

## Ontario Association of Architects

Meeting #283 Open

MINUTES

September 22, 2022

The two hundred and eighty third meeting of the Council of the Ontario Association of Architects, held under the *Architects Act*, took place on Thursday September 22, 2022 at OAA Headquarters, 111 Moatfield Drive, Toronto and virtually via Zoom.

<b>Present:</b>	Susan Spiegel	President
	Settimo Vilardi	Senior Vice President and Treasurer
	Christina Karney	Vice President Strategic ( <i>virtual</i> )
	Jennifer King	Vice President Communications
	Natasha Krickhan	Vice President Education
	William (Ted) Wilson	Vice President Practice ( <i>virtual</i> )
	Farida Abu-Bakare	Councillor
	J. William Birdsell	Councillor
	Yan Ming (Pearl) Chan	Councillor
	Kimberly Fawcett-Smith	Lieutenant Governor in Council Appointee ( <i>virtual</i> )
	Michelle Longlade	Lieutenant Governor in Council Appointee ( <i>virtual – part attendance</i> )
	Lara McKendrick	Councillor
	Elaine Mintz	Lieutenant Governor in Council Appointee
	Deo Paquette	Councillor ( <i>virtual</i> )
	Clayton Payer	Councillor
	Greg Redden	Councillor ( <i>virtual</i> )
	Kristiana Schuhmann	Councillor
	Gaganjot Singh	Lieutenant Governor in Council Appointee
	Andrew Thomson	Councillor
	Marek Zawadzki	Councillor ( <i>virtual</i> )
	Kristi Doyle	Executive Director
	Christie Mills	Registrar
	Tina Carfa	Executive Assistant, Executive Services
<b>Regrets:</b>	Paul Hastings	Vice President Regulatory
<b>Guests:</b>	Ellen Savitsky	Manager, Education and Development ( <i>part attendance</i> )

The President noted a land acknowledgement video titled titled *Indigenous Land Acknowledgement* through Sheridan College <https://www.youtube.com/watch?v=HtG7j19na4> would be shared with Council as an acknowledgement and recognition of the indigenous land and its people.

The President welcomed staff in attendance at the meeting.

The President noted that legal counsel, Rebecca Durcan would be attending in person to make a presentation to Council regarding exemption requests.

### DECLARATION RE CONFLICT OF INTEREST

The President called for declaration of any conflicts of interest.

No conflicts of interest were declared, however Coucillor Paquette noted that he would be abstaining from the vote on the approval of the special meeting open minute s

### AGENDA APPROVAL

9460. The President reported that there were no new items to be added to the agenda:

**It was moved by Abu-Bakare and seconded by Birdsell that the agenda for the September 22, 2022 open meeting be approved as circulated.**

-- CARRIED

### **APPROVAL OF MINUTES**

9461. *Reference Material Reviewed:* Draft minutes of the June 23, 2022 Open Council meeting.

The draft minutes of the June 23, 2022 Open Council meeting were reviewed.

A member of Council suggested a correction on page 7, paragraph 4 that the word “guests” be changed to “hosts”.

**It was moved by Vilardi and seconded by McKendrick that the minutes of the June 23, 2022 Open Council meeting be approved as amended.**

-- CARRIED

9462. *Reference Material Reviewed:* Draft minutes of the August 11, 2022 Special Meeting of Council.

The draft minutes of the August 11, 2022 Special Meeting of Council were reviewed.

**It was moved by Schuhmann and seconded by King that the minutes of the August 11, 2022 Special Meeting of Council be approved as circulated.**

-- CARRIED (1 abstention)

### **BUSINESS ARISING FROM THE MINUTES**

9463. There was no business arising from the minutes.

### **ITEMS FOR REVIEW AND APPROVAL**

9464. *Reference Material Reviewed:* Draft 2023 Council Meeting Dates. **(APPENDIX ‘A’)**

Doyle reported on the proposed meeting dates of Council for 2023.

