



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

REGISTERED PROFESSIONAL PLANNERS ACT

PLEASE NOTE

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For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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REGISTERED PROFESSIONAL PLANNERS ACT

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REGISTERED PROFESSIONAL PLANNERS ACT

CHAPTER R-9.1

PART I - INTERPRETATION

1. Definitions

In this Act

- (a) “**Association**” means the Prince Edward Island Association of Planners, as it existed immediately before the coming into force of this Act;
- (b) “**bylaws**” means, except where otherwise stated, the bylaws of the Institute made by the council pursuant to section 7;
- (c) “**candidate**” means a person who is registered pursuant to subsection 11(2), or deemed to be registered under subsection 50(2), as a candidate;
- (d) “**council**” means the council of the Institute, established in accordance with section 6;
- (e) “**Institute**” means the Prince Edward Island Institute of Professional Planners, continued under section 3;
- (f) “**Minister**” means the Minister of Communities, Land and Environment;
- (g) “**person**” means a natural person;
- (h) “**planning**” means the process of organizing, managing, allocating and using land, resources, facilities and services to support the social and economic efficiency, health and well-being of communities and regions and the maintenance, improvement and protection of the developed and the natural environment;
- (i) “**Professional Standards Board**” means the Professional Standards Board for the Planning Profession in Canada;
- (j) “**register**” means the register kept in accordance with subsection 8(2) and the bylaws;
- (k) “**registered professional planner**” means a person registered pursuant to subsection 12(2), or deemed to be registered under subsection 50(1), as a registered professional planner;
- (l) “**registrant**” means a registered professional planner or a candidate;
- (m) “**registrar**” means the person appointed as the registrar pursuant to subsection 8(1).
2018, c.31, s.1.

2. Purposes

The purposes of this Act are:

- (a) to establish the Institute as a professional association and a regulatory body;
- (b) to regulate the practice of registered professional planners and the use of associated designations;

- (c) to regulate the participation of candidates in mentorships and responsible professional planning experience;
- (d) to provide for the transition of members of the Association to membership in the Institute, and in some cases, registration under this Act. *2018,c.31,s.2.*

PART II – PRINCE EDWARD ISLAND INSTITUTE OF PROFESSIONAL PLANNERS

Establishment, Powers and Objects

3. Association continued as Institute

- (1) The organization known as the Prince Edward Island Association of Planners is hereby continued as a body corporate to be known as the Prince Edward Island Institute of Professional Planners.

Powers under the Companies Act

- (2) The Institute has the same general powers as a company incorporated under the *Companies Act* R.S.P.E.I. 1988, Cap. C-14, except where those powers are inconsistent with this Act.

Membership

- (3) The membership of the Institute consists of the following persons, until they cease to be members in accordance with this Act and the bylaws:
 - (a) the persons who, immediately before the coming into force of this section, were members of the Association; and
 - (b) the persons who are admitted as members of the Institute pursuant to this Act and the bylaws.

Registrants are members

- (4) Upon registration as a candidate or a registered professional planner under this Act, the registrant becomes a member of the Institute. *2018,c.31,s.3.*

4. Objects

The objects of the Institute are

- (a) to protect the public and serve the public interest in relation to planning conducted by registered professional planners;
- (b) to protect and maintain the integrity of the planning profession;
- (c) to regulate the practice and professional conduct of registrants in accordance with this Act, the regulations and the bylaws;
- (d) to promote and increase the knowledge, skill and proficiency of registrants;
- (e) to promote and contribute to awareness about the values and methods of planning in Prince Edward Island; and
- (f) to provide for the professional association and support of its members. *2018,c.31,s.4.*

5. Annual general meeting

The Institute shall hold an annual general meeting of its members, in accordance with the bylaws. *2018,c.31,s.5.*



Council

6. Council

- (1) The affairs and business of the Institute shall be under the management and control of a council consisting of
- (a) at least three members of the Institute who are residents of Prince Edward Island, the majority of whom are registrants, elected in accordance with the bylaws; and
 - (b) two public representatives who are residents of Prince Edward Island but not members of the Institute, appointed by the Minister.

Term

- (2) The term of office for a member of the council is three years and a member shall not hold office for more than two consecutive terms.

Automatic termination of office

- (3) A member of the council ceases to hold office if
- (a) the member of the council ceases to be a resident of Prince Edward Island;
 - (b) where the member of the council is a member of the Institute, he or she ceases to be a member of the Institute;
 - (c) where the member of the council is not a member of the Institute, he or she becomes a member of the Institute; or
 - (d) where the member of the council is a registrant, his or her registration is suspended or cancelled.

Vacancy, elected member of council

- (4) Where a member of the council who was elected ceases to hold office before his or her term expires, the council may appoint a member of the Institute who is a resident of Prince Edward Island and, if necessary to maintain the ratio described in clause (1)(a), a registrant, to the office for the unexpired portion of the term.

Vacancy, appointed member of council

- (5) Where a member of the council who was appointed by the Minister ceases to hold office before his or her term expires, the Minister may appoint a resident of Prince Edward Island who is not a member of the Institute to the office for the unexpired portion of the term.

2018, c.31, s.6.

