Ontario Association of Architects

VISION

An Ontario in which architects are valued contributors to society, by creating a safe and healthy built environment that performs at the highest levels and elevates the human spirit.

MANDATE

To regulate and govern the practice of architecture in Ontario in the service and protection of the public interest in accordance with the *Architects Act*, its Regulations, and Bylaws; to develop and uphold standards of skill, knowledge, qualification, practice, and professional ethics among architects; and to promote the appreciation of architecture within the broader society.

Themes

- Climate Action
- Equity, Diversity, and Inclusion

Values

- Professional
- Accountable
- Transparent
- Ethical

Strategic Priorities

Regulatory Leadership

Bring the OAA's regulatory framework into alignment with current legal principles for professional regulators and modernize its legislative and governing documents to ensure the public interest continues to be served and protected.

Governance and Operations

Enhance the OAA's governance and operational practices to ensure an effective, inclusive, resilient, and transparent organization.

Member Competency

Ensure the continued professional competency and currency of OAA licensed members in order that they maintain their leadership role in the built environment accountable to the public interest.

Public Education

Advance the public's understanding and recognition that architecture is integral to the quality of life and well-being of our society as experienced through a sustainable, resilient, and durable built environment.

Ontario Association of Architects

Strategic Plan [2022-2027]

	Regulatory Leadership	Governance and Operations	Member Competency	Public Education
Goal Statements	Bring the OAA's regulatory framework into alignment with current legal principles for professional regulators and modernize its legislative and governing documents to ensure the public interest continues to be served and protected.	Enhance the OAA's governance and operational practices to ensure an effective, inclusive, resilient, and transparent organization.	Ensure the continued professional competency and currency of OAA licensed members in order that they maintain their leadership role in the built environment accountable to the public interest.	Advance the public's understanding and recognition that architecture is integral to the quality of life and well-being of our society as experienced through a sustainable, resilient, and durable built environment.
Strategic Priorities	• Actively engage with government, legal counsel, and the Attorney General to advance the modernization of the *Architects Act* and its Regulation. • Increase transparency, fairness, objectivity, and impartiality of OAA registration and regulatory processes. • Continue to serve the public interest through ongoing enforcement activities and investigating breaches of the *Architects Act* and its Regulations. • Continue to invest in programs and activities that contribute to and foster the diversity and perspective of new applicants to the architectural profession.	• Continue to implement the operational review recommendations, which include clearly defined roles for Council & staff, additional organizational policies and structures, enhanced IT and data management, enhanced risk management, continued investment in equity, diversity, and inclusion, and ensuring a safe workplace. • Monitor OAA governance reforms and continue to update Council governance practices to align with best practices of professional regulators. • Continue to develop, implement and monitor the futureproofing strategy for OAA internal resources to be agile and resilient.	• Administer the legislative requirements of mandatory continuing education through the established program framework. • Anticipate and respond to current disruptions and trends in the industry (e.g. different project delivery methods, climate stability, accessibility, and technological advancements) as well as legislative changes (e.g. harmonization of building codes and accessibility) through various continuing education offerings. • Provide information in a responsive manner to members that is relevant and timely regarding OAA education resources, as well as programs and services existing elsewhere that fall outside the purview of the OAA.	• Implement the Council approved Public Outreach Plan to educate the public about the role of architecture in creating the built environment and its impact on society. • Continue education initiatives to foster a greater understanding of the OAA as a unique professional self-regulator. • Leverage and support programs and services offered by other parties in the built environment to further the public appreciation of architecture and the allied arts. • Continue education regarding best practices in project delivery that relate to regulatory responsibilities of OAA members and practices, inclusive of procurement, in order that the public interest may continue to be served and protected.
Metrics	• A strategy for modernizing the Act and Regulations has been created and implemented. • The OAA's regulatory standards, policies, and procedures are current and consistent with the right-touch regulatory approach. • The OAA continues to identify and correct regulatory misalignments. • The OAA continues to be in compliance with the Office of the Fairness Commissioner and other government oversight bodies. • There is a clearer understanding of the path to licensure and a greater connection with those on the path to licensure. • The OAA's periodic Demographic Survey demonstrates a shift towards increased equity, diversity, and inclusion.	• The 39 Operational Review recommendations are implemented. • Roles and responsibilities of OAA staff, committees, and Council are defined and documented. • The OAA's risk assessment metrics are implemented. • Staff retention remains high. • Participation and representation in Council elections is improved. • Best-practice gaps in governance relative to professional regulatory organization benchmarks have been identified, prioritized, implemented and measured	• Member competency and ethical practice continues to develop and is responsive relative to the industry and profession. • The content of the OAA's educational offerings is focused on technical and legislative content that is current and relevant. • Access to competency development-based education is diversified and equitable. • Increased member use of the OAA webpages on learning opportunities outside of the OAA. • Increased member use of the OAA webpages with the existing OAA Documents and resources as well as Practice Advisory Knowledge Base area.	• Members demonstrate a clear understanding of the role of the OAA as a regulator and of the extent to which it can promote the public appreciation of architecture. • The OAA has developed and implemented a defined program of public education that responds to our mandate and that is sustainable over time. • The number of times government and other partners/parties have invited the OAA to engage/inform on built environment issues in the public interest has increased.

Ontario Association of Architects

Operational Procedures

Procedure Reference	**OAA Council Meetings – Rules and Procedures**
Issue Date	**November 29, 2023**
Revision Dates	

Meetings of the Council of the Ontario Association of Architects (OAA) are conducted in accordance with Roberts Rules of Order which is included in the Councillor Orientation Manual, unless stipulated otherwise with the by-laws or as otherwise approved by OAA Council. The following operational procedures outline the rules and procedures for discussion, debate and motions within Council meetings:

- The maximum time for a Councillor's comments in debate on a motion is two minutes.

- The Chair shall keep a speakers' list of those wishing to speak to a specific item or motion; and

  a) the speakers' list shall be built in the order that the Chair notes a Councillor's intention to speak by raising their hand; and
  b) any Councillor having not spoken to an item/motion shall be given preference on the speakers' list over any Councillor who has already spoken.

- An original main motion may only be introduced at a meeting if it has been added under New Business to the agenda approved for that meeting. Otherwise all other motions are to be contained within the individual reports to Council, unless a motion for an item that is "*For Discussion*" has yet to be identified.

- An item *For Information Only* which no Council member indicates will be the subject of a question or an original main motion is considered to be dispensed upon approval of the agenda for that meeting.

- The meeting will move to a period of informal discussion immediately after a new item has been presented and a main motion on the item is introduced and any questions on the item have been put and answered, ; and

  a) a period of informal discussion is defined as the opportunity to discuss an item with the motion on the floor; and

  b) the Chair of the meeting when the item is introduced continues as the Chair during the period of informal discussion unless they choose to relinquish the Chair; and

  c) in a period of informal discussion the regular rules of debate are suspended; and

  d) a period of informal discussion ceases when the Chair notes that no additional members wish to speak to the item or when an incidental motion to return to the regular rules of debate passes with a majority; and

  e) immediately upon leaving a period of informal discussion, Council will be asked to vote on the motion

f) if the presenter of the item moves no motion on the item then the item is considered dispensed unless an indication to introduce additional original main motions on the item is on the agenda, in which case each of these motions is presented in turn and debated as per the rules of formal debate.

ONTARIO ASSOCIATION OF ARCHITECTS
Council Meeting of December 6, 2024 at approx. 11:00 a.m.

Meeting # 296

O P E N M E E T I N G A G E N D A

Recognition of Traditional Lands

4 mins **1.0 AGENDA APPROVAL**

1 min 1.1 Declaration re. Conflict of Interest

2.0 APPROVAL OF MINUTES

4 mins 2.1 Draft minutes of the September 19, 2024 Open Council Meeting *(see attached)*

2 mins **3.0 BUSINESS ARISING FROM THE MINUTES**

4.0 ITEMS FOR REVIEW AND APPROVAL

2 mins 4.1 OAA Draft 2025 Operating and Capital Budget *(oral)* — Finance & Audit Committee
It was moved by Wilson and seconded by Butticci that Council approve the 2025 draft operating and capital budgets as presented on December 6, 2024.

5 mins 4.2 Amendments to OAA Bylaws and Schedule A to the Bylaws *(see attached)* — Executive Director
It was moved by Wilson and seconded by Speigel that Council amend the OAA Bylaw to add to section 7. Duties of Members of Council the following: (m) comply with all applicable workplace laws and policies.

It was moved by Wilson and seconded by …. that Schedule A to the OAA Bylaws be approved as circulated reflecting an increase in fees of 2.7% for 2025..

5 mins 4.3 Appointments to Statutory Committees

4.3.a Complaints Committee *(oral)* — Registrar
It was moved by …and seconded by … that Council approve the reappointment of Ibrahim El-Hajj and Tzoliné Ternamaian to the Complaints Committee for a three-year term, effective January 1, 2025

It was moved by … and seconded by … that Council approve the appointment of Giulia Qejvani and Limor Benmor-Mizrahi to the Complaints Committee for a three-year term, effective January 1, 2025

It was moved by … and seconded by … that Council approve the reappointment of Toon Dreessen for a one-year term as Chair of the Committee for 2025.

4.3.b Discipline Committee *(oral)* — Councillor Birdsell
It was moved by Birdsell and seconded by … that Council approve the reappointment of Adam James Thom, Izabela Kazanczuk, James R. Anderson, Peter F. Turner and Vincent Francis Alcaide to the Discipline Committee for a 3-year term, effective January 1, 2025.

4.3.c Experience Requirements Committee *(oral)* — Councillor Richter
It was moved by …. and seconded by...to approve the appointment of Christopher Montgomery and reappointment of Emily Webster Mason to the Experience Requirements Committee for a three-year term.

DRAFT

4.3.d Registration Committee *(oral)* — Councillor Birdsell

It was moved by Birdsell and seconded by … that Council approve the appointment of Dr. Ryan Cyrus and the reappointment of Chris A. Montgomery to the Registration Committee for a 3-year term, effective January 1, 2025.

5 mins 4.4 Appointments to Standing Committees

4.4.a Policy Advisory Coordination Team (PACT) *(oral)* — VP Speigel

4.4.b Practice Resource Committee (PRC) *(oral)* — VP Schuhmann

2 mins 4.5 Appointments to the Interns Committee *(oral)* — Councillor Alkasawat

It was moved by Alkasawat and seconded by … that Council approve the appointment of the following individuals to the Interns Committee effective January 1, 2025:

3-year term

- *Aasiya Aslam, Architect*
- *Javier Isaac Moreno, Architect (re-application)*
- *Stuti Sampat, Intern Architect*
- *Rasheed Alashe, Intern Architect*
- *Mary Rismanchi, Intern Architect*
- *Sebenemariam Alemayehu, Intern Architect*

1-year term

Elisabeth Hernandez, Student Associate

5 mins 4.6 Election of Life Members *(see attached)* — Registrar

It was moved by… and seconded by… that the following Architects be appointed Life Members:

Pier Paolo Alberghini	*Hans D.E. Krause*
Kwok C. Au	*Barry H. Martin*
Robert E. Barnett	*J. David McAuley*
Raymond Waiman Chung	*Gordon A. Mezzomo*
Shaun Douglas Clancey	*Riccardo G. Mocellin*
Richard O. Coombs	*W. Michael Muller*
Robert J. Crothers	*Peter Pascaris*
Elizabeth Davidson	*Anthony B. Pearson*
Daniel N.K. Gaito	*Trevor Pereira*
D. Brian Gregersen	*Stephen Propst*
G. Michael Grunsky	*David C. Rich*
William F. Heartwell	*Eric J. Ritchie*
Jurgen H. Henze	*Gordon B. Robinson*
Bruce R. Hinds	*Edward Russell*
Jon F. Hobbs	*Viateur C. St. Pierre*
Charles Ip	*Eric C. Wormsbecker*
Harold Kelman	

5 mins 4.7 Recognition of Members of Long Standing *(see attached)* — Registrar

It was moved by…and seconded by…that the following architects be recognized as Long Standing Members:

Joseph Somfay	*Slobodan Vlahovich*
Aleksandar Milenov	*Denis G. Rioux*
Peter F. Turner	*Charles G. Bunker*

7 mins 4.8 Proposed Roster of Continuing Education for OAA Conference 2025 *(see attached)* — Continuing Education Advisory Committee

It was moved by Karney and seconded by Watson that Council approve the proposed roster of Continuing Education for the OAA Conference 2025 as recommended by the

Continuing Education Advisory Committee subject to minor changes based on speaker availability and budget.

5 mins	4.9	Conference 2025 Keynote Speaker *(see attached)* *It was moved by McKendrick and seconded by Mintz that Council approve the Communications Committee's recommendation of Larry Beasley as the virtual keynote speaker to kick off 2025 Conference registration.*	Vice President McKendrick
7 mins	4.10	Enforcement of OAA Policy re. Use of Designation OAA *(see attached)* *It was moved by … and seconded by … the Council direct to the Executive Director to enforce the Council Policy – Use of the Designation OAA as recommended to Council in the report from the Executive Director dated November 22, 2024*.	Executive Director
7 mins	4.11	Delegation of Authority Policy *(see attached)* *It was moved by … and seconded by … that Council approve the Council Policy – Delegation of Authority as presented to Council on December 6, 2024.*	Executive Director
7 mins	4.12	Updates to OAA Regulatory Notices *(see attached)* *It was moved by... and seconded by...that Council approve the updates to the OAA Regulatory Notices and that they be published and issued for January 1, 2025.*	Registrar
7 mins	4.13	Update to Regulatory Notice RN.01 *(see attached)* *It was moved by Wilson and seconded by Speigel that Council approve the update to Regulatory Notice RN.01 as presented to Council on December 6, 2024.*	Governance Committee
5 mins	4.14	IAP Supervising Architect Eligibility *(see attached)* *It was moved by... and seconded by...that Council approve the recommendation from the Governance Committee to allow limited licence holders to be eligible to act as Supervising Architects in the Internship in Architecture Program.* *It was moved by... and seconded by... that Council approve the recommendation from the Governance Committee to allow Architects (subject, to terms, conditions and limitations) to be eligible to act as Supervising Architects in the Internship in Architecture Program provided that the terms, conditions and limitations related to scope of practice are equivalent to or less restrictive than those for limited licence holders and no other term, condition or limitations are present on the licence*	Governance Committee
7 mins	4.15	Council Consideration re. Society Tours and Structured Learning *(see attached)* *It was moved by... and seconded by...that Council approve the Expansion of the definition of In-Person Learning, under the Structured Learning hours for the OAA's ConEd Program, to include tours offered by OAA Local Architectural Societies.*	Deputy Registrar
5 mins	4.16	Updates to Respectful Work Policy for Members of Council *(see attached)* *It was moved by Speigel and seconded by Longlade that Council approve the updates to the Respectful Work Policy for Members as presented to Council on December 6, 2024.*	Governance Committee
5 mins	4.17	Updates to Policy for Compliance with Duties of Members of Council *(see attached)* *It was moved by Speigel and seconded by Longlade that Council approve the updates to the Respectful Work Policy for Members of Council as presented to Council on December 6, 2024.*	Governance Committee

5.0 ITEMS FOR DISCUSSION

6.0 REPORTS

6.1	Report from the President – Activities for the months of September-December *(see attached)*	President
6.2	Report from the Executive Director *(see attached)*	Executive Director

	6.3 Report from the Registrar *(see attached)*	Registrar
	6.4 Committee Reports	Committee Chairs
1 min	6.4.a Communications & Public Education Committee – Update *(see attached)*	VP McKendrick
1 min	6.4.b Governance & HR Committee - Update *(see attached)*	SVP & Treasurer
1 min	6.4.c OAA Building Committee- Update and Report re. OAA Landscape Project *(see attached)*	VP McKendrick
1 min	6.4.d Practice Resource Committee (PRC) – Update *(see attached)*	VP Schuhmann
1 min	6.4.e Policy Advisory Consultation Team (PACT) – Update *(see attached)*	VP Speigel
1 min	6.4.f Interns Committee Report *(see attached)*	Councillor Alkasawat

7.0 ITEMS FOR INFORMATION

7.1 Regulatory Organizations for Architecture in Canada (ROAC) Administrator and Board Meetings – October 18-20, 2024 *(see attached)*

7.2 Canadian Architectural Certification Board (CACB) Semi-annual Report *(see attached)*

7.3 OAA Document Maintenance – Practice Tips impacted by the New Ontario Building Code 2024 – Update *(see attached)* — VP Schuhmann

8.0 OTHER BUSINESS

9.0 DATE OF NEXT MEETING

9.1 The next regular meeting of Council is Thursday January 23, 2025 at 9:30 a.m. at the OAA Headquarters, Toronto, Ontario.

The OAA Strategic Plan Review & Council Governance Workshop is scheduled following the Council meeting on Thursday January 23, 2025 3:00 p.m. – 6:00 p.m. and Friday January 24, 2025 9:00 a.m. – 3:00 p.m. at the OAA Headquarters, 111 Moatfield Drive, Toronto, Ontario. It was noted that the session will be held in person only.

10.0 ADJOURNMENT

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 2.1

Ontario Association of Architects

Meeting #295 Open **MINUTES** **September 19, 2024**

The two hundred and ninety fifth meeting of the Council of the Ontario Association of Architects, held under the *Architects Act*, took place on Thursday September 19, 2024 at the OAA Headquarters, 111 Moatfield Drive, Toronto, Ontario and virtually via Zoom.

Present:	Settimo Vilardi	President
	Ted Wilson	Senior Vice President and Treasurer
	Lara McKendrick	Vice President
	Kristiana Schuhmann	Vice President
	Susan Speigel	Vice President
	Loloa Alkasawat	Councillor
	J. William Birdsell	Councillor
	Jim Butticci	Lieutenant Governor in Council Appointee
	Natasha Krickhan	Councillor
	Jenny Lafrance	Councillor
	Michelle Longlade	Lieutenant Governor in Council Appointee *(virtual)*
	Elaine Mintz	Lieutenant Governor in Council Appointee
	Greg Redden	Councillor *(virtual)*
	Anna Richter	Councillor
	Thomas Yeung	Councillor
	Marek Zawadzki	Councillor
	Kristi Doyle	Executive Director
	Christie Mills	Registrar
	Tina Carfa	Executive Assistant, Executive Services
	Erik Missio	Manager, Communications *(virtual)*
Regrets:	Kimberly Fawcett-Smith	Lieutenant Governor in Council Appointee
	Christina Karney	Councillor
	Ted Watson	Councillor
Guests:	Joel Leon	Executive Director, Toronto Society of Architects *(part attendance)*
	Ana-Francisca de la Mora	Chair, Toronto Society of Archiects *(part attendance)*
	Andrew Thomson	Member-at-Large *(part attendance)*

The President called the meeting to order at 1:00 p.m.

The President noted that a land acknowledgement titled *Sarain Fox & the Power of Indigenous Storytelling,* from the TreadRight Foundation would be shared with Council as an acknowledgement and recognition of the Indigenous land and its people.

The President welcomed staff, members, and others in attendance at the meeting.

Leon, de la Mora, and Thomson joined the meeting at 1:00 p.m.

DECLARATION RE CONFLICT OF INTEREST

The President called for declaration of any conflicts of interest.

No conflicts of interest were declared.

DRAFT

AGENDA APPROVAL

9790. The President reported that no new items would be added to the agenda.

It was moved by Mintz and seconded by Birdsell that the agenda for the September 19, 2024 open meeting be approved as circulated.
-- CARRIED

APPROVAL OF MINUTES

9791. *Reference Material Reviewed:* Draft minutes of the June 20, 2024 Open Council meeting.

The draft minutes of the June 20, 2024 Open Council meeting were reviewed.

It was moved by Alkasawat and seconded by Richter that the minutes of the June 20, 2024 Open Council meeting be approved as circulated.
-- CARRIED

BUSINESS ARISING FROM THE MINUTES

9792. A member of Council enquired as to the outcome of the Executive Director's meeting with the Ministry of Municipal Affairs and Housing regarding the posting of the previous editions of the Ontario Building Code, along with the harmonized Building Code to the e-laws website.

Mills responded that e-laws posts all historical versions on their site, adding that it can be found by accessing the previous versions of the various Regulations under the *Building Code Act*, which represent the Code itself.

ITEMS FOR REVIEW AND APPROVAL

9793. *Reference Materials Reviewed:* 2025 Council Meeting and AGM Dates. **(APPENDIX 'A')**

The draft 2025 meeting dates were reviewed by Council.

It was moved by Richter and seconded by Mintz that the 2025 Council meeting dates be approved as circulated.
-- CARRIED

The President noted that the next item to be reviewed will be the TEUI funding request.

9794. *Reference Materials Reviewed:* Memorandum from Vice President and CPEC Chair, Lara McKendrick dated August 26, 2024 re. Council funding for TEUI 3.0/OpenBuilding.ca Initiative and attached supporting documentation. **(APPENDIX 'B')**

The President welcomed Thomson to the meeting.

Thomson reported that the TEUI 2.0 version is out of date, however, added that since its launch, has received positive feedback from the e-modelling communication.

It was noted by Thomson that the TEUI 3.0 tool offers many different measurements for which it then calculates and advises the user if that measurement is a pass or fail. It should be considered an improved version of 2.0. The emissions factor has been provided by the Toronto Atmospheric Fund (TAF).

Thomson noted that the accompanying website provides assistance and guidance on the use of the tool.

A Council member enquired as to whether the new version is user friendly for members of the public.

Thomson responded that the tool requires the user to have a higher level of skills and would be best suited for architects. The intent is for this tool to be used specifically by OAA members. The first version of the tool TEUI 1.0 is much simpler and designed for existing residential and is user friendly for the public.

The Council member enquired as to whether the older versions will continue to exist or is being replaced with the 3.0 version.

Thomson responded that the first version should remain active for home owners and builders. However, 2.0 will be replaced with 3.0.

It was noted by Thomson that the new version should be 100% accurate providing the data is entered accurately by the user. The older model is not as precise due to the use of weather files.

Some clarification was requested from a member of Council as to CPEC's review and recommendation to fund the tool.

A Council member responded that the initiative is not public facing and therefore does not meet the criteria of the public awareness sponsorship, however, CPEC felt strongly that it is an important tool for architects.

Thomson noted that the full funding is required as those funds are currently tied to other areas such as the contribution of YouTube videos and is earmarked for dedicated projects.

A member of Council enquired as to whether a portion of the funds be granted for the current fiscal year.

Thomson responded that it is preferred to have the tool on a web server, making the interface simpler to use, however added that the workshops may be carried out in phases.

Clarification was requested from a Council member as to whether the workshops can be held online as opposed to in person.

Thomson responded that the in person events would be more valuable and would include hands on activities for the participants.

The President thanked Thomson for the presentation.

It was moved by McKendrick and seconded by Mintz that Council approve funding for TEUI 3.0/OpenBuilding.ca in the amount of $28,000 to be drawn from the 2024 policy contingency.
-- CARRIED

Thomson thanked Council and left the meeting at 1:35 p.m.

The President noted that the next item is the deputation from TSA representatives, Joel Leon and Ana-Francisca de la Mora.

9795. *Reference Materials Reviewed:* Correspondence from the Toronto Society of Architects dated May 9, 2024 re. Continuing Education Program – Learning Category Amendment to Recognize On-Site Learning (Building Tours) as Structured Hours and attached background information. **(APPENDIX 'C')**

The President welcomed Leon and de la Mora to the meeting.

de la Mora presented TSA's request to have their building tours qualify for structured hours under the Continuing Education program adding that they are on-site technical learning and that the content and format meet the requirements of structured learning.

It was noted by de la Mora that the tours are valuable in that they are engaging with the team from the project, offer on-site construction experience, the content is tailored, and offers a better understanding of building types. TSA has been offering their tour program for over 10 years which include behind-the-scenes access and opportunity to engage with the architects, owners, and others.

It was noted by de la Mora that the tours focus on education and allows the participants to learn directly from those involved in the process.

Leon provided some examples of tours that have been offered by TSA and suggested that the tours meet the requirements for structured learning in that they are relevant to the business and/or practice of architecture, exceed the one hour minimum, and include accurate recording of participation as the attendees are checked in and required to remain for the whole visit.

The President thanked Leon and de la Mora for the presentation.

A Council member enquired as to whether TSA charges a fee for the tour.

Leon responded that TSA charges $10 for members and $20 for non-members.

A Councillor enquired as to whether the TSA would be willing to match the cost of the tour in line with other ConEd programs.

Leon responded that the TSA is open to liaise with the OAA and discuss further.

A member of Council enquired if there was an opportunity to increase the capacity of the tours to allow for more individuals to register.

Leon responded that there are some virtual tours available as an alternative. Currently the capacity is for approximately 60 people, adding that more staff would be required to accommodate increased sizes and the number of sessions.

A Council member suggested that TSA may wish to consider holding a tour over a two-day period.

The President thanked Leon and de la Mora for their presentation.

The President noted that Council has received the deputation and will work with staff to understand the process and implications of the request for further consideration at a future meeting.

Leon and de la Mora left the meeting at 1:55 p.m.

9796. *Reference Materials Reviewed:* Memorandum from Manager Finance, Melanie Walsh dated September 6, 2024 re. Draft Conference Program and Schedule for 2025 and attached background information. **(APPENDIX 'D')**

A member of Council requested clarification on the OAA's decision to eliminate recreational tours for the 2025 Conference.

A Council member responded that there will continue to be experiential learning which differ from the recreational tours.

Walsh responded that after due consideration including cost and minimal interest they are being eliminated, however there will continue to be a variety of experiential learning/tours. The recreational tours were approximately double the cost for which the OAA charged the registrants. The experiential tours are a learning opportunity and could also be of interest to non-architect attendees.

It was noted that the Indigenous experiential tour at the 2024 Conference was well received. Two provinces mandated the tour to its members and the feedback was positive.

A member of Council requested clarification with respect to the cancelation of some ConEd courses in the 2024 program.

Doyle responded that the 2024 Conference program included a considerable number of ConEd offerings of which some only had 1-2 registrants which required a decision to be made to cancel them.