**It was moved by Vilardi and seconded by Birdsell that the 2023 Council meeting dates be approved as circulated.**

-- CARRIED

9465. *Reference Material Reviewed:* Memorandum from President, Susan Speigel, Vice President Education, Natasha Krickhan, and Manager, Education and Development, Ellen Savitsky dated September 9, 2022 re. K-12 Education Guide – Project Recommendations. **(APPENDIX ‘B’)**

The Vice President Education reported. There was no further discussion or questions pertaining to the report.

**It was moved by Krickhan and seconded by King that Council and OAA staff identify stakeholders to participate in a ‘Big Think’ roundtable session on Grades K-12 architectural education in Ontario hosted by the OAA in the late fall 2022/winter 2023; and, that the cost of the event be drawn from the policy contingency budget.**

-- CARRIED

**It was moved by Krickhan and seconded by Abu-Bakare that Council direct the OAA staff to draft a letter to the Minister of Education from President Speigel on behalf of the OAA advancing the recommendation that the K-12 Ontario Curriculum include architectural programming.**

-- CARRIED

9466. *Reference Material Reviewed:* Conference 2023 Sudbury – Draft Program and Schedule and attached background information. **(APPENDIX ‘C’)**

The Vice President Practice reported on the key events for the 2023 Conference and preliminary programming. It was specifically noted that the conference team is planning to work with the Indigenous community as part of its program development.

It was noted by the Vice President Practice that the local society is proposing an international competition in concert with Laurentian University.

Savitsky noted that there are two options for the virtual component for Council's consideration later in the fall. One option is to hold a one day virtual event in the fall of 2023 featuring the 'best of Sudbury 2023'. The second option would be to offer a 'best of Sudbury' in a series of webinars throughout the fall of 2023 as part of the OAA's regular fall seminar program.

Doyle noted that it will be noted to potential presenters that they should be prepared to also participate in a virtual option for the fall should they present live in Sudbury.

A member of Council enquired as to whether there is an opportunity for the OAA to give back to the First Nations Community Centre. It was noted that the local organizing team would consider and review the options.

A Council member enquired as to the reason that the Conference length was extended for 2023.

Doyle responded that the schedule allows Council for three full days of programming i.e. Wednesday to Friday. The Council meeting will be conducted on the Tuesday. This would require Council to arrive in Sudbury Monday. In the past Council has had their meeting on Wednesday, which would not allow them to participate in the Wednesday programming. Due to the location/venue, there are also limited travel options.

Council discussed the possibility of electric vehicle transportation and car pooling options from Toronto.

**It was moved by Wilson and seconded by Vilardi that Council approve the program and schedule for Conference 2023 as circulated; and, that the virtual component for the fall 2023 be focused on the 'best of Sudbury 2023' educational sessions.**

-- CARRIED

**It was moved by Wilson and seconded by King that Council approve the virtual component of the 'best of Sudbury 2023' as a one day virtual learning event to be offered in fall 2023.**

-- CARRIED (5 opposed)

9467. *Reference Material Reviewed:* Memorandum from Executive Director, Kristi Doyle dated September 8, 2022 re. OAA Support for 2020 Venice Biennale in Architecture and attached background information. **(APPENDIX ‘D’)**

Doyle reported on the request for sponsorship of the Canadian entry into the Venice Biennale for 2023. If approved, funding would be drawn from the Policy Contingency fund. Historically, Council has approve amounts between \$20-25,000.

A member of Council requested some clarification around the reason to advocate for an event outside of Canada. Their preference of funding other initiatives would lean toward a more Ontario-centric event.

Another member of Council suggested that this is not in line with the OAA's regulatory mandate, and would prefer to see the funding given to local initiatives.

A Council member noted that the Biennale is a global event on the future of architecture, adding that funding would be appropriate.

A member of Council requested some clarification with respect to how the event benefits the membership.

Doyle responded that the Canadian entry brings focus to the OAA as a sponsoring partner and elevates recognition and appreciation of Ontario architecture.

