



**Ontario
Association
of Architects**

Guidelines for Completion of an Application for Certificate of Practice for a Partnership

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Payment of Fees Form
Application for Certificate of Practice – Partnership
Undertaking to the Ontario Association of Architects

When filing an Application for a Certificate of Practice, include the following where applicable:

1. *Curriculum Vitae (page 3; item 4)
2. *Notification to Employer (page 3; item 5)
3. *Engineers - Certificate of Authorization (page 3; item 8)
4. *Business Registration (page 3; item 9)
5. Seal Application (page 4; item 11)
6. Payment of applicable fees. (Refer to Payment of Fees form)

*** submit copy**

IMPORTANT

In order to offer or provide architectural services in Ontario (as defined in the *Architects Act*) to the public, which includes activities such as the preparation of drawings and completion of feasibility studies, an individual or entity must be the holder of a Certificate of Practice. The provision of these services, prior to the issuance of a Licence and Certificate of Practice may be prejudicial to the granting of a Licence and/or a Certificate of Practice.

Until an application for a Certificate of Practice is approved by the OAA it is a contravention of the *Architects Act* to promote, offer or provide architectural services in Ontario in the name of the new practice, and items such as letterhead, cheques, signs, etc. should not be ordered.

The use of the term Certificate of Practice in this document shall at all times refer to a Certificate of Practice issued by the Ontario Association of Architects (OAA) unless otherwise stated.

GENERAL

1. Allow approximately **3 - 5 weeks** processing time from the date of receipt of the completed application and all required documentation or following approval of an Application for Licence. An incomplete application may be delayed as it may be returned for completion.

2. **FORMAT**

The application should be typed or printed and all sections completed, signed, dated.

3. All documentation submitted will be verified.

4. **CURRICULUM VITAE**

In order to satisfy the currency requirement outlined in Subsection 17(2) of the *Architects Act*, the OAA architect who is a principal of this practice and who is not currently a holder of a Certificate of Practice, must enclose an updated curriculum vitae with a chronological record of work experience covering at least the five years immediately preceding the date of this application.

5. **NOTIFICATION TO EMPLOYER- Regulation 27 Subsection 34(b)**

The OAA architect who is a principal of this practice and is currently employed elsewhere, must enclose a copy of the notification to employer. The following is a sample of wording which may be used:

"This is to advise that it is my intention to offer and/or provide architectural services to the public and to apply to the Registrar of the Ontario Association of Architects for a Certificate of Practice.

I hereby further advise that such architectural services will not be performed during the hours I am employed by ___ nor will I use any material, equipment or facilities belonging to _____ for this purpose.

I will advise my clients and other parties of my status as an employee and the attendant limitations on my services to ensure that my work will not conflict with my duties as an employee.

I will assume all professional liability for the architectural services I will provide as a holder of a Certificate of Practice and will indemnify and hold harmless _____ from any claims arising from my practice."

6. The **Standards of Practice** are prescribed in Sections 47, and 49, of Ontario Regulation 27, as amended.

7. **REAPPLICATION OR REINSTATEMENT REQUIREMENTS**

- i) A former OAA architect who has voluntarily surrendered his/her Certificate of Practice may submit an application to reapply for a Certificate of Practice.
- ii) A former OAA architect whose Certificate of Practice was cancelled may make application to reinstate the Certificate of Practice.
- iii) Please note that the applicant **must**:
 - (a) provide evidence to the Registrar that the person who will personally supervise and direct the practice of architecture has, before the date of the application, completed a cycle of continuing education that meets the requirements of the continuing education program established under Section 54 of the Regulation.
 - (b) file with the Registrar an Undertaking in which/he affirms that he/she has not engaged in the practice of architecture in the Province of Ontario from the date of surrendering or cancellation of his/her Certificate of Practice, except as an employee of a holder of a Certificate of Practice or as an employee of an organization which did not offer architectural services to the public.

8. **ENGINEERING SERVICES**

If this practice intends to provide engineering services, enclose a copy of the current Certificate of Authorization issued by the Association of Professional Engineers of Ontario under the Professional Engineers Act of Ontario.

9. **BUSINESS NAMES ACT (BNA)**

The Business Names Act applies to all types of business which operate under a name other than the owner's. For further details contact the Companies and Personal Property Security Branch at 416-314-4852 or check the web site www.ontario.ca. If applicable, **enclose a copy of the Business Registration** from the Companies and Personal Property Branch, Ministry of Government Services.

