conflicting obligations between professional organizations or associations arising from their differing Codes of Conduct or Practice. You need to consider the following information.

Several years ago, OPPI's Professional Practice and Development Committee began developing Standards of Practice. The purpose of these Standards is to further educate, advise and give direction to our members by expanding on how we should carry out our practice. To date, four Standards of Practice have been approved by Council.

The Discipline Committee has recently realized that Professional Planners may not fully understand how our Code of Practice applies when a member holds standing in two or more organizations. There may be instances where codes of practice differ or conflict. As a result, modifications to the Standards of Practice for Independent Professional Judgement, Disclosure and the Public Interest, and Conflicts of Interest have been prepared and approved by Council. These modifications act as an advisory for the member to consider the planner's responsibility and to resolve conflicts by maintaining compliance with the OPPI code.

The direction for OPPI members of these modifications is to remind the professional planner of his or her obligation to provide excellence in service and observe the primacy of the public interest. As such, an OPPI member is required to observe OPPI's Code of Conduct. When acting in the capacity of a professional planner, an OPPI member is obliged to respect the standards of both

organizations. In the event of a conflict, the professional planner is to meet or exceed the requirements of the OPPI Code.

A planner holding membership in the Institute is subject to complaint and discipline proceedings under the OPPI Professional Code of Practice. To protect the member's interests, he or she must meet or exceed that standard whether or not membership in another organization establishes a different standard.

For example, the OPPI Professional Code of Practice, Section 2.3 states that a planner must "not perform work outside of his/her professional competence." The same planner may be a member of the Professional Engineers of Ontario or other organization with a code of conduct, such as an education, committee of adjustment or hospital board. If any of those organizations establish a standard of educational experience, such as a certificate, in a subject area of practice, the professional planner must consider his or her ability to offer advice or provide services in relation to that subject matter in issue. Requirement of a formal certificate of competency by one

organization does not preclude the planner from acting in his or her professional capacity in respect of that subject matter in the absence of a certificate, unless the work is outside the realm of the members' sphere of the professional competence. The advisory reminds members, in performing functions as a professional planner, to meet or exceed the standard defined by the Institute in the individual's own training and with respect to peer performance levels.

Professional planners are being alerted to the responsibility and accountability they accept in holding membership in organizations with accountable standards. For the professional planner, while another organization may hold a standard higher or lower than that expected by the Institute, the revisions to the Standards of Practice require the planner to meet or exceed the professional Code of Practice of the Institute.

A conflict can occur only where the adherence to one standard negates that of another. The modifications clarify that the Institute's standards apply when a professional planner is engaged in planning matters. The Standards of Practice give further direction as to how to mitigate real and apparent conflicts should they occur. The revised Standards of Practice can be found on the OPPI website.

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## Response to Letter to the Editor from Vladimir Matus

**I**wish to respond to the matter raised by Vladimir Matus regarding the renewal of OPPI/CIP membership for Retired Members. As I have attempted to clarify on several occasions in the past via e-newsletter, the Journal and private correspondence with numerous members, the process for the renewal of membership status by Retired Members resulted from complaints from members of the Institute regarding individuals who had applied for, and been granted, Retired Member status who were actively engaged in the practice of planning.

Our first approach was to speak to the individuals involved personally to request that they take the appropriate steps to resolve the matter. However, as the number of complaints increased, all members applying for the renewal of their Retired and Non-Practicing status were asked to certify by signature that they were not engaged in planning practice. The OPPI By-law is quite clear. Membership in any corporate class must be renewed on an annual basis. It is not automatic.

I appreciate the concerns raised by Mr. Matus and I understand the sense of inconvenience that many feel has resulted from this approach. Please accept that if this was an isolated matter the Institute would have responded by an entirely different means. Our preference certainly would have been to not have to deal with the issue at all.

Ronald M. Keeble, MCIP RPP  
Registrar, OPPI

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### Serving (cont. from page 16)

work is good as OPPI is also participating in a Canada-wide re-examination of what it means to be a planner. Also, the province's interest in planning policy is high at the moment.

A feasibility report on this initiative is scheduled to be tabled at OPPI Council by the spring of 2010.

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