It was suggested by a Council member that the topic of the entry is in line with the national issue of housing affordability.

A member of Council noted that the funding not only supports the Biennale entry but also the research they are undertaking in housing.

A Council member noted that this falls under public sponsorship and is in line with the Strategic Plan as the project has collateral for members to utilize.

It was suggested by a member of Council that having the OAA associated in discussion with governments at that level is a benefit.

**It was moved by Birdsell and seconded by Thomson that funding for the Canadian entry to the Venice Biennale 2023 be approved in the amount of \$25,000.**

-- CARRIED (3 opposed (Payer, Redden), 1 abstention (Zawadzki))

9468. Appointment of Representative to University of Toronto, John H. Daniels Faculty of Architecture, Landscape and Design School Council (*oral*)

Doyle reported that the position on the school council was advertised to the membership and an application was received.

**It was moved by King and seconded by Karney that Christopher Montgomery be appointed to the University of Toronto, John H. Daniels Faculty of Architecture, Landscape and Design School Council for a three-year term effective immediately.**

-- CARRIED

9469. *Reference Material Reviewed:* Memorandum from Executive Director, Kristi Doyle dated September 8, 2022 re. Reappointment of OAA's Representative to the national Committee for the Examination of Architects in Canada (CExAC) and attached background information. (**APPENDIX 'E'**)

Doyle reported that it is being recommended that architect, Jeffrey Laberge be reappointed for a three-year term on CExAC, noting that there will be a national review of the ExAC in the coming year.

It was suggested that Laberge would bring experience and knowledge in this important undertaking.

**It was moved by Schuhmann and seconded by Krickhan that architect, Jeffrey Laberge be reappointed to the Committee for the Examination of Architects in Canada (CExAC) for a three-year term effective January 1, 2023.**

-- CARRIED

9470. *Reference Material Reviewed:* Memorandum from Executive Director, Kristi Doyle dated September 8, 2022 re. Appointment of an OAA Representative to the International Relations Committee (IRC) and attached background information. **(APPENDIX 'F')**

Doyle reported that a vacancy on the Committee will be upcoming at the end of this year. Councillor Payer submitted an expression of interest for the IRC.

**It was moved by Vilardi and seconded by Krickhan that that OAA Councillor, Clayton Payer be nominated for appointment to the Regulatory Organizations of Architecture in Canada (ROAC) International Relations Committee (IRC) as the Ontario representative for a three-year term effective January 1, 2023.**

-- CARRIED

9471. *Reference Material Reviewed:* Memorandum from Registrar, Christie Mills dated September 7, 2022 re. Update to Council Policy and Regulatory Notice RN.11 and attached supporting documentation. **(APPENDIX 'G')**

Mills reported an update of current documentation was necessitated as a result of the integration of the OAA Technology Program.

**It was moved by King and seconded by McKendrick that Council approve the housekeeping updates to the OAA Council Policy - Licensed Technologist OAA and Regulatory Notice RN 11.**

-- CARRIED (1 abstention (Zawadzki))

9472. *Reference Material Reviewed:* Memorandum from Registrar, Christie Mills dated September 8, 2022 re. Internship in Architecture Program – Observer and Parallel Experience and attached supporting documentation. **(APPENDIX 'H')**

Mills reported on the proposed updates to the requirements for observer and parallel experience in the Internship in Architecture Program (IAP).

A member of Council enquired if amendments would take effect immediately.

Mills responded that there is some time required to implement changes and to provide appropriate staff training. There will be a report to Council once the office of the Registrar is ready to implement the amendments.

**It was moved by Thomson and seconded by McKendrick that Council approve the proposed OAA Appendix B Observer and Parallel Experience update and associated proposal form; and, that the Registrar work with staff to implement as necessary.**

-- CARRIED

9473. *Reference Material Reviewed:* Memorandum from Communications Committee dated September 8, 2022 re. Conference Location for 2025. **(APPENDIX 'I')**

The Vice President Communications reported on the recommendation of the Communications Committee that Ottawa be confirmed at the location for the 2025 Conference.