If the business operating under a Certificate of Practice uses a business name other than that contained on the Certificate of Practice the holder of the Certificate of Practice and all architects working under it must ensure compliance with the following:

- a) The Office of the Registrar of the OAA must be notified of all of the other names used; and
- b) The name of the holder of the Certificate of Practice must be included in all significant documents (e.g., contracts, invoices, letterhead, business cards, architectural drawings etc.) so that the public can identify the official name of the entity with whom they are dealing.

10. **MOBILITY OF ARCHITECTURAL PRACTICES TO ONTARIO (RECIPROCAL APPLICANTS)**

In order to hold a Certificate of Practice, an architect licensed in Ontario is subject to the requirements of the *Architects Act*, Regulation and By-Laws, including those relating to professional liability insurance coverage.

11. **APPLICATION FOR SEAL**

Complete and enclose application(s) for seal(s) which is available on the Web site under Seal Application and the required payment, for the holder of the Certificate of Practice (the applicant) and any OAA architects of the practice who will be required to use their seal in their capacity as employees.

In order for an OAA architect who is an **employee** of a holder of Certificate of Practice to obtain a seal, the holder of the Certificate of Practice must sign the Declaration on the Application for Seal indicating that the seal **will be used only for work under that holder**.

In order for an OAA architect who is an **employee** of other than a holder of a Certificate of Practice (i.e. Federal or Provincial Government, banks, etc.) to obtain a seal, the employer must sign the Declaration on the Application for Seal indicating that the seal **will be used only for work owned by the employer**.

When an employee with seal changes employment, the employer must notify the Office of the Registrar of any changes to the Certificate of Practice, where applicable, and the employee must immediately return the seal to the Association (Subsection 42(2), Regulation 27).

12. **PROFESSIONAL LIABILITY INSURANCE COVERAGE**

All applicants for a Certificate of Practice **with an office in Ontario** must also submit an Application for annual practice insurance, unless the Certificate of Practice application represents a change in particulars of an existing holder of a Certificate of Practice with an office in Ontario. (*Section 48, Regulation 27, as amended*).

Please contact Pro-Demnity Insurance Company for the appropriate forms.

Pro-Demnity Insurance Company
111 Moatfield Drive
Toronto, ON M3B 3L6
Tel: (416)386-1770 Fax: (416)449-6412
Email: mail@indplan.com

All applicants for a Certificate of Practice **with an office outside of Ontario** or **whose primary function is not to engage in the practice of architecture and whose Certificate of Practice was issued under Subsections 14(2) or 15(2) or Sections 18 or 19 of the *Architects Act*** must submit an application for Exemption from annual professional liability insurance coverage with Pro-Demnity Insurance Company.

Note: If a holder of Certificate of Practice located outside of Ontario:

- a) moves to Ontario
- or
- b) decides to open an office in Ontario

the holder's office in Ontario is required to be insured under Pro-Demnity Insurance Company and an Application for annual practice insurance must be submitted.

13. **FEES**

The fees for Certificate of Practice are set out on the enclosed Payment of Fees form.

COMPLETION OF THE APPLICATION

A. APPLICATION CATEGORIES

New Practice applies to an applicant who is not currently a holder of a Certificate of Practice, or who is currently a holder of a Certificate of Practice and this is a new and separate Certificate of Practice.

Change in Particulars of Existing Practice applies if the applicant is currently a holder of a Certificate of Practice and there is a change to the structure affecting the name of the Certificate of Practice.

If there are current projects for which architectural services are being provided by the existing practice, then:

- a) the Certificate of Practice for the existing practice must be maintained (*refer to page 3; item 6*) until completion of the architectural services, **or**

b) these projects must be assigned to the holder of the new Certificate of Practice.

Note: Advise the OAA **in writing** whether a) or b) applies.

Personally Supervising and Directing: An architect in this practice must personally supervise and direct the practice of architecture on a Full-Time basis.

B. IDENTIFICATION

When choosing the name of the Certificate of Practice refer to Appendix 2 of the Guidelines.

OTHER OFFICE

If it is the intention of the practice to have **more than one office** registered with the OAA, i.e. the principal and 'other office(s)', **each** office must comply with the Standards of Practice (*refer to page 3; item 6*) and payment must be submitted for **each** 'other office' (*refer to the Payment of Fees form*).

C. PRACTICE HISTORY

Identify any Certificate of Practice not currently in good standing and provide the particulars.