Bylaws

7. Administrative bylaws

- (1) The council, with the approval of not less than two-thirds of the members of the council, may make bylaws not inconsistent with this Act or the regulations relating to the management and operation of the Institute, including bylaws
- (a) respecting the rights and obligations of members of the Institute in relation to the management and operation of the Institute, including voting rights and participation in committees of the council;
 - (b) establishing the seal of the Institute and governing its use;
 - (c) providing for the holding of an annual general meeting of the members of the Institute, quorum requirements and the conduct of the meeting;

- (d) providing for the holding of special meetings of the members of the Institute, quorum requirements and the conduct of those meetings;
- (e) respecting the election of members of the council under clause 6(1)(a);
- (f) respecting the governance procedures of the council;
- (g) respecting the appointment of the registrar, and other officers, agents and employees of the Institute;
- (h) respecting the qualifications, terms of office, powers, duties, remuneration and resignation or removal of the registrar and other officers, agents and employees of the Institute;
- (i) providing for the holding of meetings of the council, quorum requirements and the conduct of meetings, including
 - (i) fixing the time and place for regular meetings,
 - (ii) determining who may call meetings,
 - (iii) regulating the conduct of meetings,
 - (iv) providing for emergency meetings, and
 - (v) regulating the notice required in respect of meetings;
- (j) respecting the establishment and operation of committees of the council, including
 - (i) determining the composition, powers and duties of the committees, and
 - (ii) providing for the holding of meetings of committees, quorum requirements and the conduct of meetings of committees;
- (k) establishing the duties, remuneration and allowances of members of the council and committees, and providing for the payment of necessary expenses of the council and committees;
- (l) providing for the execution of documents by the council;
- (m) respecting the banking and financial dealings of the Institute;
- (n) respecting the management of the real and personal property of the Institute;
- (o) establishing and governing scholarships, bursaries and prizes;
- (p) respecting collaboration by the Institute with any educational institution, person, group, association, organization or corporation having goals or objectives similar to those of the Institute;
- (q) providing procedures for the making, amending and revoking of bylaws;
- (r) setting requirements to obtain and maintain membership in the Institute;
- (s) establishing categories of membership;
- (t) providing for the transition of persons, other than registrants, from categories of membership established in the bylaws of the Association;
- (u) respecting the form of, and procedures for making, an application for membership in the Institute;
- (v) respecting the information to be provided with an application for membership in the Institute;
- (w) providing for the appointment of fellows of the Institute; and
- (x) requiring the payment of fees for membership in the Institute and for services provided by the Institute and setting out those fees.



Professional bylaws

- (2) The council, with the approval of not less than two-thirds of the members of the council, may make bylaws not inconsistent with this Act or the regulations relating to the regulation of candidates and registered professional planners, including bylaws
- (a) respecting the form of, and procedures for making, an application for registration under this Act;
 - (b) respecting the information to be provided with an application for registration made under this Act;
 - (c) respecting procedures for registration;
 - (d) providing for the council to enter into an agreement with a person or entity respecting the evaluation of applicant qualifications;
 - (e) respecting the register, including the form and content of the register and the information to be provided by registrants for the register;
 - (f) setting out the minimum amount of liability insurance coverage required for a registered professional planner;
 - (g) setting out fees payable under this Act, including fees for registration, annual registration and the reinstatement of registration;
 - (h) setting out penalties for late payment of fees;
 - (i) setting out the requirements for continuing professional development for registered professional planners;
 - (j) specifying the date by which a registered professional planner or candidate shall, each year,
 - (i) submit a report and declaration respecting his or her continuing professional development activities, and
 - (ii) pay the annual registration fee;
 - (k) establishing or adopting requirements for mentorship and responsible professional planning experience;
 - (l) establishing or adopting standards, codes or rules respecting practice, professional conduct and ethics;
 - (m) respecting the suspension of a registration, on the request of the registrant, for a temporary absence from participation as a candidate or practice as a registered professional planner;
 - (n) respecting actions or omissions of registrants that constitute professional misconduct or professional incompetence;
 - (o) respecting information or wording that is to appear on the professional seal or stamp of a registered professional planner and the use of that professional seal or stamp.

Adoption of requirements, standards, codes or rules

- (3) A bylaw made under subsection (2) that adopts requirements, standards, codes or rules may adopt such requirements, standards, codes or rules published by another professional body or government agency by reference, in whole or in part and with such changes as are considered necessary, and as amended from time to time.

Publicly available

- (4) A bylaw made under subsection (2) and any requirement, standard, code or rule established or adopted by such bylaw shall be made available by the council for public inspection on request and shall be posted on the Institute website, if one has been established. *2018, c.31, s.7.*

Registrar

8. Appointment of registrar

- (1) The council shall appoint a registrar who shall hold office at the pleasure of the council.

Register

- (2) The registrar shall keep a register in which he or she shall keep a record of all registrants.

Available to public

- (3) The registrar shall make the register available to the public on request. *2018,c.31,s.8.*

9. Delegation to registrar

- (1) The council may delegate to the registrar one or more of the council's powers or duties under this Act related to the registration of persons as candidates or registered professional planners.

Terms and conditions

- (2) The council may impose terms and conditions that it considers appropriate on a delegation of its powers to the registrar.

Reference to council means delegate

- (3) Where the council delegates a power or duty to the registrar pursuant to subsection (1), a reference in this Act or the regulations to the council in relation to that power or duty shall be read as a reference to the registrar. *2018,c.31,s.9.*

10. Acting registrar

- (1) Where the registrar is unavailable or unable to act, the council may appoint a person to act in the place of the registrar.

