



Atlantic Planners Institute Institut des Urbanistes de l'Atlantique

LICENSED PROFESSIONAL PLANNERS ASSOCIATION OF NOVA SCOTIA BY-LAW

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LICENSED PROFESSIONAL PLANNERS ASSOCIATION OF NOVA SCOTIA BY-LAW

(Ratified by the Membership on April 14 26, 2007 and approved by API Council on May 28, 2007)

By-laws relating generally to the conduct of the affairs of the Licensed Professional Planners Association of Nova Scotia and subject to and not inconsistent with Professional Planners Act.

1.0 NAME

1.1 The Licensed Professional Planners Association of Nova Scotia

2.0 PURPOSE

2.1 To represent Licensed Professional Planners in Nova Scotia.

3.0 OBJECTIVES

- 3.1 regulate the practice of professional planning by its members in accordance with the Professional Planners Act, its by-laws, the standards of practice adopted by the Association and a code of ethics approved by the Association;
- 3.2 further the recognition of the planning profession in the Province;
- 3.3 promote the value, use and methods of planning;
- 3.4 improve the quality of the environment in the Province and in communities within the Province by the application of the principles of planning;
- 3.5 encourage participation and co-operation among those persons, associations and groups concerned with improving the quality of the environment in the Province and in communities within the Province;
- 3.6 stimulate the generation, development, dissemination and discussion of ideas on planning; and
- 3.7 protect the interests of the public by establishing, maintaining and enforcing standards of professional practice and ethics among members of the Association.

4.0 DEFINITIONS AND INTERPRETATIONS

"Act" means the Professional Planners Act;

"A.G.M." means Annual General Meeting;

"A.P.I." means the Atlantic Planners Institute;

"Applicant" means a person who applies for a licence to be a Licensed Professional Planner;

"Association" means the Licensed Professional Planners Association of Nova Scotia;

"Board" means the Board of Directors;

"Candidate Member" means any person who resides in Nova Scotia, is a member of the Canadian Institute of Planners and does not hold a Corporate Membership as "Member" with the Canadian Institute of Planners;

"Charter Licensed Member" means a person who is a member of CIP when this by-law comes into effect;

"C.I.P." means the Canadian Institute of Planners;

"Director" means a member of the Board;

"Discipline Committee" means the Discipline Committee of the Association;

"Former Association" means the Nova Scotia Association of Professional Planners;

"Licence" means a Professional Planners Licence;

"Licensed Member" means any person given a licence by the Association (conditional or otherwise) as a *Licensed Professional Planner (LPP)* who resides in Nova Scotia and who holds a Corporate Membership as "Member" with the Canadian Institute of Planners;

"Licensed professional planner" or "LPP" means a person who holds a licence to carry on the practice of professional planning;

"LPPANS" means the Licensed Professional Planners Association of Nova Scotia;

"Nominations Committee" means the Nominations Committee of the Association;

"NSAPP" means the Nova Scotia Association of Professional Planners;

"Officer" means a Member who has been appointed by the Board to a Committee and includes the Registrar;

"Planning" means planning as defined in the Act;

"Practice of Professional Planning" means the practice of professional planning as defined in the Act;

"Practice Committee" means the Practice Committee of the Association;

"Principles of Planning" means the principles of planning as defined in the Act;

"Register" means the Membership Register of Professional Planners;

"Registrar" means the Registrar of Professional Planners;

The singular includes the plural, and vice versa;

The feminine, masculine, and neuter genders are interchangeable;

All terms defined in the Corporations Act have the same meaning in the by-laws and resolutions of the Association;

All marginal headings and sector headings shall exist for ease of reference only, and shall not be construed as having any other purpose or meaning; and

Generally accepted parliamentary procedure shall be used at all general membership meetings, Board meetings and committee meetings. The most current edition of Robert's Rules of Order shall be the model for conduct, and the reference, on questions of order.

5.0 MEMBERSHIP

5.1 Classes of Membership

5.1.1 The classes of membership are as follows:

- a) "Candidate Member"; and
- b) "Licensed Member".