Walsh noted that once a session is uploaded to the registration system and is then cancelled, it is more effective to simply mark the course as cancelled than to remove that course from the system. Otherwise, reprogramming and a complete renumbering would be required.

In reviewing the 2024 Conference feedback, a Council member suggested that concern had been raised regarding spouses or partners of the registrants being required to pay higher fees.

Doyle responded that if they are a not a member then they are required to pay the non-member fee.

It was suggested by a member of Council that all members should be invited to the Recognition Lunch in particular those who served the public for 50 years or longer. It was noted that this would be a considerable cost within the conference budget.

A Council member suggested that all presenters be announced in advance of registration.

It was suggested by a Councillor that an invite to the next Conference debriefing session be extended to all of Council.

The Councillor suggested that the tours were a good networking opportunity and should continue.

Doyle responded that the cost is high in relation to the number of members attending. The experiential learning is similar to a tour with structured learning incorporated into the program.

It was moved by Mintz and seconded by Birdsell that the draft program and schedule for the 2025 OAA Conference be approved, while recognizing elements may evolve as further planning takes place.
-- CARRIED

9797. *Reference Material Reviewed:* Memorandum from Vice President and PRC Chair, Kristiana Schuhmann dated September 6, 2024 re. Updates to OAA-OGCA Document No. 100-2018 (OAA/OGCA Take-Over Procedures (CA)) and attached supporting documentation. **(APPENDIX 'E')**

Vice President Schuhmann reported that Document 100 went to the OGCA Board at the beginning of September where further changes were suggested in the wording.

It was suggested by Vice President Schuhmann that the report be deferred to the December meeting to allow time to refine the draft language for final approval.

Action: Vice President Schuhmann with staff to finalize in concert with OGCA the final draft OAA/OGCA Document 100 for Council approval at the December 6, 2024 meeting.

9798. *Reference Material Reviewed:* Memorandum from Vice President and PRC Chair, Kristiana Schuhmann dated September 10, 2024 re. Updates to Practice Tip PT. 25 Design-Build and attached supporting documentation. **(APPENDIX 'F')**

Vice President Schuhmann reported on the updated PT.25.

It was moved by Schuhmann and seconded by Birdsell that Council endorse OAA Practice Tip PT.25 Design-Build: Using OAA 600-2021 as presented to Council on September 19; and, direct the withdrawal of PT 25 Design-Build: OAA 600-2013 (version 4.1).
-- CARRIED

9799. *Reference Material Reviewed:* Memorandum from Vice President and PRC Chair, Kristiana Schuhmann dated September 10, 2024 re. Updates to Practice Tip PT. 30 Retention Specialist Consultants and attached supporting documentation. **(APPENDIX 'G')**

Vice President Schuhmann reported that the Practice Tip required updating to properly reflect Pro-Demnity's updated policy wording.

It was moved by Schuhmann and seconded by McKendrick that Council endorse Practice Tip PT.30 V. 2 Retention of Specialist Consultants as presented to Council on September 19, 2024; and directed the withdrawal of PT. 30 version 1.1.
-- CARRIED

9800. *Reference Material Reviewed:* Memorandum from the Governance Committee dated August 29, 2024 re. OAA Seal – Architects (subject to terms, conditions, and limitations). **(APPENDIX 'H')**

A member of Council expressed some concern that the signature on the seal may cover the type of seal issued.

Mills responded that once Council has approved the seal design mockup, they will work with the stamp company to refine and make the necessary spacing adjustments.

It was moved by Birdsell and seconded by Zawadzki that Council approve the recommendation of the Governance Committee to adjust the wording of the OAA Seal to be used for individuals licensed as Architects (subject to terms, conditions, and limitations) with the addition of the words "(subject to terms, conditions, and limitations)", and that staff be requested to implement this direction accordingly.
-- CARRIED

9801. *Reference Material Reviewed:* Memorandum from the Finance and Audit Committee dated September 7, 2024 re. OAA Auditors and attached supporting documentation. **(APPENDIX 'I')**

Doyle reported that a legal opinion was sought to confirm that it is appropriate for OAA and Pro-Demnity to share the same auditor and does not fracture the autonomy of the two organizations by meeting the test of independence.

It was noted by Doyle that originally as outlined in the report, in accordance with the bylaws, l a general meeting of the members was required to appoint the auditor. Doyle has since confirmed that specific sections of the *Not for Profit Corporations Act* which apply to the OAA dictates that when the organization's auditor resigns, Council must appoint a replacement auditor. It is suggested that the auditor appointed would perform the 2024 fiscal year audit and an RFP would be circulated at the end of the audit to retain an auditor for the future.

It was moved by Wilson and seconded by Butticci that Council accept the proposal from BDO Canada LLP for auditing services for fiscal 2024; that BDO Canada be appointed as auditors for

fiscal 2024; and, that the Finance and Audit Committee be requested to consider the issuance of an RFP for auditing services for the ensuing 12 months following the completion of the fiscal 2024 audit.
-- CARRIED

9802. *Reference Material Reviewed:* Memorandum from the Building Committee dated August 27, 2024 re. Proposal for OAA Past Presidents Wall and attached supporting documentation. **(APPENDIX 'J')**

Vice President McKendrick reported.

A member of Council expressed their appreciation to the Building Committee for its work on the proposal and suggested that a celebratory event be held to unveil the Wall.

Vice President McKendrick noted that the final pricing once confirm will allow for a timeline for installation to be scheduled.

Doyle noted that the Wall's completion is scheduled for 2025, adding that it is important to ensure that there are no conflicts, in particular with the Landscape Project.

Vice President McKendrick noted that the mock-up was created with Communications taking into account Brand Identity.

It was moved by Yeung and seconded by McKendrick that Council approve the schematic design for the proposed OAA Presidents Wall as presented to Council on September 19, 2024 including the proposed budget; and, that the Building Committee be directed to work with staff to establish a schedule for the work to be completed in 2025.
-- CARRIED

ITEMS FOR DISCUSSION

9803. There were no items for discussion.

EXECUTIVE COMMITTEE REPORTS

9804. *Reference Material Reviewed:* President's Activities for the months of June-September. **(APPENDIX 'K')**

The President reported that the local Society visits have commenced with the first two in Sault Ste. Marie and Thunder Bay back in August. The visits to date have been well received.

The report was noted for information.

9805. *Reference Material Reviewed:* Report from Executive Director, Kristi Doyle dated September 9, 2024 re. Executive Director Report to Council. **(APPENDIX 'L')**

A member of Council requested an update on Doyle's meeting with the Professional Engineers Ontario (PEO) CEO.

Doyle reported she met with PEO's CEO/Registrar early in the week to discuss issues of mutual interest to both organizations including Act amendments, relationship building and administrative sharing. There was also discussion around the Strategic Plan for which PEO is undertaking to develop for its organization.

A Council member requested an update on the recent CDAO meeting.

Doyle reported that the OAA hosted the CDAO's AGM and forum meeting early in the week. President Vilardi was also in attendance. A major topic of discussion was the draft RFP to be issued seeking a consultant for a best practices and procurement guide.

The Councillor enquired as to whether the issue of Quality Based Selection (QBS) was addressed.

Doyle responded that the focus of the group was to get the scope of services in place. All organizations have resources to share and the goal is to amalgamate industry best practices into a single guide for the public. The guide would also include case studies to demonstrate what works and does not.

A member of Council stated that the CACB should consider an appropriate appointment system for members to its writing committee to ensure transparency to the members through ROAC. It is important as this is how programs are now evaluated.

Doyle responded that CACB will be providing a report to ROAC at its October meeting where the question can be asked. It was noted that it is an approval process for appointment.

The Councillor suggested that the application process for the committee be the same as that for Directors.

The report was noted for information.

9806. *Reference Material Reviewed:* Memorandum from Registrar, Christie Mills re. Office of the Registrar Statistical Report to Council for the period June 1 to September 3, 2024. **(APPENDIX 'M')**

Clarification was requested by a Council member as to the number of former Licensed Technologists that were ordered a licence via the Registration Committee hearings.

Mills responded that 14 hearings were held during that period and the results are outlined in the report.

The Councillor enquired as to what changes are being made to FARPACTA.

Mills responded that upcoming events relate to alternative documentation, parallel processing and third party services providers and are not related to experience.

The Councillor enquired as to whether the competency requirements can be incorporated into the CERB.

Mills responded that the competency self-assessment is distinct from CERB, there are two formats available, either by a pdf form or an online portal where the intern can input while doing their CERB.

The Councillor suggested that the pie chart in the report used colours which were difficult to distinguish and that it be reviewed and revised to be more user friendly.

The report was noted for information.

9807. *Reference Material Reviewed:* Memorandum from Senior Vice President and Treasurer, Ted Wilson dated September 6, 2024 re. Unaudited Financial Statements for the Nine Months Ending August 31, 2024 and attached supporting documentation. **(APPENDIX 'N')**

The report was noted for information.

9808. *Reference Material Reviewed:* Memorandum from Communications and Public Education Committee (CPEC) dated August 27, 2024 re. CPEC Updates. **(APPENDIX 'O')**

The report was noted for information.

9809. *Reference Material Reviewed:* Memorandum from Governance Committee dated August 26, 2024 re. Update from OAA Governance Committee. **(APPENDIX 'P')**

The report was noted for information.

9810 *Reference Material Reviewed:* Memorandum from Practice Resource Committee (PRC) dated September 4, 2024 re. Practice Resource Committee (PRC) Update. **(APPENDIX 'Q')**

A member of Council suggested that changing the Terms of Reference and reducing the roster on the PRC reduces the opportunity for women to serve on the committee, noting the growing number of women in architecture.

Vice President Schuhmann responded that PRC represents an amalgamation of two related committees. It is a very large committee who often rely on the expertise of staff and legal counsel, adding that the process is somewhat cumbersome. The next step would be to reduce the roster by way of attrition. Members of PRC are aware of the proposed change and there was no opposition voiced by the committee members. It is important to be effective and efficient in our use of volunteer resources.

The report was noted for information.

9811. *Reference Material Reviewed:* Memorandum from Vice President, Susan Speigel dated September 9, 2024 re. Update on the Policy Advisory Coordination Team's (PACT) work. **(APPENDIX 'R')**

The report was noted for information.

9812. *Reference Material Reviewed:* Memorandum from the Interns Committee dated September 6, 2024 re. Committee Updates. **(APPENDIX 'S')**

The report was noted for information.

ITEMS FOR INFORMATION

9813. *Reference Material Reviewed:* Memorandum from Manager Finance, Melanie Walsh dated September 6, 2024 re. Conference 2024 Feedback and supporting background information. **(APPENDIX 'T')**

A Council member enquired as to whether there is raw data available which may be shared with Council.

Walsh responded that the report is a composition of two surveys but not the individual Continuing Education sessions.

The Councillor suggested that some more information on topics such as diversity would be beneficial at Conference.

Doyle noted that the feedback was focused on the delegate experience as well as process and registration.

The Councillor suggested that some of the ConEd offerings were lacking in content. They recalled that the ConEd Advisory Group last year had little to review and were given solely a spreadsheet of names.

Doyle noted that the committees along with staff will be looking at diversity, content and other issues.

The report was noted for information.

9814. *Reference Material Reviewed:* OAA Society Chairs Meeting Report – May 21, 2024. **(APPENDIX 'V')**

The report was noted for information.

OTHER BUSINESS

9815. There was no other business.

DATE OF NEXT MEETING

9815. The next regular meeting of Council is Friday December 6, 2024 at 9:30 a.m. at the OAA Headquarters, Toronto, Ontario.

ADJOURNMENT

9817. **It was moved by Mintz and seconded by Schuhmann that the meeting be adjourned at 3:06 p.m.**
-- CARRIED UNANIMOUSLY

_____ _____
President Date

DRAFT

Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
Kimberly Fawcett-Smith
Natasha Krickhan
Michelle Longlade
Elaine Mintz
Anna Richter
Susan Speigel
William (Ted) Wilson
Marek Zawadzki
Loloa Alkasawat
Jim Butticci
Christina Karney
Jenny Lafrance
Lara McKendrick
Greg Redden
Kristiana Schuhmann
Edward (Ted) Watson
Thomas Yeung

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 4.2

From: Kristi Doyle, Executive Director

Date: November 54, 2024

Subject: Amendment to OAA Bylaws and Schedule A to the Bylaws

Objective: Council to review and approve proposed amendments to OAA Bylaws and Schedule A to the Bylaws

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Council is being asked to consider several amendments to the OAA By-laws. The changes are outlined below, and a redlined copy of the bylaws is also attached for reference.

Councillor responsibilities under Section 7

Recall that the following direction was given on the September 19, 2024 meeting as a result of a motion passed by Council:

"…OAA senior staff to work with legal counsel to review and propose updates to the OAA Bylaws to state expressly that members of Council will comply with all applicable workplace laws and policies."

OAA senior staff met with Paul Davis, legal counsel at Paliare Roland Rosenberg Rothstein LLP on September 23, 2024, regarding the above motion. Davis recommended adding the following to Section 7, *Duties of Members of the Council*:

(m) comply with all applicable workplace laws and policies.

This change is reflected in the attached redlined copy and was reviewed by the OAA Governance Committee at its October meeting.

Schedule A amendments to reflect the 2025 Budget

Subject to Council's approval of the 2025 Annual Budget at the December meeting, the Bylaws will need to be amended pursuant to the adopted budget. The changes to

Schedule A reflect an increase of 2.7% to all membership and Certificate of Practice fees for 2025. In addition, other fees related and/or administration have also been updated to reflect this increase.

As a reminder, the amendments to the Bylaws and Schedule A will come into force upon Council's approval, however, are subject to ratification at the next Annual General Meeting of Members.

Action

OAA Council is asked to consider the following motions:

It was moved by Wilson and seconded by Speigel *that Council amend the OAA Bylaw to add to section 7. Duties of Members of Council the following: (m) comply with all applicable workplace laws and policies.*

It was moved by Wilson and seconded by …. that Schedule A to the OAA Bylaws be approved as circulated reflecting an increase in fees of 2.7% for 2025.

Attachments

OAA Bylaws, Rev 2022 and Schedule A (redlined)

Bylaws Under the *Architects Act*

Bylaws relating to the administrative and domestic affairs of the Ontario Association of Architects.

BE IT ENACTED as Bylaws of the Ontario Association of Architects (hereinafter called the "Association") as follows:

INTERPRETATION

1. In this Bylaw and all other bylaws of the Association hereafter passed, unless the context otherwise requires:
   (a) "Act" means the *Architects Act*;
   (b) "bylaws" means this Bylaw and all other bylaws which may be passed under the provisions of Section 8 of the Act;
   (c) "Council" means the Council of the Association;
   (d) "Executive Director" means the Executive Director of the Association;
   (e) "The Manager, Finance" means the Manager, Finance of the Association;
   (f) "proxy" means a completed and executed proxy in Form 1 or Form 2;
   (g) "regulations" means the regulations passed under Section 7 of the Act;
   (h) expressions used herein, unless the contrary intention appears, have the same meanings as in the Act and the regulations;
   (i) wherever reference is made to any statute, regulation or section thereof, such reference shall be deemed to extend and apply to any amendment or to any re-enactment of such statute, regulation or section as the case may be; and
   (j) words that imply gender shall be referred to in the plural as they or them or their.

SEAL

2. The Seal of the Association in use on the day this bylaw comes into force, which contains the words "ONTARIO ASSOCIATION OF ARCHITECTS" shall continue to be the official seal of the Association and shall be kept in the custody of the Executive Director at the head office of the Association.

DUTIES OF OFFICERS

3. **The President**

   It shall be the duty of the President:
   (a) to perform all duties usual to the office of the President;
   (b) to preside at all meetings of the members of the Association, the Council and the Executive Committee;
   (c) to be the official representative and spokesperson for the Association;
   (d) to serve as an ex-officio member of all additional or special committees other than the committees established by the regulations and attend such meetings as may from time to time be required;
   (e) to instruct the Executive Director with respect to the calling of meetings of the members of the Association, the Council and the Executive Committee; and
   (f) to receive policy direction from the Council and report to the Council.

4. **Vice-Presidents**

   It shall be the duty of the Vice-Presidents to perform such duties as the Council from time to time may require.

5. **Senior Vice-President and Treasurer**

   It shall be the duty of the Senior Vice-President and Treasurer:
   (a) to supervise and report to the Council on the financial affairs of the Association at such times and in such manner as the Council may require; and
   (b) to perform all of the duties of the President in their absence.

6. **Terms of Office**

   The term of office of the President, the Senior Vice-President and Treasurer and the Vice-Presidents shall commence on the day following their election and shall end on the day of election of their respective successors.

DUTIES OF MEMBERS OF THE COUNCIL

7. Each member of the Council shall comply with the provisions of the Act, the regulations and the bylaws, and shall exercise the powers and discharge the duties of their office honestly and in good faith and shall exercise the same degree of care, diligence and skill that a reasonable and prudent person would exercise in comparable circumstances in furtherance of the objects of the Association in order that the public interest may be served and protected. Each member of the Council shall:

   (a) familiarize themselves with the Act, the regulations and the bylaws and with such other records and documents as may be necessary as background knowledge for the purpose of performing the duties of their office;

   (b) attend every meeting of the Council and take part in the discussions and decisions taken at its meetings unless unavoidably detained by illness, urgent prior commitment or other emergency;

   (c) serve on the committees which the Council may appoint under the provisions of the Act;

   (d) be present at and participate in the annual or other general meetings of the members of the Association;

   (e) provide liaison personally or as an alternate to at least one committee or task force, the meetings of which they shall attend unless unavoidably detained by illness, urgent prior commitment or other emergency;

   (f) provide guidance to such committee or task force and its Chair whenever necessary and, if requested, prepare a written report for the next meeting of the Council as to the activities, concerns and intentions of the committee or task force;

   (g) take an active role in the affairs of the Societies in the electoral district within which they have an address of record, including appearances at Society meetings as a representative of the Council;

   (h) perform such duties as may be requested by the Council with respect to liaison with other organizations and to act as a representative on joint committees and task forces and at other functions in the electoral district within which they have an address of record;

   (i) disclose any interest they may have, other than as a member of the Council, in any matter coming before the Council, a committee or task force and thereafter withdraw from its meeting and not vote nor be counted in the quorum in respect of such matter;

   (j) ensure that confidential matters coming to their attention as a member of the Council are not disclosed by them except as required for the performance of their duties or as may be directed by the Council and preserve secrecy with respect to all matters that come to their knowledge in the course of their duties in accordance with the Act;

   (k) devote whatever time is reasonably necessary to properly perform their duties as a member of the Council; and

   (l) perform such other duties as from time to time may be agreed upon between them and the Council.

   ~~(l)~~(m) comply with all applicable workplace laws and policies

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MEETINGS OF THE COUNCIL

8. There shall be not less than four (4) meetings of the Council in each year.

9. Meetings of the Council may be called by the Council, the Executive Committee, the President, or in their absence, the Senior Vice-President and Treasurer.

10. Meetings of the Council may be held at such place or places as the Council may from time to time determine.

11. A special meeting of the Council may be called by the Executive Director if they are directed to do so in writing, signed by at least four (4) members of the Council other than the President or the Senior Vice-President and Treasurer.

12. Notice of the meetings of the Council shall be given by the Executive Director on the direction of the President, the Senior Vice-President and Treasurer, or the Executive Committee and shall be delivered, mailed, telephoned or sent by other form of communication to each member of the Council not less than one (1) day before the meeting is to take place. Notice of any special meeting will be given not less than five (5) days before the meeting is to take place but no formal notice of any meeting shall be necessary if all members of the Council agree to accept shorter notice or waive notice entirely. The statutory declaration of the President, the Senior Vice-President and Treasurer or the Executive Director that notice has been given pursuant to this bylaw shall be sufficient and conclusive evidence of the giving of such notice

13. The order of business at meetings of the Council shall be such as the Council may establish from time to time.

14. Questions arising at any meetings of the Council shall be decided by a majority of votes. In case of an equality of votes, the Chair, in addition to their original vote, shall have a second or casting vote.

15. No question or matter that has been decided by a majority of votes at a meeting of the Council in a calendar year shall be reviewed or re-examined at any subsequent meeting of the Council in the same calendar year unless at least two-thirds of the members of the Council present at that subsequent meeting agree to do so.

16. All Council meetings shall be open to the public except for the in-camera portion of any Council meeting. Matters to be considered in-camera include:

    1) Issues related to Association personnel;

    2) Litigation or matters in anticipation of litigation;

    3) Negotiations with a government, other association or governing body for architects or other professionals;

    4) Financial and personal matters where Council believes the need for privacy outweighs the public interest in disclosure; and

    5) Any other matter identified by the Executive Committee and agreed to by Council.

17. The transactions of the Council or of any committee are valid notwithstanding the disqualification of any member thereof through any defect or irregularity in their election or appointment. No error or omission in giving notice for a meeting of the Council shall invalidate such meeting and any member of the Council may at any time waive notice of any such meeting and may ratify or approve any or all of the proceedings taken or had thereat.

MEETINGS OF MEMBERS OF THE ASSOCIATION

18. An annual meeting of the members of the Association shall be called by the Council and held no more than fifteen (15) months after the holding of the last preceding annual meeting, and may be held at such place and at such times as shall be determined by the Council for the purpose of laying before the members the reports of the Council and the annual report of the Association in order to inform members of matters relating to the affairs of the Association.

19. Other general meetings of the members of the Association may be called by the Council or by any fifty (50) members of the Association who may sign a requisition for that purpose addressed to the Executive Director and shall be held at such place and at such times as shall be determined by the Council.

20. Preliminary notice of the annual meeting shall be given in the official publication on the Association Website and by email at least ten (10) weeks before the date fixed for the meeting.

21. Within thirty (30) days of the publication of the preliminary notice of the annual meeting, notice in writing by mail or email shall be given to the Executive Director of any motions to be made at the meeting which shall be signed by at least ten (10) members in good standing in the Association.

22. Formal notice of the annual meeting shall be given by the Executive Director to each member of the Association by sending the notice of such meeting by posting it on the Association website and by email at least twenty-one (21) days before the date fixed for the holding of the meeting and shall include notice of motions to be made at the meeting and the date by which proxies must be deposited with the Executive Director.

23. Any motions that are to be made at the annual meeting shall be:

    (a) worded in the affirmative;

    (b) contain only one proposition; and

    (c) contain no unnecessary provisions.

24. Any resolution duly passed at the annual meeting or a general meeting called pursuant to a requisition signed by fifty (50) members in good standing in the Association must be considered by the Council within three (3) months of the meeting but is not binding on the Council.

25. Notice of the time, place, and purpose of a general meeting of the members of the Association other than the annual meeting, shall be given by the Executive Director on the direction of the Council, to each member of the Association by sending the notice of such meeting by email and by posting it on the Association Website at least twenty-one (21) days before the time fixed for the holding of the meeting.

26. Notice of any general meeting called by the Council or by requisition signed by fifty (50) members who are in good standing in the Association, shall indicate the purpose of and the matters to be brought before the meeting.

27. All notices required to be given to the members of the Association shall be deemed to have been regularly

given if posted to the Association Website and delivered by email at their email address of record. A statutory declaration by the Executive Director or by any person acting on behalf of them shall be conclusive evidence of the delivery of notices of meetings of members or the publication thereof on the Association Website containing such notice.

28. The order of business at the annual meeting of the members of the Association shall be:

    (a) the adoption of minutes of the previous meeting;

    (b) business arising out of the minutes;

    (c) considering reports of the Council and the annual report of the Association;

    (d) receipt of the auditor's report;

    (e) appointment of auditors and fixing their remuneration or authorizing the Council to fix their remuneration for the ensuing year;

    (f) confirmation of bylaws passed by the Council since the last annual meeting of members of the Association; and

    (g) such other general business, if any, as may properly come before the meeting.

The validity of actions taken at annual meetings of members of the Association shall not be affected by reason of failure to adhere to the order of business set out in this section.

29. The order of business at other general meetings of the members of the Association shall be determined by the Council, or if not so determined by the Council, then by the Chair of the meeting.

30. Fifty (50) members in good standing of the Association constitute a quorum at an annual or general meeting.

31. Every member who is in good standing in the Association is entitled to one vote either in person or by proxy at any annual or general meeting.

32. Members in good standing, persons whose interests are related to those of the Association as defined by the regulations, and guests as identified by the Council, may participate in any annual or general meeting.

GENERAL PROVISIONS AS TO MEETINGS

33. In the absence of proof to the contrary, minutes of any meeting of the members of the Association or the Council, purporting to be signed by the President, the Senior Vice-President and Treasurer or the Executive Director, or in the case of a committee, by the Chair of the committee, shall be deemed to be a correct record of the proceedings at the meeting.

34. The President or in their absence, the Senior Vice-President and Treasurer, shall preside at the annual or general meetings of the members of the Association.

35. Subject to the discretion of the Chair presiding at the annual or general meeting of the members of the Association, discussion of any particular motion will be governed by the following rules:

    (a) one address by the mover of five minutes duration and a seconder of two minutes duration in submitting the motion;

    (b) one address by any member of the Association of two minutes duration for or against the motion; and

    (c) a reply by the mover of three minutes duration.

36. The procedure at all meetings of the Association shall be governed by the rules laid down in "Roberts, Rules of Order," (most recent edition) except as otherwise set out in the bylaws, provided that no action of the Association shall be invalid by reason only of an inadvertent failure to adhere to such rules.

37. Meetings of the Council and committees may be held, except in a proceeding in respect of a licence, certificate of practice or temporary licence, by means of conference call or other communication means by means of which all persons participating in the meeting can communicate simultaneously and instantaneously.

38. The Council or any committee other than the Academic Requirements Committee, the Experience Requirements Committee, the Registration Committee, the Complaints Committee or the Discipline Committee, may take action by signed resolution of all the members of the Council or committee, as the case may be.

39. Council may submit any matter relating to the affairs of the Association to the members to be voted upon at an annual or general meeting either by ballot or by show of hands in order to secure the approval of or an expression of opinion from the members and may submit such matters to the members to be voted upon by a letter ballot.