Powers and duties while acting

- (2) Where the council appoints a person to act in the place of the registrar pursuant to subsection (1),
- (a) the person acting in the place of the registrar may exercise the powers and shall perform the duties of the registrar under this Act and the regulations, or as delegated by the council, for the duration of the appointment; and
 - (b) a reference in this Act or the regulations to the registrar shall be read as a reference to the person acting in the place of the registrar. *2018,c.31,s.10.*

PART III – REGISTRATION

Registration as a Candidate

11. Application for registration as candidate

- (1) A person may apply to the council, in a form approved by the council, for registration as a candidate.



Qualifications for registration as candidate

- (2) The council shall register a person who applies under subsection (1) as a candidate, if the person
- (a) satisfies the council that he or she is employed in planning;
 - (b) satisfies the council that he or she
 - (i) has successfully completed an undergraduate or graduate degree program in planning at a post-secondary institution accredited or recognized by the Professional Standards Board,
 - (ii) has successfully completed a prescribed combination of education and experience, or
 - (iii) is a certified member, without restrictions, of an international professional planning organization with which the Canadian Institute of Planners maintains a formal reciprocal membership agreement;
 - (c) pays the registration fee set out in the bylaws; and
 - (d) meets any other prescribed requirements.

Terms and conditions

- (3) The following terms and conditions apply to the registration of a candidate:
- (a) subject to the bylaws in respect of the suspension of a registration for a temporary absence from practice, to maintain registration as a candidate, the candidate shall
 - (i) maintain coverage or ensure he or she is covered under professional liability insurance in the amount specified in the bylaws,
 - (ii) meet the requirements set out in the bylaws respecting continuing professional development and submit a report and declaration to this effect each year, in the form required by the council, on or before the date specified in the bylaws, and
 - (iii) pay the annual registration fee set out in the bylaws each year no later than the date specified in the bylaws;
 - (b) the candidate may not be registered as a candidate for more than seven years;
 - (c) the candidate is subject to bylaws establishing or adopting requirements respecting mentorship or responsible professional planning experience;
 - (d) the candidate is subject to bylaws establishing or adopting standards, codes or rules for registrants respecting practice, professional conduct and ethics;
 - (e) the candidate is subject to bylaws respecting actions or omissions of registrants that constitute professional misconduct or professional incompetence;
 - (f) the candidate is subject to any terms or conditions imposed by the council on the candidate's registration pursuant to section 13. *2018, c.31, s.11.*

Registration as a Registered Professional Planner**12. Application for registration**

- (1) A person may apply to the council, in the form approved by the council, for registration as a registered professional planner.

Qualifications for registration as registered professional planner

- (2) The council shall register a person who applies under subsection (1) as a registered professional planner, if the person

- (a) is either
 - (i) a candidate who satisfies the council that he or she has successfully completed the prescribed
 - (A) mentorship,
 - (B) responsible professional planning experience,
 - (C) ethics and professionalism course, and
 - (D) professional examination, or
 - (ii) a professional planner who
 - (A) is legally authorized to practise as a registered professional planner, or a designation considered equivalent by the council, and to use associated titles in another Canadian jurisdiction, without restriction, and
 - (B) is in good standing with the organization or body governing practice as a registered professional planner, or a designation considered equivalent by the council, and the use of associated designations in that other Canadian jurisdiction;
- (b) pays the registration fee set out in the bylaws; and
- (c) meets any other prescribed requirements.

Terms and conditions of registration as registered professional planner

- (3) The following terms and conditions apply to the registration of a registered professional planner:
 - (a) subject to the bylaws in respect of the suspension of a registration for a temporary absence from practice, to maintain registration as a registered professional planner, the registered professional planner shall
 - (i) maintain coverage or ensure he or she is covered under professional liability insurance in the amount specified in the bylaws,
 - (ii) meet the requirements set out in the bylaws respecting continuing professional development and submit a report and declaration to this effect each year, in the form required by the council, on or before the date specified in the bylaws, and
 - (iii) pay the annual registration fee set out in the bylaws each year no later than the date specified in the bylaws;
 - (b) the registered professional planner is subject to bylaws establishing or adopting standards, codes or rules for registrants respecting practice, professional conduct and ethics;
 - (c) the registered professional planner is subject to bylaws respecting actions or omissions of registrants that constitute professional misconduct or professional incompetence;
 - (d) the registered professional planner is subject to any terms or conditions imposed by the council on the registered professional planner's registration pursuant to section 13. 2018,c.31,s.12.



Other Terms and Conditions

13. Terms and conditions on registration

- (1) In addition to the terms and conditions that apply to a registration under this Act, the council may impose any terms and conditions that it considers appropriate on the registration of a registrant.

Terms and conditions effective on notice

- (2) The imposition of terms and conditions on a registration pursuant to subsection (1) is not effective until notice of the imposition is served on the registrant affected by it. *2018,c.31,s.13.*

Refusal to Register

14. Refusal to consider application

- (1) The council may refuse to consider an application for registration by an applicant who has an outstanding charge for an offence or is under investigation by the council or another professional regulatory body, until the matter has been resolved.

Offence or discipline

- (2) Notwithstanding any other provision of this Act, the council may refuse to register an applicant who has been found guilty of an offence or disciplined by the council or another professional regulatory body for conduct that, in the council's opinion, renders the applicant unsuitable to practise as a registered professional planner.