**It was moved by King and seconded by Schuhmann that, based on the recommendation of the Communications Committee, Ottawa be selected as the location for the 2025 edition of the OAA Conference.**

-- CARRIED

Doyle noted that with this direction she will be signing contracts shortly to secure the hotel location recommended i.e. the Ottawa Westin, adding that deposit and cancellation fees will apply, as is the case with any hotel, and venue contracts arranged in advance.

Council moved prior to the open meeting from in camera to the open meeting at 1:20 p.m. to allow for a presentation on exemption requests from legal counsel, Rebecca Durcan.

Rebecca Durcan joined the meeting at 1:20 p.m.

The President welcomed Durcan to the meeting.

9474. *Reference Material Reviewed:* Memorandum from Registrar, Christie Mills dated September 9, 2022 re. Exemption Requests to Council and attached supporting documentation. **(APPENDIX 'J')**

Mills reported that as part of the strategic goal related to Regulatory Leadership there is ongoing review of statutory policies and procedures that includes consideration of fair registration practices as required by the *Fair Access to Regulated Professions and Compulsory Trades Act* (FARPACTA). It was identified that there is the need for additional procedural steps to be included for Exemption Requests to Council. The updated procedures would include the ability for an applicant to read the recommendation of the Experience Requirements Committee (if applicable) and provide submissions as part of the package that goes to Council for consideration. Following Council's decision related to the exemption request, written Reasons for that decision would be provided for the record and shared with the applicant.

Durcan made a presentation to Council. An Exemption Request involves a statutory decision and reasons for that decision should be shared with the applicant. This practices ensures fairness and transparency.

A Council member enquired as to the policies and procedures that reside with other organizations in this regard.

Durcan noted that the requirement differs from regulator to regulator but stressed that it has come to be expected by the Courts as well as the FARPACTA legislation. Durcan noted that the *Architects Act* involves Council decision making which is somewhat irregular and differs from normal practice where the decision would typically fall to the Registrar. The *Architects Act* does not explicitly require Council to provide written reasons for these matters but it is highly recommended within the context of procedural fairness as well as mitigating risk should the decision ever be subject to judicial review. When making high stakes registration decisions the Courts have determined that Councils should not have submissions before them that the applicant is unaware of or has not seen.

Mills noted that the Council policy related to Exemption Requests to Council should also be amended to remove a line that indicates that Council generally considers only one element of the requirements for exemption. The *Architects Act* clearly permits Council, in appropriate situations, to exempt both the (1) academic/experience and (2) examination requirements. To correct this misalignment it is proposed that the line be removed since policies cannot introduce powers or restrictions that are not in the legislation.

The President thanked Durcan for the presentation.

**It was moved by Birdsell and seconded by Schuhmann that Council approve the updated Exemption Request to Council procedures and the updated OAA Council Policy.**

-- CARRIED

Durcan left the meeting at 1:35 p.m.

It was noted that Mintz left during the in camera portion at 2:10 p.m.

Longlade left the meeting at 2:15 p.m.

9475. *Reference Material Reviewed:* Memorandum from Registrar, Christie Mills dated September 12, 2022 re. *Fair Access to Regulated Professions and Compulsory Trades Act (FARPACTA) – Canadian Experience Requirement (CER) Prohibition* and attached supporting documentation. **(APPENDIX 'K')**

Mills reported that she has been providing updates to Council since the end of 2021 regarding amendments to the current FARPACTA. One of the four main amendments to the FARPACTA is the prohibition against regulators requiring Canadian experience as a requirement or qualification for registration/licence – often referred to as the Canadian Experience Requirement (CER).

It was indicated by Mills that Council is being asked to consider whether it wishes to seek an exemption from the CER prohibition. A regulated profession may apply for an exemption from the prohibition on the grounds of public health and safety.