D. PRACTICE STRUCTURE

In order for the Association to maintain a current Register of its architects and holders of Certificates of Practice, it is important to keep the practice structure correct and up to date. **Report all changes in writing to the Office of the Registrar.**

E. DECLARATION

It is the statutory responsibility of the OAA to ensure that each principal of a Certificate of Practice has the requisite knowledge of Ontario laws before being granted a Certificate of Practice.

Applicants must have unrestricted access to the documents listed in Appendix 1. The OAA Official Documents are only available for downloading from the OAA's Web site.

APPENDIX 1

LIST OF DOCUMENTS

OAA Official Documents

- 1.² The *Architects Act*, R.S.O. 1990, c.A.26
<http://www.e-laws.gov.on.ca>
- 2.² Ontario Regulation 27, R.R.O. 1990, as amended
<http://www.e-laws.gov.on.ca>
- 3.² By-Law, as amended (under the *Architects Act*, R.S.O. 1990, c.A.26)
<http://www.oaa.on.ca/client/oa/OAAHome.nsf/web/OAA+By-Laws?OpenDocument>
- 4.² Ontario Association of Architects Standard Form of Contract for Architect's Services, Document 600, 2008
<http://www.oaa.on.ca/client/oa/OAAHome.nsf/web/Document+600?OpenDocument>
- 5.¹ Regulatory Notices (formerly Practice Bulletins)
<http://www.oaa.on.ca/client/oa/OAAHome.nsf/web/OAA+Regulatory+Notices?OpenDocument>
- 6.¹ Practice Tips (formerly Practice Bulletins)
<http://www.oaa.on.ca/client/oa/OAAHome.nsf/web/OAA+Practice+Tips?OpenDocument>

Superscript 1 - acquired **general** knowledge

Superscript 2 - acquired **specific** knowledge

¹**Ontario Building Code Act 1992, as amended by S.O. 1997 and the Ontario Building Code**, both as amended

¹**Provincial statutes, regulations and codes** applicable to the design, construction, enlargement or alteration of buildings, such as but not limited to:

Construction Lien Act, R.S.O. 1990, Chapter C.30

Planning Act, R.S.O. 1990, Chapter P.13

Occupational Health & Safety Act, R.S.O. 1990, Chapter O.1

Elevating Devices Act (Incorporated into Technical Standards and Safety Act, 2000, S.O. 2000, Chapter 16)

Fire Protection and Prevention Act, 1997 and the Ontario Fire Code

Health Protection & Promotion Act, R.S.O. 1990, Chapter H.7

Ontario New Home Warranties Plan Act, R.S.O. 1990, Chapter O.31

Note: All Provincial statutes, regulations and codes are as amended.

The above documents are available for download at www.e-laws.gov.on.ca or may be purchased by contacting the **Ontario Government Bookstore at College Park Building, 777 Bay Street, Market Level, Toronto, Ontario M6G 2C8 (416) 326-5300** or through **ServiceOntario Publications** at www.publications.serviceontario.ca

Superscript 1 - acquired **general** knowledge

APPENDIX 2

GUIDELINES FOR NAMING A CERTIFICATE OF PRACTICE

These guidelines are provided to assist architects licensed by the OAA in the completion of an Application for Certificate of Practice for submission to the Registrar in accordance with Section 34 of the Regulation. It is suggested that printing of a letterhead, title blocks, etc., should not be finalized until the Application for Certificate of practice is approved.

1. There are no restrictions on the name or structure of a Certificate of Practice except as set out in the *Architects Act* and Regulation or as noted below:
 - a) A Certificate of Practice (Sole Proprietor) cannot be issued to or in the name or initials of a non-member of the Ontario Association of Architects (OAA) and Association of Professional Engineers of Ontario (APEO).
 - b) A Certificate of Practice (Partnership) cannot be issued to or in the name(s) or initials of non-members of the OAA and APEO.
 - c) A Certificate of Practice (Corporation) cannot be issued to or in the name(s) or initials of a non-member of the OAA and APEO where the term "architect" or any derivation thereof is within the corporate name if the name(s) or initials of a non-member(s) is also included within the corporate name.
 - d) A Certificate of Practice (Corporation) cannot be issued to or in the name(s) or initials of a non-member of the OAA and APEO where only the name(s) and/or initials of a non-member(s) appears within the corporate name.
2. Subject to the above, a Certificate of Practice may be known by a **trade or style name** if different from the approved name on the Certificate of Practice provided the Office of the Registrar has been advised and provided that the name of the holder of the Certificate of Practice is included in all significant documents (e.g., contracts, invoices, letterhead, business cards) so that the public can identify the official name of the entity they are dealing with.
3. The **name** on a Certificate of Practice may be followed by any designation; i.e. Architect, Planner, Interior Designer, etc., provided that it complies with all governing statutes.