Failure to meet eligibility requirements

- (3) The council may refuse to register an applicant where the council determines that the applicant does not meet the eligibility requirements for registration under this Act or the regulations. *2018,c.31,s.14.*

Suspension or Cancellation of Registration

15. Failure to meet terms and conditions

- (1) The Council may immediately suspend or cancel the registration of
 - (a) a candidate who contravenes subclause 11(3)(a)(i), (ii) or (iii) or clause 11(3)(b); or
 - (b) a registered professional planner who contravenes subclause 12(3)(a)(i), (ii) or (iii).

Offence or discipline

- (2) The Council may immediately suspend or cancel the registration of a registrant who is found guilty of an offence or disciplined by another professional regulatory body, for conduct that, in the Council's opinion, renders the registrant unsuitable to practise as a registered professional planner.

Suspension or cancellation effective on notice

- (3) The suspension or cancellation of a registration under this section is not effective until notice of it has been served on the registrant. *2018,c.31,s.15.*

16. Request for suspension

- (1) A registrant may request, in writing, the suspension of his or her registration for a temporary absence from participation as a candidate or practice as a registered professional planner, and the council may grant the request.

Request for cancellation

- (2) A registrant may request, in writing, the cancellation of his or her registration, and the council shall grant the request. *2018,c.31,s.16.*

17. Reinstatement of registration

The council may, in accordance with the regulations and upon payment of applicable fees set out in the bylaws, which may include a reinstatement fee, late payment fee and registration fee, reinstate the registration of a suspended registrant or former registrant whose registration was suspended or cancelled, as the case may be, under this Part. *2018,c.31,s.17.*

Notice

18. Notice of refusal, etc.

- (1) Where the council refuses to register or reinstate the registration of a person or imposes terms and conditions on, suspends or cancels a registration under this Part, the council shall serve on the affected person written notice of
- (a) the refusal, imposition, suspension or cancellation and the reasons for it; and
 - (b) the right of the affected person to appeal under section 19.

Exception

- (2) Subsection (1) does not apply in respect of a suspension or cancellation granted pursuant to section 16. *2018,c.31,s.18.*

Appeal

19. Right to appeal

- (1) A person may, within 30 days after being served with notice under section 18, make an appeal to the Supreme Court respecting
- (a) the council's refusal to register, or reinstate the registration of, the person under this Part;
 - (b) the imposition by the council of terms and conditions on the person's registration under section 13; or
 - (c) the suspension or cancellation by the council of the person's registration under this Part.

Powers of Supreme Court

- (2) On hearing an appeal, the Supreme Court may do any of the following:
- (a) confirm, revoke or vary the terms and conditions imposed by the council or the refusal, suspension or cancellation appealed from;
 - (b) refer the matter or any issue back to the council for further consideration;
 - (c) provide any direction that it considers appropriate.



Costs of appeal

- (3) The Supreme Court may make any order as to the costs of an appeal that it considers appropriate. *2018,c.31,s.19.*

PART IV – COMPLAINTS AND DISCIPLINE**Interpretation****20. Definitions**

In this Part,

- (a) “**complainant**” means
 - (i) a person who makes a complaint to the registrar under subsection 25(1), or
 - (ii) the registrar, in respect of a complaint initiated by the registrar under subsection 25(2);
- (b) “**complaint**” means a matter referred as a complaint to the investigation committee under clause 24(2)(c) or a complaint made or initiated under section 25;
- (c) “**conduct**” includes an act or an omission;
- (d) “**discipline committee**” means a discipline committee appointed by the council under subsection 23(2);
- (e) “**investigation committee**” means an investigation committee appointed by the council under subsection 23(1);
- (f) “**investigator**” means an investigator appointed by the council under subsection 23(8);
- (g) “**respondent**” means a registrant or former registrant who is the subject of a complaint;
- (h) “**response to the complaint**” means a response to a complaint submitted by the respondent under subsection 26(2). *2018,c.31,s.20.*

21. Continuing jurisdiction

- (1) A former registrant continues to be subject to the jurisdiction of the council, an investigation committee, an investigator and a discipline committee with respect to any conduct that occurred while the former registrant was a registrant and may constitute professional misconduct or professional incompetence.

Limitation period

- (2) No complaint may be made or initiated pursuant to this Act against a former registrant more than six years after the day he or she ceased to be a registrant. *2018,c.31,s.21.*

22. Professional misconduct

- (1) The conduct of a respondent may be found to constitute professional misconduct if
- (a) the respondent contravenes this Act, the regulations or the bylaws in a manner that, in the opinion of an investigation committee or a discipline committee, relates to the respondent’s suitability to be a registrant;
 - (b) the respondent refuses or fails to cooperate fully in respect of the investigation or hearing of a complaint;

- (c) the respondent contravenes an order made under this Act;
- (d) the conduct is harmful to the best interests of a client or the public or to the integrity of the profession; or
- (e) the conduct constitutes professional misconduct in accordance with the bylaws.

Professional incompetence

- (2) The conduct of a respondent may be found to constitute professional incompetence where
 - (a) the respondent demonstrates a lack of knowledge, skill or judgment or a disregard for the welfare of a client or the public;
 - (b) the respondent is unable to practise planning within accepted professional standards for any reason, including that the respondent is impaired by a disability, illness, addiction or condition; or
 - (c) the conduct constitutes professional incompetence in accordance with the bylaws.

2018, c.31, s.22.

Administration

23. Appointment of investigation committee

- (1) Before referring a matter as a complaint under clause 24(2)(c) or on the receipt of notice of a complaint under subsection 26(1), the council shall appoint an investigation committee to consider the complaint.