A Councillor asked if it is known what other Ontario regulators might be seeking an exemption related to CER. Mills noted that she has put that question to other regulators and the only one who provided a fulsome answer was the Association of Ontario Land Surveyors. The AOLS has expressed interest in applying for an exemption, however, they do not believe they would be successful as they would not be able to provide evidence related to public health and safety risks. Instead they are studying how they can implement courses or training that would be an alternative to the local experience requirement through which applicants may attain demonstrable competency.

Mills noted that there has been almost constant communication with the OFC related to the FARPACTA amendments since the beginning of the year – mostly related to information gathering on behalf of the OFC and the MLTSD. This past summer the OFC was directly asked if the current OAA process and procedures related to Exemption Requests to Council would satisfy the “alternative option” to a local experience requirement. It is not expected that the OFC will provide a definitive answer to this question but has instead requested more detailed information about the OAA’s registration procedures – the latest example is appended to the Council memo.

Mills noted that should an exemption request proceed it would be important to have the support of the Ministry of the Attorney General (MAG). But even with the support of MAG there is no guarantee that an exemption from the CER prohibition will be granted.

Some concern was expressed by a member of Council that a lack of knowledge around frost and cold weather conditions could be a serious concern.

Mills responded that the Office of the Fairness Commissioner (OFC) would request confirmation whether that knowledge can be gained through a course or other means and not direct local experience.

A Councillor enquired as to whether it would be an option to grant a licence without Canadian experience, but not a Certificate of Practice (CoP).

Mills responded that it would still likely be seen as an added barrier to practice by the OFC because if local experience is then required for a CoP it may still be construed as unnecessary. The main thrust of the CER prohibition is that a regulated profession may continue to accept Canadian experience to satisfy an experience-related qualification for registration if it also accepts international experience as an alternative to Canadian experience.

A Councillor asked how the OFC tracks procedural improvements undertaken by regulators. It was noted by Mills that the OAA falls under an annual audit by the OFC who looks for continuous improvements which demonstrate a reduction in registration barriers, and processes that are fair, impartial, transparent and objective.

It was suggested by a member of Council that the OAA make an application for exemption otherwise it will have to defend its processes to the government regardless.

Mills noted that if the exemption request is denied, the OAA will be required to satisfy the changes and remove the CER requirement, i.e. 940 hours of local Ontario experience, and examine how the overall qualifications will be affected and amended.

A Council member suggested that an applicant for licence should have the same competencies as those who are domestic applicants, education and trained in Canada.

**It was moved by Vilardi and seconded by Birdsell that Council direct the Registrar to draft a work plan related to an exemption request to the Office of the Fairness Commissioner (OFC)/Ministry of Labour, Immigration, Training and Skills Development (MLTSD) in relation to the CER prohibition under the *Fair Access to the Regulated Professions and Compulsory Trades Act (FARPACKA)*.**

-- CARRIED (2 opposed (Wilson))

9476. *Reference Material Reviewed:* Memorandum from Vice President Communications, Jennifer King dated September 13, 2022 re. Update from OAA Technology Program Integration Committee. **(APPENDIX 'L')**

The Vice President Communications reported that the Committee has suggested folding the OAAAS student awards program into the OAA scholarship program, at an amount to be determined. It was suggested that Council may wish to consider two scholarships per colleges at \$1000 each. There are 11 colleges.

Missio noted that the OAA website is working on posting this year's OAA scholarship award winners and their work. Upon approval of the scholarships, technologists' work may be included to provide further visibility to the program and to technologists.

**It was moved by King and seconded by Birdsell that Council approve the proposal to fold the Ontario Association for Applied Architectural Sciences (OAAAS) awards program into the existing OAA Scholarship Program for two \$1,000 scholarships per school; and, that the Education Committee under the Trust Fund be directed to prepare the criteria and procedures document for Council approval at the next meeting of Council; and, that the OAA Operational Budget be amended to include this cost moving forward.**

-- CARRIED

## **ITEMS FOR DISCUSSION**

9477. Review of National Competency Standard (*oral*)

Doyle reminded that an email was sent to Council in early September asking for comments on the proposed changes to the National Competency Standard as recommended by the CACB national standing committee. Several very minor housekeeping comments were received.