The onus is on the holder of the Certificate of Practice to ensure compliance.

Note:

1. In the case of a corporation the name is the property of the corporation.

Reference: (current edition)

1. *Architects Act*
2. Regulation under the *Architects Act*
3. *Business Corporations Act* including Regulation 62, as amended, subsection 15.2
4. *Business Names Act* including Restrictions on corporate name subsection 10(1) and O.Reg.122/91.

APPENDIX 3

VOTING INTEREST AND FINANCIAL INTEREST OF PARTNERSHIPS

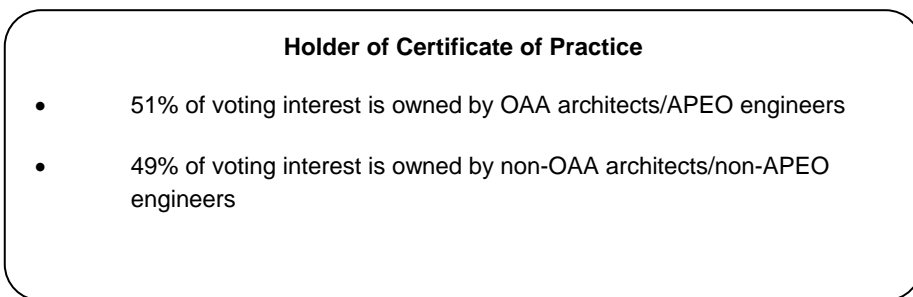
In order for a Certificate of Practice application to be approved, the voting interest and value of all financial interest must meet two rules:

1. **51% of the voting interest** of the partnership applying for the Certificate of Practice must directly or indirectly be controlled and owned by OAA architects or OAA Architects and Association of Professional Engineers of Ontario (APEO) engineers or APEO engineers.
2. **51% of the financial interest** of the partnership applying for the Certificate of Practice must directly or indirectly be held by OAA architects or OAA architects and APEO engineers or APEO engineers.

Ownership of Voting Interest – First Criteria

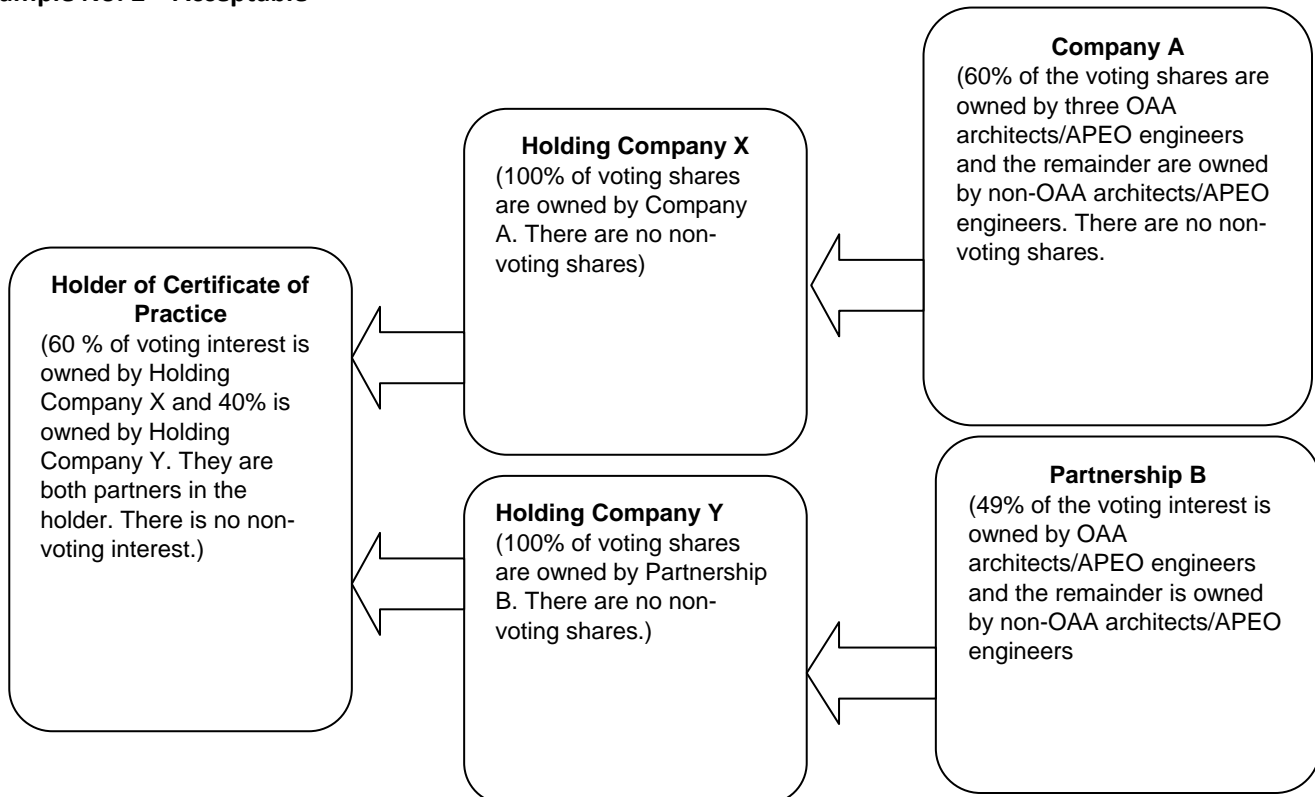
Voting interests are generally set out in the partnership agreement. The following examples illustrate the rules requiring voting interests. In essence OAA architects and APEO engineers must own and control the majority of voting interest.

