

# Complaints - Clients, Competitors and the Committee

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Have you ever provided an estimate for a project over the telephone and been verbally instructed to proceed, and then upon completion of the work, without further discussion with the client, invoiced an amount in excess of the estimate? If the answer is yes, you may have been or might be the subject of a complaint which could be upheld by the Complaints Committee.

This article will examine the AOLS Complaints process, the primary reasons for complaints, the possible consequences of a complaint and provide some suggestions on how to avoid being the subject of a complaint.

## Inquiries

Every business day, the professional staff at the Association office responds to telephone inquiries from members of the public and other surveyors regarding the conduct or actions of Ontario Land Surveyors. Some of these inquiries can be resolved quickly on the phone with a clarification of the surveyor's role or duties. Others require submissions in writing with a copy of the submission forwarded to the OLS from the Registrar with a request for a response. Upon receipt of the surveyor's information, the Registrar reviews the entire file and provides possible recourses or recommendations to the inquirer (e.g. apply under Boundaries Act or obtain another opinion in the case of a boundary dispute). However, the only statutory authority for the Association to deal with concerns regarding the conduct or actions of members is through the Complaints Committee. (S.22 Surveyors Act RSO 1990 c. S.29) Accordingly, every inquirer who provides a written submission and

where the file is not initially directed to the Complaints Committee, is informed of the right to insist that the Complaints Committee review the matter.

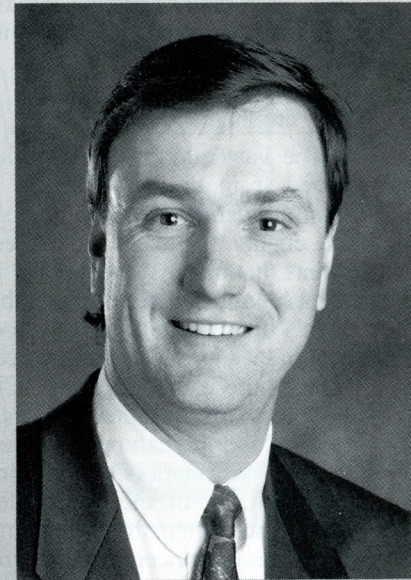
## Complaints Process

Some written inquiries are clearly complaints. The legitimacy of a complaint is not determined by Association staff. The complaint is automatically referred to the Complaints Committee when it is filed in writing with the Registrar. The Registrar will request that the complainant provide a submission which includes details regarding the nature of the problem, an explanation of the events in chronological order and copies of any documents pertinent to the complaint. The OLS complained against is then notified of the complaint, provided with a copy of the letter of complaint, and is allowed at least two weeks to respond. Upon receipt of the response, the Registrar may then request the person filing the complaint to respond to the OLS's explanation.

The Complaints Committee reviews the submissions from both parties. The Committee is not required to allow either the complainant or the OLS complained against to speak to the Committee or to attend a meeting. The Committee may:

- i) direct the Registrar to obtain more information;
- ii) request an interview with either or both parties;
- iii) direct the way in which the complaint is to be resolved;
- iv) dismiss the complaint;
- v) refer the matter or any part of it to the Discipline Committee.

The decision and the reasons for the decision are sent by first class mail to both the complainant and the OLS complained about. If the person who filed the complaint is not satisfied with the manner in which the Complaints Committee handled their complaint or if the Complaints Committee has not disposed of the complaint within ninety days after the



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complaint is filed with the Registrar, he or she may apply to the Complaints Review Council for a review of the treatment of the complaint. The Complaints Review Council is a Lay member of AOLS Council appointed pursuant to Section 23 of the Act. There is no appeal to a decision of the Complaints Committee and the Complaints Review Council cannot overturn a decision. The Complaints Review Council may also, upon his or her own initiative, examine the treatment of complaints by the Committee.

#### Why are there Complaints?

The vast majority of complaints received from the public relate to poor communication between the surveyor and client. It is clear from these complaints that many surveyors are not very adept at public relations. The public complaints often relate to delays in completion of a survey or an invoice which exceeds the estimated price. Clarity in the explanation of the services recommended and the nature of the fees, with written confirmation, would eliminate a vast majority of the legitimate public complaints. Often, the Complaints Committee has no concern that the work completed was necessary or that the client has received good value. What is of concern is the failure of the surveyor to unambiguously inform the client of the scope of the work and the cost involved, both at the outset and as the project evolves. The Code of Ethics, Section 33(2)(e), RRO 1990 Regulation 1026, requires that every member shall ensure clients are aware of the complexity of the type of surveys recommended and the nature of the fees for the service. Failure to comply with this will result in the Complaints Committee finding in favour of the complainant with possible referral to the Discipline Committee for repeated contraventions.