5.2 Membership Titles

5.2.1 The only title recognized by the Association is "Licensed Professional Planner" and its shortened version "LPP".

5.2.2 Only Licensed Members may use the title referred to in 5.2.1.

5.2.3 The Association recognizes the presence of a wide array of specialist skills within the practice of planning. In responding to any application for membership or licence the applicant may or may not choose to indicate their special "Field of Interest".

5.2.4 "Fields of Interest" may include but are not limited to:

Comprehensive physical planning;
Administration for planning and development;
Transportation planning;
Community facilities planning;
Research methodology and theory;
Economic planning;
Social planning;
Planning Law;
Programming and budgeting;
Urban design;
Resources and regional development;
Environmental planning;
Recreation and open space planning; and
Strategic Planning.

5.2.5 The Applicant may indicate a Field of Interest not included in the above list.

5.2.6 The Field of Interest may be specified on the license and may limit the scope of work allowed under the license as determined by the Board.

5.3 Admission to Membership - Existing Membership

- 5.3.1 Upon adoption of this By-law every “Member” of the Canadian Institute of Planners resident in Nova Scotia and in good standing at the time of adoption of this By-law shall become a “Charter Licensed Member” and their seal and license certificate shall reflect this status.
- 5.3.2 Upon adoption of this By-law every person who is a member of the Canadian Institute of Planners as a Provisional Member or Student Member, and resides in Nova Scotia shall become a Candidate Member of the Association.

5.4 Admission to Membership - New Membership

- 5.4.1 The Board may admit a person to be a Licensed Member who is a resident of the Province of Nova Scotia and has met the requirements for becoming a “Member” of the Canadian Institute of Planners.
- 5.4.2 The Board may admit a person to be a Licensed Member who is a “Member” of the Canadian Institute of Planners, in good standing, who has moved to Nova Scotia from elsewhere or who currently works in the Province of Nova Scotia or wishes to work in the Province of Nova Scotia.
- 5.4.3 A membership issued under 5.4.2 shall be for a term of one year and shall expire upon the passing of one year from the date of issuance.
- 5.4.4 The Board may admit to be a Candidate Member a person who is a resident of the Province of Nova Scotia and has met the requirements for becoming a “Student” or “Provisional” member of the Canadian Institute of Planners and may include a person who is or is not employed in the planning profession but has and is able to demonstrate to the Board, a keen interest in planning.
- 5.4.5 Any person who wishes to be a member must complete and forward an application form, in a form prescribed by the Board, to the Registrar with the required fee and provide proof in the form of a letter from C.I.P. verifying their type of membership and that they are a member in good standing.
- 5.4.6 An application for membership shall be reviewed by the Registrar and the Board in accordance with the Act.
- 5.4.7 The Board may require the applicant to meet conditions, prior to directing the Registrar to issue a licence, such as but not limited to a letter of endorsement from a LPP who has professionally known the applicant for a minimum of two years.
- 5.4.8 The Board may impose limitations on the licence, prior to directing the Registrar to issue a licence, such as but not limited to a specific time frame for the validity of the license.

- 5.4.9 The Board may refuse to direct that a licence be issued in accordance with the Act and is required to furnish the Applicant with written reasons for doing so.
- 5.4.10 An appeal of the Board's decision to refuse to grant a licence shall be made in accordance with the Act.
- 5.4.11 The application process shall be undertaken in a timely manner and should not exceed six months from the date of application until the applicant receives notification of the decision of the Board.
- 5.4.12 A licence is not transferable and terminates with the cessation of membership or death of the member.

5.5 Cessation of Membership

- 5.5.1 A person shall cease being a "Candidate Member" by providing written notice to the Registrar of the Association, by ceasing to hold a Corporate Membership with the Canadian Institute of Planners, by default in membership dues payment or by resolution of the Board.
- 5.5.2 A person shall cease to be a "Member" by either providing written notice to the Registrar of the Association, by ceasing to hold a Corporate Membership with the Canadian Institute of Planners as a "Member", by default in membership dues payment or by resolution of the Board.

6.0 MEMBERSHIP RIGHTS, PRIVILEGES AND RESPONSIBILITIES

6.1 Candidate Members may:

- a) attend meetings;
- b) vote on any matter except those where a conflict of interest has been declared; and
- c) be a committee member with the exception of the Discipline Committee or the Practice Committee.