PROXIES

40. (1) Every member in good standing in the Association may by means of a proxy (Form 1), appoint another

member in good standing in the Association to attend and act at a meeting of the members of the Association in the manner and to the extent and with the powers conferred by the proxy.

(2) The Council may by resolution, fix a time not exceeding forty-eight (48) hours excluding Saturdays, Sundays and holidays, preceding any meeting or adjourned meeting of members of the Association, before which time proxies to be used at that meeting must be deposited with or faxed to the Executive Director and any period of time so fixed shall be specified in the notice calling the meeting.

(3) A member may revoke a proxy by depositing or faxing an instrument in writing executed by them personally:

(a) at the offices of the Association at any time up to and including the last business day preceding the day of the meeting or any adjournment thereof, at which the proxy is to be used; or

(b) with the Chair of the meeting on the day of the meeting or any adjournment thereof.

(4) A member who is appointed a proxy holder shall attend in person at the meeting in respect of which the proxy is given and comply with the directions of the member who appointed them.

(5) A direction given by a member who appoints a proxy holder shall specify on the form of proxy (Form 1):

(a) how the proxy holder is to vote in respect of each matter or group of related matters identified in the notice calling the meeting; or

(b) that the proxy holder may vote on any matter or group of related matters specified in the notice calling the meeting or other matters that may properly come before the meeting in accordance with his or her discretion.

(6) A proxy holder has the same rights as the member who appointed them to speak at a meeting in respect of any matter and to vote by way of ballot, if any, at the meeting and except where a proxy holder has conflicting instructions from more than one member to vote at such a meeting in respect of any matter by means of a show of hands.

(7) A member is in good standing in the Association for the purposes of this section where:

(a) the member is not in default of payment of any fee prescribed by the bylaws or any fee, levy, or costs imposed under the Act or the regulations;

(b) the member's professional conduct or competence is not the subject of proceedings before the Discipline Committee; and

(c) the member's licence is not under suspension.

COMMITTEES

41. In addition to the committees prescribed by the Act, the Council may also from time to time appoint such other additional or special committees as it considers desirable to assist it in the management of the affairs of the Association, such as but not limited to:

    (a) Communications and Public Education Committee;

    (b) Finance and Audit Committee;

    (c) Governance and HR Committee:

    (d) Policy Advisory Coordination Team; and

    (e) Practice Resource Committee;

42. The Council shall appoint at its pleasure the members of the committees under this Bylaw who shall be members of the Association, intern architects or intern technologists and each committee shall perform such duties as the Council may from time to time prescribe.

43. The President shall be an ex-officio member of all committees appointed under this bylaw.

44. Subject to the provisions of the Act, the regulations and the bylaws, each committee shall determine the manner in which meetings of the committee shall be convened and the procedure at such meetings.

REMUNERATION OF MEMBERS OF THE COUNCIL AND COMMITTEES

45. The Council may authorize or provide for:

    (a) payment of reasonable travelling and other expenses properly incurred by members of the Council and committees;

    (b) payment of reasonable travelling and other expenses of any member of the Association appointed by the Council to act on behalf of the Association as a representative of the Association or performing tasks on behalf of the Association upon the direction of the Council or the Executive Director;

    (c) payment of remuneration to the President, Senior Vice-President and Treasurer and members of committees.

OFFICIALS AND EMPLOYEES

46. The Executive Director, the Registrar, the Deputy Registrars, and such other officials as may be appointed by the Council under subsection 3(8) of the Act, shall, in addition to their duties under the Act or the regulations, have such duties as the Council may determine from time to time.

47. The Council may employ or may authorize the Executive Director to employ such other persons as may be considered desirable or necessary to carry out the general operations of the Association and the conduct of its affairs.

48. The Association may enter into contracts of employment with any official appointed by the Council, which may provide for such remuneration and terms and conditions of employment and other matters as may be approved by the Council and may enter into such contracts of employment with other employees of the Association.

49. The Executive Director shall:

    (a) perform all duties usual to the office of the secretary of a corporation;

    (b) be the custodian of the Seal of the Association and of all books, papers, records, correspondence, contracts and other documents belonging to the Association;

    (c) subject to the direction of the Council, supervise and manage the Association's lands and buildings;

    (d) attend all meetings of the members of the Association, the Council and the Executive Committee, and record the proceedings at such meetings and enter the same in a book kept for that purpose;

    (e) keep or cause to be kept full and accurate books of accounts and accounting records for all financial and other transactions;

    (f) control the receipts and disbursements of the Association's funds and the safekeeping of its securities;

    (g) deposit or cause to be deposited the monies of the Association in an account or accounts in the Association's name in a chartered bank or trust company;

    (h) periodically report to Council on the financial affairs of the general activities of the Association;

    (i) report directly to Council and work with the President to implement the decisions and directions of the Council in accordance with the mission and mandate of the Association; and

    (j) perform such other duties as the Council may determine from time to time.

50. The Executive Director, the Registrar and the Senior Vice-President and Treasurer and other employees and signing officers of the Association may be bonded under fidelity bonds of guarantee companies in such amounts as may be approved and determined by the Council from time to time. The cost of all such bonds shall be paid by the Association.

BANKING AND FINANCE

51. All monies received by or on behalf of the Association shall be deposited in the name of the Association in one or more chartered banks or trust companies designated by the Council.

52. All payments from the funds of the Association shall be made by cheque or negotiable instrument drawn on one or more of the Association's accounts. All cheques or negotiable instruments not exceeding $5,000.00 shall be signed in the name of the Association by either the Executive Director or the Registrar. All cheques or negotiable instruments exceeding $5,000.00 but not exceeding $20,000.00 shall be signed in the name of the Association by the Executive Director, and the Registrar or in the absence of one of them, by the Manager, Finance. All cheques or negotiable instruments exceeding $20,000.00 shall be signed in the name of the Association by either the Executive Director or the Registrar and, in addition, by an officer of the Association.

APPLICATION OF FUNDS AND ADMINISTRATION OF PROPERTY

53. The Council may approve, or may authorize or provide for the application of funds of the Association in payment of, all expenses properly incurred in the conduct of the affairs of the Association, including, without limiting the generality of the foregoing:

    (a) payment of all expenses incurred in connection with the duties imposed on the Association under the Act and in pursuance of the objects of the Association, including expenses in connection with applications for licences, certificates of practice, certificates of practice issued under the Act, and temporary licences, the maintaining of registers by the Registrar, meetings and hearings under the

Act and appeals therefrom and proceedings with respect to offences or violations under the Act; and

(b) payment of remuneration of officials and employees of the Association and payment of all other expenses including the cost of maintenance of premises incurred in the operation of the offices of the Association.

(c) payment, authorized by Council, for the making of grants that:

i. advances the knowledge of architectural education; or

ii. maintains or improves the standards of practice in architecture; or

iii. that supports and encourages public information and interest in the role of architecture in society.

54. Funds of the Association not immediately required may be invested and reinvested in any investments that may from time to time be authorized investments for joint stock insurance companies and cash mutual insurance corporations under the *Corporations Act*.

55. All shares and securities owned by the Association shall be registered in the name of the Association and shall be lodged with a chartered bank or trust company or in a safety deposit box subject to access only by the President, the Senior Vice-President and Treasurer, the Executive Director, the Registrar, or such other person as may be specifically authorized by the Council.

56. Without in any way derogating from the powers otherwise conferred upon the Council, the Council is expressly empowered from time to time to purchase, lease or otherwise acquire, sell, exchange or otherwise dispose of shares, stocks, rights, warrants, options and other securities, lands, buildings and other property, moveable or immoveable, real or personal, or any interest therein owned by the Association, for such consideration and upon such terms and conditions as the Council may deem advisable.

57. Deeds, transfers, contracts and other instruments requiring the signature of the Association, shall be signed by the President or the Senior Vice-President and Treasurer and the Executive Director, or in the absence of the Executive Director, by an elected member of the Council and the Seal of the Association shall be affixed to such instruments as may be required.

58. The Council may from time to time:

(a) borrow money upon the credit of the Association by obtaining loans or advances or by way of overdraft or otherwise;

(b) sell or pledge any securities owned by the Association, including bonds, debentures or debenture stock, for such sums or on such terms and at such prices as they may deem expedient;

(c) assign, transfer, convey, hypothecate, mortgage, pledge, charge or give security in any manner, upon all or any of the real or personal, moveable or immoveable property, rights, powers, choses in action, or other assets, present or future of the Association; to secure any such securities or other securities of the Association, or any money borrowed or to be borrowed or any obligations or liabilities as aforesaid or otherwise of the Association heretofore, now or hereafter made or incurred directly or indirectly or otherwise.

59. Any or all of the powers set forth in sections 56, 57 and 60 may from time to time be delegated by the Council to the Executive Director, or in their absence to the Registrar.

60. The provisions of Sections 60 and 61 shall remain in force and be binding upon the Association as regards any person acting on the faith thereof until such person has received written notification from the Association and that such provisions have been repealed or replaced.

FINANCIAL YEAR

61. The financial year of the Association shall end on the 30th day of November in each year.

FINANCIAL STATEMENTS

62. The Council shall lay before each annual meeting of the members a financial statement for the previous financial year of the Association, made up of a balance sheet as at the end of such financial year and statements of revenue and expenses and statements of changes in the financial position of the Association for such financial year together with the report of the Association's auditor on the financial statement. The financial statement with a summary of the auditor's report shall be published in the Association's Annual Report for the financial year.

AUDITORS

63. The members at each annual meeting shall appoint an auditor who shall be chartered professional accountants to hold office until the next annual meeting and if an appointment is not so made, the auditor in office shall continue in office until a successor is appointed.

64. The remuneration of the auditor or auditors shall be fixed by the members at the annual meeting or by the Council if they are authorized to do so by the members at the annual meeting.

SOCIETIES

65. The Societies in existence when this bylaw comes into force are continued as Societies of the Association with areas constituted by their present boundaries until the Council shall determine otherwise and the constitution and/or bylaws of each such Society in effect at the date when this bylaw comes into force shall continue in effect until rescinded or amended in accordance with the provisions for rescission or amendment contained in such constitution or bylaws.

66. Any five (5) members of the Association residing in one locality may with the approval of the Council, form a Society of the Association with 'offices' at such place as they may select, provided that the territory of a new Society does not encroach upon the territory of an existing Society. Should any question of encroachment between the territories of two Societies arise, the same shall be settled by the Council.

67. The Council may establish from time to time standard rules and procedures governing the operation of Societies and the conduct of their affairs.

68. Subject to the provisions of the Act, the bylaws and any standard rules of procedures established under Section 70, each Society may fix dues for its members and may pass bylaws governing its operations and respecting the conduct of its affairs including provisions for amendment of such bylaws. A copy of all such bylaws and amendments thereto shall be filed with the Executive Director.

69. A bylaw passed by a Society and any amendments thereto is not effective until it has been filed with the OAA.

70. Each calendar year, every Society shall file a report of its activities for the year, which shall include a financial reporting as well as the number of members and affiliates of the Society, with the Executive Director on the date prescribed by the OAA.

71. The Societies may provide for the admission of persons who are not members of the Association who shall be designated as affiliates of the Society, but no person who is not a member of the Association, other than one intern architect, may be an officer of a Society.

72. No officer, member, or affiliate of a Society, nor any Society, shall have any power or authority as such to contract in the name of the Association nor to assume any obligations on behalf of the Association and the Association shall have no liability with respect to any debts or obligations assumed or incurred by any Society.

73. The Council may from time to time declare any Society inactive and suspend its operation or dissolve any Society and provide for the transfer of the members and assets of any such Society to another Society or Societies.

74. If a Society shall be dissolved or ceases to exist for any other reason, or is declared inactive by the Council, all assets of that Society, unless otherwise directed by the Council shall vest in the Association and shall be delivered over by the governing body of the Society to the Senior Vice-President and Treasurer of the Association forthwith on demand.

75. The Council may periodically authorize the making of grants to Societies in such amounts and for activities that:

    (a) advance the knowledge of architectural education; or

    (b) maintain or improve the standards of practice in architecture; or

    (c) that support and encourage public information and interest in the role of architecture in Society;

    (d) such purposes as it considers appropriate.

GROUP INSURANCE PLANS

76. The Association may from time to time establish group insurance plans, other than for professional liability, in which members of the Association may participate on a voluntary basis.

SCHOLARSHIPS, BURSARIES AND PRIZES

77. Such scholarships, bursaries, and prizes may be awarded from time to time as are authorized by the Council.

FEES

78. The fees and levies set out in Schedule "A" to this bylaw are payable by applicants for licences, certificates of practice, certificates of practice issued under the Act and temporary licences and by members and holders, associates, intern architects, student associates, retired members, and intern technologists in the circumstances, at the times and in the amounts specified.

PREMIUMS AND DEDUCTIBLES

79. The premiums, levies and deductibles set out in Schedule B to this Bylaw are payable to Pro-Demnity Insurance Company by holders of certificates of practice and members of the Association in the circumstances, and at the time specified.

INDEMNIFICATION

80. Every present and former member of the Council and every present and former officer, member or employee of the Association, and their heirs, executors and administrators, and estate and effects respectively, shall be indemnified and saved harmless out of the funds of the Association, from and against,

    (a) all costs, charges and expenses whatsoever that they sustain or incur in or about any action, suit or proceeding that is brought, commenced or prosecuted against them, for or in respect of any deed, matter or thing whatsoever, made, done or permitted by them, in or about the execution of the duties of their office, employment or appointment; and

    (b) all other costs, charges, and expenses that they sustain or incur in or about or in relation to the affairs thereof, except such costs, charges, or expenses as are occasioned by their own willful neglect or default.

81. Every bylaw passed by the Council shall be signed by the President or the Senior Vice-President and Treasurer and the Executive Director and shall bear the seal of the Association.

82. The Executive Director shall incorporate all past and future amendments to the bylaws into a Consolidated Bylaw, which Consolidated Bylaw shall contain the date of last amendment on its face.

83. The Executive Director may from time to time update the Consolidated Bylaw by updating references to other legislation and by updating gender references to include all gender.. No such change shall be substantive or change the meaning of the provisions. The Executive Director shall report any such updates to the Council and post them on the website of the Association.

PASSED BY THE COUNCIL OF THE ONTARIO ASSOCIATION OF ARCHITECTS AND SEALED WITH THE SEAL OF THE ASSOCIATION THIS 20th DAY OF June, 2023.

Kristin Doyle

Executive Director

S. T. Vilardi

President

Ontario Association of Architects

SCHEDULE A OAA Bylaws
Fees

Licence

Architect, Non-Practising

On filing of application	$~~324~~333.00
On filing of re-application (by a person who previously resigned their membership)	$~~177~~182.00
On referral of application to the Experience Requirements Committee	$~~295~~303.00
On filing of application to Council for Exemption Pursuant to Section 33 of Regulation 27 R.R.O. 1990	$~~530~~545.00
On reinstatement	$~~442.~~454.00
New Certificate	$ ~~29~~30.00

Notes:

The Reinstatement fee is payable by every person whose Licence was previously cancelled, whether or not the person is, on the date of the application, a member of another provincial association of architects in Canada or licensed as an architect with any state licensing board in the United States of America.

The applicant for Reapplication/Reinstatement of a Licence must pay, in addition to the Reapplication/Reinstatement fee set out, all fees, premiums, levies, and deductibles in arrears on the date of cancellation and the annual fees prescribed by the Bylaws for the two years before the date of application, except that no payment is required for the first year after the date of resignation.

The following annual Licence fees shall be payable on the 2nd day of January each year:

Architect	$~~984~~1,011.00
Non-Practising Architect	$~~492~~505.5.~~0~~0

Notes:

Persons who become members after July 1st in each year shall pay one-half of the applicable annual fee.

Payment received between March 1st and March 31st shall be subject to a late payment penalty of $~~177~~182.00

If payment of the annual fee and late payment penalty fee is not received by March 31st, the Licence shall be cancelled on April 1st.

The applicant for reapplication of a Licence must pay, in addition to the reapplication fee set out, all fees, premiums, levies, and deductibles in arrears on the date of resignation.

Every applicant for a Licence shall pay all fees set out in this Bylaw that are in arrears on the date of the application.

Temporary Licence

On filing of application	$ ~~471~~484.00
On issue	$~~2,436~~2,502.00
On renewal	$~~2,436~~2,502.00

Retired Member, Student Associate, Intern Architect

The following annual fees shall be payable:

Retired Member	$ ~~73~~75.00
Student Associate	No charge
Intern Architect	$~~188~~193.00
Intern Architect with 5+ years Intern status	$~~984~~1,011.00

Note:
Persons who are appointed as Intern Architects after July 1st in each year shall pay one-half of the applicable annual fee.

Every Intern Architect shall pay all fees set out in this Bylaw that are in arrears prior to the date of their reappointment.

Certificate of Practice

Architect – Certificate of Practice	
On filing of application	$~~295~~303.00
Annual Fees – based on the number of Architects in the practice	
• practice with one Architect	$~~502~~515.00
• fee for each additional Architect within the practice add	$~~376~~386.00
On opening of an office other than the registered or principal office	$~~118~~121.00

The annual Certificate of Practice Fee shall be payable on the filing of the application and thereafter on the 1st day of March in each year.

If payment of the annual fee is not received by May 1 the Certificate of Practice shall be cancelled on May 2. Applications for Certificates of Practice filed after August 1st in each year shall pay one-half of the annual fee.

Temporary Certificate of Practice Issued Under the *Architects Act*, R.S.O. 1990, c. A. 26, s. 23

On filing of application	$ ~~471~~484.00
On issue	$~~4,263~~4,378.00
On renewal	$~~4,263~~4,378.00

Other – Certificate of Practice	
Change of Name	$ ~~295~~303.00
New Certificate	$ ~~29~~30.00

Admission Course

On application to attend the Admission Course	$ ~~354~~350.00

Canadian Experience Record Book – Late Submission

The following Late Submission Charges apply to experience records which are not submitted within eight weeks of the date of the last entry:

For every 1000 hours or portion thereof	$ ~~118~~121.00

Members and Intern Architects on Leave of Absence

The following fees are payable by members and Intern Architects who have been granted a leave of absence:

Where the leave of absence commences between the first day of January and the last day of February and no annual fee has been paid for the calendar year	$ ~~73~~75.00

For a leave period that starts part of the way through the calendar year, where the full annual fee for the year has already been paid, the fees would be calculated to be consistent with the existing Council Refund Policy where the leave period starts as follows:

Architects, Non-Practising Architects, and Intern Architects Over 5 Years:

January 1 until February 28 – Full membership fee refunded, minus the annual
March 1 until March 31 – ¾ of the membership fee, minus the annual leave fee
April 1 until June 30 – ½ of the membership fee, minus the annual leave fee
July 1 until September 30 – ¼ of the membership fee, minus the annual leave fee
October 1 until December 31 – no refund, but the annual fee for the next calendar year would be based on the full one-year annual leave period fee minus the annual

Fee for Non-compliance with Continuing Education Requirements

Fee for non-compliance in a Cycle	$ 750.00

Financial Hardship

The fees set out in this bylaw may be waived, reduced, or deferred in whole or in part by the Executive Director in accordance with the terms of the Association's Financial Hardship policy.

Administration Fees

General Administration	$ ~~59~~61.00

Made by the Council of the Ontario Association of Architects on the ~~20th day of June, 2024~~6th of December, 2024.

Formatted: Superscript

Memorandum

To: **Council**

Settimo Vilardi	Loloa Alkasawat
J. William Birdsell	Jim Butticci
Kimberly Fawcett-Smith	Christina Karney
Natasha Krickhan	Jenny Lafrance
Michelle Longlade	Lara McKendrick
Elaine Mintz	Greg Redden
Anna Richter	Kristiana Schuhmann
Susan Speigel	Edward (Ted) Watson
William (Ted) Wilson	Thomas Yeung
Marek Zawadzki	

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 4.6

From: Christie Mills, Registrar

Date: November 14, 2024

Subject: Appointment of Life Members

Objective: To appoint individuals to Life Membership effective January 1, 2025

Background:

A Life Member is a Retired Member who reaches the age of 75 and is appointed as a Life Member by Council.

29. (1) A life member is a person who has resigned his or her membership in the Association, who has thereafter held the status of retired member and who is elected as a life member by the Council. O. Reg. 287/99, s. 9.
(2) A life member is entitled to receive general information issued by the Association and to attend the annual and general meetings of the members of the Association but is not entitled to vote at such a meeting. R.R.O. 1990, Reg. 27, s. 29 (2).
(3) A life member may use the title “architect (retired)” or “architecte (retraité)”. R.R.O. 1990, Reg. 27, s. 29 (3); O. Reg. 44/05, s. 2; O. Reg. 386/15, s. 2.

Action: Council is requested to consider and approve the following motion:

It was moved by… and seconded by… that the following Architects be appointed Life Members:

Pier Paolo Alberghini	*Hans D.E. Krause*
Kwok C. Au	*Barry H. Martin*
Robert E. Barnett	*J. David McAuley*

Ontario Association of Architects

Raymond Waiman Chung
Shaun Douglas Clancey
Richard O. Coombs
Robert J. Crothers
Elizabeth Davidson
Daniel N.K. Gaito
D. Brian Gregersen
G. Michael Grunsky
William F. Heartwell
Jurgen H. Henze
Bruce R. Hinds
Jon F. Hobbs
Charles Ip
Harold Kelman
Gordon A. Mezzomo
Riccardo G. Mocellin
W. Michael Muller
Peter Pascaris
Anthony B. Pearson
Trevor Pereira
Stephen Propst
David C. Rich
Eric J. Ritchie
Gordon B. Robinson
Edward Russell
Viateur C. St. Pierre
Eric C. Wormsbecker

Attachments: none

Memorandum

To: **Council**

Settimo Vilardi	Loloa Alkasawat
J. William Birdsell	Jim Butticci
Kimberly Fawcett-Smith	Christina Karney
Natasha Krickhan	Jenny Lafrance
Michelle Longlade	Lara McKendrick
Elaine Mintz	Greg Redden
Anna Richter	Kristiana Schuhmann
Susan Speigel	Edward (Ted) Watson
William (Ted) Wilson	Thomas Yeung
Marek Zawadzki	

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 4.7

From: Christie Mills, Registrar

Date: November 14, 2024

Subject: Recognition of Architects Long Standing

Objective: To inform Council of the individuals who are eligible for recognition as having been Architects with the Ontario Association of Architects for at least fifty years.

Background:

1. Council Policy approved January 9, 1997:

   "Council shall recognize, on an annual basis, all individuals who have been members of the Ontario Association of Architects for at least fifty years by way of letter and presentation of a certificate at the Annual General Meeting."

2. The following Architects have reached this milestone:

Joseph Somfay	Architect since January 1, 1974
Slobodan Vlahovich	Architect since January 1, 1974
Aleksandar Milenov	Architect since March 20, 1974
Denis G. Rioux	Architect since September 1, 1974
Peter F. Turner	Architect since September 1, 1974
Charles G. Bunker	Architect since October 16, 1974

Action: Council is requested to consider the following motion:

It was moved by… and seconded by…. that the following Architects be recognized as Long Standing Members:

Joseph Somfay
Slobodan Vlahovich
Aleksandar Milenov
Denis G. Rioux
Peter F. Turner
Charles G. Bunker

Attachments: Council Policy – Members of Long Standing and Waiver of Annual Fees

Ontario Association of Architects

Council Policy

Policy Name	**Members of Long Standing and Waiver of Annual Licence Fee for Members of Long Standing**
Issue Date	**January 1997**
Revision Dates	**March 9, 2006** **January 18, 2019**

1. The following Council Policy was approved January 9, 1997:

   "Council shall recognize, on an annual basis, all individuals who have been members of the Ontario Association of Architects for at least fifty years by way of letter and presentation of a certificate at the Annual General Meeting."

2. Upon reaching the milestone of having held a licence with the Ontario Association of Architects for at least fifty years, a member will no longer be required to pay the annual licence fee as prescribed in the by-laws of the Association.

3. This Policy also extends to those members who have been previously recognized as a member of long standing and has taken "retired status".

Note:

1. A member of long standing will be required to pay the annual Certificate of Practice Fees (if applicable)
2. A member of long standing is still required to complete and record the OAA Mandatory Continuing Education
3. This policy is not retroactive beyond 2006 annual licence fees.
4. The fifty-year time frame related to licensure need not be consecutive.

Reference:

1. *Schedule A to OAA Bylaws*

Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
Kimberly Fawcett-Smith
Natasha Krickhan
Michelle Longlade
Elaine Mintz
Anna Richter
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Thomas Yeung

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 4.8

From: Continuing Education Advisory Committee

Christina Karney
Jenny Lafrance
Ted Watson

Date: November 27, 2024

Subject: Report on the Call for Presenters for the OAA Conference 2025.

Objective: For Council to consider approval of continuing education sessions that are recommended for the OAA Conference 2025.

OAA Annual Conference - Call for Presenters

To ensure strong programming focused on the Conference theme, the OAA collected proposals and recommendations from the industry experts, OAA Councillors, OAA Committees, and allied stakeholders. We received more than 90 proposals.

All proposals were independently reviewed and assessed by the members of the Continuing Education Advisory Committee according to the following criteria:

- Educational value and learning outcomes of the presentation;
- Speakers' credentials, expertise, and public speaking skills;
- Relevance to the Conference theme.
- Ensuring speakers and topics are aligned with the OAA's commitment to Equity, Diversity, and Inclusion, Climate Action, and to ongoing reconciliation with Indigenous communities.

Based on the Committee's assessments, the proposals were short-listed to 26 to be recommended for the upcoming OAA Conference 2025

The Committee is submitting the short-list for Council approval to be offered at the OAA Conference 2025.

Refer to Appendix A for a recommended list of Continuing Education sessions.

It is noted that OAA Coordinator Development, Ashley Ward is also working on the development of additional experiential learning opportunities that will be added to the program once finalized.