Appointment of discipline committee

- (2) On the request of an investigation committee under this Part, the council shall appoint a discipline committee to hold a hearing into a complaint.

Composition of committees

- (3) An investigation committee and a discipline committee shall each be composed of three persons who are not members of the council,
 - (a) at least one of whom is a registered professional planner who is a resident of Prince Edward Island; and
 - (b) at least two of whom are members of the Canadian Institute of Planners.

No person may sit on both committees

- (4) No person shall sit on both an investigation committee and a discipline committee in respect of the same matter.

Chair

- (5) The council shall appoint a member of an investigation committee as the chair of that committee and a member of a discipline committee as the chair of that committee.

Quorum

- (6) Two members of a committee constitute a quorum of that committee.

Conflict of interest

- (7) Where a member of an investigation committee or a discipline committee has a conflict of interest in respect of a matter before the committee,
 - (a) the member
 - (i) shall disclose the nature of the conflict of interest to the committee, and



- (ii) shall not participate in the consideration of the matter; and
- (b) the council may appoint a person to act in the place of that member on the committee with respect to that matter.

Investigators

- (8) The council may appoint one or more persons as investigators for the purposes of this Part. *2018, c.31, s.23.*

Interim Order**24. Interim order**

- (1) Notwithstanding any other provision of this Act, where the council has reasonable grounds to believe that the conduct of a registrant poses a demonstrable risk of harm to the registrant's clients or to the general public, the council may make an order imposing terms and conditions on, or suspending, the registrant's registration.

Service of order and referral

- (2) Where the council makes an order under subsection (1), the council shall promptly
- (a) serve on the registrant who is the subject of the order
 - (i) a copy of the order,
 - (ii) written reasons for the order, and
 - (iii) written notice of the right to appeal under subsection 36(2);
 - (b) serve a copy of the order on the registrar; and
 - (c) refer the matter as a complaint to an investigation committee, if a complaint has not been made or initiated in respect of the matter.

Order in effect when served

- (3) An order of the council made under subsection (1)
- (a) is in effect when it is served on the registrant who is the subject of the order; and
 - (b) is valid for the period, not exceeding 90 days, that is specified in the order. *2018, c.31, s.24.*

Complaint**25. Complaint of professional misconduct or incompetence**

- (1) Any person, other than the registrar, may make a complaint in writing to the registrar alleging that the conduct of a registrant or former registrant constitutes professional misconduct or professional incompetence.

Registrar may initiate complaint

- (2) The registrar may initiate a complaint, in writing, if he or she has reasonable grounds to believe that the conduct of a registrant or former registrant constitutes professional misconduct or professional incompetence. *2018, c.31, s.25.*

26. Service of copy of complaint

- (1) Within 15 days after receiving or initiating a complaint under section 25, the registrar shall

- (a) serve on the respondent
 - (i) a copy of the complaint, and
 - (ii) written notice of the respondent's right to submit a response to the complaint under subsection (2); and
- (b) notify the council of the nature of the complaint and the name of the respondent.

Written response to complaint

- (2) A respondent may submit to the registrar a written response to a complaint within 15 days after being served with a copy of the complaint under clause (1)(a).

Service of response and referral to investigation committee

- (3) The registrar shall, immediately after the expiry of the period referred to in subsection (2),
 - (a) where the complainant is a person other than the registrar, serve a copy of any response to the complaint on the complainant; and
 - (b) refer the complaint, and any response to the complaint, to an investigation committee.

2018, c.31, s.26.

Consideration by Investigation Committee

27. Powers of investigation committee

Within 30 days after the referral of a complaint to an investigation committee under clause 24(2)(c) or 26(3)(b), the investigation committee shall consider the complaint and any response to the complaint, and do one of the following:

- (a) dismiss the complaint, if in the opinion of the investigation committee, the complaint is frivolous or vexatious, without merit or outside the limitation period in subsection 21(2);
- (b) make any order that the discipline committee is authorized to make under subsection 34(2), if the respondent consents to the order;
- (c) investigate the complaint or refer the complaint to an investigator for investigation.

2018, c.31, s.27.

Investigation

28. Powers of investigation committee or investigator

- (1) An investigation committee or an investigator
 - (a) may do all things necessary to provide a full and proper investigation of a complaint;
 - (b) may deal with multiple complaints concerning a respondent severally or in combination;
 - (c) shall consider the allegations and the evidence and ascertain the facts of each complaint in the manner that the investigation committee or investigator considers fit;
 - (d) may make oral or written inquiries of any person who may have information relevant to the investigation;
 - (e) may require the respondent or another person who is a registrant to be interviewed for the purpose of the investigation;



- (f) may require the respondent to produce for examination any documents, records and other materials that are in his or her possession or under his or her control that may be relevant to the investigation;
- (g) may copy and keep copies of any documents, records and other materials produced under clause (f); and
- (h) may investigate any matter in addition to the complaint that arises in the course of the investigation and that may constitute professional misconduct or professional incompetence on the part of the respondent.

Requirement for examinations

- (2) Where an investigation committee or an investigator investigates a complaint that the conduct of the respondent constitutes professional incompetence, the investigation committee or the investigator may
 - (a) require the respondent to take or participate in an examination of knowledge or skills related to practice as a registered professional planner or the practice of planning, as directed by the investigation committee or the investigator, to determine whether or not the respondent is competent to practise; and
 - (b) where the investigation committee or the investigator has reasonable grounds to believe that the respondent's capacity to practise as a registered professional planner or practise planning in accordance with accepted professional standards is impaired by a disability or a condition, including an addiction or an illness, request the respondent to submit to physical or psychological examinations by qualified persons designated by the investigation committee or the investigator.

