

## PART 16

### APPLICATIONS PURSUANT TO A DOMESTIC TRADE AGREEMENT

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Amended September 2018

#### Applications

- 16.1 A Land Surveyor who is registered or licensed in any other province or territory in Canada may apply to the Board pursuant to a domestic trade agreement pursuant to The Labour Mobility Act, CCSM Cap. L5, for a licence as a Manitoba Land Surveyor.

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- 16.2 The application shall be assessed in accordance with the provisions of Chapter 7 (Labour Mobility) of a domestic trade agreement pursuant to The Labour Mobility Act, CCSM Cap. L5.

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- 16.3 The applicant shall submit an application to the Registrar in the form as set out in Appendix "16-A" and a certificate of conduct (Appendix "16-B") from each association in which the applicant is registered or licensed to practise land surveying.
- 16.4 No application under this Part 16 may be approved, from an applicant whose registration or licence to practise land surveying in any other province or territory in Canada is encumbered or restricted in any way.
- 16.5 The application shall be accompanied by payment of the application fee and examination fee as established in accordance with Part 8 of this by-law.
- 16.6 The Registration Committee shall assess each application made under this Part 16 and either accept or reject the application.
- 16.7 The Registrar shall notify every applicant under this Part 16 of the decision to accept or reject the application.
- 16.8 Every applicant under this Part 16 whose application is accepted by the Registration Committee shall be required to write a jurisdictional examination of no more than 4 hours duration.
- 16.9 Where an application is rejected, the Registrar shall set out the reasons for the rejection in the notice delivered to the applicant.

16.10 Any applicant whose application is rejected by the Registrar may appeal the rejection to the council, setting out the reasons for the appeal.

### **Jurisdictional Examination**

16.11 Following the acceptance of an application made under this Part 16, the Board shall set the date, time and location for a jurisdictional examination.

16.12 A jurisdictional examination shall consist only of questions on the subjects and topics listed in the Syllabus for Jurisdictional Examinations as amended from time to time by the Board.

16.13 The Board shall appoint an invigilator for every jurisdictional examination sitting.

16.14 The duties of the Invigilator shall be as set out in Appendix "15-E".

16.15 Upon request of the applicant, a jurisdictional examination may be held in any location suitable to the applicant provided that the applicant is able to provide an invigilator who is acceptable to the Board.

16.16 The applicant shall be responsible for procurement of a suitable space and all costs associated with a request for an examination to be held in a location of the applicants choosing.

16.17 Where the applicant provides an invigilator, the invigilator shall:

- a) prior to the sitting of the jurisdictional examination sign and forward to the Board, a copy of the Undertaking of Invigilator (Appendix "16-D");
- b) subsequent to the sitting of the jurisdictional examination sign and forward to the Board, the Declaration of Invigilator (Appendix "16-E").

16.18 The date set for any jurisdictional examination shall not be more than 30 calendar days from the date of receipt of the application.

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16.19 The notice of rejection required in Part 16 may be delivered in the first instance by electronic means but shall be followed immediately by postal letter or courier delivery.

16.20 The pass mark for the jurisdictional examination shall be 70%.

16.21 After a third failed attempt at the jurisdictional examination by one candidate any subsequent examination for that candidate will be scheduled at the discretion of the Board.

### **Assessment of Examinations**

16.22 Subject to appeal, the Board shall make the final determination of marks awarded for each jurisdictional examination and shall give notice to the Registrar.

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16.23 The Registrar shall notify the applicant of the mark obtained on the jurisdictional examination.

16.23.1 When the applicant is successful in passing the jurisdictional examination, the Registrar shall provide the following forms to be completed:

- a) Form D – Manitoba Land Surveyor’s Declaration;
- b) Form H – Application for Membership; and
- c) Form I – Oath of Office;

and shall provide a statement of annual fees, prorated in accordance with Section 8.6, and any other related costs.

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16.23.2 The successful applicant shall, within 30 days of the date of the notice set forth in section 16.23, deliver to the Registrar the completed forms and payment of the fees and costs referred to in section 16.23.1, together with a request that the Registrar issue a license to practice.

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16.23.3 The successful applicant shall obtain professional liability insurance in accordance with Part 14 of this by-law and shall provide satisfactory proof of same to the Registrar.

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16.23.4 When professional liability insurance is not required by virtue of the employment stated in Section 14.7, the successful applicant shall provide a sworn statement to the Registrar of that fact.

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16.23.5 The Registrar shall not issue a licence to practice until satisfactory proof has been provided that the successful applicant has obtained professional liability insurance or provides a sworn statement in accordance with Section 16.23.4.

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16.23.6 Failure to provide the deliverables and request as required under section 16.23.2 shall result in the status of the successful applicant being changed to Suspended Member.

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16.24 Any applicant who fails to obtain the required pass mark on the jurisdictional examination may appeal the assigned mark to the Registrar.

## **Appeals**

16.25 Any person affected by a decision of the Board, may apply in writing to the Registrar to request an appeal of the decision.

16.26 All requests for appeal shall be submitted to the Registrar within 30 days of the date of receipt of the decision that is being appealed.

16.27 The request shall outline the grounds for the appeal.

16.28 The Board of Examiners Appeals Committee may enlist the assistance of any person in assessing the merits of an appeal.

16.29 Upon receipt of a request for appeal, the Board of Examiners Appeals Committee shall request and be provided with all relevant documentation which in the case of an appeal of an examination result shall include, as applicable, the answers of the applicant, the answer key, and a report of the findings of the Board with respect to their assessment of the examination.

16.30 The Board of Examiners Appeals Committee may uphold or vary the assessment or decision of the Board in a manner consistent with this by-law.

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16.30.1 The Board of Examiners Appeals Committee shall forward its decision in writing to the Registrar together with all files relating to the appeal, and the Registrar shall forward a copy of the decision to the Board of Examiners and to the appellant.

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16.30.2 The Board of Examiners shall effect the decision of the Board of Examiners Appeals Committee.

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16.31 All appeals shall be accompanied by payment in the amount as set out in the approved fee schedule for the current year in accordance with Section 8-2.

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16.32 The decision of the Board of Examiners Appeals Committee shall be final.