Action: ***It was moved by Karney and seconded by Watson that Council approve the proposed roster of Continuing Education for the OAA Conference 2025 as recommended by the Continuing Education Advisory Committee subject to minor changes based on speaker availability and budget.***

Attachments: OAA Conference 2025 Continuing Education Sessions

OAA Conference 2025 Continuing Education Sessions

1. **Opening Plenary**- *Transforming Communities through a Participative Design Process*, Jan Knikker, Partner, Director, Strategy & Development, MVRDV
2. **Closing Plenary**- *Reimagining Heritage: A Net-Zero Indigenous Cultural Space***,** Camille Lewis, Associate, Conservation Architect, CSV Architects, Darryl Hood, Principal Architect, CSV Architects
3. *The Importance of R+D in Architectural Practice*, Yew-Thong Leong, Associate Professor, Toronto Metropolitan University, Dr. Kat Martindale, Associate Lecturer of Research in Practice, University of Nottingham, UK
4. *Carbon Literacy for Sustainable and Low Carbon Buildings*, Breanne Belitski, Co-Founder, Heavy Climate Consulting, Mike Taylor, Professor Architecture and Sustainability, Humber College/ Heavy Climate Consulting
5. *Achieving Universal Accessibility in Heritage Buildings*, Stefan Abidin, Principal, HOK
6. *Reforming Procurement* - A Grassroots Initiative, Toon Dreessen, President, Architects DCA Inc.
7. *How to apply OBC Part 11 to your projects*, Megan Nicoletti, Partner, CodeNext Inc.
8. *The office-to-residential conversion solution*, Steve Paynter, Global Building Transformation & Adaptive Reuse Leader, Gensler, Charmaine Lam, Technical Designer, Gensler
9. *True-Identity Branding: Leveraging Your Firm's Leadership*, Ian Chodikoff, Founder, Chodikoff & Ideas
10. *Transformations and Embodied Carbon Strategies*, Sanne van der Burgh, Associate Director, Head of MVRDV NEXT, Architect, MVRDV
11. L*ow-rise infill, walkable and complete neighbourhoods*, Rosaline J Hill, Principal Architect & Senior Planner, Catherine McKenney, Political Liasion, City Shapes
12. *Accessibility Best Practice: Experience the difference*, Julie Sawchuk, Principal, Sawchuk Accessible Solutions
13. *The University as a City Builder*, Alar Congats, Principal, Project Architect, Kongats Architects, Sarah Birtles, Senior Planner, Infrastructure Planning, University of Toronto Faculty of Arts & Science
14. *Zibi Common: A Model for Sustainable Urban Living*, Sean Lawrence, Partner, Kohn Partnership Architects Inc.
15. *Social Media for Architects*, Dory Azar, Architect, Dory Azar Architect Inc.

16. *From Blight to Light: Homeless Housing for Urban Renewal*, Nerin Kadribegovic, Founding Principal, Kadre Architects
17. *David vs Goliath,* John Hackett, Salvador Knafo, Philip Ghosh and Leslie Parker, Pro-Demnity
18. *Detroit Arising*, Dorian Moore, Architect/ Urban Designer/ Partner, Archive DS
19. *Regenerating Ottawa's West Memorial Building*, James Rice, Principal, Kasian Architecture, Emmanuelle van Rutten, Partner, Moriyama Teshima Architects, Ronen Bauer, Partner, Moriyama Teshima Architects
20. *Designing for a Climate-Positive, Inclusive Future*, Bruno Weber, Partner, KPMB Architects, Brian Porter, Architect, Two Row Architect, Dan McTavish, Associate Principal, Design Principal, Perkins&Will
21. *The Canadian Canoe Museum- A Case Study*, Carolyn Hyslop, Executive Director, Canadian Canoe Museum, Jeremy Ward, Curatorial Director, Canadian Canoe Museum, Michael Gallant, Design Principal, Unity Design Studio, Bill Lett, Managing Principal, Unity Design Studio
22. *Kìwekì Point – Big River Landsca*pe, Janet Rosenberg, Founding Principal, Landscape Architect, Janet Rosenberg & Studio Inc. (JRS), Wayne Swanton, Managing Principal, Landscape Architect, Janet Rosenberg & Studio Inc (JRS),Garry Meus, Senior Landscape Architect, NCC, Greg Boothroyd, Principal, Patkau Architects
23. *Designing the high heritage spaces of Centre Block*, Pascal Letourneau, Architect Principal, DFS Inc.
24. *The Medicine Wheel as Monument*, Christine Leu, Partner, LEUWEBB PROJECTS, Adrian Stimson, Artist
25. *TEUI3, Expanding our Options in Low Carbon Design*, Andy Thomson, Director, Thomson Architecture, Inc.
26. *Lines We Draw*, Paul Backewich (Sketching Session), Paul Backewich, Senior Architect, Calnitsky Associates Architects

Memorandum

To: **Council**

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FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 4.9

From: Lara McKendrick, CPEC Chair

Mariella Amodio
Kurtis Chen
Carl Knipfel
Brigitte Ng
Pearl Chan
Jon Hobbs
Elaine Mintz

Date: November 14, 2024

Subject: OAA 2025 Conference: Virtual Keynote Recommendation

Objective: To gain Council's support for CPEC's recommendation of **Larry Beasley** as the **virtual keynote speaker** to kick off 2025 Conference registration.

The 2025 OAA Conference, "Reshaping Communities," will be held in the nation's capital at the Westin Ottawa Hotel from May 14 to 16, 2025. Building on previous Conference themes and sessions, this multi-day event will feature new conversations about how spaces shape human behaviour, how an evolving built environment can effectively respond to and reflect societal changes, and how impacts at both local and global scales are converging.

A special virtual-only keynote speaker presentation will take place a few months prior to the main Conference event to raise awareness about topics related to the overall theme, generate excitement for the Ottawa event, and launch online registration. Tentatively set as a free midday event in mid-March, the presentation will be hosted on Zoom Webinar with an anticipated attendance of up to 500 people—mostly from within the profession and those on the path to licensure.

The Communications and Public Education Committee (CPEC) worked with OAA staff to review a shortlist of candidates at its November 1, 2024 virtual meeting. While several proposed speakers were held in high regard, the Committee found consensus in recommending its top selection for keynote speaker as Larry Beasley, co-author of *Ecodesign for Cities and Suburbs* and retired co-director of planning for the City of Vancouver.

Having served in Vancouver for more than three decades, Beasley now teaches, writes, and advises on urbanism around the world, focusing on community planning, downtown planning and development management. A member of the Order of Canada and recipient of the Queen Elizabeth II Diamond Jubilee Medal, he is the founding principal of Beasley and Associates and the 'Distinguished Practice' Professor of Planning at the University of British Columbia.

For 16 years, Beasley served on the National Capital Commission's (NCC's) Advisory Committee on Planning, Design and Realty in Ottawa. He is a Fellow of the Canadian Institute of Planners, an Honorary Member of the Canadian Society of Landscape Architects, and has been recognized as an "Advocate for Architecture" by the Royal Architectural Institute of Canada (RAIC). Notable work includes completion of an award-winning plan for the expansion of Moscow, a strategic organizational plan for the Toronto Planning Department, redesign of a freeway into a parkway in Dallas, economic development in Rotterdam, city planning in Abu Dhabi, and advising on downtown revitalization in Canberra, Australia

Examples of his past speaking engagements include:

- Larry Beasley: Continued belief in the city - SMC20;
- Larry Beasley of Beasley and Associates presents Forum Lecture March 2, 2011; and
- Connect - Larry Beasley (Destination Downtown, Part 1) Mar 15, 2019.

OAA staff have raised the possibility of Beasley being selected as virtual keynote speaker with his representatives at a speaker bureau. Staff has confirmed he is within the speaker budget and should have availability for the desired timeframe. However, as his schedule quickly fills, the Committee would like to direct staff to finalize details quickly if Council also deems him a suitable speaker.

Action

It was moved by McKendrick and seconded by Mintz that Council approve the Communications Committee's recommendation of Larry Beasley as the virtual keynote speaker to kick off 2025 Conference registration.

Attachments

None.

Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
Kimberly Fawcett-Smith
Natasha Krickhan
Michelle Longlade
Elaine Mintz
Anna Richter
Susan Speigel
William (Ted) Wilson
Marek Zawadzki
Loloa Alkasawat
Jim Butticci
Christina Karney
Jenny Lafrance
Lara McKendrick
Greg Redden
Kristiana Schuhmann
Edward (Ted) Watson
Thomas Yeung

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 4.10

From: Kristi Doyle, Executive Director

Date: November 22, 2024

Subject: Policy Enforcement – Use of the Designation 'OAA'

Objective: To consider the enforcement approach regarding Council's Policy - Use of the Designation 'OAA'.

Recall that the following motion re. *Policy – Use of the Designation 'OAA'* was passed by Council in June.

It was moved by Longlade and seconded by Birdsell that Council approve the revised *Council Policy – Use of Designation OAA*, as presented to Council at the June 20, 2024 meeting; with additional amendments as directed by Council such that the examples be adjusted to remove reference to academic designations; and, that staff develop and implement a member awareness communication plan to convey the details of the amended policy.

Action: Staff was requested to work with Legal Counsel to consider enforcement options in relation to this policy, and report back to Council.

As discussed at the June Council meeting, use of the designation 'OAA', which is a recognized official mark, is not a matter that is enforceable under the *Architects Act*, Regulation or Bylaws. Enforcement is a matter that is under the purview of the *Trademarks Act,* which is a federal statute.

Enforcement options and advice was sought from Anile Bhole and Alessia Monastero of Bhole IP Law.

As a reminder, the OAA has an official mark for "OAA" (the "Mark") and the *Trademarks Act* prohibits other persons from adopting the Mark in connection with a business, as a trademark or otherwise. As such, the Association is empowered to restrict use of the Mark.

It is important to note that an official mark holder does not own an IP asset corresponding to the official mark. Rather, the official mark is a mark which the Registrar of Trademarks has given public notice of its adoption and use by the public authority i.e. the Ontario Association of Architects. To further clarify, the OAA does not 'own' the mark, however as the responsibility authority we have the right to control and consent to its use.

As such, the OAA as the official mark holder is not "licensing" its use but is rather "consenting" to its use. Based on this legal advice, an amendment to the Policy is proposed such that the word 'licence' be changed to 'consent'. This change is red lined in the attached Policy document.

Enforcement

The following is recommended as the approach to enforcement of the *Policy – Use of the Designation 'OAA'.*

1. Enforcement will be on a 'notification made basis' i.e. contravention of the Policy is brought to the attention of the OAA.

2. Upon being alerted to the misuse of 'OAA' by an individual/entity who has not been given consent under the Policy, the Executive Director will investigate the matter. If the Executive Director confirms that contravention of the Policy has occurred, a cease & desist notice will be issued to the individual/entity.

3. If the cease & desist order is unsuccessful, there is an option to seek an injunction against the offending party. This would incur legal costs that are not quantifiable at this time. Furthermore, legal counsel has indicated that it is generally accepted that an official mark holder may enforce the mark and be granted an injunction preventing further use by the third party, however at the time last researched there was no case law in which the official mark holder could pursue damages against the third party. This means that recouping legal costs is very unlikely.

This above approach was reviewed with the Governance Committee at it October meeting. The Committee also reviewed the attached draft cease & desist letters at it November meeting. Further to that discussion, it is suggested that enforcement be limited to the cease & desist actions outlined above, until additional information can be gathered as to the number of notifications and the response to the cease & desist communication can be better understood.

Action:

Council to consider the following motion:

It was moved by … and seconded by … the Council direct to the Executive Director to enforce the Council Policy – Use of the Designation OAA as recommended to Council in the report from the Executive Director dated November 22, 2024.

Attachments

Policy – Use of the Designation 'OAA' – additional minor amendment

Draft Cease & Desist letters

Ontario Association of Architects

Council Policy

Policy Name	**Use of the Designation 'OAA'**
Issue Date	**January 20, 2005**
Revision Dates	**September 22, 2011; June 20, 2024; December 6, 2024**

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Official Mark

In accordance with publication by the Registrar of Trademarks on June 23, 2004, 'OAA' is recognized as an official mark of the Ontario Association of Architects.

As a term formally protected by the Association, the Council of the OAA may determine who may utilize 'OAA' and under what circumstances.

By virtue of having 'OAA' protected as an official mark of the Ontario Association of Architects, no other group, individual or organization may use 'OAA' without the express written permission of the Council of the OAA. Exception will be given to those utilizing the term prior to it being recognized as an official mark of the OAA.

The OAA may consent to ~~license~~ the use of the term 'OAA' as it sees appropriate.

Permitted Use

Under this policy, the following individuals may utilize the designation 'OAA'. **Use of the designation OAA may only be used when accompanied by the OAA member's title[1].** Inclusion of the member's title in conjunction with "OAA" provides clarity to the public. Use of the designation OAA by the individuals listed below is predicated on there being no terms, conditions or limitations which prohibits their use of the designation "OAA". This policy does not preclude the inclusion of other credentials such as academic and professional designations.

Architects - individuals who are granted a licence to practise architecture by the OAA.

Example:

Jordan Doe, Architect, OAA

Licensed Technologist - individuals who are granted a limited licence to practise architecture by the OAA.

Example:

Jordan Doe, Licensed Technologist, OAA

1 Only those titles as defined by the *Architects Act* or Regulation 27.

Honorary Members - are persons who have rendered to the architectural profession signal or valuable service or who have scrupulously upheld the objects of the Association and who are elected as honorary members at an annual or general meeting of the members of the Association.

Example:

Jordan Doe, Honorary Member, OAA

Architects (subject to terms, conditions and limitations) - individuals who are granted a licence to practise architecture subject to terms, conditions and limitations by the OAA.

Example:

Jordan Doe, Architect (subject to terms, conditions and limitations), OAA

Prohibited Use

The following prescribed classes of persons as defined in Regulation 27 under the *Architects Act* are not permitted to utilize the designation 'OAA':

1. Intern Architect
2. Retired Member
3. Life Member
4. Student Associates
5. Intern Technologists
6. Student Technologists

The OAA will take appropriate steps to address misuse of the designation.

VIA EMAIL TO: [insert email] Letter for Non-Members/Public

[Date]

[Individual]
[Company]
[Address]

Re: **Trademark infringement: OAA Policy re. *Use of the Designation OAA***

On behalf of the Ontario Association of Architects (OAA) I am writing with respect to concerns regarding intellectual property matters and your use of the designation "OAA".

The OAA is the regulatory body that serves and protects the public interest by overseeing the architectural profession in Ontario, as mandated by the *Architects Act*. The Association licenses Architects (OAA members), establishes and enforces standards for professional practice and ethics, and ensures ongoing education to maintain competency. By upholding stringent qualification standards and supporting continuous professional development, the OAA helps ensure its members create safe, accessible, and functional buildings that meet the needs of a diverse society.

The OAA is the owner of Canadian trademark serial no. 0915648 for the official trademark "OAA" (the "Mark"). The *Trademarks Act*, R.S.C., 1985, c. T-13 prohibits other persons from adopting any mark consisting of, or so nearly resembling as to be likely to be mistaken for an official mark for goods or services, in connection with a business, as a trademark or otherwise.

The Council of the OAA permits its members to use the designation "OAA" pursuant to the Council Policy titled *Use of the Designation OAA* as attached.

We have been made aware that you are unlawfully using the Mark "OAA" as you are not a member of the OAA.

[One example of your unauthorized use of the Mark is shown below.]

[INSERT UNAUTHORIZED USE OF MARK]

Your use of the Mark infringes the OAA's rights, including the OAA's intellectual property rights under the *Trademarks Act*.

We request that you:

(a) immediately cease all use of the Mark "OAA"; and

(b) confirm in writing to the undersigned within thirty (30) days of the date of this letter that you have complied with the direction set out in the above paragraph and that you will not at any time in the future, directly or indirectly, use the Mark.

We look forward to hearing from you.

Regards,

Kristi Doyle
Executive Director

Attach. OAA Council Policy re. *Use of Designation OAA*

VIA EMAIL TO: [insert email] ***Letter for Licensed Members***

[Date]

[Individual]
[Address]

Re: **OAA Policy re. *Use of the Designation OAA***

On behalf of the Ontario Association of Architects (OAA) I am writing regarding the OAA Policy re. *Use of the Designation OAA* which has been recently updated by the OAA governing Council.

A number of years ago the OAA sought to trademark the designation 'OAA' as an extension of our mandate to protect the public interest, and to emphasize regulation of architecture through the OAA.

The OAA is the owner of Canadian trademark serial no. 0915648 for the official trademark "OAA". The *Trademarks Act*, R.S.C., 1985, c. T-13 prohibits other persons from adopting any mark consisting of, or so nearly resembling as to be likely to be mistaken for an official mark for goods or services, in connection with a business, as a trademark or otherwise.

The Council of the OAA permits members licensed by the OAA to use the designation "OAA" pursuant to the Council Policy titled *Use of the Designation OAA* as attached.

We have been made aware that your use of "OAA" does not comply with the Policy. As noted above, the Policy has been recently updated by the Council and while we have communicated the changes to the membership at large, it may have been overlooked.

On behalf of the OAA, we request that you review the attached policy to ensure that your use of the designation OAA complies.

Please feel free to contact us to discuss with you how you can bring your use of the designation OAA into compliance with the Policy.

Regards,

Kristi Doyle
Executive Director

Attach. OAA Council Policy re. *Use of Designation OAA*

DRAFT

VIA EMAIL TO: [insert email] ***Letter for Interns or Student Associates***

[Date]

[Individual]
[Address]

Re: **OAA Policy re. *Use of the Designation OAA***

On behalf of the Ontario Association of Architects (OAA) I am writing regarding the OAA Policy re. *Use of the Designation OAA* which has been recently updated by the OAA governing Council.

A number of years ago the OAA sought to trademark the designation 'OAA' as an extension of our mandate to protect the public interest, and to emphasize regulation of architecture through the OAA.

The OAA is the owner of Canadian trademark serial no. 0915648 for the official trademark "OAA". The *Trademarks Act*, R.S.C., 1985, c. T-13 prohibits other persons from adopting any mark consisting of, or so nearly resembling as to be likely to be mistaken for an official mark for goods or services, in connection with a business, as a trademark or otherwise.

The Council of the OAA permits licensed members to use the designation "OAA" pursuant to the Council Policy titled *Use of the Designation OAA* as attached.

We have been made aware that you are using the designation OAA which is not permitted for use by intern architects [student associates]. As noted above, the Policy has been recently updated by the Council and while we have communicated the changes to all individuals that hold status with the OAA, it may have been overlooked.

On behalf of the OAA, we request that you immediately cease all use of the designation OAA and confirm that you have complied with the direction set out in this letter.

We look forward to hearing from you.

Regards,

Kristi Doyle
Executive Director

Attach. OAA Council Policy re*. Use of Designation OAA*

DRAFT

Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
Kimberly Fawcett-Smith
Natasha Krickhan
Michelle Longlade
Elaine Mintz
Anna Richter
Susan Speigel
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Marek Zawadzki
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Jim Butticci
Christina Karney
Jenny Lafrance
Lara McKendrick
Greg Redden
Kristiana Schuhmann
Edward (Ted) Watson
Thomas Yeung

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 4.11

From: Kristi Doyle, Executive Director

Date: November 22, 2024

Subject: Delegation of Authority Policy

Objective: To review and approve the OAA's Delegation of Authority Policy.

The attached draft *Delegation of Authority Policy* is attached for Council's review & approval.

One of the specific recommendations resulting from the 2021 Operational Review was the establishment of a formal *Delegation of Authority* Policy. During the Review it was noted that, although delegation authorities and processes existed, they were not articulated in one concise document. For further clarity, the information in the attached draft policy is already in effect as set out in other governing documents or by Council resolution.

This is one of the final recommendations to be acted upon in accordance with the five-year action plan to address all recommendations from the Operational Review. The Governance Committee reviewed the draft policy at their October meeting and recommends approval.

Action:

Council to consider the following motion: ***It was moved by … and seconded by … that Council approve the Council Policy – Delegation of Authority as presented to Council on December 6, 2024.***

Attachments

Policy – Delegation of Authority

Ontario Association of Architects

Ontario Association of Architects

Council Policy

Policy Name	**Delegation of Authority**
Issue Date	**December 6, 2024**
Revision Dates	

PURPOSE:

The Ontario Association of Architects (OAA) Delegation of Authority policy outlines the delegation of financial, signing, and decision-making authority on behalf of the Association.

This policy is in accordance with By-Law Schedule A – Signing Authority and CIBC Banking Resolutions which are updated yearly based on appointment of the Officers.

FINANCIAL INSTITUTIONS

Approval of Payments: Schedule A - Signing Authority in Accordance with Bylaws Section 52, regarding approval of payments (cheques, wire transfers, EFTs) in accordance with the Group Limits.

GROUP A	GROUP B	GROUP C
Executive Director	Executive Director	President
Registrar	Registrar	Senior Vice President & Treasurer
	Manager, Finance	Vice President(s)

SIGNING LIMIT REQUIREMENTS

Under $5,000 – Anyone from Group A
Over $5,000 to Maximum $20,000 – Two Signatures Required - Any two from Group B
Over $20,000 – Two Signatures Required – One from Group A together with any one from Group C

Borrowing and Lending: Schedule A - Signing Authority in Accordance with Bylaws Section 52, regarding authorization limits for financial lending/borrowing with the associations Financial Institution.

Borrowing Authority: Two Signatures Required – One from Group A together with President or Senior Vice President & Treasurer

Delegation of Authority: Any One Authorized Signing Officers

Wire Transfers: Same as Authorized Signing Officers

DRAFT

Credit Agreements: Two Signatures required one from Group A together with President or Senior Vice President & Treasurer

Legal Agreements: Any two of the signing officers

INTERNAL FINANCIAL PROCESS AND BUDGET

1. In consultation with the Executive Director and Manager Finance, the Finance & Audit Committee develops the annual operating and capital budgets, which are presented to Council for review and approval.
2. Reserve Fund balances and policies are approved by Council. At year end, the Senior Vice President and Treasurer will review any year end surplus against the reserve fund policy and make a recommendation to Council for allocating funds to reserves.
3. Senior Vice President and Treasurer will approve any changes in investment portfolio in consultation with the Manager Finance and Executive Director. The Council risk tolerance regarding investments is categorized as 'low.'
4. Manager Finance will monitor the cash account to ensure the balance is no lower than $300,000 and no higher than $600,000 at month end to ensure the organization is maximizing interest earned from the investment portfolio. When a collapse or investment is required, the Manager Finance will send an email to the Executive Director to confirm the transfer.

CONTRACTUAL OBLIGATIONS AND EXPENSES

PROCUREMENT

Procurement of services and products will be in accordance with the Council Policy: Purchasing and Procurement.

Refer to Council Policy Purchasing/Procurement

AUTHORITY TO ENTER INTO CONTRACTUAL ARRANGEMENTS

The Executive Director and/or Registrar may bind the Association as a corporation and are authorized to enter into contractual agreements on behalf of the Association that are consistent with policy direction provided by the Council and/or approved budgets.

In accordance with Council resolution, the Deputy Registrar has been granted signing authority to execute documents on behalf of the OAA for all matters related to the OAA's Continuing Education Program.

AUTHORIZING OF EXPENSES

Administrative staff may authorize an expense up to $5,000 as approved in the current fiscal year budget.

Management staff may authorize an expense up to $15,000 as approved in the current fiscal year budget.

The Executive Director and/or Registrar may authorize expenses over $15,000 as approved in the current fiscal year budget.

The Executive Director has the discretion to authorize expenses under $10,000 not included in the current fiscal year budget. Any unbudgeted expenses over $10,000 will be advanced to the Senior Vice President & Treasurer for consideration. The Executive Director and Senior Vice President & Treasurer will review the matter and discuss whether the matter should be advanced to Council for approval.

OPERATIONAL AND ADMINISTRATIVE DECISION MAKING

Executive Director: Has decision making authority regarding the daily management and operation of the Association, including allocation of both financial and human resources.

Registrar: Has decision making authority regarding the day-to-day administration and fulfilment of the OAA's statutory obligations as set out in the *Architects Act* and Regulation 27.

Management Team: Has decision making authority as it pertains to their specific service area and in accordance with the OAA's policies and procedures AND the policy directions given by the governing Council.

Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
Kimberly Fawcett-Smith
Natasha Krickhan
Michelle Longlade
Elaine Mintz
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Jenny Lafrance
Lara McKendrick
Greg Redden
Kristiana Schuhmann
Edward (Ted) Watson
Thomas Yeung

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 4.12

From: Christie Mills - Registrar

Date: November 19, 2024

Subject: Updated Regulatory Notices

Objective: Council review and Approval of Updated Regulatory Notices

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Background

Prompted by the anticipated changes to the regulations under the *Architects Act* to recognize the authority of the OAA to issue limited licences, staff have reviewed related existing OAA documents in order that they may be updated accordingly.

Concurrently, the Office of the Registrar (OOTR) has been reviewing existing documents to ensure the OAA is acting within its statutory authority and to avoid/minimize legal risk to the Association. This work is undertaken in alignment with the strategic plan's Regulatory Leadership pillar to identify and correct regulatory misalignments.

Within this context, the Registrar has examined all the OAA's existing Regulatory Notices (RNs). These are documents that inform members and the public of the expected professional obligations of OAA members within specific circumstances. To ensure the updates are done in accordance with the Act and regulations, each was also reviewed and edited by legal counsel.

The RNs are distinct from other OAA resources like Practice Tips, Guidelines and advisories. RN content is specific to the regulatory framework for certain aspects of the practice of architecture and the applicable professional obligations that arise from the legislation and regulations.

Review and Update Results

Some RN updates are straightforward. Others required more extensive work to ground the information in professional obligations and edit out content that strayed into legal advice, business advice or content outside the OAA's jurisdiction. Updated content that is more robust than the existing RNs was informed by common issues or concerns tracked through OAA Complaints and/or the Practice Advisory Services. In addition to this general process for all the RNs, there are specific items worth pointing out as follows:

- RN.11 was revoked in 2023 because of the May court order regarding Licensed Technologists.

- Upon review, and as advised by legal counsel, it is recommended that RN.06 is revoked/sunset because the content is more suited to be a practice tip or website information and is planned to be repurposed as such.