Example No. 1 - Acceptable



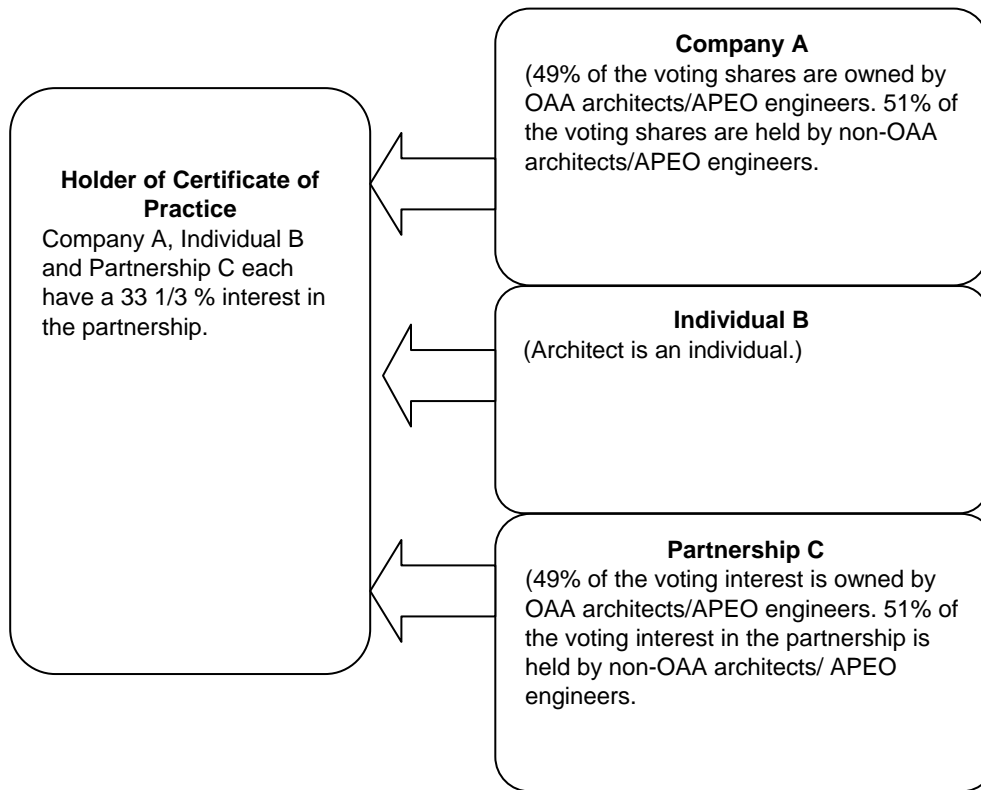
This example is acceptable because 51% of the voting interest is owned by OAA architects/APEO engineers.

Example No. 2 – Acceptable



This example is acceptable because the OAA architects/APEO engineers owning the interest of Company A own the majority of voting interest of the Holding Company X that owns the majority of the interest of the holder of the Certificate of Practice.

