

COURT OF APPEAL FOR ONTARIO

CITATION: Laffin v. Association of Professional Geoscientists of Ontario, 2012
ONCA 846
DATE: 20121203
DOCKET: C55752

Winkler C.J.O., Pepall J.A. and Smith J. (*Ad Hoc*)

BETWEEN

Amanda Laffin

Respondent

and

Association of Professional Geoscientists of Ontario

Appellant

Carol Street and Ben Millard, for the appellant

Chantelle Bryson, for the respondent

Heard and released orally: November 23, 2012

On appeal from the order of the Divisional Court (Justices Lynne Leitch, Katherine E. Swinton, and Alexandra Hoy) of the Superior Court of Justice, dated December 12, 2011.

ENDORSEMENT

[1] The appellant, the Association of Professional Geoscientists of Ontario, appeals from the December 12, 2011 decision of the Divisional Court allowing the appeal of the respondent, Amanda Laffin, from an October 3, 2010 decision of the Council of the Association.

[2] The Professional *Geoscientists Act, 2000*, S.O. 2000 c. 13, regulates those involved in the practice of professional geoscience in Ontario. The Act establishes the Association of Professional Geoscientists of Ontario. An individual must meet prescribed requirements to become a member of the Association. Council of the Association is authorized and has made regulations on eligibility for membership, standards and educational requirements.

[3] Section 8(1)1.(i) of the regulations provides that an applicant for membership shall, among other things, hold a four-year Bachelor of Science degree or its equivalent, awarded by a Canadian University, in an area of geoscience and have at the time of applying at least four years of qualifying work experience, as determined by the Registration Committee, in an area of geoscience.

[4] The respondent's application for membership was deferred by the Registration Committee on the basis that although she had a four-year Bachelor of Science degree in geology and geography from a Canadian University, she was required to take four additional university courses in order to be registered as a member. The decision to defer membership was based on a consideration of guidelines that were posted on the Association's website. The Association Council upheld the Registration Committee's decision.

[5] The respondent appealed the Council's decision to the Divisional Court on the basis that it had no authority to impose these additional requirements. The Divisional Court allowed the appeal.

[6] Before this court the appellant submits that the Divisional Court erred in finding that there was no statutory authority to examine the nature of the respondent's courses and failed to give sufficient deference to the decision of the Association's Council. It argues that the Divisional Court's interpretation is inconsistent with other provisions of the Act and its purpose including protection of the public interest. It also would have the effect of diminishing the interprovincial mobility of members. The appellant also took issue with the Divisional Court's finding that the Association had conceded that the respondent's two majors were within the domain of geoscience.

[7] In our view, the Divisional Court identified and applied the appropriate standard of review, namely reasonableness, and accorded the appropriate degree of deference. We see no error in either its analysis or its conclusion and accordingly, the appeal is dismissed.

[8] Although it has no bearing on the appeal relating to the respondent, we note from the record before us that the Association sought and obtained an amendment to the regulation effective September 7, 2012 such that in the future, its concerns will be addressed.

[9] Costs of the appeal are awarded to the respondent in the amount of \$40,000 including taxes and disbursements.

“Winkler C.J.O.”

“S.E. Pepall J.A.”

“Patrick Smith J. (*ad hoc*)”