6.2 Licensed Members:

- a) may attend meetings;
- b) may vote on any matter except those where a conflict of interest has been declared by the member;
- c) may be a committee member;
- d) may serve on the Board of Directors;
- e) may use the designation "Licensed Professional Planner" or "LPP";
- f) receive from the Secretary a licence certificate, as appended to this by-law as Attachment A, appropriately completed;

- g) receive from the Secretary the approved seal of the Association, upon making a written request for and paying the required fee, the impression of which shall contain the name of the member, their licence number and the words "Licensed Professional Planner" and any other content as determined by the Board;
- h) upon cessation of membership, relinquish their seal and licence certificate forthwith back to the Secretary of the Association as they are the property of the Association; and
- i) shall keep their license prominently displayed in their place of business.

6.3 All members:

- a) pay membership dues to the Association;
- b) adhere to the provisions of this Bylaw and the intent of the Act;
- c) provide to the Registrar all changes in contact information as soon as possible; and
- d) do their utmost to ensure that all members follow a code of professional conduct consistent with the standards established by the Canadian Institute of Planners.

7.0 THE BOARD OF DIRECTORS

7.1 The control and management of the affairs of the Association and the powers of the Association are vested in and may be exercised by the Board of Directors.

7.1.1 The Board shall perform such functions as are prescribed by the Act and the By-laws of the Association.

7.1.2 Other Directors may be elected or appointed from time to time by the Board such as but not limited to the Chairs of Committees of the Association or professors within accredited university planning schools and their duties, powers and terms of engagement shall be prescribed by the Board.

7.1.3 Also attending Board meetings will be the non-voting advisor to the Board, the Registrar.

7.1.4 The Board may from time to time appoint agents or attorneys for the Association in and out of Nova Scotia with such powers as may be deemed fit.

7.1.5 The Board shall consist of not fewer than seven (7) and not more than eleven (11) members including but not limited to:

- a) the President;
- b) the Vice-President;

- c) the Secretary;
- d) the Treasurer;
- e) the immediate Past President of the Association;
- f) one person appointed by the Governor in Council as identified in the Act; and
- g) up to two Student Representatives, who are engaged in the study of planning at a recognized university, who shall be a non-voting members, are not part of a quorum and may not participate in motions of the Board; and
- h) any other licensed member as determined by the Board.

7.2 The **President** shall:

- a) if present, preside at any general meeting of the members;
- b) if present, preside at all Association meetings;
- c) if present, preside at all Board of Directors meetings;
- d) be a member ex-officio of all committees;
- e) co-sign financial transactions;
- f) sign all contracts, instruments and other documents requiring the President's signature;
- g) have the power to strike or disband special committees as are deemed necessary from time to time; and
- h) exercise such other power and duties as may be assigned from time to time by the Board of Directors.

7.3 The **Vice-President** shall:

- a) exercise the power, perform the duties and assume the responsibilities of the President in the case of the President's absence or disability and if the Vice-President acts as such, the absence or disability of the President shall be presumed;
- b) sign all contracts, instruments and other documents requiring the Vice-President's signature and assume such power or duties as assigned from time to time by the Board of Directors.

7.4 The **Secretary** shall:

- a) attend all Board and general membership meetings and shall keep minutes of the proceedings;
- b) be the custodian of all books, papers, records, documents and other instruments belonging to the Association;

- c) sign all documents together with the President or other Board members that require the Secretary's signature;
- d) develop such forms such as but not limited to an application for licence and prescribe the usage of as deemed necessary by the Board;
- e) ensure that notice is provided to the membership for all members meetings as provided for in this by-law;
- f) provide members with appropriately completed licence certificates;
- g) process requests and fees from members for Association seals, verify the correct name and spelling, order the seals and mail to the member; and
- h) perform such other duties as prescribed by the Board from time to time.

7.5 The **Treasurer** shall:

- a) keep or cause to be kept proper accounting records;
- b) deposit or cause to be deposited, all monies received by the Association to the corporate account or as directed by the Board;
- c) supervise the safekeeping of all securities;
- d) supervise the disbursement of the funds of the Association;
- e) provide, whenever required by the Board, an account of all transactions as Treasurer and of the Association;
- f) sign or co-sign documents that requires the signature of the Treasurer;
- g) prepare or cause to be prepared the annual financial statement, and
- h) perform all duties incident to the office of the Treasurer and such other duties as may be required by the Board.