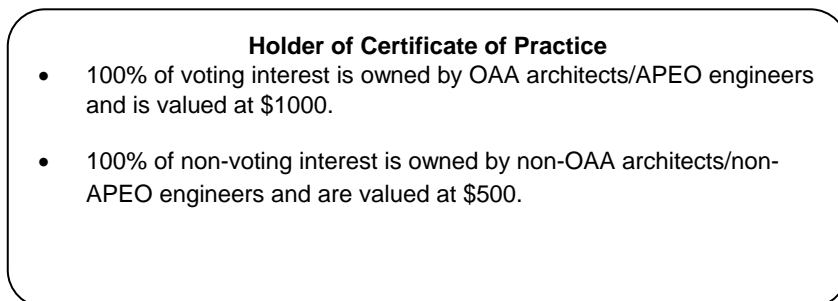
Example No. 3 – Not Acceptable



This example is not acceptable because two-thirds of the voting interest in the Holding Company (which owns all of the voting interest of the holder of the Certificate of Practice) is controlled by entities that are under the majority control of non-OAA architects and non-APEO engineers. Despite the fact that OAA architects and APEO engineers hold substantial minority voting rights in all of the entities, this structure does not pass the voting interest test.

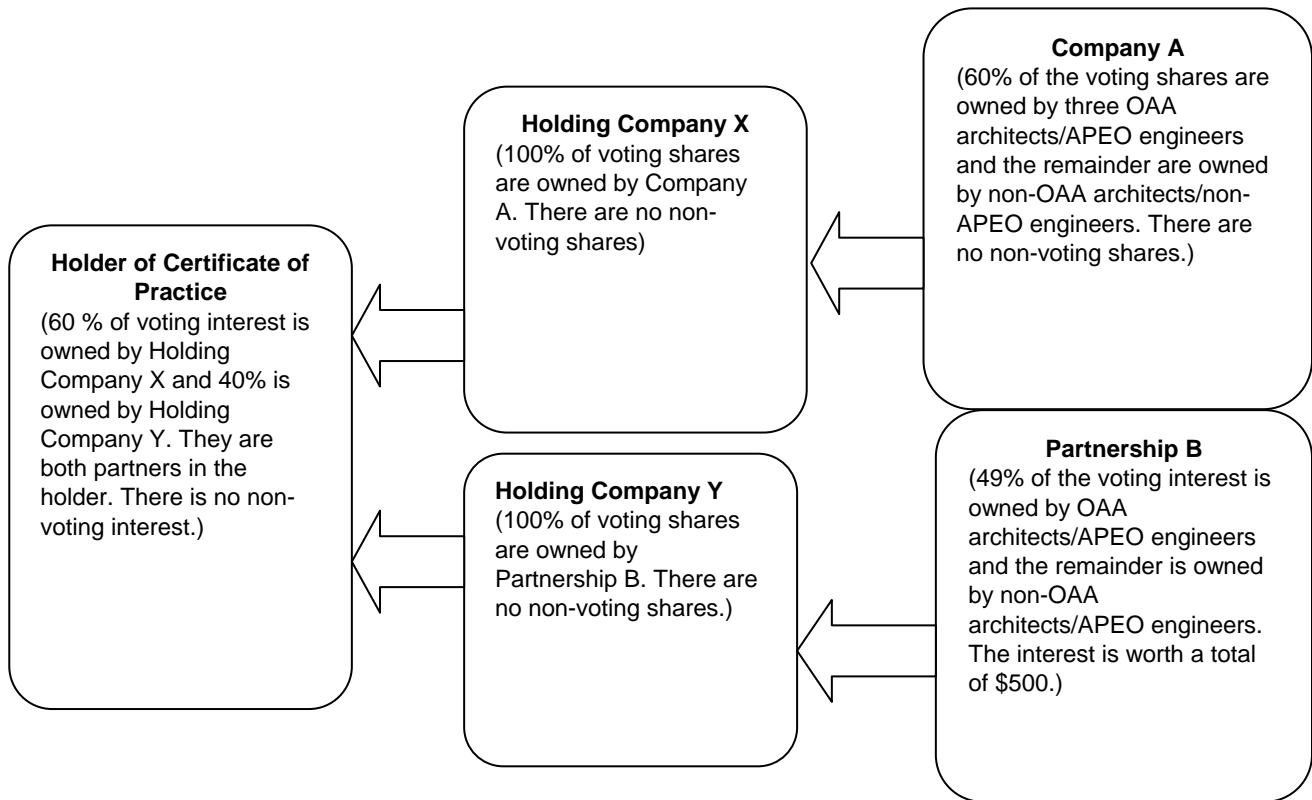
Financial Interest – Second Criteria

Example No. 1 - Acceptable



This example is acceptable because the value of the voting interest is owned by OAA architects/APEO engineers is twice that of the shares owned by the non-OAA architects/non-APEO engineers.