- RN.04 provides a procedure for circumstances of reporting bankruptcy or insolvency. Members have always been obligated to notify the Registrar of the receipt of a petition to declare the member or holder bankrupt (section 42(29) of the regulations), however, there has never been any instructions or information on this process. The procedure will help members navigate expectations and distill relevant information.

- An updated RN.01 will be shared with Council separately via the Governance Committee.

In addition to legal review, the final drafts have been edited by OAA Communications. Clean and redlined versions of each RN for review are attached to this memo.

The purpose of this memo is to provide the Council with the redlines and draft updates for review and approval. If approved, the memos will be finalized with an issue date of January 1, 2025, in alignment with legislative proclamation.

Action

It was moved by... and seconded by...that Council approve the updates to the OAA Regulatory Notices and that they be published and issued for January 1, 2025.

Attachments

Appendix 1 Updated RNs Clean and Redline

Ontario Association of Architects

Regulatory Notice RN.02
Version 3.0
XXXX, 2024

Offering to Provide Services in Other Jurisdictions

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Summary

OAA members[i] intending to offer or provide services in a jurisdiction outside of Ontario must carefully review the relevant regulatory requirements in that jurisdiction, and ensure that they are acting in compliance with those requirements. OAA members are encouraged to obtain advice from relevant advisors (e.g. legal and insurance advisors) regarding their compliance.

Background

OAA members often seek to enter markets outside of Ontario for architectural or other services that may be offered by an architectural practice.

Examples include:

- a reply to a specific invitation from a client;
- a response to a proposal call;
- offering unsolicited services to a specific client for a specific project; or
- conducting a general marketing program in attempting to secure commissions for a project or projects outside of Ontario.

Regulatory requirements governing these types of activities vary widely among the provinces and territories of Canada, among the licensing jurisdictions in the United States, and among jurisdictions in other countries.

Regulatory requirements may also apply in some jurisdictions when a member is offering to perform work that may not fall within the definition of architectural services in that jurisdiction's statute (or in Ontario's statute)—examples include interior design, urban planning, or project management.

The interpretation and application of similarly worded requirements can vary significantly from jurisdiction to jurisdiction.

For example:

- some jurisdictions require that an OAA member be authorized to practise in that jurisdiction before offering to provide services;
- others require notification that the offer is being made and confirmation that if the offer is accepted, no services will be provided until the OAA member is authorized to practise; and
- still others do not require notification of the offer, but do require the OAA member to be authorized to practise prior to providing services.

At least one jurisdiction in the United States has published its position: it will refuse to license any member who is found to have offered to provide services in its jurisdiction without first having obtained a licence to do so in that jurisdiction.

OAA members should contact the authority regulating the practice of architecture in the jurisdiction in which they are considering offering to provide architectural or other services.

OAA members must comply with the local requirements to limit the risks associated with prosecution and/or other consequences in that jurisdiction for illegal practice and to limit the risks associated with complaints being filed with the OAA related to illegal practice in another jurisdiction.

Procedure

Before offering to provide services in a jurisdiction outside of Ontario, contact the authority regulating the practice of architecture and determine the relevant requirements of that jurisdiction. This includes (but is not limited to) when responding to a specific invitation or to a proposal call, offering services to someone who has not requested the offer, or when conducting general marketing. The OAA can often provide OAA members with contact information for the authority, but the OAA does not provide legal advice to OAA members.

Carefully explain in detail and in writing the precise nature of your offer to provide services and request specific direction in writing as to the relevant requirements. If you are unable to obtain a written response from the authority, confirm your understanding of the requirements to the authority in writing, requesting clarification if your understanding is incorrect. Obtain advice from relevant advisors (e.g. legal and insurance advisors) regarding compliance.

Do not provide any services in a jurisdiction outside of Ontario until you have met the local requirements to practice. This may include licence/registration as well as obtaining authorization to provide services to the public (similar to a certificate of practice [CoP]).

The OAA does not provide legal, insurance, or accounting advice. Readers should consult their own legal, insurance, or accounting advisors to obtain appropriate professional advice. OAA members are responsible for ensuring that they comply with all applicable laws, regulations, policies, and bylaws. Regulatory Notices do not comprehensively address all laws, regulations, policies, and bylaws that may apply in a particular scenario.

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[i] **OAA member:** Every person that holds a licence or limited licence issued by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject.

Ontario Association of Architects

Regulatory Notice RN.02
Version 3.0
XXXX, 2024

Offering to Provide Services in Other Jurisdictions

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Summary

OAA members[i] intending to offer or provide services in a jurisdiction outside of Ontario must carefully ~~determine~~ review~~and comply with~~ the relevant regulatory requirements in that jurisdiction and ensure that they are acting in compliance with those requirements. OAA members are encouraged to obtain advice from relevant advisors (e.g., legal and insurance advisors) regarding their compliance.

Background

OAA members often seek to enter markets outside of Ontario for architectural or other services ~~or any services~~ that may be offered by an architectural practice.

Examples include:

- a reply to a specific invitation from a client;
- a response to a proposal call;
- offering unsolicited services to a specific client for a specific project; or
- conducting a general marketing program in attempting to secure commissions for a project or projects outside of Ontario.

Regulatory requirements governing these types of activities vary widely among the provinces and territories of Canada, among the licensing jurisdictions in the United States, and among jurisdictions in other countries.

Regulatory requirements may also apply in some jurisdictions when a member is offering to perform work that may not fall ~~strictly~~ within the definition of architectural services in that jurisdiction's statute (or in Ontario's statute)~~—for~~ examples include~~,~~ interior design, urban planning, or project management~~, or all other services provided by the architectural practice~~.

The interpretation and application of similarly worded requirements can vary significantly from jurisdiction to jurisdiction.

For example:

- some jurisdictions require that an OAA member be authorized to practise in that jurisdiction before offering to provide services;
- others require notification that the offer is being made and confirmation that if the offer is accepted, no services will be provided until the OAA member is authorized to practice; and
- still others do not require ~~any~~ notification of the offer but do require the OAA member to be authorized to practice prior to providing services.

~~There is a~~At least one jurisdiction in the United States ~~that~~ has published its position:~~—~~ it will refuse to license any member who is found to have offered to provide services in its jurisdiction without first having obtained a licence to do so in that jurisdiction.

~~It is in the best interest of every~~ OAA members should ~~to~~ contact the authority regulating the practice of architecture in the jurisdiction in which they are considering~~any~~ offering to provide architectural or other services ~~or any services by the OAA member and/or practice is being contemplated in order to be able to comply with the local regulatory requirements.~~

OAA members must comply~~Compliance~~ with the local requirements to ~~will~~ limit the ~~avoid the possibility~~ risks associated with~~of~~ prosecution and/or other consequences in that jurisdiction for illegal practice~~.~~ and to

~~This will also~~ ~~avoid the possibility~~ limit the risks associated with~~of~~ ~~a~~ complaints being filed with the OAA~~Ontario Association of Architects~~ related to illegal practice in another jurisdiction.

Procedure

Before offering to provide services in a jurisdiction outside of Ontario, contact the authority regulating the practice of architecture~~,~~ and determine the relevant requirements of that jurisdiction. This includes (but is not limited to) when responding to a specific invitation or to a proposal call, offering services to someone who has not requested the offer, or when conducting general marketing. The OAA can often provide OAA members ~~you~~ with contact information for the authority, but the OAA does not provide legal advice to OAA members.

Carefully explain in detail and in writing the precise nature of your offer to provide services and request specific direction in writing as to the relevant requirements. If you are unable to obtain a written response from the authority, confirm your understanding of the requirements to the authority in writing, requesting clarification if your understanding is incorrect. Obtain advice from relevant advisors (e.g., legal and insurance advisors) regarding compliance.

~~Then, make your offer to provide services in accordance with the requirements of that jurisdiction.~~

Do not provide any services in a jurisdiction outside of Ontario until you have met the local requirements to practice. This may include licence/registration as well as obtaining authorization to provide services to the public (similar to a Certificate of Practice ~~(or equivalent~~).

~~For further information or assistance related to practice in a jurisdiction outside of Ontario, contact the regulatory authority in that jurisdiction and the Office of the Registrar at the OAA.~~

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[i] **OAA member:** Every person that holds a licence or limited licence issued by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject.

The OAA does not provide legal, insurance, or accounting advice. Readers are advised to consult their own legal, accounting, or insurance representatives to obtain suitable professional advice in those regards.

Ontario Association of Architects

Regulatory Notice RN.03
Version 3.0
XXXX, 2024

When a Client Changes Their OAA Practice

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Regulatory Framework

There are a number of issues to consider when the services of an OAA member[i] and associated certificate of practice (CoP)[ii] are terminated and another practice has been engaged to complete the project. The issues include regulatory and contractual matters, as well as legal, professional, and ethical considerations. The specific regulatory obligations of members are enumerated in the *Architects Act* (the Act) and the Ontario Regulation 27 (the regulations) including, but not limited to, the following:

42. *For the purpose of the Act, "professional misconduct" means,*

> *9. Failing to maintain the standards of practice of the profession.*
>
> *34. Copying the design or work of another person without the consent or agreement of the other person.*
>
> *47. Soliciting or accepting any work when the member or holder knows or has reason to believe that another member or holder has been engaged or employed for the same purpose by the same client except as permitted by the standards of practice set out in this Regulation.*
>
> *52. Providing architectural services without an express written or oral contract.*

49. *The following are prescribed as standards of practice:*

> *1. No holder or officer, director, employee, or partner of a holder shall solicit or accept any work in respect of a building project knowing or having reason to believe that another holder has been engaged on the same building project for the same purpose by the same client.*
>
> *2. Paragraph 1 does not apply to prevent a holder from,*
>
> > *i. advising or reporting on any aspect of the practice of architecture if an independent opinion is being sought and the other holder has been so informed in writing by the client, or*
> >
> > *ii. undertaking the work after,*
> >
> > > *A. the client has given notice in writing to the holder that the engagement or employment of the other holder has been terminated, and*
> > >
> > > *B. the holder has given notice in writing, by registered mail, to the other holder that he, she or it has been engaged or employed for the same purpose by the same client.*

OAA practices must not supplant or attempt to supplant another OAA practice after the preceding practice has been retained or definite steps have been taken toward the other practice's retention. Subject to the terms of the Contract for Services, a client is free at any time to terminate the business engagement with an OAA practice. The point is not to require mismatched clients and OAA practices to continue working together. For the benefit of the client and the project or commission, the point is to protect the relationship between a client and OAA practice from unlawful and/or unethical interruption by another OAA practice.

Competent professional practice rests in part on the strength of the relationship between client and OAA practice. Hence, when the client has made a choice, other practices must cease their overtures. This restriction does not prevent practices from approaching a potential client who has a broader program of prospective work for another practice has not been engaged.

For the purposes of this commentary, "supplanting" means taking (or attempting to take) the place of another OAA practice in a manner that is unlawful and/or unethical. Such behaviour would include interfering in a way that prevents a

client from establishing a commercial relationship with another practice or causes the client to breach or terminate its contract with another practice.

Considerations

Except in an approved competition, OAA practices must not provide any architectural service to a client until retained under contract and in receipt of the client's instructions. Public expressions, submission, or dialogues with respect to architectural issues, undertaken without compensation in the community interest and without having or seeking or anticipating a client, are permitted.

Speculative services to lure or entice a client, or "loss leaders," are not permitted. This means that prior to being retained, OAA practices are not permitted to provide solutions, suggestions, ideas, or evidence of same (in any format) that have value to the client or upon which the client might be expected to rely. The foregoing applies not only to design, costing, and technical matters, but also to considerations of management, methodology, and project organization (e.g. scheduling information) beyond that which is required for OAA practices to determine and submit a credible proposal for services and fees. In making an expression of interest or proposal to a prospective client, an OAA practice may promote the practice's experience, capabilities, resources, and capacity to demonstrate the practice's suitability, including an understanding of that client's needs and the project's relevant issues.

An OAA practice may only accept a commission for a project when the services of any OAA practice previously retained for the same project have been terminated, and such termination has been confirmed in writing in accordance with the Act and the regulations.

An OAA practice contacted by a potential client in circumstances where the practice knows or can ascertain by reasonable inquiry that another OAA practice (the "predecessor practice") is or has been engaged, must:

a) receive written confirmation from the client that the engagement of the predecessor practice has been terminated; and

b) advise the potential client that, if requested to provide a proposal for services, the member has a duty to notify the predecessor practice of the request by the potential client; and in the event the potential client requests a proposal for services from the member, that member must promptly notify the predecessor practice in writing of the request.

"Prompt" notification means without delay—generally, on the same or next business day. The professional responsibility for notifying the other predecessor practice lies with the new practice and cannot be delegated to the potential client or any other person. The notification obligation exists whether or not the other predecessor practice is understood or suspected to still be under contract with their client (or former client).

This commentary addresses the importance of contract termination and related requirements for a successor OAA practice making a proposal for and/or starting services. The regulations under the Act require the termination, but not necessarily the financial resolution, of the predecessor practice's services prior to a successor practice providing services.

An OAA practice taking over a project ("successor practice") is only permitted to provide a proposal for services, enter into a contract for services, or provide services that are based upon, and which continue and complete, those initiated by the predecessor practice, if:

a) there has been no supplanting of the predecessor practice by the successor; and

b) the successor practice has received written confirmation from of the termination of the predecessor's services.

Questions arise regarding whether the successor practice is prohibited from using the predecessor's services if there was a fee dispute about such services. The successor practice is not expected to be the arbiter between the predecessor practice and the client. However, this does not diminish copyright or fee payment rights of OAA practices. The obligation is on practices to assert such private law and statutory rights, rather than have them become the focus of professional conduct complaints.

This commentary applies equally to situations where either the predecessor or successor may be from different registration categories (e.g. a licence holder taking over a single-family home renovation project from a limited licence holder). OAA members who have been terminated by the client, or who terminate services, are entitled to be paid for their services and disbursements in accordance with the Contract for Services. Such contracts often include dispute resolution clauses.

In addition to contractual rights to payment, OAA members retain copyright in their design (unless sold or licensed). Licence holders have been successful in lawsuits in asserting copyright in relation to fee disputes and ownership of design[iii]. Even when project takeovers occur cooperatively, uncertainty may persist about copyright and liability issues.

The OAA recommends that wherever possible, the predecessor and successor practices consider entering into a simple agreement or memorandum of understanding, confirming issues such as copyright, professional liability, insurance, and project attribution obligations (credit for authorship). Both practices should seek legal and insurance advice prior to confirming these important aspects of a change of OAA practice on a project.

OAA members may also have lien rights under the Ontario *Construction Act*. Practices asserting copyright and/or lien rights should seek legal advice and recognize limitation periods may apply.

In circumstances where fees are disputed and/or where a property has been purchased by a new owner, successor practices should proceed with due diligence and caution. Where unpaid fees are claimed for instruments of services attached to the predecessor practice's copyright (e.g., drawings), the successor practice's use of such documentation may constitute copyright infringement on the part of the successor practice and client. Relying solely on the client's information or assurances about fee payment is generally not advisable and may not provide adequate risk management.

The OAA recommends that practices engaged in projects involving sequential design professionals should review their liability exposure with Pro-Demnity Insurance Co., or their professional liability insurance providers as appropriate.

Attribution

For detail information regarding credit for authorship, refer to *Regulatory Notice Credit for Authorship–Misrepresentation of a Practice*. It is a fundamental professional conduct expectation, a matter of professional courtesy and, most importantly, a matter of public interest to ensure attribution for architectural services is accurate.

Members of the public—including a client/potential client, authorities having jurisdiction, interested community members, and the media—expect OAA members and practices to describe their qualifications, experience, and responsibility fairly, accurately, and transparently when claiming credit for work. Doing otherwise leads to confusion and multiple claims for credit for the same project work, as well as unnecessary professional conduct complaints and lawsuits.

An OAA practice and/or member shall accurately represent to the public, a prospective or existing client, or employer the qualifications and scope of responsibility in connection with work for which the practice and/or member is claiming credit. An OAA practice's representations must accurately reflect current principals and staff capacities. An OAA member or practice claiming credit for a project, or any part of the architectural services on a project, must ensure credit is given to the project's original firm or firms and that any credit taken is accurate and limited to the extent of services provided.

While attribution can appear complex given firm mergers and acquisitions, copyright claims, and the division of work among design professionals in modern architectural practice, a fundamental principle is constant in every scenario: the 'author' practice(s) must be given clear and accurate project credit.

Failing to give and take proper credit amounts to a misrepresentation.

Taking over a project from a predecessor practice also raises issues regarding the use of sealed documents. For further information, refer to Regulatory Notice.RN.01—OAA Professional Seal.

The OAA does not provide legal, insurance, or accounting advice. Readers should consult their own legal, insurance, or accounting advisors to obtain appropriate professional advice. OAA members are responsible for ensuring that they comply with all applicable laws, regulations, policies, and bylaws. Regulatory Notices do not comprehensively address all laws, regulations, policies, and bylaws that may apply in a particular scenario.

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[ii] All OAA members must provide or offer services through an OAA certificate of practice (CoP). For the purposes of this Regulatory Notice, “OAA practice” will be used to indicate the OAA member and holder of certificate of practice.

[iii] A search of Canlii will provide many examples of successful lawsuits asserting copyright to the design professional.

Ontario Association of Architects

Regulatory Notice RN.03
Version 3~~2~~.0
~~November 16, 2021~~XXX, 2024

When a Client Changes their OAA Practice ~~Member~~

~~General | Changes at Different Stages | Exposure to Liability~~

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~~Summary~~Regulatory Framework

There are a number of issues to consider when the services of an OAA member[i] and associated certificate of practice[ii] are terminated and another practice has been engaged to complete the project. ~~there are~~ The issues include regulatory and contractual matters, as well as legal and ~~issues,~~ professional ~~courtesy, and common sense~~ethics considerations. The specific regulatory obligations of members are enumerated in the *Architects Act* (the Act) and its regulations including, but not limited to, the following:

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>
> *34. Copying the design or work of another person without the consent or agreement of the other person.*
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> *2. Paragraph 1 does not apply to prevent a holder from,*
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> > *i. advising or reporting on any aspect of the practice of architecture if an independent opinion is being sought and the other holder has been so informed in writing by the client, or*
> >
> > *ii. undertaking the work after,*
> >
> > > *A. the client has given notice in writing to the holder that the engagement or employment of the other holder has been terminated, and*
> > >
> > > *B. the holder has given notice in writing, by registered mail, to the other holder that he, she or it has been engaged or employed for the same purpose by the same client.*

OAA practices must not supplant or attempt to supplant another OAA practice after the preceding practice has been retained or definite steps have been taken toward the other practice's retention. Subject to the terms of the Contract for Services, a client is free at any time to terminate the business engagement with an OAA practice. The point is not to require mismatched clients and OAA practices to continue working together. For the benefit of the client and the project or commission, the point is to protect the relationship between a client and OAA practice from unethical interruption by another OAA practice.

Competent professional practice rests in part on the strength of the relationship between client and OAA practice. Hence, when the client has made a choice, other practices must cease their overtures. This restriction does not prevent practices from approaching a potential client who has a broader program of prospective work for another practice has not been engaged.

For the purposes of this commentary, "supplanting" means taking (or attempting to take) the place of another OAA practice in a manner that is unethical. Such behaviour would include interfering in a way that prevents a client from establishing a commercial relationship with another practice or causes the client to breach or terminate its contract with another practice.

Considerations

Except in an approved competition, OAA practices must not provide any architectural service to a client until retained under contract and in receipt of the client's instructions. Public expressions, submission or dialogues with respect to architectural issues, undertaken without compensation in the community interest and without having or seeking or anticipating a client, are permitted. Speculative services to lure or entice a client, or "loss leaders", are not permitted. This means that prior to being retained, OAA practices are not permitted to provide solutions, suggestions, ideas or evidence of same (in any format) which have value to the client or upon which the client might be expected to rely. The foregoing applies not only to design, costing and technical matters but also to considerations of management, methodology and project organization (e.g. scheduling information) beyond that which is required for OAA practices to determine and submit a credible proposal for services and fees. In making an expression of interest or proposal to a prospective client, an OAA practice may promote the practice's experience, capabilities, resources and capacity to demonstrate the practice's suitability, including an understanding of that client's needs and the project's relevant issues.

An OAA practice may only accept a commission for a project when the services of any OAA practice previously retained for the same Project have been terminated and such termination has been confirmed in writing in accordance with the Act and the regulations.

An OAA practice contacted by a potential client in circumstances where the practice knows or can ascertain by reasonable inquiry that another OAA practice (the "predecessor practice") is or has been engaged, must:

a) receive written confirmation from the client that the engagement of the predecessor practice has been terminated; and

b) advise the potential client that if requested to provide a proposal for services, the member has a duty to notify the predecessor practice of the request by the potential client; and in the event the potential client requests a proposal for services from the member, that member must promptly notify the predecessor practice in writing of the request.

'Prompt' notification means without delay – generally, on the same or next business day. The professional responsibility for notifying the other predecessor practice lies with the new practice and cannot be delegated to the potential client or any other person. The notification obligation exists whether or not the other predecessor practice is understood or suspected to still be under contract with their client (or former client).

This commentary addresses the importance of contract termination and related requirements for a successor OAA practice making a proposal for and/or starting services. The regulations under the Act require the termination, but not necessarily the financial resolution, of the predecessor practice's services prior to a successor practice providing services.

An OAA practice taking over a project ("successor practice") is only permitted to provide a proposal for services, enter into a contract for services, or provide services that are based upon, and which continue and complete, those initiated by the predecessor practice, if:

a) there has been no supplanting of the predecessor practice by the successor; and

b) the successor practice has received written confirmation from of the termination of the predecessor's services.

Questions arise regarding whether the successor practice is prohibited from using the predecessor's services if there was a fee dispute about such services. The successor practice is not expected to be the arbiter between the predecessor practice and the client. However, this does not diminish copyright or fee payment

rights of OAA practices. The obligation is on practices to assert such private law and statutory rights rather than have them become the focus of professional conduct complaints.

This commentary applies equally to situations where either the predecessor or successor may be from different registration categories (e.g., a licence holder taking over a single-family home renovation project from a limited licence holder). OAA members who have been terminated by the client or who terminate services are entitled to be paid for their services and disbursements in accordance with the Contract for Services. Such contracts generally include dispute resolution clauses. In addition to contractual rights to payment, OAA members retain copyright in their design (unless sold or licensed). Licence holders have been successful in lawsuits in asserting copyright in relation to fee disputes and ownership of design[iii]. Even when project takeovers occur cooperatively, uncertainty may persist about copyright and liability issues.

The OAA recommends that wherever possible, the predecessor and successor practices consider entering into a simple agreement or 'memorandum of understanding' confirming issues such as copyright, professional liability, insurance, and project attribution obligations (credit for authorship). Both practices should seek legal and insurance advice prior to confirming these important aspects of a change of OAA practice on a project.

OAA members may also have lien rights under the Ontario *Construction Act*. Practices asserting copyright and/or lien rights should seek legal advice and recognize limitation periods may apply.

In circumstances where fees are disputed and/or where a property has been purchased by a new owner, successor practices should proceed with due diligence and caution. Where unpaid fees are claimed for instruments of services attached to the predecessor practice's copyright (e.g., drawings), the successor practice's use of such documentation may constitute copyright infringement on the part of the successor practice and client. Relying solely on the client's information or assurances about fee payment is generally not advisable and may not provide adequate risk management.

The OAA recommends that practices engaged in projects involving sequential design professionals should review their liability exposure with ProDemnity or their professional liability insurance providers as appropriate.

Attribution

For detail information regarding credit for authorship please refer to *Regulatory Notice Credit for Authorship – Misrepresentation of a Practice*. It is a fundamental professional conduct expectation, a matter of professional courtesy and, most importantly, a matter of public interest to ensure that attribution for architectural services is accurate.

Members of the public – including a client/potential client, authorities having jurisdiction, interested community members, media, etc. – expect OAA members and practices to accurately and fairly describe their qualifications, experience and responsibility fairly, accurately and transparently when claiming credit for work. Doing otherwise leads to confusion and multiple claims for credit for the same project work, as well as unnecessary professional conduct complaints and lawsuits.

An OAA practice and/or member shall accurately represent to the public, a prospective or existing client or employer the qualifications and scope of responsibility in connection with work for which the practice and/or member is claiming credit. An OAA practice's representations must accurately reflect current principals and staff capacities. An OAA member or practice claiming credit for a project, or any part of the architectural services on a project, must ensure that credit is given to the project's original firm or firms and that any credit taken is accurate and limited to the extent of services provided.

While attribution can appear complex given firm mergers and acquisitions, copyright claims and the division of work among design professionals in modern architectural practice, a fundamental principle is constant in every scenario: the 'author' practice(s) must be given clear and accurate project credit.

Failing to give and take proper credit amounts to a misrepresentation.