If there are no further comments from Council, Doyle noted that she would convey such to the national committee, however added that the final version of the document will be brought forward to the next meeting of the Regulatory Organizations of Architecture in Canada (ROAC) on November 17 and 18. Council will then have the option to review it for a final time and provide formal approval. The report was noted for information.

## **EXECUTIVE COMMITTEE REPORTS**

9478. *Reference Material Reviewed:* Activities for the months of June-September. **(APPENDIX 'M')**



The report was noted for information.

9479. *Reference Material Reviewed:* Report from Executive Director, Kristi Doyle dated September 22, 2022 re. Executive Director Report to Council. **(APPENDIX 'N')**

The report was noted for information.

9480. *Reference Material Reviewed:* Memorandum from Senior Vice President and Treasurer Settimo Vilardi dated September 12, 2022 re. Unaudited Financial Statements for the Nine Months Ended August 31, 2022 and supporting documentation. **(APPENDIX 'O')**

The report was noted for information.

9481. Report from OAA Governance Committee and update regarding Governance Review. *(oral)*

The Senior Vice President and Treasurer reported that the review of the Committee was thorough and that the recommendations will follow with next steps toward implementation.

The report was noted for information.

9482. *Reference Material Reviewed:* Memorandum from Vice President Strategic, Christina Karney dated September 9, 2022 re. Update on the Activities under the Vice President Strategic Portfolio and attached background documentation. **(APPENDIX 'P')**

The report was noted for information.

9483. *Reference Material Reviewed:* Memorandum from the Communications Committee dated September 12, 2022 re. Communications Committee Update and attached background information. **(APPENDIX 'Q')**

The report was noted for information.

9484. *Reference Material Reviewed:* Memorandum from Vice President Regulatory, Paul Hastings and Registrar, Christie Mills dated September 13, 2022 re. Activities under the Registrar – June 9 – September 7, 2022 and attached background information. **(APPENDIX 'R')**

The report was noted for information.

9485. *Reference Material Reviewed:* Memorandum from Councill and Chair, Interns Committee, Farida Abu-Bakare dated August 31, 2022 re. Interns Committee Update. **(APPENDIX 'S')**

The report was noted for information.

9486. *Reference Material Reviewed:* Memorandum from Vice President Practice, Ted Wilson dated September 12, 2022 re. Report from Vice President Practice. **(APPENDIX 'T')**

The Vice President Practice thanked Practice Advisory Services for the superior work they have done to date.

The report was noted for information.

9487. *Reference Material Reviewed:* Memorandum from the Vice President Education, Natasha Krickhan dated September 8, 2022 re. Report from Vice President Education and attached background information. **(APPENDIX 'U')**

The report was noted for information.

#### **ITEMS FOR INFORMATION**

9488. President's Fall Tour Update. *(oral)*

The President reported that the visits to date have gone well and great feedback received with respect to climate action.

The report was noted for information.

9489. *Reference Material Reviewed:* Memorandum from Manager Education and Development, Ellen Savitsky dated August 24, 2022 re. OAA SCS Annual Report and attached background information.

**(APPENDIX 'V')**

The report was noted for information.

#### **OTHER BUSINESS**

9490. There was no other business.

#### **DATE OF NEXT MEETING**

9491. The next regular meeting of Council is Thursday November 24, 2022 at 9:30 a.m. at the OAA Headquarters, 111 Moatfield Drive, Toronto, Ontario.

#### **ADJOURNMENT**

9492. **It was moved by Vilardi and seconded by Abu-Bakare that the meeting be adjourned at 3:55 p.m.**

-- CARRIED UNANIMOUSLY

---

President

---

Date