Example No. 2 – Acceptable



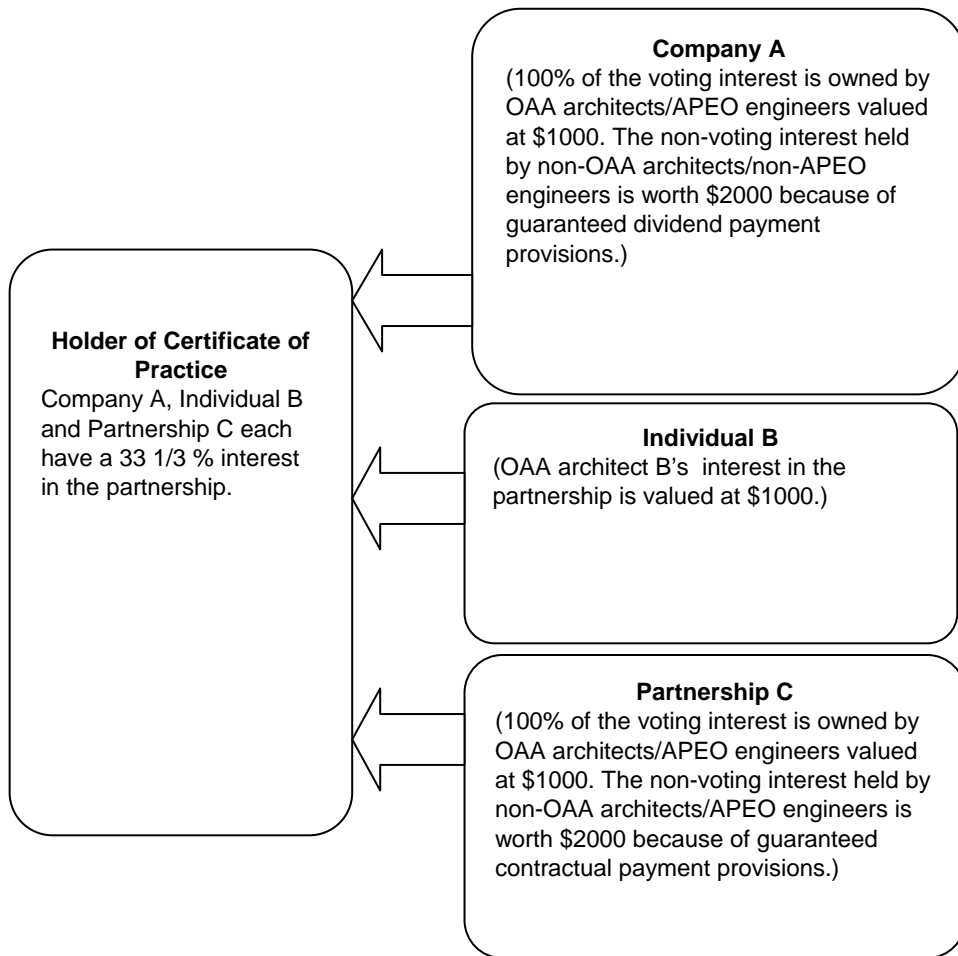
This example is acceptable because the total value owned by architects is more than 51% of the value.

Company A, OAA architects/APEO engineers value total 60% of \$1000 = \$600.

Company B, OAA architects/APEO engineers value total 49% of \$500 = \$245.

Thus OAA architects/APEO engineers value is \$855 of \$1500 = 57%.

Example No. 3 – Not Acceptable



This example is not acceptable because the value of the non-voting interest, which are all held by non-OAA architects/APEO engineers, are worth more than the voting shares owned by the OAA architects/APEO engineers.



**Ontario
Association
of Architects**

Payment of Fees – 2011

CERTIFICATE OF PRACTICE

111 Moatfield Drive, Toronto, Ontario M3B 3L6
Telephone 416-449-6898 Fax 416-449-5756 www.oaa.on.ca

The Ontario Association of Architects accepts payment of fees by cheque (including: money order, bank draft) made out to the OAA in Canadian Funds only, and cash. The fees listed below are in Canadian funds and include the Harmonized Sales Tax (HST).