~~This Regulatory Notice addresses questions that frequently arise when, during the course of a project, a client changes the practice they have contracted for services. Whether you are having your services terminated, or are contemplating a commission to complete a project started by another practice, a number of issues need to be considered. Among them:~~

- ~~Termination status;~~
- ~~Regulatory requirements under the *Architects Act*;~~
- ~~Use of documents;~~
  - ~~Copyright (documents and design[iv])~~
  - ~~Credit for authorship~~
  - ~~Payment to previous OAA member~~
- ~~Liability; and~~

~~Different client on project – see Practice Tip – PT.01When the services of a practice are terminated and the client elects to proceed with the completion of the project engaging a different practice, the under the *Architects Act* requires a certain procedure be followed. The procedure entails a written notice from the client to the subsequent "Practice B[v]" that the services of the previous "Practice A[vi]" have been terminated. The subsequent Practice B is required to send a letter to Practice A, stating that Practice B "*has been engaged on the same building project for the same purpose by the same client.*"~~

~~Termination may occur one year from the date of substantial performance or total completion of the work[vii] as stipulated in the client/member contract or at any time during a project and can be for any number of reasons such as:~~

- ~~Termination of the agreement by either party;~~
- ~~The death of either party;~~
- ~~Bankruptcy of either party;~~
- ~~Failure of either party to fulfil contractual obligation;~~
- ~~Client suspending or abandoning the project; or~~
- ~~Change in ownership of the project.~~

~~In some cases, the termination might be a breach of contract, in which case the offended party may wish to consider legal proceedings for recovery of damages.~~

~~The Regulation does not require Practice B to ensure that Practice A's accounts with the client have been discharged in full. Practice B cannot be expected to be the arbiter between Practice A and the client, nor is Practice B necessarily privy to Practice A's contract, the extent of services performed, etc.~~

~~In the event a client does not give assurance that Practice A's services have been appropriately paid, or agrees there is a dispute over fees, then Practice B must advise the client that documents/design relative to the dispute cannot be used until the dispute is resolved and disposition of the documents in question agreed to.~~

~~Changes at Different Stages~~

~~In general, where Practice B has been engaged to continue with a project for the same purpose by the same client as Practice A whose services were terminated, and Practice B has complied with the relevant sections of the Regulation under the *Architects Act* and is satisfied that the documents of Practice A may be used for the purpose intended, a number of issues relative to liability need to be considered.~~

1. ~~If termination of services occurred at completion of site plan approval, but prior to completion of schematic design, the conceptual design to the point of termination can be expanded upon to schematic design and subsequent stages by Practice B. Credit should be given to the originator of the conceptual design. Site plan agreement should be complied with or, in the alternative, a new site plan agreement should be applied for with amendments requested by the client. This latter course, and its inherent consequences, should be discussed with the client before proceeding.~~

2. ~~If termination of services occurred at Practice A's completion of schematic design but prior to design development, Practice B may continue into design development and subsequent stages provided that the regulatory requirements have been met. New drawings should be prepared by Practice B incorporating changes (if any) that the client agrees to or initiates. Appropriate credit should appear on documents, site signs and subsequent publications for schematic design by previous Practice A.~~

3. If termination occurred at completion of design development, working drawings and specifications can be proceeded with on new drawings under Practice B's title block. Appropriate credit to Practice A should be given.

4. If termination occurred part way through working drawings, a judgement has to be made as to the extent to which Practice A's documents can be used in application for building permit or for construction. If nearly complete and sealed, they may form part of application for building permit and contract documents supplemented by Practice B's documents with appropriate cross referencing and credit. If a relatively small percentage is complete, it may be more effective to start over with all documents prepared by Practice B.

   Unless given specific authorization in writing to do so by Practice A, Practice B must not draw on or alter Practice A's drawings or documents.

5. If the working drawings have been completed but were not issued for building permit or construction, they may be issued with supplemental documentation prepared by Practice B. Ordinarily, Practice B must neither alter nor apply seal and signature to Practice A's documents.

   If the municipality requires the documents of Practice A to be sealed, there are two options:

   a) Arrange with Practice A to seal the documents (on the rare case where the termination was due to death or disability of Member A, it may be possible to have someone in Practice A's office seal the documents, attesting to the fact that the documents were prepared under the personal supervision and direction of a member.)

      OR

   b) Create the documents under Practice B's title block and seal, giving appropriate credit to Practice A.

6. If termination occurred after application for building permit but before construction, the municipality will want to know who will be the OAA member and practice responsible for general review during construction. Usually, both practices will separately communicate to the municipality—Practice A to advise they are no longer engaged and Practice B to execute the commitment form. Adjustments required by the municipality before issuance of permit and subsequent additional details, change orders, etc., will be prepared separately by Practice B, cross referencing where necessary to Practice A's documents. Changes to Practice A's permit application documents by Practice B are not permitted.

7. If termination occurred during construction, the same principles as outlined above under item 6 would apply. The municipality is to be notified, and new documentation is to be separate from previous practice's work.

Exposure to Liability

Contractually, an architectural practice is liable for the services it performs. If a problem occurs due to negligence of either practice, it is likely both practices and affiliated members will be called upon to address the situation. At issue may be whether Practice B knew or ought to have known of the deficiency in Practice A's documents. Practice A may claim that there was no opportunity to correct the deficiency in a timely fashion, not having been advised of the problem until a later time.

Although the contractual relationships of Practice A to client, and Practice B to client, may address the issues of liability, neither A nor B can limit exposure to third-party liability through contract with their client. In some third-party liability situations, Practices A or B may be able to claim over to the other member for compensation.

Procedure

Changes at Different Stages

~~The following procedures are a generalization and may differ to your specific circumstances. Read the noted reference and, if appropriate, discuss with your legal counsel.~~

1. ~~If you are approached by a client to provide services for a project and you have reason to believe that another OAA practice has been engaged for the same project for the same purpose by the same client, you are required by the Regulation to neither solicit nor accept the engagement until the other practice's services have been terminated and you have been so advised in writing by the client.~~

   ~~It is always good convention to ask your client whether another practice has been engaged on the project prior to accepting a commission.~~

2. ~~Send a letter to Practice A stating that you are advised in writing by the client that Practice A's services have been terminated and that you have *"been engaged on the same building project for the same purpose by the same client."*~~

3. ~~Although not mandatory, it is a desirable professional courtesy for Practice B to communicate with Practice A and explain the essence of the regulatory letter being sent to them. Practice A may understandably be upset (or, in some cases, relieved), and Practice B may learn from the experience. Practice B should notify Practice A that appropriate credit for the work performed by Practice A will be noted on Practice B's documents, construction signs, and future publications in brochures and articles.~~

4. ~~In some cases, Practice A might take the position that this credit is not appreciated, in which case it would be prudent to record, in writing, the agreed position of both practices on the matter of credit for authorship both during and after the project.~~

5. ~~If the terminated practice prohibits you from using their documents/design, promptly notify the client and request clarification. The client may give you a written statement to the effect that they have paid the previous member for the services represented by the documents/design that you intend to use. You are ordinarily entitled to rely on the client's statement to permit you to proceed. You are not required to seek the other practice's permission if you have the client's statement.~~

   ~~If the client does not issue such a statement to you or agrees the terminated practice has not been paid for the service represented by the documents you propose to use, you may still proceed with the project but must not use the other practice's documents/design. You should inform the client that you cannot use the documents/design and if it is essential that you do use them, advise the client to resolve the matter before you can continue with that part of your services which will require the documents/design.~~

6. ~~Ensure that your client/member contract has articles concerning termination.~~

7. ~~Review your subconsultant agreements and ensure they provide for extension of your obligations (under your agreement with the client) to your subconsultants.~~

~~Exposure to Liability~~

~~If your services have been terminated, you may, depending on the stage of development, seek indemnification from the client for your work—expressing that it may be unreasonable to expect you to be held liable for misinterpretation of your documents.~~

~~If you are continuing a project started by another practice, you must consider the ramifications relative to the stage of development. Discuss with your client the work that has to be completed, set out in your agreement the extent of contractual liability you and your consultants can be reasonably expected to assume.~~

~~Review the attached appendices and, if applicable to your situation, reduce your exposure to liability by writing an appropriate letter to and obtaining indemnification from your client.~~

~~Remember that you cannot contract out of third-party liability, and that whatever indemnity you obtain is only as good as the client's ability to fulfil the obligation.~~

[i] OAA member: Every person that holds a licence or limited licence issued~~licensed~~ by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject. R.S.O. 1990, c. A.26, s. 5 (1).

[ii] All OAA members must provide or offer services through an OAA certificate of practice, for the purposes of this Regulatory Notice "OAA practice" will be used to indicate the OAA member and holder of certificate of practice.

[iii] A search of Canlii will provide many examples of successful lawsuits asserting copyright the design professional.

~~[iv] **Design** means a plan, sketch, drawing, graphic representation or specification intended to govern the construction, enlargement or alteration of a building or part of a building as defined under the *Architects Act*.~~

~~[v] **Practice B:** The OAA Certificate of Practice that is being subsequently engaged for the same building project for the same purpose by the same client.~~

~~[vi] **Practice A**: The OAA Certificate of Practice whose services have been terminated.~~

~~[vii] **Work** for the purpose of this Regulatory Notice, work means "artistic work" and "architectural work" as defined by the *Copyright Act*, any instrument of service provided by a practice including design and other documents.~~

The OAA does not provide legal, insurance, or accounting advice. Readers are advised to consult their own legal, accounting, or insurance representatives to obtain suitable professional advice in those regards.

Ontario Association of Architects

Regulatory Notice RN.04
Version 5.0
XXXX, 2024

Bankruptcy and Insolvency

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Background

Professions, such as architecture, provide an important societal role. They facilitate the provision of complex services that demand high levels of skill and expertise. The exercise of professional functions requires responsible, informed judgment. Individual members benefit from their professional status through the monopoly granted under legislation to practise in their field. With the privilege of professional status comes obligations attendant upon professionals to uphold standards of ethical conduct and duties to clients, third parties, their regulator, and the public.

OAA members[i] operating a practice have a variety of business obligations. Some of these are established by federal or provincial statutes, including the *Architects Act* (the Act) and Ontario Regulation 27 (the regulations), some by contracts, and others by the common law and good business practice. Among other things, members should refer to the Regulations under the Act, including Sections 47, 49, and 50 prescribing standards of practice and Section 42 defining professional misconduct.

Bankruptcy & Insolvency

By virtue of the *Architects Act*, the regulations, and the OAA Bylaws, the OAA's regulatory mandate to protect the public interest extends to matters involving a member's personal or firm bankruptcy. The OAA recognizes that bankruptcies happen in every business and walk of life, can be triggered by events beyond an OAA member's control, and do not necessarily require proceedings pertaining to the member's professional conduct. However, the OAA must make reasonable inquiries to ensure the public interest is protected, and that the regulations have been upheld.

The OAA does not seek to penalize members or certificate of practice (CoP) holders who face financial challenges, provided that they meet their professional obligations. Additionally, the OAA does not serve as a mechanism for creditors to seek recovery or retribution outside of bankruptcy and insolvency laws. The OAA's primary concern is ensuring that an insolvency event does not compromise a member/holder's professional responsibilities.

The Regulations under the Act establish the following:

42. *For the purpose of the Act, "professional misconduct" means,*

> *9. Failing to maintain the standards of practice of the profession.*
>
> *29. Failure of a member or holder to notify the Registrar of the receipt of a petition to declare the member or holder bankrupt or the making of a general assignment for the benefit of creditors and of the manner in which the professional responsibilities of the member or holder will be discharged.*
>
> *30. Becoming bankrupt under the* Bankruptcy and Insolvency Act *(Canada) if the professional responsibilities of the member or holder have not been discharged.*
>
> *54. Conduct or an act relevant to the practice of architecture that, having regard to all of the circumstances, would reasonably be regarded by members of the Association as disgraceful, dishonourable or unprofessional.*

49. *The following are prescribed as standards of practice:*

> *5. Every member of the Association or holder must meet his, her or its financial obligations to the Association and to his, her or its employees, including the prompt payment of premiums, levies, and deductible amounts.*

The fact that a member/holder's assets are insufficient to pay the full debt to all creditors is generally not, by itself, professional misconduct.

The OAA has a responsibility to ensure that an insolvency event does not affect the validity of a CoP. Depending on the circumstances, the entity may no longer meet the ownership and financial requirements for an OAA certificate of practice. In that case, either new directorship and ownership arrangements must be made, or the CoP will have to be surrendered.

Members/holders must also ensure they pay all required fees pertaining to their professional practice and maintain required professional liability insurance.

A member is not necessarily prevented from practising the profession even though they are insolvent. It depends on the circumstances (e.g. as noted above, the member may not be able to continue practising under a certificate of practice if it is no longer valid).

Members should consult their own legal counsel and/or accountant when facing a bankruptcy/insolvency event.

General professional expectations include that:

- the member/holder complies with the requirements of the *Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act,* and/or business organization legislation such as the *Business Corporations Act* or *Partnerships Act* where applicable;
- payments received "in trust" (e.g. subconsultants' fees received from clients) are passed on to the subconsultants;
- clients have been contacted and assisted with arrangements for the continuation of ongoing projects;
- contracts are properly assigned to the new holder, whether or not it is the same member who is continuing to practise under a new certificate of practice;
- the member/holder pays all required fees under the *Architects Act* and Regulations and maintains professional liability insurance in order to continue practising; and
- the member/holder complies with the relevant tax and employment legislation for employment, remuneration, and other matters.

Notification Procedure

Notifying the OAA of bankruptcy or insolvency involves several steps to ensure the process is transparent, efficient, and maintains the integrity of the profession. Any OAA member/holder that has filed for assignment or been petitioned into bankruptcy or insolvency must notify the OAA's Registrar of the filing or petition and provide information and relevant documents regarding circumstances leading to the assignment or petition.

Upon receipt of this notification, the Office of the Registrar will create a case file and deliver an information request to the member/holder. The information request will ask the member/holder to provide relevant information regarding how their professional responsibilities have and will be discharged as well as the following:

- a description of practice;
- list of staff/contract staff and monies owed to them;
- list and description of current commissions/projects;
- statement of intention whether architectural services will continue to be provided or how transition of services to another practice will take place;
- list of all subconsultants engaged, including amounts owed and amounts received for payment to subconsultants;
- statement of amounts owed to third-party service providers or suppliers;
- statement of amounts held in trust and of any retainer amounts received for services not yet rendered;
- description of how the member intends to maintain the standards of practice of the profession and comply with obligations under the *Architects Act* and regulations; and
- other relevant information related to protecting the public interest and helping assess compliance with the regulations under the *Architects Act*.

Upon receipt, the member/holder will receive an acknowledgment, outlining the next steps in the review process. If the initial assessment suggests there are no significant impact on the member/holder's professional duties, no further action will be required.

If the initial assessment suggests regulatory concerns, the Registrar may initiate a Registrar's Investigation pursuant to Section 38 of the *Architects Act*:

> ***38*** *(1) Where the Registrar believes on reasonable and probable grounds that a member of the Association or a holder of a certificate of practice or temporary licence has committed an act of professional misconduct or incompetence, the Registrar by order may appoint one or more persons to investigate whether such act has occurred, and the person appointed shall report the result of his or her investigation to the Registrar.*

In accordance with Section 42 of the regulations, failure to respond promptly to an information request from the Registrar relating to the member/holder's professional conduct or competence may constitute professional misconduct.

The result of a Registrar's Investigation could be:

- **Referral to the Complaints Committee**: If the Registrar's Investigation indicates significant regulatory concerns, the case will typically be referred to the Complaints Committee to be addressed in accordance with that Committee's statutory mandate, including potential referral to the Discipline Committee; or
- **Minor Concerns**: If the concerns are minor, the member/holder may be asked to provide additional information to the Registrar to ensure that any issues are addressed appropriately.

The OAA does not provide legal, insurance, or accounting advice. Readers should consult their own legal, insurance, or accounting advisors to obtain appropriate professional advice. OAA members are responsible for ensuring that they comply with all applicable laws, regulations, policies, and bylaws. Regulatory Notices do not comprehensively address all laws, regulations, policies, and bylaws that may apply in a particular scenario.

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[i] **OAA member:** Every person issued a licence or limited licence by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject.

Ontario Association of Architects

Regulatory Notice RN.04
Version 45.0
November 16, 2021xxx, 2024

Financial Obligations to Association, Employees, ConsultantsBankruptcy & Insolvency

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Summary

It is part of the regulatory standards of practice that OAA and holders of Certificate of Practice (holders) must meet their financial obligations to the Ontario Association of Architects (OAA) and their employees. It is also important to be aware of the trust provisions of the *Construction Act* (CA) which that place certain legal obligations for the payment by members to subconsultants and suppliers.

Background

Professions, such as architecture, provide an important societal role. They facilitate the provision of complex services which require high levels of skill and expertise. The exercise of professional functions requires responsible, informed judgment. Individual members benefit from their professional status through the monopoly granted under legislation to practise in their field. With the privilege of professional status comes obligations attendant upon professionals to uphold standards of ethical conduct and duties to clients, third parties, their regulator, and the public.

OAA members operating a practice have a variety of business obligations. Some of these are established by federal or provincial statutes, including the *Architects Act* and its regulations, some by contracts, and others by the common law and good business practice. Among other things, members should refer to the regulations under the Act, including sections 47, 49, and 50 prescribing standards of practice and section 42 defining professional misconduct.

OAA Members operating a practice have a variety of financial obligations which they are required to fulfill. Some of them are regulated by federal or provincial statutes, some by the *Architects Act* (the *Act*) and its Regulation, some by contractual agreement, and others by good business practice. Refer to the Regulation under the Act, sections 47, 49, and 50 related to standards of practice and section 42 regarding professional misconduct.

Part II of the CA, Trust Provisions, operates to provide that monies received by an OAA mMember constitute a trust fund for the benefit of the member's subconsultants and suppliers of services or materials to the improvement who are owed amounts by the member.

The member is the trustee and shall not appropriate or convert any part of the fund to the member's own use or to any use inconsistent with the trust until the subconsultants or other persons who supplied services or materials to the improvement are paid all amounts related to the improvement owed to them by the member.

ProcedureBankruptcy & Insolvency

By virtue of the *Architects Act*, the regulations, and the OAA Bylaws, the OAA's regulatory mandate to protect the public interest extends to matters involving a member's personal or firm bankruptcy. The OAA recognizes that bankruptcies happen in every business and walk of life, can be triggered by events that are beyond an OAA member's control, and do not necessarily require proceedings

pertaining to the member's professional conduct. However, the OAA must make reasonable inquiries to ensure that the public interest is protected, and that the regulations have been upheld.

The OAA does not seek to penalize members or certificate of practice holders (members/holders) who face financial challenges, provided that they meet their professional obligations. Additionally, the OAA does not serve as a mechanism for creditors to seek recovery or retribution outside of bankruptcy and insolvency laws. The OAA's primary concern is ensuring that an insolvency event does not compromise a member/holder's professional responsibilities.

The regulations under the Act establish the following:

Section 42. *For the purpose of the Act, "professional misconduct" means,*

9. Failing to maintain the standards of practice of the profession.

29. Failure of a member or holder to notify the Registrar of the receipt of a petition to declare the member or holder bankrupt or the making of a general assignment for the benefit of creditors and of the manner in which the professional responsibilities of the member or holder will be discharged.

30. Becoming bankrupt under the Bankruptcy and Insolvency Act (Canada) if the professional responsibilities of the member or holder have not been discharged.

54. Conduct or an act relevant to the practice of architecture that, having regard to all of the circumstances, would reasonably be regarded by members of the Association as disgraceful, dishonourable or unprofessional.

Section 49. *The following are prescribed as standards of practice:*

5. Every member of the Association or holder must meet his, her or its financial obligations to the Association and to his, her or its employees, including the prompt payment of premiums, levies and deductible amounts.

The fact that a member/holder's assets are insufficient to pay the full debt to all creditors is generally not, by itself, professional misconduct.

The OAA has a responsibility to ensure that an insolvency event does not affect the validity of a certificate of practice. Depending on the circumstances, the entity may no longer meet the ownership

and financial requirements for an OAA certificate of practice. In that case, either new directorship and ownership arrangements must be made, or the certificate of practice will have to be surrendered.

Members/holders must also ensure that they pay all required fees pertaining to their professional practice and maintain required professional liability insurance.

A member is not necessarily prevented from practising the profession even though they are insolvent. It depends on the circumstances (e.g., as noted above, the member may not be able to continue practising under a certificate of practice if it is no longer valid).

Members should consult their own legal counsel and/or accountant when facing a bankruptcy/insolvency event.

General Professional Expectations:

- the member/holder complies with the requirements of the *Bankruptcy and Insolvency Act* and the business organization legislation such as the *Business Corporations Act* or *Partnerships Act* where applicable;
- payments received 'in trust', i.e. subconsultants' fees received from clients, are passed on to the subconsultants;
- clients have been contacted and assisted with arrangements for the continuation of ongoing projects;
- contracts are properly assigned to the new holder, whether or not it is the same member who is continuing to practise under a new certificate of practice;
- the member/holder pays all required fees under the *Architects Act* and regulation and maintains professional liability insurance in order to continue practising;
- the member/holder complies with the relevant tax and employment legislation for employment, remuneration, and other matters.

Notification Procedure

Notifying the OAA of bankruptcy or insolvency involves several steps to ensure the process is transparent, efficient, and maintains the integrity of the profession.

Any OAA member/holder that has filed for assignment or been petitioned into bankruptcy or insolvency, must notify the OAA's Registrar of the filing or petition and provide information and relevant documents regarding circumstances leading to the assignment or petition.

Upon receipt of this notification, the Office of the Registrar will create a case file and deliver an information request to the member/holder. The information request will ask the member/holder to

provide relevant information regarding how their professional responsibilities have and will be discharged as well as the following:

- a description of practice;
- list of staff/contract staff and monies owed to them;
- list and description of current commissions/projects;
- statement of intention whether architectural services will continue to be provided or how transition of services to another practice will take place;
- list of all subconsultants engaged, including amounts owed and amounts received for payment to subconsultants;
- statement of amounts owed to third-party service providers or suppliers;
- statement of amounts held in trust and of any retainer amounts received for services not yet rendered;
- description of how the member intends to maintain the standards of practice of the profession and comply with obligations under the *Architects Act* and regulation; and
- other relevant information related to protecting the public interest and helping assess compliance with the regulations under the *Architects Act*.

Upon receipt, the member/holder will receive an acknowledgment, outlining the next steps in the review process. If the initial assessment suggests there are no significant impact on the member/holder's professional duties, no further action will be required.

If the initial assessment suggests regulatory concerns, the Registrar may initiate a Registrar's Investigation pursuant to Section 38 of the *Architects Act*:

> ***38*** *(1) Where the Registrar believes on reasonable and probable grounds that a member of the Association or a holder of a certificate of practice or temporary licence has committed an act of professional misconduct or incompetence, the Registrar by order may appoint one or more persons to investigate whether such act has occurred, and the person appointed shall report the result of his or her investigation to the Registrar.*

In accordance with section 42 of the regulations, failure to respond promptly to an information request from the Registrar relating to the member/holder's professional conduct or competence may constitute professional misconduct.

The result of a Registrar's Investigation could be:

- **Referral to the Complaints Committee**: If the Registrar's Investigation indicates significant regulatory concerns, the case will typically be referred to the Complaints Committee to be addressed in accordance with that Committee's statutory mandate.
- **Minor Concerns**: If the concerns are minor, the member/holder may be asked to provide additional information to the Registrar to ensure that any issues are addressed appropriately.

~~Obligation to OAA:~~

- ~~ensure that payments in regard to renewals for licence, Certificate of Practice, ProDemnity Plan premiums, deductible amounts, any fee prescribed by the OAA bylaws, or any fee, levy, or costs imposed under the Act or the Regulation are made in timely fashion to avoid cancellation of licence and/or Certificate of Practice.~~

~~Obligation to Employees:~~

- ~~pPay all wages or salary, bonuses, benefits, etc., as promised and/or agreed to;~~

- sSet out employment agreement between employee and employer in writing (see the Canadian Handbook of Practice [CHOP] for additional information);

- bBe familiar with the current employment regulations of the Ontario Ministry of Labour;

- oOrganize finances to be in compliance with employment agreements and Ministry of Labour regulations;

- mMake all statutory remittances in timely fashion (e.g. Revenue Canada, Canada Pension Plan, Employment Insurance [(EI]), Worker Safety Insurance Board [(WSIB])).

Default by a client is not considered a valid reason to withhold payment(s) from an employee.

In addition to lien action or litigation, employees who are not paid by holders have recourse through the OAA complaints process. Holders should be aware that even if their staff work with them as independent contractors invoicing for their services rather than being included on payroll, Canada Revenue Agency has considered such individuals as **employees** if they work for only one employer, in that employer's office, keep regular hours, and work on a variety of projects under the direction of the employer, and other similar tests.

If the alleged independent contractor meets the Canada Revenue Agency, Employment Insurance, and WSIB tests as bona fide "consultant" rather than "employee", then appropriate consultant agreements are in order and they should be administered accordingly.

Obligation to Consultants:

- rRead and familiarize yourself with the Trust Provisions of the *Construction Act*;

- aAvoid oral agreements when engaging consultants;

- eEndeavour to obtain written agreements with consultants prior to the commencement of services twhichat:

(a) define the scope of services;

(b) define the conditions of payment;

(c) define conditions for notice to delay payment for lack of adequate or timely services which affect the progress of the project; and

(d) define that the consultant will otherwise be paid when the holder receives payment from the client.

Holders have the appropriate obligation to pay the consultants' invoices under the terms and conditions of the consultant agreement. Failure to do so may lead to allegations of professional misconduct.

If there is a legitimate concern as to the adequacy of the services or the amount of an invoice, then the holder should immediately advise the consultant in writing, recording the relevant facts, rather than bringing these points forward at a later time in defense against a complaint. These matters should be treated in a professional manner.

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[i] **OAA member:** Every person issued a licence or limited licence licensed by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject. R.S.O. 1990, c. A.26, s. 5 (1).

References

Architects Act and Regulation 27
Construction Act
Revenue Canada "Employee or Self-Employed?"

~~*Province of Ontario Workplace Employment Standards Act*~~
~~OAA 900 Consultant Contract~~
~~Royal Architectural Institute of Canada; Document Nine – Architect-Consultant Contract~~
~~Canadian Handbook of Practice (CHOP)~~

The OAA does not provide legal, insurance, or accounting advice. Readers are advised to consult their own legal, accounting, or insurance representatives to obtain suitable professional advice in those regards.

Ontario Association of Architects

Regulatory Notice RN.05
Version XX
XXXX 2024

Credit for Authorship – Misrepresentation of a Practice

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Regulatory Framework

Providing appropriate credit for authorship of designs engages OAA members'[i] professional obligations under the *Architects Act* (the Act) and Ontario Regulation 27 (the regulations) as well as other legal and contractual obligations including those under copyright, corporate, and employment law.