Robert Daniels, NSLS, CLS in the Nova Scotian Surveyor (Summer 1994) in an article entitled "Complaints, Communication and the Surveyor" outlines many of the problems encountered by the Complaints Committee of the Association of Nova Scotia Surveyors. The similarities to Ontario are startling. Mr. Daniels states on pages 19-20:

*"Statistics have shown that a happy client will be a return client and will tell 2 or 3 others of the good service and product they received. While conversely, an unhappy client will rarely be a return client and will take great delight*

*in telling 8 to 10 others of the poor service and mistreatment they received. Therefore, the negative impact of an unhappy client is at least three times the positive impact of a happy client.*

***"Listen to the client as they explain their situation and requirements."***

*The following recommendations will reduce client misunderstanding, greatly increase client satisfaction, improve the image of the surveyor and reduce the number of complaints.*

*1. Listen to the client as they explain their situation and requirements. It is very important that the client has the opportunity to express their view of the situation. This is to ensure that the client feels the surveyor has an interest in, and an understanding of, their situation and requirements.*

*2. Ask appropriate questions to demonstrate that you have a thorough understanding of the situation and requirements, explain the different types of surveys and their uses; then recommend the type of survey required.*

*3. Obtain mutual agreement with the client, identifying the situation to be resolved and the type of survey that will be provided.*

*4. Inform the client when the survey will be completed and how and where the final plans will be supplied. Act on behalf of the client by distributing copies of plans and reports to others as required and make submissions to get approval from the appropriate authorities.*

*5. Notify the client immediately if, during the course of the survey, situations arise which will cause delays or affect the cost of the survey, and discuss the reasons and impact of the changes. Statistics show that clients who are kept informed of changes during the process are more likely to accept the changes and continue with the project. There are very few clients who appreciate being informed at the last minute that the survey has been delayed and there will be additional costs.*

*6. Follow-up with the client is important after the completion of the project to*

*ensure the survey was satisfactory. This will also give the surveyor an opportunity to determine if further service can be extended to the client.*

*7. Send a letter of understanding to the client if there is no written contract; this is good business practice after receiving authorization to carry out the survey. This letter will outline the scope of the survey services to be supplied, with time and cost estimate as applicable.*

*As professionals, many members of the Association are lax in maintaining good communications with the clients. By including the client in the discussions and the decision making process, they will have a better understanding of what is involved in carrying out a survey and feel that they are contributing to the final solution.*

*Better communications and improved client service is one way of improving business in the changing world of the 90's."*

***"Statistics show that clients who are kept informed of changes during the process are more likely to accept the changes ..."***

#### Complaints Brochure

As part of the continuing efforts "to promote public awareness of the role of the Association" (Section 2(3)3 Surveyors Act RSO 1990) a brochure entitled "Complaints Procedures - A Public Information Guide" has been prepared. It outlines the authority and the role of the Complaints Committee and the manner in which a complainant must file a complaint. Copies of the brochure are available at the Association office.

#### Complaints by Surveyors against Surveyors

Some of these complaints relate to the quality of the survey product and others deal with concerns about the manner in which a member provides survey services.

We are obliged by the Standards of Practice to report to the Registrar any gross or consistent practice or omission of another member that may constitute professional misconduct or incompetence. This provision is essential if we are to continue as a self-governing profes-

sion; we must police ourselves and ensure that all members are providing a high quality product to the public. Nonetheless, many of the recent surveyor/surveyor complaints appear to have been forwarded to the Association before any attempt has been made to resolve the problem between the surveyors themselves. The cost to the surveyors involved and the Association is enormous. The Association staff and the Complaints Committee spend many hours on each complaint received and both the complainant and the responding surveyor must set aside revenue-producing work to deal with the matter. We ask only that you consider calling your fellow member to discuss the problem before you put pen to paper in the form of a complaint. Cooperation amongst ourselves is essential, not only to the success of our profession, but also to our businesses.

This is not to suggest that we turn a blind eye to flagrant contraventions of the Standards for Surveys or the Code of Ethics. Often it is fellow surveyors rather than the public who bring the most serious concerns to the attention of the Association. But many of the surveyor/

surveyor complaints appear to be nothing more than the most recent volley in an ongoing disagreement between members. It has been suggested that these complaints are the result of poor economic times and the long awaited resurgence will decrease everyone's anxiety. While we are all hopeful that this will be the case and result in fewer surveyor/surveyor complaints, it should be emphasized that all surveyors must make a concerted effort to deal more effectively with their fellow members. Here are some suggestions to promote better communication amongst the profession:

- i) Provide prompt and complete responses to requests for survey information.
- ii) Attend Regional Group Meetings to socialize with your fellow members and to discuss current issues and common concerns.
- iii) Call or fax a fellow member when you are disagreeing with his or her survey or when you have concerns about the manner in which survey services are being provided to the public. Give them a

chance to explain before you make your final decision either on the position of the boundary or on whether to contact the Association office.

If you decide to initiate a formal complaint about another OLS, include all the facts, as objectively as possible, and incorporate whatever you have in the way of "evidence." Word the complaint in such a way that you are suggesting a transgression **may** have taken place. Remember, a person is innocent until proven guilty.

The Complaints Committee is one of the fundamental provisions of the Surveyors Act which ensures that the public interest is served and protected. It is imperative that legitimate concerns about surveyors be addressed by the Committee. Better communication with clients and fellow surveyors should enable us to reduce preventable complaints. This will allow the Committee and Association staff to deal with the serious concerns that continue to arise as well as allowing all of us the opportunity to better serve the public.