Failure or refusal to respond or comply

- (3) Where an investigator investigates a complaint and the respondent or another person who is a registrant fails or refuses, without reasonable cause, to
 - (a) respond to an inquiry or comply with a requirement under subsection (1); or
 - (b) comply with a requirement under subsection (2),the investigator shall report the failure or refusal to the investigation committee in writing.

Suspension or imposition of terms and conditions on registration

- (4) Where
 - (a) an investigation committee receives a report from an investigator under subsection (3); or
 - (b) an investigation committee investigates a complaint and the respondent or another person who is a registrant fails or refuses, without reasonable cause, to
 - (i) respond to an inquiry or comply with a requirement under subsection (1), or
 - (ii) comply with a requirement under subsection (2),the investigation committee may suspend, or impose terms and conditions on, the registration of the registrant until he or she complies. *2018, c.31, s.28.*

29. Investigation report

- (1) After completing an investigation of a complaint, an investigation committee or investigator shall, within a reasonable time, prepare a written investigation report of the findings of the investigation committee or investigator, as the case may be.

Report to investigation committee

- (2) An investigator shall provide his or her investigation report to the investigation committee.

Service of investigation report

- (3) The investigation committee shall serve a copy of the investigation report prepared pursuant to subsection (1) on the complainant and the respondent. *2018,c.31,s.29.*

Disposition by Investigation Committee

30. Powers of investigation committee

- (1) An investigation committee shall, within 30 days after serving a copy of the investigation report on the complainant and the respondent under subsection 29(3), consider the investigation report and do one of the following:
- (a) dismiss the complaint, if in the opinion of the investigation committee
 - (i) the allegations are frivolous or vexatious or without merit, or
 - (ii) there is insufficient evidence to support the allegations;
 - (b) make any order that a discipline committee is authorized to make under subsection 34(2), if the respondent consents to the order;
 - (c) request that the council appoint a discipline committee and refer the complaint to the discipline committee for a hearing.

Dismissal of complaint

- (2) Where an investigation committee dismisses a complaint under clause 27(a) or 30(1)(a), the investigation committee shall serve on
- (a) the complainant and the respondent,
 - (i) written notice of and reasons for the dismissal, and
 - (ii) written notice of the complainant's right to appeal the dismissal under subsection 36(1); and
 - (b) the council, written notice of and reasons for the dismissal.

Service of copy of order

- (3) Where an investigation committee makes an order under clause 27(b) or 30(1)(b), the investigation committee shall serve a copy of the order on the complainant, the respondent and the council.

Referral to discipline committee

- (4) Where an investigation committee refers a complaint to a discipline committee under clause (1)(c), the investigation committee
- (a) shall serve written notice of the referral on the complainant, the respondent and the council;
 - (b) shall provide the discipline committee with a copy of
 - (i) the complaint,
 - (ii) any response to the complaint, and
 - (iii) the investigation report prepared under subsection 29(1); and
 - (c) may appoint legal counsel to adduce evidence at the hearing of the complaint before the discipline committee. *2018,c.31,s.30.*



Hearing

31. Hearing

- (1) A discipline committee shall
 - (a) hold a hearing into a complaint referred to it within 60 days after the referral; and
 - (b) conduct its proceedings in accordance with the rules of natural justice.

Notice of hearing

- (2) A discipline committee shall, not less than 30 days before the date set for a hearing, serve written notice of the date, time, place and subject matter of the hearing on
 - (a) the complainant;
 - (b) the respondent; and
 - (c) any legal counsel appointed under clause 30(4)(c).

Retaining assistance

- (3) A discipline committee may retain any legal or other assistance that it considers necessary for the purposes of conducting a hearing.

Powers, privileges and immunities

- (4) In the discharge of the functions of a discipline committee, the discipline committee and each member of the discipline committee have all of the powers, privileges and immunities of a commissioner appointed under the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31. 2018,c.31,s.31.

32. Right to appear

- (1) The respondent has the right to appear, to be represented by legal counsel, and to examine, cross-examine and re-examine witnesses at a hearing.

Hearing in absence of respondent

- (2) Where the respondent fails to appear at a hearing after being served with notice in accordance with subsection 31(2), the discipline committee may proceed with the hearing in the absence of the respondent and make any decision, determination or order as if the respondent were in attendance. 2018,c.31,s.32.

33. Powers of discipline committee

- (1) A discipline committee
 - (a) may do all things necessary to provide a full and proper hearing in respect of a complaint;
 - (b) may deal with multiple complaints concerning a respondent severally or in combination; and
 - (c) may hear any matter in addition to the complaint before the discipline committee that arises in the course of its proceedings and that may demonstrate, in respect of the respondent, professional misconduct or professional incompetence.

Opportunity to respond

- (2) Where a discipline committee hears an additional matter referred to in clause (1)(c), the discipline committee shall give the respondent a reasonable opportunity to respond to the matter.

Hearing open to public

- (3) A hearing shall be open to the public unless the discipline committee is of the opinion that
- (a) the interests of a person other than the respondent may be detrimentally affected if the hearing, or part of the hearing, is not held in private; and
 - (b) the desirability of avoiding public disclosure of financial, personal or other matters in the interest of a person affected, other than the respondent, or in the public interest outweighs the desirability of adhering to the principle that inquiries be open to the public.