Specific provisions of the Act relevant to providing appropriate credit for authorship include, but are not limited to, the following:

11. *(1) No person shall engage in the practice of architecture or hold himself, herself or itself out as engaging in the practice of architecture unless,*

> *(a) the person is licensed under this Act;*
>
> *(b) the person is the holder of a certificate of practice or the person is doing so as a member of a partnership that holds a certificate of practice; or*
>
> *(c) the person is the holder of a temporary licence under this Act.*

(2) No person shall provide to a member of the public a service that is part of the practice of architecture except under and in accordance with a certificate of practice or a temporary licence.

22. *(1) It is a condition of every certificate of practice held by a corporation or a partnership that the holder of the certificate of practice shall provide services that are within the practice of architecture only under the personal supervision and direction, on a full-time basis, of a member of the Association who is,*

> *(a) in the case of a corporation, an officer, director, or employee of the corporation; or*
>
> *(b) in the case of a partnership, a member, or employee of the partnership or an officer, director or employee of a member of the partnership.*

(2) A member of the Association who personally supervises and directs the practice of architecture by a holder of a certificate of practice is subject to the same standards of professional conduct and competence in respect of such practice of architecture as if the member personally engaged in the practice of architecture.

Specific provisions of the regulations relevant to providing appropriate credit for authorship include, but are not limited to, the following:

For purposes of the Act, "professional misconduct" means,

31. *Misrepresenting the practice of architecture carried on by the member or holder, or the qualifications, experience or capabilities of the member or holder or an officer, director, partner or employee of the member or holder.*

Background and Considerations

The credit for authorship belongs to the certificate of practice (CoP) that was engaged by the client to provide architectural services for the project (author-practice). As a consequence, the author-practice must be given appropriate credit for authorship whenever authorship is described.

Issues arise in the case of merged or severed practices or when a practice purchases another practice. Practices and members may include projects in their promotional materials and in their CVs, provided that they provide honest, fair, and transparent credit to the original author-practice in addition to identifying their personal contribution(s).

In general, practices may display projects they have authored without identifying the contributions of specific individuals within the holder. This is because the author-practice generally maintains copyright in a design regardless of the specific individuals involved and their current employment, subject to private contractual arrangements to the contrary.

OAA members must ensure their qualifications and capabilities are fairly and accurately represented. Their personal contribution to projects must be listed clearly and accurately in their CVs and any promotional materials, while also fairly and transparently identifying the author-practice.

Procedure

Designs must be prepared under the personal supervision and direction of the holder of a certificate of practice (author-practice). The author-practice must be given clear and accurate credit for authoring a design.

Credit for authorship should be addressed expressly in the arrangements governing partnerships, corporations, joint ventures, and employment. The arrangements should address the present and future recognition of each member's contribution to projects.

Members must treat other members of the profession honestly and fairly. Where there are multiple holders working on a project, each practice should be able to identify its contribution to the project accurately and transparently.

Promotional materials must be fair, honest, and transparent. Only projects actually designed by the member or holder can be promoted as such. Wherever a project is displayed (e.g. via brochures, articles, websites, or social media), care must be taken to make credit for the project clear and unambiguous. For example, it is generally not sufficient to feature a photograph of a project in one part of promotional material and then reference the author-practice in a different part of the promotional material; the author-practice should be identified along with the photograph.

In listing previous experience of the members and/or employees of a practice, the name of the author-practice should be identified for all projects so that it is clear to a reader of the material.

Members and holders should act in the client's interest. When a client decides to change their OAA practice, the predecessor practice and successor practice should make arrangements to ensure continuity of service and should also make arrangements regarding ownership of the designs. See Regulatory Notice.RN.03—When a Client Changes their OAA Practice.

Practices and members should consider making arrangements with clients at the outset of projects to address promotion in order to comply with their professional obligations. For example, the client may wish to state the names of practices or members in promotional materials (e.g. signs). The practice(s) involved should make clear to the client there can be no ambiguity or misunderstanding regarding the contributions to the project.

The OAA does not provide legal, insurance, or accounting advice. Readers should consult their own legal, insurance, or accounting advisors to obtain appropriate professional advice. OAA members are responsible for ensuring that they comply with all applicable laws, regulations, policies, and bylaws. Regulatory Notices do not comprehensively address all laws, regulations, policies, and bylaws that may apply in a particular scenario.

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Ontario Association of Architects

Regulatory Notice RN.05
Version ~~2~~3.0
~~November 16~~XXXX, 202~~4~~1

Credit for Authorship - Misrepresentation of a Practice

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Regulatory Framework

Providing appropriate credit for authorship of designs engages OAA members' professional obligations under the *Architects Act* (the Act) and Ontario Regulation 27 under the Act (the regulations) as well as other legal and contractual obligations including those under copyright law, corporate law and employment law.

The OAA does not provide legal, insurance, or accounting advice to members or provide advance rulings on particular facts scenarios. Members are encouraged to obtain independent advice from appropriate advisors.

Specific provisions of the Act relevant to providing appropriate credit for authorship include, but are not limited to, the following:

11. (1) No person shall engage in the practice of architecture or hold himself, herself or itself out as engaging in the practice of architecture unless,

> *(a) the person is licensed under this Act;*
>
> *(b) the person is the holder of a certificate of practice or the person is doing so as a member of a partnership that holds a certificate of practice; or*
>
> *(c) the person is the holder of a temporary licence under this Act.*

(2) No person shall provide to a member of the public a service that is part of the practice of architecture except under and in accordance with a certificate of practice or a temporary licence.

22. (1) It is a condition of every certificate of practice held by a corporation or a partnership that the holder of the certificate of practice shall provide services that are within the practice of architecture only under the personal supervision and direction, on a full-time basis, of a member of the Association who is,

> *(a) in the case of a corporation, an officer, director or employee of the corporation; or*
>
> *(b) in the case of a partnership, a member or employee of the partnership or an officer, director or employee of a member of the partnership.*

(2) A member of the Association who personally supervises and directs the practice of architecture by a holder of a certificate of practice is subject to the same standards of professional conduct and competence in respect of such practice of architecture as if the member personally engaged in the practice of architecture.

Specific provisions of the regulations relevant to providing appropriate credit for authorship include, but are not limited to, the following:

For purposes of the Act, "professional misconduct" means,

31. Misrepresenting the practice of architecture carried on by the member or holder, or the qualifications, experience or capabilities of the member or holder or an officer, director, partner or employee of the member or holder.

~~Summary~~Background and Considerations

The credit for authorship belongs to the c~~C~~ertificate of p~~P~~ractice that was engaged by the client to provide architectural services for the project (author-practice). As a consequence, the author-practice must be given appropriate credit for authorship whenever authorship is described.

Issues arise in the case of merged or severed practices or when a practice purchases another practice. Practices and members may include projects in their promotional materials and in their CVs, provided that they provide honest, fair and transparent credit to the original author-practice in addition to identifying their personal contribution(s).

In general, practices may display projects they have authored without identifying the contributions of specific individuals within the holder. This is because the author-practice generally maintains copyright in a design regardless of the specific individuals involved and their current employment, subject to private contractual arrangements to the contrary.

OAA members[i] ~~and holders of Certificate of Practice (holders)~~ must ensure their qualifications and~~/or~~ capabilities ~~experiences are accurately~~are fairly and accurately represented. Their personal contribution to projects must be listed clearly and accurately in their CVs and any promotional materials, while also fairly and transparently identifying the author-practice.~~clearly identifying their personal contribution to projects listed in all promotional materials and CVs, as well as clearly identifying the author-practice.~~

~~In the case of severed or merged practices, members or individuals may still include projects in their promotional material, given that they clearly credit the authorship to the original author-practice, in addition to providing an accurate account of their personal contribution to the project.~~

Procedure~~Background~~

Designs must be prepared under the personal supervision and direction of the holder of a certificate of practice (author-practice). The author-practice must be given clear and accurate credit for authoring a design. ~~The intent of the Regulation under the *Architects Act* is to ensure that holders, members, and individuals are permitted to accurately identify their contribution to any project while giving the proper credit for authorship to the author-practice.~~

Credit for authorship should be addressed expressly in the arrangements governing partnerships, corporations, joint ventures, and employment. The arrangements should address the present and future recognition of each member's contribution to projects.

Members must treat other members of the profession honestly and fairly. Where there are multiple holders working on a project, each practice should be able to identify its contribution to the project accurately and transparently.

Promotional materials must be fair, honest, and transparent. Only projects actually designed by the member or holder can be promoted as such. Wherever a project is displayed—e.g., brochures, articles, websites, social media pages—care must be taken to make credit for the project clear and unambiguous. For example, it is generally not sufficient to feature a photograph of a project in one part of promotional material and then reference the author-practice in a different part of the promotional material; the author-practice should be identified along with the photograph.

In listing previous experience of the members and/or employees of a practice, the name of the author-practice should be identified for all projects so that it is clear to a reader of the material.

Members and holders should act in the client's interest. When a client decides to change their OAA practice, the predecessor practice and successor practice should make arrangements to ensure continuity of service, and should also make arrangements regarding ownership of the designs. See Regulatory Notice.RN.03—When a Client Changes their OAA Practice.

Practices and members should consider making arrangements with clients at the outset of projects to address promotion in order to comply with their professional obligations. For example, the client may wish to state the names of practices or members in promotional materials (e.g., signs). The practice(s) involved should make clear to the client that there can be no ambiguity or misunderstanding regarding the contributions to the project

~~When practices merge, the new practice may display the work of the former practices as part of its portfolio, provided appropriate recognition is given to the practice which authored the displayed work. Similarly, when a~~

~~practice purchases another practice, it too may demonstrate the work of that practice, provided appropriate attribution is given to the author-practice. Generally, members or employees leaving a practice may also display the work they performed while in the practice they left, provided that they clearly credit the authorship to the author-practice.~~

~~In all of these circumstances, the members or individuals are advised to clearly and factually state their specific contribution to the development of such projects.~~

~~When a practice displays projects which it has authored, the practice is not obligated to identify the contributions of individuals within the firm. The practice retains credit for authorship regardless of whether individuals who contributed to that project remain with the practice.~~

~~When a client changes OAA practices part way through a project, it is appropriate for each practice to give recognition to the other(s) for responsibilities of the respective practices.~~

~~It is suggested that the term "architect of record" **not be used** in attributing credit for authorship since the term, although widely used in the industry, is not universally defined and is subject to widely varying interpretations.~~

~~Procedure~~

~~When preparing agreements for partnerships, shareholders, joint ventures, and employment, you should address the issue of present and future recognition of each party's contribution to projects.~~

~~In addition, today's changing procurement and delivery methods related to professional services require careful consideration of the role of each participating architectural practice involved in the project in order to accurately identify their contribution in the project credits.~~

~~When a project is displayed (e.g. in a brochure, article, on a website, or otherwise), take care to make the attribution of credit plain to see and unambiguous. For example, when using photographs of buildings, the name of the author-practice must appear in a prominent position on the same page as the photograph, with the name and contribution of the member and the name of the new practice (for which the promotional material is being produced) in a secondary position. It is not sufficient to feature the photograph and reference the name of the author-practice elsewhere in the text of the brochure.~~

~~If the photograph is a reproduction of a copyrighted photograph, obtain the consent of the copyright owner to avoid infringement of copyright.~~

~~In listing previous experience of the members and/or employees of a practice, other than the author-practice, identify the name(s) of the author-practice(s) for all projects listed, in such a way that the reader of the material does not fail to find this information because it is in small print buried somewhere in the document.~~

~~It would be prudent, prior to incurring the cost of promotional material, to inform the author-practice of the intent to include the project and the manner in which it will be represented.~~

~~Members and holders are reminded that the contents of this Regulatory Notice also apply to all information concerning credit for authorship displayed via websites, social media, and similar. Members and holders are urged to implement an approval process whereby they become the designated individuals responsible for verifying all information concerning credit for authorship, as proposed for or posted digitally. This approval process should be clearly conveyed, preferably in writing, to all staff, web designers, or others associated with developing and implementing changes to any digital material.~~

~~Caution:~~ ~~Where applicable, members and holders should review the contribution of non-holders as it relates to copyright issues.~~

~~Examples:~~

~~1. The practice of Purple and Green is engaged for a hospital project. Purple brought the project to the~~

~~practice and Green was the design architect. Green leaves the Purple and Green practice and sets up a new practice. Green's promotional material may include the project as follows:~~

~~*Project name: Newtown Hospital*~~
~~*Architects: Purple and Green Architects*~~
~~*Partner in Charge of Design: W. Green*~~

~~2. J. Browne, an OAA member and employee of Purple and Green, establishes their own practice. While with Purple and Green, they were responsible for the design of a hospital project. Browne may include the project in their promotional material as follows:~~

~~*Project name: Memorial Hospital*~~
~~*Architects: Purple and Green Architects*~~
~~*Project Architect: J Browne; or J Browne: responsible for design*~~

~~3. K. Saffron is a recent graduate and an employee of Purple and Green. Saffron was a contributor to the construction documents team on a hospital project. Saffron left Purple and Green. In their CV, they may refer to the hospital project as follows:~~

~~*Project name: Memorial Hospital*~~
~~*Architects: Purple and Green Architects*~~
~~*Responsibilities: production team member, responsible for…*~~

~~4. Purple and Green Architects were the practice responsible for the Z Corporation head office building. Purple designed the building, while Green oversaw the preparation of working drawings and specifications and obtained the building permit. J. Browne, an employee, performed the contract administration services.~~

~~Purple retires. Green takes on a new partner, M. Teal, but retains the firm name Purple and Green Architects Inc. Browne leaves the firm and forms a partnership with Gray.~~

~~Eventually, Green leaves the practice and forms their own sole proprietorship; Teal continues the firm under Purple and Green Architects Inc. The three firms compete for a commission for a new corporate office building. Each shows in their practice promotion brochures the same photograph of the Z Corporation office building, captioned as follows directly abutting the photograph:~~

~~Green's brochure:~~
~~*Z Corporation HQ building*~~
~~*Purple and Green Architects*~~
~~*W. Green responsible for contract documents*~~

~~Browne and Gray's brochure:~~
~~*Z Corporate HQ building*~~
~~*Purple and Green Architects*~~
~~*J Browne responsible for contract administration*~~

~~Purple and Green's brochure:~~
~~*Z Corporate HQ building*~~

~~5. Assume same scenario as in 4), but with one change. When Green leaves Purple and Green Architects Inc., Teal changes the name of the practice to Teal Inc., Architect. The practice, other than the name and the fact that two principals have left the firm, remains essentially unchanged. All of Purple and Green Architects Inc. files are on hand, projects are continuing under the new firm name, liability for all of Purple and Green Architects Inc. projects remain with the corporation as well as copyright for their projects (unless assigned in writing to someone else).~~

~~Green and Browne's brochures are as in example 4.~~

~~Teal's brochure changes to be:~~

~~*Z Corporation HQ building*~~
~~*Purple & Green Architects Inc.*~~
~~*(Teal Inc. Architect: ongoing practice)*~~
~~OR~~
~~*Z Corporation HQ building*~~
~~*Purple and Green Architects Inc.*~~

~~This latter caption presumes the brochure is clearly identified as that of Teal Inc., Architect, and that there is prominent reference to the renamed firm of Purple and Green Architects Inc.~~

~~6. The owner of XYZ Corporation has contracted the services of three different architectural practices (A, B, and C) known for their specialization in design, contract documents, and contract administration respectively.~~

~~A Practice provided services to end of design development.~~
~~B Practice prepared working drawings and specifications.~~
~~C Practice processed bids and performed contract administration.~~

~~Each of the firm's brochures could represent the project with photographs of the project and abutting captions as follows:~~

~~*Project XYZ*~~
~~*designed by A Practice*~~
~~*construction documents by B Practice*~~
~~*contract administration by C Practice.*~~

~~To do otherwise could lead to a misrepresentation that more was performed by the practices than is factual.~~

~~Alternative wording omitting the other two practices, while technically correct, may still mislead into the belief that the project was performed entirely by the one practice.~~
~~(e.g. *Project XYZ Designed by A Practice*)~~

~~This may be acceptable if design alone is at issue.~~

~~However, *Contract Administration by C Practice* without appropriate credit to A and to B may not be considered professional nor proper since it may be inferred that C Practice also provided the preceding services.~~

~~*Contract Administration only was performed by C Practice* may be acceptable if the context is clearly focused on contract administration.~~

~~Credit for design by A Practice in the title block of the working drawings prepared by B Practice is an appropriate manner to identify the contribution of A.~~

~~Similarly, the Project Sign identifying all three practices with credit for the participation is appropriate.~~

~~A project sign naming only one of the practices would misrepresent the extent of the contribution by the named practice.~~

~~The naming of the three practices on a project sign without corresponding credit for contribution is also ambiguous and could lead to misunderstanding of who did what.~~

~~There may be occasions when a client will dictate the names on a project sign or advertising publications. The client should be made aware that there is to be no ambiguity or misunderstanding in describing who did what. Recommend to the client that all contributors should be named.~~

~~It is reasonable to expect to be able to describe one's contribution to projects while employed by other firms (provided, of course, that the description accurately portrays the nature and scope of the contribution). However, it is not reasonable, nor appropriate, to imply through "clever" positioning of credits and/or through carefully structured words that the service was performed by other than whom actually performed it.~~

[i] **OAA member:** Every person ~~licensed~~ issued a licence or limited licence by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject. ~~R.S.O. 1990, c. A.26, s. 5 (1).~~

The OAA does not provide legal, insurance, or accounting advice. Readers are advised to consult their own legal, accounting, or insurance representatives to obtain suitable professional advice in those regards.

Ontario Association of Architects

Regulatory Notice RN.07
Version 3.0
XXXX, 2024

Personal Supervision and Direction Related to Production of Construction Documents

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Regulatory Framework

The *Architects Act* (the Act), Ontario Regulation 27 (the regulations), and the OAA Bylaws exist to regulate the practice of architecture in service and protection of the public interest. OAA members[i] must uphold their professional obligations to clients, to the public, and to the profession.

To comply with legislative requirements, an OAA practice must maintain personal supervision, direction, and control over the delivery of its services.

Specific provisions of the Act include, but are limited to, the following:

11. *1) No person shall engage in the practice of architecture or hold himself, herself or itself out as engaging in the practice of architecture unless,*

(a) the person is the holder of a licence or limited licence under this Act;

(b) the person is the holder of a certificate of practice or the person is doing so as a member of a partnership that holds a certificate of practice; or

(c) the person is the holder of a temporary licence under this Act.

2) No person shall provide to a member of the public a service that is part of the practice of architecture except under and in accordance with a certificate of practice or a temporary licence.

3) Subsections (1) and (2) do not apply to,

(d) the preparation or provision, under the personal supervision and direction of a member of the Association or the holder of a temporary licence, of a design for the construction, enlargement or alteration of a building;

22. *1) It is a condition of every certificate of practice held by a corporation or a partnership that the holder of the certificate of practice shall provide services that are within the practice of architecture only under the personal supervision and direction, on a full-time basis, of a member of the Association who is,*

(a) in the case of a corporation, an officer, director or employee of the corporation; or

(b) in the case of a partnership, a member or employee of the partnership or an officer,

(c) director or employee of a member of the partnership.

2) A member of the Association who personally supervises and directs the practice of architecture by a holder of a certificate of practice is subject to the same standards of professional conduct and competence in respect of such practice of architecture as if the member personally engaged in the practice of architecture

Specific provisions of the regulations include, but are limited to, the following:

42. *For the purpose of the Act, "professional misconduct" means,*

1) Contravention of any provision of the Act, or the regulations.

5) Permitting, counselling, assisting, aiding, or abetting any person who is not a member or a holder of a certificate of practice, a certificate of practice issued under Section 23 of the Act or a temporary licence to engage or hold himself, herself or itself out as engaging in the practice of architecture.

6) Authorizing, permitting, counselling, assisting, aiding, abetting, or acquiescing in any contravention of the Act or the regulations by any person.

7) Authorizing, permitting, counselling, assisting, aiding, abetting, or acquiescing in any act that constitutes professional misconduct.

9) Failing to maintain the standards of practice of the profession.

19) Affixing a seal or permitting a seal to be affixed to a design that was not prepared in its entirety under the personal supervision and direction of a member or a holder of a temporary licence.

31) Misrepresenting the practice of architecture carried on by the member or holder, or the qualifications, experience or capabilities of the member or holder or an officer, director, partner, or employee of the member or holder.

39) Failing to perform architectural services with reasonable skill and judgment.

Maintaining supervision and direction is the responsibility for exercising the ultimate authority over, and possessing the knowledge and ability to oversee, delegate, and integrate the design and technical decisions related to the preparation of the project's instruments of service and the project's implementation in accordance with the standard of care and professional practice expected of OAA members.

Background and Considerations

The purpose of this commentary is to identify considerations and responsibilities that the OAA considers imperative for an OAA member/practice to undertake and provide in order to fulfil their professional obligations.

Pursuant to the regulations, it is not acceptable for a member to seal and sign documents unless they were prepared under a member's personal supervision and direction throughout all phases of the project. The act of affixing an OAA seal to a design that was prepared in its entirety under the personal supervision and direction of an OAA member or holder of a temporary licence has the same significance whether the preparation of the design was carried out by employees of the OAA practice or by third parties providing services to the practice. For further details, see Regulatory Notice.RN.01—OAA Professional Seal.

Every OAA certificate of practice (CoP) must employ at least one member of the OAA who will personally supervise and direct, on a full-time basis, the practice of architecture. An OAA member providing direct supervision of non-members is accountable and responsible for all architectural services provided. The regulations under the Act reinforce that only OAA members are entitled to engage in the practice of architecture. OAA members practising outside the protected scope of practice (e.g. on a single-family dwelling, where non-member can provide service) are still held to all professional obligations, including supervision expectations. Smaller buildings do not imply lesser standards of professional conduct.

While the delegation of certain aspects of work to non-members within the practice of the architectural profession is not unusual, non-members are only permitted to undertake work in the protected scope of practice under direct supervision of an OAA member. Direct supervision expectations vary with the nature of the service. However, the ability to delegate work under direct supervision does not diminish other obligations and professional standards, such as allowing members to practise in areas where they are not qualified.

OAA members are expected to have knowledge of and involvement with all stages of their projects. Delegation of certain work on a project neither permits "absentee architecture" nor allows non-members to make crucial decisions and act or be seen as the face of a project.

Direct supervision does not necessarily require physical presence. However, OAA members must exercise professional judgment in determining the level of review, oversight, direction, correction, and communication with non-members when providing direct supervision. Personal supervision and direction means the continual instruction, guidance, inspection, and examination of the design in progress at intervals appropriate to the stage of development that the member considers necessary to determine if the design meets the client's program of requirements and the requirements of the authorities having jurisdiction and reflects reasonable skill and judgment in its preparation.

It is the OAA's strong recommendation that the preparation of a design should, whenever possible, be either by members and/or other staff within the practice's office to effect an appropriate degree of personal supervision and direction. "Office" means one that complies with the standards of practice prescribed under the regulations and is identified in accordance with the requirements for filing an application for a certificate of practice. For further details, see Regulatory Notice RN.12—Certificates of Practice–Registered Offices.

When the preparation of a design is carried out in a location other than the office of an OAA practice, then a higher degree of personal supervision and direction by a member is required due to the issues related to immediate access and control. There is also greater risk to the practice in relation to conflicting documentation, copyright, control of the issuance and use of documents, coordination of the design and related services, procedures for affixing an OAA seal and signature, disclosure of (and access to) clients' confidential information and permitting, counselling, assisting, aiding, abetting, or acquiescing in contraventions of applicable legislation, including the *Architects Act*.

OAA members must practise only in those fields where training and ability make them professionally competent. This is a mandatory component of the regulations. For example, an Architect is authorized to undertake architectural services for any project but must recognize personal and professional limitations and must refrain from rendering service (or agreeing to render service) in those areas until such limitations are overcome. Architects are reminded that it is permissible to engage others, including staff and consultants, in any architectural practice area, as long as such services are provided under the Architect's competent personal supervision, management and coordination. Other professionals must be engaged (whether by client or the Architect) to provide complementary services (such as Professional Engineering) where required by law. These requirements apply equally to limited licence holders with respect to their scope of practice.

Procedure

Supervision and direction refers to the professional expertise that must continually be provided throughout a project to ensure the work will comply not only with the client's intent, but also any relevant legislation. OAA members have the education and experience required to guide a project and resolve complex design issues. The realization of the clients' objectives in built form can only be responsibly achieved by a professional who remains engaged and active in a project from inception to completion. This may be achieved through continuous involvement of both client and professional throughout the project, including:

- regular project meetings involving client and all consultants;
- accurate recording and filing of information pertaining to and arising from all meetings;
- developing and/or periodically instructing, guiding, inspecting, and examining the development of documents to determine whether the design meets the client's program of requirements and the requirements of the authorities having jurisdiction and reflects reasonable skill and judgment;
- examining all documents prior to issuance to the client, any authority having jurisdiction, or contractor involved in the construction or bidding and negotiation for a contract;
- special reports and investigations required to resolve specific issues and problems arising on a project;
- recording and filing of all communications with regulatory agencies, authorities having jurisdiction, and other stakeholders; and
- maintaining proof of the required involvement in each project by way of minutes, memos, copies of marked-up documents, time sheets, etc., all of which should be sufficient to justify to the OAA that the full intent of the regulations have been met and to confirm compliance with other legal obligations.

In all cases, OAA members must make sure that evidence of supervision is recorded in their files. Members' input on drafts, iterative design work, review, email, meeting, and phone consultation are all examples of documented supervision.

For reference, the regulations set out the following:

47. *(1) A holder of a certificate of practice shall maintain the standards of practice for the practice of architecture in the performance of architectural services.*

(2) It is part of the standards of practice that every holder of a certificate of practice must,

a. maintain at least one office from which the practice of architecture is carried on;

b. maintain chronological books, records, accounts and files for each architectural project including,

i. a record showing all fees and disbursements charged for services,

ii. files containing all letters, memoranda, notices and correspondence,

iii. files containing all evaluations, advice and reports,

iv. files containing all certificates, statements, notices and other documents with respect to contract administration or general review carried out, and

v. all designs issued, exhibited or used for the construction, enlargement or alteration of a building.