7.6 The immediate **Past President** shall:

- a) preside at meetings in the President's and Vice-President's absence;
- b) perform election duties as set out herein; and,
- c) perform such other duties as prescribed by the Board from time to time.

7.7 The **Student Representative(s)** shall:

- a) be the member(s) designated to present student issues to the Association;
- b) be eligible for a grant from the Association to assist with travel costs to attend the Canadian Association of Planning Students (C.A.P.S.) Annual General Meeting; and
- c) perform such other duties as prescribed by the Board from time to time.

8.0 THE REGISTRAR

The **Registrar** shall:

- a) enter in the Register the name of each licensed professional planner and maintain the Register;
- b) prepare an annual list of licensed professional planners;
- c) attend every meeting of the Board unless directed by the Board not to do so;
- d) be appointed by the Board for a term of two years which the Board may renew for a further term of two years;
- e) supervise and administer the nomination of candidates for election to the Board;
- f) report to the Board;
- g) be a licensed professional planner in good standing; and
- h) perform such other functions and carry out such other duties as prescribed by the Act, by-laws of the Association or the Board.

9.0 TERMS OF OFFICE

- 9.1 The terms of office for the President, Vice-President, Secretary, Treasurer and Past President, shall be for two years commencing immediately following the A.G.M. at which they are elected and upon completion of their term, if eligible, may be re-elected.
- 9.2 The terms of office for all other positions on the Board shall be for one year from the end of one A.G.M., until the end of the following A.G.M. after their election or until their successors are elected or appointed and upon completion of their term, if eligible, may be re-elected.
- 9.3 The term of office for the member appointed by the Governor in Council shall be three years from the date of appointment by the Governor in Council and may be re-appointed.
- 9.4 A member of the Board holds office until the member is re-elected or re-appointed or until the member's successor is elected or appointed, even if the election, appointment, re-election or re-appointment occurs after the member's term of office expires.
- 9.5 In the event that a vacancy occurs, the Board may appoint a member of the Association to serve in the vacated position until the term for the appointed position expires.
- 9.6 Should any Director be absent without leave from the President for three (3) consecutive meetings of the Board, they shall be considered to have vacated the position.

- 9.7 Directors may be paid a per diem allowance for carrying out their duties at a rate agreed to by the membership and such allowance approved as an item in the annual budget. Directors may be reimbursed upon receipt of an expense claim for bona fide out of pocket expenses incurred while performing duties as Directors.
- 9.8 Every Director or Officer of the Association and their heirs, executors, administrators and other legal representatives shall from time to time and at all times be indemnified and saved harmless from and against any liability and all costs, charges and expenses whatsoever that they incur or sustain in respect of any action, suit or proceeding, against the person for, or in respect of any act, deed, matter, or thing made, done or permitted by the person in respect of the execution of the duties of the office held, and all other costs, charges and expenses that the person sustains or incurs, in, about, or in relation to the affairs of the Association except such costs, charges or expenses as are occasioned by the person's own willful neglect or default.
- 9.9 Any Director who has, directly or indirectly, any interest in any contract or transaction to which the Association is or is to be a party, shall declare their interest in such a contract or transaction at a Board or General meeting, and shall at that time disclose the nature and extent of such interest including any contract or transaction involving the purchase or sale of assets by or to the Association, and the extent to which such information is within their control.

10.0 STANDING COMMITTEES

- 10.1 The Board shall establish annually or as required from time to time such committees as required but the functions of such committees shall be advisory only.
- 10.2 All committees shall report and be responsible to the Board.
- 10.3 The Board shall determine such items as the composition, term of office, authority, duties and responsibilities of all committees as required in accordance with the Act.
- 10.4 All committees shall keep detailed records of any proceedings at committee meetings or elsewhere and all actions shall be reported to the Board in writing within a time frame identified by the Board.
- 10.5 Unless otherwise specified by the Board, each committee shall have the power to fix its own quorum and to regulate its proceedings.
- 10.6 The Board may appoint members to the following Standing Committees in accordance with the Act:
- a) the Practice Committee;
 - b) the Discipline Committee; and
 - c) the Nominations Committee.