FEES	APPLICATIONS APPROVED BETWEEN Jan 1 – Jul 31		APPLICATIONS APPROVED BETWEEN AUG 1 – DEC 31	
Application fee	\$282.50		\$282.50	
Annual fee <i>(based on number of OAA licensed architects and Licensed Technologists OAA within the practice):</i>				
practice with one OAA licensed architect (minimum fee); plus,	465.56		232.78	
fee for each additional OAA licensed architect and Licensed Technologist OAA within the practice	___ x 349.17		___ x 174.59	
Seal				
Type #1	37.50		37.50	
Type #2	65.40		65.40	
Type #3	87.50		87.50	
Other Office	113.00		113.00	
Total		\$		\$

NAME OF APPLICANT:
PAYMENT METHOD:
<input type="checkbox"/> Cheque
<input type="checkbox"/> Money Order
<input type="checkbox"/> Bank Draft
<input type="checkbox"/> Cash
<input type="checkbox"/> Online Banking *

*If you **already** have an OAA account/identification number, you may use online banking at this time.

Online Banking:

Online banking bill payment is available for the 5 major Canadian banks (CIBC, RBC, Scotia, TD & BMO). Note: You must use your account/ID number to ensure the OAA receives the correct information from the bank to process your payment and avoid cancellation. Contact oaafees@oaa.on.ca for more information.



**Ontario
Association
of Architects**

111 Moatfield Drive, Toronto, Ontario M3B 3L6
Telephone 416-449-6898 Fax 416-449-5756 www.oaa.on.ca

Application for Certificate of Practice Partnership

A. BASIS OF APPLICATION (please check the appropriate application category)

- New Practice
- Change in Particulars of Existing Practice
- Reapplication (Certificate of Practice previously surrendered)
- Reinstatement (Certificate of Practice previously cancelled)

B. IDENTIFICATION (Use supplementary sheets if necessary.)

1. Name of Practice: _____

2. Principal Office: _____
Street _____ Suite No. _____

City _____ Province/State/Territory _____ Country _____ Postal/Zip Code _____

Tel: () _____ Fax () _____

E-mail: _____ Voice Mail: Yes No

3. Other Office: _____
(if applicable) Street _____ Suite No. _____

City _____ Province/State/Territory _____ Country _____ Postal/Zip Code _____

Tel: () _____ Fax () _____

E-mail: _____ Voice Mail: Yes No

4. Principal Residence Address of OAA architect who is Personally Supervising and Directing (PSD) the holder's Practice at each office
(items 2. and 3. above):

OAA Architect's Name in Full	a) Office Location (city) where PSD	b) OAA Architect's Principal Residence Address and telephone number	Distance in km between a) & b)
(print) _____ (signature) _____			
(print) _____ (signature) _____			
(print) _____ (signature) _____			
(print) _____ (signature) _____			

E. DECLARATION

I DO SOLEMNLY DECLARE:

THAT I am applying for a Certificate of Practice under the *Architects Act* of the Province of Ontario;

THAT in regard to the documents listed in Appendix 1 of the Guidelines for Completion of an Application for Certificate of Practice, I have and will continue to maintain:

- (a) the OAA Official Documents
- (b) unrestricted access to all other listed documents
- (c) **general** knowledge of the contents of the documents identified by the superscript 1
- (d) **specific** knowledge of the contents of the documents identified by the superscript 2

THAT I agree to comply with the *Architects Act*, the Regulation and By-Laws, all as amended;

THAT I agree to notify the Registrar in writing within 30 days if there is any change to the information on the application form or in the documents that support the application;

THAT I understand that only a holder of a Certificate of Practice is permitted to offer and/or provide to a member of the public a service that is part of the practice of architecture;

THAT the facts set out in this application for a Certificate of Practice are true and correct in every particular;

AND I MAKE THIS solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Signature of a member of the partnership

Date

Signature of OAA Architect who will Personally Supervise and Direct this practice

Date

Signature of OAA Architect who will Personally Supervise and Direct other office

Date

FOR OAA USE ONLY



**UNDERTAKING
TO THE
ONTARIO ASSOCIATION OF ARCHITECTS**

This will confirm THAT as a former holder of a Certificate of Practice, I have not engaged in or held myself out as engaging in the practice of architecture in Ontario, except:

1. as an employee of a holder of a Certificate of Practice; or
2. as an employee of an organization which did not offer architectural services to the public.

Name (please print)

Date

Signature