Protection of witness identity

- (4) A discipline committee may, on the request of a witness whose testimony is of a confidential or personal and sensitive nature, order that no person publish the identity of the witness or any information that could disclose the identity of the witness.

Failure of registrant to comply

- (5) Where a registrant fails to comply with a subpoena issued by a discipline committee or a member of a discipline committee, or refuses to answer any question under oath that he or she is directed to answer by a discipline committee or a member of a discipline committee, the failure or refusal may be held by the discipline committee to be professional misconduct.

Rules of evidence

- (6) A discipline committee is not bound by strict rules of evidence or the provisions of the *Evidence Act* R.S.P.E.I. 1988, Cap. E-11. 2018,c.31,s.33.

Determination and Order

34. Determination of discipline committee

- (1) On concluding a hearing, a discipline committee shall determine whether conduct of the respondent constitutes professional misconduct or professional incompetence.

Order

- (2) Where a discipline committee determines that conduct of a respondent constitutes professional misconduct or professional incompetence, the discipline committee may make one or more of the following orders:
- (a) an order directing the respondent to undergo additional education or training;
 - (b) an order directing the respondent to participate in counselling or a rehabilitative treatment program;
 - (c) an order reprimanding the respondent;
 - (d) an order imposing terms and conditions on the registration of the respondent;
 - (e) an order suspending the registration of the respondent for a specified period of time or until the occurrence of a specified future event;
 - (f) an order cancelling the registration of the respondent;
 - (g) an order requiring the respondent to pay all or part of the costs incurred by the discipline committee to conduct the hearing;
 - (h) an order imposing a fine on the respondent in an amount permitted by the regulations;
 - (i) an order imposing any other sanction that the discipline committee considers to be appropriate.



Service of notice of determination and order

- (3) Within 60 days after the completion of a hearing, a discipline committee shall serve
- (a) written notice of, and reasons for, the determination made under subsection (1), and a copy of any order made under subsection (2), on the respondent, the complainant and the council; and
 - (b) written notice of the right to appeal the determination made under subsection (1), and any order made under subsection (2), on the respondent.

Order in effect when served

- (4) An order of a discipline committee is in effect when it is served on the respondent and remains in effect pending an appeal unless the Supreme Court, on application, stays the order pending the appeal.

Failure to comply with order

- (5) Where the council is satisfied that a respondent has failed to comply with an order of an investigation committee or a discipline committee, the council may, without further hearing, make an order suspending the respondent's registration subject to any terms and conditions that the council considers appropriate. *2018,c.31,s.34.*

Criminal Offence

35. Reasonable belief of criminal offence

- (1) Where an investigation committee or a discipline committee has reasonable grounds to believe that a respondent may be guilty of a criminal offence, the committee
- (a) may immediately suspend its investigation or hearing, as the case may be; and
 - (b) shall make a report of its findings to the council, which shall in turn report those findings to law enforcement.

Resumption of investigation or hearing

- (2) Where an investigation committee or a discipline committee suspends an investigation or a hearing, as the case may be, under subsection (1), the committee may resume its investigation or hearing on the conclusion of the criminal matter. *2018,c.31,s.35.*

Appeal

36. Appeal of dismissal

- (1) A complainant may appeal the dismissal of his or her complaint by an investigation committee under clause 27(a) or 30(1)(a) to the Supreme Court within 30 days after being served with notice of the dismissal.

Appeal of disposition or order

- (2) A registrant may appeal an order of the council made under subsection 24(1), and a respondent may appeal a determination or order of a discipline committee made under section 34, to the Supreme Court within 30 days after being served with notice of the determination or a copy of the order.

Notice of appeal

- (3) Notice of an appeal under subsection (1) or (2) shall be served on the registrar or the head of the council.

Decision of court

- (4) On hearing the appeal, the Supreme Court may
- (a) confirm, revoke or vary the dismissal, determination or order appealed from;
 - (b) refer the matter or any issue back to the investigation committee or the discipline committee for further consideration; or
 - (c) provide any direction that it considers appropriate.

Costs of appeal

- (5) The Supreme Court may make any order as to the costs of an appeal that it considers appropriate. *2018,c.31,s.36.*

Notification and Publication

37. Disclosure of information respecting complaint

No person who is involved in the administration of this Act shall disclose information respecting a complaint except where permitted under this Act or regulations or required for the proper administration of this Act or regulations. *2018,c.31,s.37.*

38. Notification of employer

- (1) The council shall notify a respondent's employer of an order made respecting the respondent by an investigation committee or of a determination or order made respecting the respondent by a discipline committee.

Notification of public

- (2) Where an investigation committee or a discipline committee imposes terms and conditions on, suspends or cancels a respondent's registration, the council may publish a notice of the imposition, suspension or cancellation in the manner that it considers appropriate to inform the public.

