

2012

PROPOSED BY-LAW CHANGE TO MODIFY METHODS OF NOTIFICATION
BY-LAW 15.8 Notices

Approved by Council June 14, 2012

By-Law	Current Wording	Proposed Wording	Reason
By-Law 15.8.1	<p>15.8.1 Any notification or notice to be given under any provision of this part of the by-laws shall be given by personal service upon the person to whom such notification or notice is to be given, or by registered mail, postage prepaid and</p> <p>a) if to the registrar, addressed to the head office of the association, and</p> <p>b) if to any other person, addressed to his or her address as recorded in the records of the association, and</p> <p>any such notification or notice given by prepaid registered mail shall be deemed to have been received by the person to whom it is addressed on the third business day following mailing unless at the time of mailing, there is an actual or threatened disruption of postal services.</p>	<p>15.8.1 Any notification or notice to be given under any provision of this part of the by-laws shall be given by <u>email</u>, by postage prepaid registered mail, or by personal service upon the person to whom such notification or notice is to be given, and</p> <p>a) if to the registrar, addressed to the head office of the association, <u>or</u></p> <p>b) if to any other person, addressed to his or her address as recorded in the records of the association.</p> <p><u>Any such notification or notice given by email shall be deemed to have been received by the person to whom it is addressed when receipt has been acknowledged.</u></p> <p>Any such notification or notice given by prepaid registered mail shall be deemed to have been received by the person to whom it is addressed on the third business day following mailing unless at the time of mailing, there is an actual or threatened disruption of postal services.</p>	To allow issuance of notices by email

EXAMPLES FROM OTHER REGULATORS

Law Society of Manitoba – “**Methods of service**

5-78(3) Service on a member of a charge under subsection (2) may be effected by:

- (a) serving the member personally;
- (b) sending it by registered mail to the member’s last known address; or
- (c) serving it personally on the member’s counsel or delivering a copy to the member’s counsel by electronic or other means.

Substitutional service

5-78(4) Where it is impractical or impossible to serve the charge as required under subsection (3), a discipline panel may make an order for substitutional service.”

APEGBC – In the Act “(2) On receipt of the investigation committee’s recommendation under section 30 (9) or (10) for an inquiry, the discipline committee must cause an inquiry to be held before it by causing written notice of an inquiry to be personally served on the person who is the subject of the inquiry or, failing personal service, by leaving the notice at, or by mailing it by registered mail to, the person’s last address on file with the association.”

APEGA – Found nothing (?)

APEGS – “**Electronic service of notices**

27(1) When a person has provided to the Registrar a facsimile number for the purpose of receiving notices, documents that are required or permitted by the Act and the bylaws to be served on or given to a person by facsimile, may be sent to the person at the facsimile number in the records of the Association.

(2) When a person has provided to the Registrar an electronic mail transmission address for the purpose of receiving notices, documents that are required or permitted by the Act and the bylaws to be served on or given to a person by electronic mail transmission, may be sent to the electronic mail transmission address in the records of the Association.

(3) If a notice is served by facsimile or by electronic mail transmission in accordance with subsection (1) or subsection (2), unless the contrary is proved, the service or receipt is presumed to be effected on the date on which the notice was transmitted.

27.1 Notwithstanding the notice provisions for the annual meeting set out in subsection 21(3) of *The Engineering and Geoscience Professions Administrative Bylaws, 1997*, any other notice required to be given pursuant to any other section of the *Act*, or *The Engineering and Geoscience Professions Regulatory Bylaws, 1997* or *The Engineering and Geoscience Professions Administrative Bylaws, 1997* may be effected by ordinary mail, or by facsimile or by electronic mail transmission to the address, facsimile number or electronic address shown in the records of the Association.”