- 10.7 The Board may appoint members to any other committee not inconsistent with the Act that the Association considers suitable for a particular purpose.
- 10.8 The Discipline Committee and the Practice shall abide by the requirements outlined in the Act.

11.0 MEETINGS: NOTICE AND QUORUM

- 11.1 The A.G.M. of the Association shall be convened once during each calendar year within 15 months of the preceding meeting.
- 11.2 Notice of the date, time and location of the A.G.M, together with the agenda and an election ballot, shall be mailed, or E-mailed to the address on file with the Registrar to each member of the Association not less than 21 days prior to the date of the meeting.
- 11.3 Quorum at the A.G.M. shall be a minimum of twelve (12) members in good standing or ten percent (10%) of the membership, whichever is less.
- 11.4 The President may call a Special Meeting of the Association, if requested in writing, by at least four (4) licensed members of the Association. The President may call a Special Meeting of the Association by resolution of the Board.
- 11.5 The Notice of any Special Meeting shall state the nature of business to be considered and only the stated purpose of the meeting shall be dealt with.
- 11.6 Notice of the date, time and location of a Special meeting, together with an agenda, shall be mailed or E-mailed to the address on file with the Registrar to each member of the Association not less than 14 days prior to the date of the meeting.
- 11.7 Quorum at a Special Meeting shall be six (6) members in good standing including a majority of the four (4) licensed members that requested the meeting or five percent (5%) of the membership.
- 11.8 The accidental omission of notice or non-receipt of any notice by an intended recipient or any inadvertent error not affecting the substance of the notice shall not invalidate any meeting or make void any act or proceedings taken thereat.
- 11.9 If a quorum is not present within thirty (30) minutes of the time for which a meeting was called, the meeting, if called by the licensed members pursuant to 11.4 above, shall be dissolved. The presiding officer shall adjourn for not more than thirty (30) days, and the then convened meeting shall be binding on the Association providing there are at least five(5) voting members present in person or represented by proxy. Notice of any adjourned and reconvened meeting shall be given to the membership by mail or E-mail.
- 11.10 The chair may, with consent of the voting members present at any general meeting and subject to such conditions as may be decided at the meeting, adjourn the meeting from time to time, and from place to place or extend the ending time of the meeting from what was indicated in the notice.

12.0 MEETINGS: VOTING PROCEDURES

- 12.1 Each Candidate Member and Licensed Member is entitled to one vote at any meeting of the Association except where a person is exercising a proxy vote.
- 12.2 The vote on any question shall be determined by a show of hands unless a recorded ballot is requested by the majority of those voting.
- 12.3 In the case of a recorded ballot, the Secretary shall issue the ballots, oversee the vote count and declare the results.
- 12.4 All questions shall be decided by a simple majority vote except in the event of a tie vote, the President shall cast one additional vote to break the tie.
- 12.5 If a vote is carried by a show of hands on any question, a declaration by the chair that a resolution has been carried or not carried, and an entry to that effect into the minutes of the Association shall constitute prima facie proof of the fact without proof of the number or proportion of the votes either way.
- 12.6 A voting member, entitled to vote at a meeting, may appoint another member as their nominee to attend and act for them at the meeting to the extent, and with whatever power the appointing instrument states. Such instrument appointing a proxy shall be in writing and the appointment shall be valid only for the specific meeting named. Such proxy shall be in a form deemed sufficient by the chair of the meeting and shall be deposited with the recording secretary of the meeting before a vote is taken.

13.0 QUESTIONS: VOTING BY MAIL

- 13.1 A question which requires a vote by all members may be decided by voting by mail or E-mail.
- 13.2 Notice of the question(s), together with a ballot for each question, and notice of the final date for the vote shall be sent to each member of the Association not less than 21 days before the date at which the vote is to be counted.
- 13.3 Mailed or E-mailed ballots shall be accepted by the Secretary, until 12:00 noon local time of the day the vote is to be counted.
- 13.4 The Secretary shall record the votes and notify the membership of the decision on the question at the next meeting of the Association or, should the Board resolve to do so, by return mail or E-mail.
- 13.5 All votes shall be decided by a simple majority vote except in the event of a tie vote, the President shall cast one additional vote to break the tie.
- 13.6 The accidental omission of notice or non-receipt of any notice by an intended recipient or any inadvertent error not affecting the substance of the notice shall not invalidate any meeting or make void any act or proceedings taken thereat.