Publication of decision or summary

- (3) Subject to any publication ban ordered by a discipline committee under subsection 33(4), the council may publish the discipline committee's decision or a summary of the decision by any means. *2018,c.31,s.38.*

PART V - GENERAL

Seal

39. Seal or stamp

Every registered professional planner shall have a seal or stamp, the impression of which shall contain

- (a) the name of the registered professional planner;



- (b) the words “Registered Professional Planner, Prince Edward Island”; and
- (c) any other information or wording that may be required in the bylaws. *2018,c.31,s.39.*

Limitation of Liability

40. Limitation of liability

No action or proceeding lies or shall be instituted for anything done, or omitted to be done, in good faith in the performance, or intended performance, of any duty or in the exercise, or intended exercise, of any power under this Act, the regulations or the bylaws against the following:

- (a) the Minister;
- (b) the Institute;
- (c) the council;
- (d) the registrar;
- (e) an investigator;
- (f) an investigation committee;
- (g) a discipline committee;
- (h) a member of the council, an investigation committee or a discipline committee;
- (i) an employee of the Institute;
- (j) any other person acting on behalf of the Institute under the authority of this Act. *2018,c.31,s.40.*

Service

41. Manner of service

- (1) Any notice, order or other document required to be served on a person under this Act, the regulations or the bylaws is deemed to be sufficiently served
 - (a) upon a copy being personally served on the person to whom it is directed;
 - (b) upon a copy being sent by facsimile or other electronic means to the person to whom it is directed and an acknowledgement of receipt being received;
 - (c) five days after a copy is sent by registered mail addressed to the person to whom it is directed at the last known address for that person; or
 - (d) in the case of a registrant or other member, five days after a copy is sent by registered mail addressed to the registrant or other member at the business address shown in the records of the registrar.

Service on corporation

- (2) Where the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (1) is deemed to be service on the corporation for the purposes of this Act.

Service on council

- (3) Service of any document on the council may be made by service on the registrar.

Substituted service

- (4) Where it is impractical for any reason to serve an order in a manner referred to in subsection (1), an application may be made, without notice, to the Supreme Court for an order for substituted service and the court may make such an order providing for the steps to be taken to bring the matter to the attention of the person to be served. *2018,c.31,s.41.*

Prohibitions

42. Prohibition, practise as registered professional planner

- (1) No person shall, in any way whatsoever, expressly or by implication, lead another person to believe that he or she is, or hold himself or herself out as, a registered professional planner except a registered professional planner.

Prohibition, use of designations

- (2) No person shall use the designations “registered professional planner” or “RPP” or the equivalent in a language other than English, or variations of such terms that imply the person is a registered professional planner, except a registered professional planner. *2018,c.31,s.42.*

43. Prohibition

No registrant shall

- (a) act in contravention of any terms or conditions on the registration of the registrant; or
- (b) do anything requiring authorization by registration while the registration of the registrant is suspended. *2018,c.31,s.43.*

44. False information

No person shall knowingly give false information in any application under this Act, or in any statement or report required under this Act, the regulations or the bylaws. *2018,c.31,s.44.*

Offences and Penalties

45. Offences and penalties

A person who contravenes this Act, the regulations or an order made under this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding \$10,000. *2018,c.31,s.45.*

46. Prosecution, limitation period

No prosecution for an offence under this Act or the regulations shall be commenced after two years from the date when the offence is alleged to have been committed. *2018,c.31,s.46.*



Injunction

47. Injunction

Where a person does, or threatens or attempts to do, anything that contravenes this Act or the regulations, the Supreme Court may, on the application of the council, grant an injunction restraining the person from committing or continuing the contravention. *2018,c.31,s.47.*

Regulations

48. Regulations

Subject to the approval of the Lieutenant Governor in Council, the council may make regulations

- (a) prescribing the combination of education and experience referred to in subclause 11(2)(b)(ii) for registration as a candidate;
- (b) prescribing the requirements for mentorship and responsible professional planning experience for registration as a registered professional planner;
- (c) prescribing the ethics and professionalism course a candidate is required to complete and the professional examination a candidate is required to pass for registration as a registered professional planner;
- (d) prescribing other requirements for registration as a candidate or a registered professional planner;
- (e) requiring an applicant for registration as a candidate or a registered professional planner to have his or her qualifications evaluated by a specified person or entity;
- (f) respecting the reinstatement of a registration suspended or cancelled under Part III;
- (g) respecting the maximum amount of a fine that may be imposed on a respondent by a discipline committee by order;
- (h) providing for any transitional matters the council considers necessary or advisable to facilitate the implementation of this Act;
- (i) defining any word or expression used but not defined in this Act. *2018,c.31,s.48.*

PART VI - TRANSITIONAL PROVISIONS AND COMMENCEMENT

Institute

49. Initial council

- (1) Notwithstanding subsection 6(1), the three persons who, immediately before the coming into force of this section, formed the executive of the Association are deemed to constitute the council of the Institute until a council is constituted in accordance with subsection 6(1).

Continuation of Association bylaws

- (2) A bylaw of the Association in force immediately before the coming into force of this subsection continues to be in force as a bylaw of the Institute to the extent that the bylaw is not inconsistent with this Act. *2018,c.31,s.49.*

Registrants

50. Deemed to be registered professional planner

- (1) Every person who, immediately before the coming into force of this subsection, was a member of the Association with an MCIP designation is deemed to be registered as a registered professional planner, until he or she ceases to be so registered under this Act.

Deemed to be candidate

- (2) Every person who, immediately before the coming into force of this subsection, was a candidate member of the Association is deemed to be registered as a candidate, until he or she ceases to be so registered under this Act. *2018,c.31,s.50.*

Applications

51. Application for membership

- (1) An application to become a member or a candidate member of the Association, made but not concluded before the coming into force of this subsection, shall be dealt with as an application for registration under this Act.

Idem

- (2) An application for membership in a category of membership other than one referred to in subsection (1), made but not concluded before the coming into force of this section, shall be dealt with as an application for membership under the bylaws of the Institute. *2018,c.31,s.51.*