14.0 ELECTIONS: NOMINATION AND VOTING PROCEDURES

- 14.1 Nominations for the Board shall be made in writing and must be received by the Registrar no less than 28 days prior to the date set for the A.G.M. and the Registrar shall ensure consent to the nomination has been received.
- 14.2 Notice of the nominations, together with a ballot for each contested position on the Board, shall be sent by mail or E-mail by the Registrar, to each member not less than 21 days before the A.G.M.
- 14.3 Mailed or E-mailed ballots shall be accepted by the Registrar until 12:00 noon local time of the day the vote is to be counted.
- 14.4 The ballots shall be counted by the Registrar in the presence of one other licensed member, and the results of the vote shall be recorded in the minutes of the A.G.M. and made public at the A.G.M. by the President or his designate.
- 14.5 All votes shall be decided by a simple majority vote except in the event of a tie vote, the President shall cast one additional vote to break the tie.

15.0 BYLAW AMENDMENT PROCEDURES

- 15.1 The Board or any six voting members, the majority of which shall be licensed, of the Association may propose to repeal or amend this By-law.
- 15.2 A request to repeal or amend this By-law shall be submitted to the Secretary, in writing, together with an explanation of the purpose of the change.
- 15.3 A request to repeal or amend this By-law shall be tabled at the next meeting of the Board. The Board shall, with due consideration, recommend either the adoption, modification or rejection of the By-law change as proposed.
- 15.4 A By-law Amendment shall be ratified by the Association membership through a ballot by mail or E-mail, in accordance with Questions: Voting by Mail, as described in Section 13 in these By-laws.
- 15.5 A By-law Amendment which has been ratified by the Association membership comes into effect immediately after the vote has been recorded.

16.0 FISCAL YEAR AND SIGNING AUTHORITY

- 16.1 All financial transactions conducted in the name of the Association shall be co-signed by the President and the Treasurer or an alternate as identified by resolution of the Board.
- 16.2 The Board shall have the power, by resolution, to appoint an officer to sign written contracts, documents or instruments for the Association.
- 16.3 The signature of any notice to be given by the Association may be written, stamped, typewritten or printed.
- 16.4 Any document authorized to be signed by a Director of the Association in relation to Association business so signed shall be binding on Association without any further authorization or formality.

16.5 The fiscal year of the Association shall be from the 1st day of January to the 31st day of December each year.

17.0 DUES AND FEES

17.1 The Board may set a fee for any special Association activity.

17.2 The Board shall determine and fix from time to time by majority resolution at the Annual General Meeting any annual dues or fees payable by all members and shall also determine the manner in which they may be paid, and the payments, terms or dates required.

17.3 Members have sixty (60) days from the date of notification of dues owing to pay those dues.

17.4 At the expiration of that sixty (60) day period a member will be considered suspended from membership for a period of up to sixty (60) days or until membership dues are paid, whichever comes first.

17.5 Members are in default if membership dues are not received prior to the end of this suspension period.

17.6 Members in default cease to be members of the Association and must return their licence certificate and seal, but any such members may, on payment of all unpaid dues and fees, be reinstated upon approval of the Board.

18.0 SUPERSESION OF BYLAWS

18.1 Where any provisions of these Bylaws conflicts with any provision of the Act the Act shall prevail.

19.0 TRANSITIONAL CLAUSE

19.1 These Bylaws shall come into effect upon proclamation of the Act and based on an approval by a majority of the membership of NSAPP.

19.2 The transition from NSAPP to LPPA shall occur in accordance with the Act.

20.0 NON-DISCRIMINATION POLICY

20.1 LPPANS upholds equal opportunity and non-discrimination policies by which discrimination on the grounds of race, creed, colour, national origin, political or religious affiliation, sex, sexual orientation, age, marital status, family relationship and disability is prohibited by or with the Association.