The OAA does not provide legal, insurance, or accounting advice. Readers should consult their own legal, insurance, or accounting advisors to obtain appropriate professional advice. OAA members are responsible for ensuring that they comply with all applicable laws, regulations, policies, and bylaws. Regulatory Notices do not comprehensively address all laws, regulations, policies, and bylaws that may apply in a particular scenario.

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[i] **OAA member:** Every person that holds a licence or limited licence issued by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject.

Ontario Association of Architects

Regulatory Notice RN.07
Version ~~2~~3.0
~~November 16, 2021~~XXX, 2024

Personal Supervision and Direction Related to Production of Construction Documents

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Regulatory Framework

The *Architects Act* (the Act), its regulations and the OAA Bylaws exist to regulate the practice of architecture in service and protection of the public interest. OAA members[i] must uphold their professional obligations to clients, to the public and to the profession.

To comply with legislative requirements, an OAA practice must maintain personal supervision, direction, and control over the provision of its services.

Specific provisions of the Act include, but are limited to, the following:

11. *(1) No person shall engage in the practice of architecture or hold himself, herself or itself out as engaging in the practice of architecture unless,*

(a) the person is the holder of a licence or limited licence under this Act;

(b) the person is the holder of a certificate of practice or the person is doing so as a member of a partnership that holds a certificate of practice; or

(c) the person is the holder of a temporary licence under this Act.

(2) No person shall provide to a member of the public a service that is part of the practice of architecture except under and in accordance with a certificate of practice or a temporary licence.

(3) Subsections (1) and (2) do not apply to,

(d) the preparation or provision, under the personal supervision and direction of a member of the Association or the holder of a temporary licence, of a design for the construction, enlargement or alteration of a building;

22. *(1) It is a condition of every certificate of practice held by a corporation or a partnership that the holder of the certificate of practice shall provide services that are within the practice of architecture only under the personal supervision and direction, on a full-time basis, of a member of the Association who is,*

(a) in the case of a corporation, an officer, director or employee of the corporation; or

(b) in the case of a partnership, a member or employee of the partnership or an officer, director or employee of a member of the partnership.

(2) A member of the Association who personally supervises and directs the practice of architecture by a holder of a certificate of practice is subject to the same standards of professional conduct and competence in respect of such practice of architecture as if the member personally engaged in the practice of architecture

Specific provisions of the regulations include, but are limited to, the following:

42. *For the purpose of the Act, "professional misconduct" means,*

1. Contravention of any provision of the Act, or the regulations.

5. Permitting, counselling, assisting, aiding or abetting any person who is not a member or a holder of a certificate of practice, a certificate of practice issued under section 23 of the Act or a temporary licence to engage or hold himself, herself or itself out as engaging in the practice of architecture.

6. Authorizing, permitting, counselling, assisting, aiding, abetting or acquiescing in any contravention of the Act or the regulations by any person.

7. Authorizing, permitting, counselling, assisting, aiding abetting or acquiescing in any act that constitutes professional misconduct.

9. Failing to maintain the standards of practice of the profession.

19. Affixing a seal or permitting a seal to be affixed to a design that was not prepared in its entirety under the personal supervision and direction of a member or a holder of a temporary licence.

31. Misrepresenting the practice of architecture carried on by the member or holder, or the qualifications, experience or capabilities of the member or holder or an officer, director, partner or employee of the member or holder.

39. Failing to perform architectural services with reasonable skill and judgment.

Maintaining supervision and direction is the responsibility for exercising the ultimate authority over, and possessing the knowledge and ability to oversee, delegate and integrate the design and technical decisions related to the preparation of the project's instruments of service and the project's implementation in accordance with the standard of care and professional practice expected of OAA members.

Background and Considerations

The purpose of this commentary is to identify considerations and responsibilities which the OAA considers imperative for an OAA member/practice to undertake and to provide to fulfill the professional obligations of the member(s) and practice.

Pursuant to the regulations, it is not acceptable for a member to seal and sign documents unless they were prepared under a member's personal supervision and direction throughout all phases of the project. The act of affixing an OAA seal to a design that was prepared in its entirety under the personal supervision and direction of an OAA member or holder of a temporary licence has the same significance whether the preparation of the design was carried out by employees of the OAA practice or by third parties providing services to the practice ~~within or outside of the holder's office~~.

~~Recent years have seen an exponential growth of third party drafting services. Some certificate of practice holders (holders) have been making use of these services.~~

Every OAA certificate of practice must employ at least one member of the OAA who will personally supervise and direct, on a full-time basis, the practice of architecture. An OAA member providing direct supervision of non-members is accountable and responsible for all architectural services provided. The regulations under the Act reinforce that only OAA members are entitled to engage in the practice of architecture. OAA members practising outside the protected scope of practice (e.g., on a single-family dwelling, where non-member can provide service) are still held to all professional obligations, including supervision expectations. Smaller buildings do not imply lesser standards of professional conduct

While the delegation of certain aspects of work to non-members within the practice of the architectural profession is not unusual, non-members are only permitted to undertake work in the protected scope of practice under direct supervision of an OAA member. Direct supervision expectations vary with the nature of the service. However, the ability to delegate work under direct supervision does not diminish other obligations and professional standards, such as allowing members to practice in areas where they are not qualified.

OAA members are expected to have knowledge of and involvement with all stages of their projects. Delegation of certain work on a project does not permit 'absentee architecture' nor allow non-members to make crucial decisions and act or be seen as the face of a project.

Direct supervision does not necessarily require physical presence. However, OAA members must exercise professional judgment in determining the level of review, oversight, direction, correction, and communication

with non-members when providing direct supervision. Personal supervision and direction means the continual instruction, guidance, inspection, and examination of the design in progress at intervals appropriate to the stage of development that the member considers necessary to determine if the design meets the client's program of requirements and the requirements of the authorities having jurisdiction and reflects reasonable skill and judgment in its preparation.

It is the OAA's strong recommendation that the preparation of a design should, whenever possible, be either by members and/or other staff ~~or contract workers~~ within the practice~~holder~~'s office ~~or offices~~ to ~~effect~~effect an appropriate ~~the best~~ degree of personal supervision and direction. "Office" means one that complies with the standards of practice prescribed under the ~~Regulation~~regulations and is identified in accordance with the requirements for filing an application for a c~~C~~ertificate of p~~P~~ractice.

When the preparation of a design is carried out in a location other than the office of an OAA practice, then a higher degree of personal supervision and direction by a member is required due to the issues related to immediate access and control. There is also greater risk to the practice in relation to conflicting documentation, copyright, control of the issuance and use of documents, coordination of the design and related services, procedures for affixing an OAA seal and signature, disclosure of (and access to) clients' confidential information and permitting, counselling, assisting, aiding, abetting, or acquiescing in contraventions of applicable legislation, including the *Architects Act*.

~~Those aspects of practice that only members can provide (e.g., application of the OAA seal, making proposals and official submissions) must be undertaken by members.This Regulatory Notice sets out the legal and professional requirements.~~

OAA members must practice only in those fields where training and ability make them professionally competent. This is a mandatory component of the regulations. An Architect is authorized to undertake architectural services for any project but must recognize personal and professional limitations and must refrain from rendering service (or agreeing to render service) in those areas until such limitations are overcome. Architects are reminded that it is permissible to engage others, including staff and consultants, in any architectural practice area, as long as such services are provided under the Architect's competent personal supervision, management and coordination. Other professionals must be engaged (whether by client or the Architect) to provide complementary services (such as Professional Engineering) where required by law. These requirements apply equally to limited licence holders with respect to their scope of practice.

~~Background~~

~~The *Architects Act* and the thereunder govern who can engage in the practice of architecture.~~

~~For work considered the practice of architecture as defined in the *Architects Act*, a drafting services company, specification-writing company, or an individual who provides a plan, sketch, drawing, graphic representation, or specification to other than a holder of a Certificate of Practice (practice) may be in breach of Sections 11(1) and 11(2) of the *Architects Act*. A member or holder who aids or abets such an entity to provide the above services directly to the public may be in breach of the *Architects Act* and the Regulation thereunder.~~

~~However, Section 11(3)(d) does permit a company or individual to provide drafting services or specification-writing services directly to a holder of a Certificate of Practice. A holder who uses such services must ensure the services being provided are performed under the full personal supervision and direction of a member. This requirement relates not only to holders but also to members with an OAA seal who are engaging in the practice of architecture on behalf of their employers.~~

~~It is the OAA's strong recommendation that the preparation of a design should, whenever possible, be either by members and/or other staff or contract workers within the holder's office or offices to effect the best degree of personal supervision and direction. "Office" means one that complies with the standards of practice prescribed under the Regulation and is identified in accordance with the requirements for filing an application for a Certificate of Practice.~~

~~When the preparation of a design is carried out in a location other than the office of a holder, then a higher degree of personal supervision and direction by a member is required due to the problems related to immediate access and control. Also, there is a strong potential for additional liability to the holder in relation to conflicts between staff, their employer and the supervising and directing member, copyright, control of the issuance and use of documents, coordination of the design and related services, procedures for affixing an OAA seal and signature, disclosure of client's confidential information and permitting, counselling, assisting, aiding, abetting, or acquiescing in contraventions of applicable legislation, including the *Architects Act*.~~

~~Personal supervision and direction means the continual instruction, guidance, inspection, and examination of the design in progress at intervals appropriate to the stage of development that the member considers necessary to determine if the design meets the client's program of requirements and the requirements of the authorities having jurisdiction and reflects reasonable skill and judgment in its preparation.~~

Procedure

Supervision and direction refers to the professional expertise that must continually be provided throughout a project to ensure the work will not only comply with the client's intent but also any relevant legislation. OAA members have the education and experience required to guide a project and resolve complex design issues. The realization of the clients' objectives in built form can only be responsibly achieved by a professional who remains engaged and active in a project from inception to completion. This may be achieved through continuous involvement of both client and professional throughout the project, including:

- Regular project meetings involving client and all consultants.
- Accurate recording and filing of information pertaining to and arising from all meetings.
- Developing and/or periodically instructing, guiding, inspecting, and examining the development of documents to determine whether the design meets the client's program of requirements and the requirements of the authorities having jurisdiction and reflects reasonable skill and judgment.
- Examining all documents prior to issuance to the client, any authority having jurisdiction, or contractor involved in the construction or bidding and negotiation for a contract.
- Special reports and investigations that are required to resolve specific issues and problems arising on a project.
- Recording and filing of all communications with regulatory agencies, authorities having jurisdiction and other stakeholders.
- Maintaining proof of the required involvement in each project by way of minutes, memos, copies of marked-up documents, time sheets, etc., all of which should be sufficient to justify to the OAA that the full intent of the r~~R~~egulations have~~s~~ been ~~strictly complied with~~met and to confirm compliance with other legal obligations.

In all cases, OAA members must make sure that evidence of supervision is recorded in their files. Members' input on drafts, iterative design work, review, email, meeting, and phone consultation are all examples of documented supervision. For reference, the regulations set out the following:

47. *(1) A holder of a certificate of practice shall maintain the standards of practice for the practice of architecture in the performance of architectural services.*

(2) It is part of the standards of practice that every holder of a certificate of practice must,

(a) maintain at least one office from which the practice of architecture is carried on;

(b) maintain chronological books, records, accounts and files for each architectural project including,

(i) a record showing all fees and disbursements charged for services,

(ii) files containing all letters, memoranda, notices and correspondence,

(iii) files containing all evaluations, advice and reports,

(iv) files containing all certificates, statements, notices and other documents with respect to contract administration or general review carried out, and

(v) all designs issued, exhibited or used for the construction, enlargement or alteration of a building.

~~member, while personally supervising and directing the preparation of a design, must be actively involved as a minimum in the following:~~

~~1. Reviewing and verifying the client's program of requirements or alternatively developing the program if retained to do so.~~

~~2. Developing and/or periodically instructing, guiding, inspecting, and examining the development of the schematic design, design development, and construction documents to determine whether the design meets the client's program of requirements and the requirements of the authorities having jurisdiction and reflects reasonable skill and judgment.~~

~~3. Meeting with and/or being in direct correspondence with the client to review progress and receive additional instructions.~~

~~• Inspecting and examining all documents prior to issuance to the client, any authority having jurisdiction, or contractor involved in the construction or bidding and negotiation for a contract.~~

~~4.~~1. ~~Maintaining proof of the required involvement in each project by way of minutes, memos, copies of marked-up documents, time sheets, etc., all of which should be sufficient to justify to the OAA that the full intent of the Regulation has been strictly complied with.~~

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[i] **OAA member:** Every person that holds a licence or limited licence issued by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject.

Ontario Association of Architects

Regulatory Notice RN.08
Version 3.0
XXXX, 2024

Personal Supervision and Direction Related to Contract Administration (General Review)

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Regulatory Framework

Performance standards for general review[i] are prescribed in Ontario Regulation 27 (the regulations) under the *Architects Act* (the Act) and in the prevailing building codes. To comply with statutory requirements, an OAA practice must maintain personal supervision and direction over the delivery of its professional services.

Maintaining personal supervision and direction is a core professional responsibility of OAA members.[ii] It is the responsibility for exercising the ultimate authority over, and possessing the knowledge and ability to oversee, delegate, and integrate the design and technical decisions related to the project's delivery during construction in accordance with the standard of care and professional practice expected of OAA members.

This commentary discusses personal supervision and direction related to general review services, whether the services are provided by a holder of a certificate of practice (CoP) or by an OAA member who is practising as an employee of an entity that does not provide architectural services to the public.

Specific provisions of the Act include, but are limited to, the following:

11. *(1) No person shall engage in the practice of architecture or hold himself, herself or itself out as engaging in the practice of architecture unless,*

- *(a) the person is the holder of a licence or limited licence under this Act;*
- *(b) the person is the holder of a certificate of practice or the person is doing so as a member of a partnership that holds a certificate of practice; or*
- *(c) the person is the holder of a temporary licence under this Act.*

(2) No person shall provide to a member of the public a service that is part of the practice of architecture except under and in accordance with a certificate of practice or a temporary licence.

[...]

(5) Subsections (1) and (2) do not apply to prevent a person from,

- *a) evaluating, advising on or reporting on the construction, enlargement or alteration of a building that does not or is not intended to take the place of evaluating, advising or reporting required to be done by an architect; or*
- *b) carrying out a general review of the construction, enlargement or alteration of a building that does not or is not intended to take the place of a general review required to be done by an architect.*

22. *(1) It is a condition of every certificate of practice held by a corporation or a partnership that the holder of the certificate of practice shall provide services that are within the practice of architecture only under the personal supervision and direction, on a full-time basis, of a member of the Association who is,*

- *(a) in the case of a corporation, an officer, director or employee of the corporation; or*
- *(b) in the case of a partnership, a member or employee of the partnership or an officer,*
- *(c) director or employee of a member of the partnership.*

(2) A member of the Association who personally supervises and directs the practice of architecture by a holder of a certificate of practice is subject to the same standards of professional conduct and competence in respect of such practice of architecture as if the member personally engaged in the practice of architecture.

Specific provisions of the regulations include, but are limited to, the following:

42. *For the purpose of the Act, "professional misconduct" means,*

1) Contravention of any provision of the Act, or the regulations.

2) Knowingly contravening any provision of the Building Code Act, 1992 *or the building code.*

5) Permitting, counselling, assisting, aiding, or abetting any person who is not a member or a holder of a certificate of practice, a certificate of practice issued under Section 23 of the Act or a temporary licence to engage or hold himself, herself or itself out as engaging in the practice of architecture.

6) Authorizing, permitting, counselling, assisting, aiding, abetting, or acquiescing in any contravention of the Act or the regulations by any person.

7) Authorizing, permitting, counselling, assisting, aiding, abetting or acquiescing in any act that constitutes professional misconduct.

9) Failing to maintain the standards of practice of the profession.

10) Failing to maintain the performance standards of the profession.

19) Affixing a seal or permitting a seal to be affixed to a design that was not prepared in its entirety under the personal supervision and direction of a member or a holder of a temporary licence.

31) Misrepresenting the practice of architecture carried on by the member or holder, or the qualifications, experience, or capabilities of the member or holder or an officer, director, partner or employee of the member or holder.

39) Failing to perform architectural services with reasonable skill and judgment.

***47**. (1) A holder of a certificate of practice shall maintain the standards of practice for the practice of architecture in the performance of architectural services.*

(2) It is part of the standards of practice that every holder of a certificate of practice must,

> *(a) maintain at least one office from which the practice of architecture is carried on;*
>
> *(b) maintain chronological books, records, accounts and files for each architectural project including,*
>
> > *(i) a record showing all fees and disbursements charged for services,*
> >
> > *(ii) files containing all letters, memoranda, notices and correspondence,*
> >
> > *(iii) files containing all evaluations, advice and reports,*
> >
> > *(iv) files containing all certificates, statements, notices and other documents with respect to contract administration or general review carried out,*

***49.** The following are prescribed as standards of practice:*

> [...]

10. Where a member or holder provides general review of the construction, enlargement or alteration of a building to a design-builder, the member or holder must perform all of the services prescribed as performance standards by section 50.

50. *The following are prescribed as performance standards with respect to the general review of the construction, enlargement, or alteration of a building by a member or holder as provided for in the building code:*

1. The member or holder, with respect to the matters that are governed by the building code, shall,

- *i. make periodic visits to the site to determine whether the work is in general conformity with the design documents that were prepared by a member or holder,*
- *ii. inform the client and contractor in writing as to the progress and quality of the work and as to any part of the work that the member or holder has observed during the visits to the site not to be in conformity with the design documents,*
- *iii. review all changes to the design documents to determine whether the changes conform to the building code,*
- *iv. review and comment on shop drawings and samples for general conformity with the design concept of the work, and*
- *v. if the member or holder is specifically engaged to co-ordinate the general review of the professional engineers and reports of the inspection and testing companies, co-ordinate the general review of the professional engineers and the reports of the inspection and testing companies that pertain directly to the work being reviewed, and arrange for the distribution of such reports to the client and the contractor, or*
- *vi. if the member or holder is not engaged to perform any or all of the services listed in subparagraph v, co-operate with the professional engineer responsible for the co-ordination of the general review in order to assist the professional engineer in the carrying out of the functions described in that subparagraph.*

2. In paragraph 1,

"design document" means a design or other document which formed the basis for the issuance of a building permit and includes all changes thereto that were authorized by the chief building official as defined in the Building Code Act, 1992.

Background and Considerations

In many circumstances, OAA practices delegate responsibility for some of the construction phase services to staff who are not OAA members.

The nature and extent of the personal supervision and direction required will vary depending on a number of factors, including, for example, the size and complexity of the construction project, the construction schedule, and the skills, experience, and qualifications of the individuals assigned by the practice. The OAA member providing personal supervision and direction must have sufficient ongoing knowledge of the project and of the nature and quality of services being carried out to be satisfied that their professional responsibilities are being properly discharged.

The OAA member providing personal supervision and direction must be engaged at each stage of the project, including by providing guidance and reviewing ongoing work and deliverables. The member who personally supervised the preparation of the drawings, detail drawings, specifications and other documents is typically in the best position to execute an accurate review. Most often, the same member should be engaged throughout the project to ensure the work meets the client's functional program, the requirements of the authority having jurisdiction, and to provide supervisory control of the work. The OAA member and the practice must document the members' personal supervision and direction of the services provided.

In order to carry out the professional responsibilities of a practice and an OAA member providing personal supervision and direction, the member must,

1. delegate responsibility for field and office functions to competent personnel who are sufficiently experienced, qualified, and knowledgeable to perform the required tasks and make the appropriate decisions, subject to the member's personal supervision and direction.

2. set out the procedures as required, and confirm the delegated personnel are appropriate for the project.

3. monitor the progress to be satisfied that the services required by the governing agreement(s), the local building code(s), and the Act and Regulations are being carried out with reasonable skill and judgment. In order to effectively monitor progress, the member must have personal knowledge of and involvement in the procedures. Monitoring of these services should include sufficient personal participation to verify that the tasks are being properly carried out and appropriate decisions being made. For example, members providing personal supervision and direction are expected to visit project sites personally on a sufficient number of occasions and at critical times.
4. maintain records of personal involvement, including, for example by way of minutes, memos, copies of marked-up documents, time sheets, etc., all of which should be sufficient to demonstrate compliance with the *Act* and regulations. Adequate record keeping is a critical part of the providing competent professional services with reasonable skill and judgment.

The OAA does not provide legal, insurance, or accounting advice. Readers should consult their own legal, insurance, or accounting advisors to obtain appropriate professional advice. OAA members are responsible for ensuring that they comply with all applicable laws, regulations, policies, and bylaws. Regulatory Notices do not comprehensively address all laws, regulations, policies, and bylaws that may apply in a particular scenario.

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[i] **General Review:** in relation to the construction, enlargement, or alteration of a building, means an examination of the building to determine whether the construction, enlargement, or alteration is in general conformity with the design governing the construction, enlargement, or alteration, and reporting thereon; ("examen de conformité") from *Architects Act*

[ii] **OAA member:** Every person issued a licence or limited licence by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject.

Ontario Association of Architects

Regulatory Notice RN.08
Version 2.0
~~November 16~~XXX, 202~~4~~1

Personal Supervision and Direction Related to Contract Administration (General Review)

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~~Summary~~Regulatory Framework

Performance standards for general review[i] are prescribed in the Ontario Regulation 27 (the regulations) under the *Architects Act* (the Act) and in the prevailing building codes. To comply with statutory requirements, an OAA practice must maintain personal supervision and direction over the delivery of its professional services.

Maintaining personal supervision and direction is a core professional responsibility of OAA members.[ii] ~~(~~It is the responsibility for exercising the ultimate authority over, and possessing the knowledge and ability to oversee, delegate and integrate the design and technical decisions related to the project's delivery during construction in accordance with the standard of care and professional practice expected of OAA members.

This commentary discusses personal supervision and direction related to general review services, whether the services are provided by a holder of a certificate of practice (holder) or by an OAA member who is practising as an employee of an entity that does not provide architectural services to the public.

Specific provisions of the Act include, but are limited to, the following:

11.

(1) No person shall engage in the practice of architecture or hold himself, herself or itself out as engaging in the practice of architecture unless,

(a) the person is the holder of a licence or limited licence under this Act;

(b) the person is the holder of a certificate of practice or the person is doing so as a member of a partnership that holds a certificate of practice; or

(c) the person is the holder of a temporary licence under this Act.

(2) No person shall provide to a member of the public a service that is part of the practice of architecture except under and in accordance with a certificate of practice or a temporary licence.

[...]

(5)~~5)~~ Subsections (1) and (2) do not apply to prevent a person from,

a) evaluating, advising on or reporting on the construction, enlargement or alteration of a building that does not or is not intended to take the place of evaluating, advising or reporting required to be done by an architect; or

b) carrying out a general review of the construction, enlargement or alteration of a building that does not or is not intended to take the place of a general review required to be done by an architect.

22.

~~1~~(1) It is a condition of every certificate of practice held by a corporation or a partnership that the holder of the certificate of practice shall provide services that are within the practice of architecture only under the personal supervision and direction, on a full-time basis, of a member of the Association who is,

(a) in the case of a corporation, an officer, director or employee of the corporation; or

(b) in the case of a partnership, a member or employee of the partnership or an officer,

(c) director or employee of a member of the partnership.

(2) A member of the Association who personally supervises and directs the practice of architecture by a holder of a certificate of practice is subject to the same standards of professional conduct and competence in respect of such practice of architecture as if the member personally engaged in the practice of architecture.

Specific provisions of the regulations include, but are limited to, the following:

42. *For the purpose of the Act, "professional misconduct" means,*

1) Contravention of any provision of the Act, or the regulations.

2) Knowingly contravening any provision of the Building Code Act, 1992 *or the building code.*

5) Permitting, counselling, assisting, aiding or abetting any person who is not a member or a holder of a certificate of practice, a certificate of practice issued under section 23 of the Act or a temporary licence to engage or hold himself, herself or itself out as engaging in the practice of architecture.

6) Authorizing, permitting, counselling, assisting, aiding, abetting or acquiescing in any contravention of the Act or the regulations by any person.

7) Authorizing, permitting, counselling, assisting, aiding abetting or acquiescing in any act that constitutes professional misconduct.

9) Failing to maintain the standards of practice of the profession.

10) Failing to maintain the performance standards of the profession.

19) Affixing a seal or permitting a seal to be affixed to a design that was not prepared in its entirety under the personal supervision and direction of a member or a holder of a temporary licence.

31) Misrepresenting the practice of architecture carried on by the member or holder, or the qualifications, experience or capabilities of the member or holder or an officer, director, partner or employee of the member or holder.

39) Failing to perform architectural services with reasonable skill and judgment.

47.

(1) A holder of a certificate of practice shall maintain the standards of practice for the practice of architecture in the performance of architectural services.

(2) It is part of the standards of practice that every holder of a certificate of practice must,

(a) maintain at least one office from which the practice of architecture is carried on;

(b) maintain chronological books, records, accounts and files for each architectural project including,

(i) a record showing all fees and disbursements charged for services,

(ii) files containing all letters, memoranda, notices and correspondence,

(iii) files containing all evaluations, advice and reports,

(iv) files containing all certificates, statements, notices and other documents with respect to contract administration or general review carried out, and

49. *The following are prescribed as standards of practice:*

[...]

10. Where a member or holder provides general review of the construction, enlargement or alteration of a building to a design-builder, the member or holder must perform all of the services prescribed as performance standards by section 50.

50. *The following are prescribed as performance standards with respect to the general review of the construction, enlargement or alteration of a building by a member or holder as provided for in the building code:*

1. *The member or holder, with respect to the matters that are governed by the building code, shall,*

   i. *make periodic visits to the site to determine whether the work is in general conformity with the design documents that were prepared by a member or holder,*
   ii. *inform the client and contractor in writing as to the progress and quality of the work and as to any part of the work that the member or holder has observed during the visits to the site not to be in conformity with the design documents,*
   iii. *review all changes to the design documents to determine whether the changes conform to the building code,*
   iv. *review and comment on shop drawings and samples for general conformity with the design concept of the work, and*
   v. *if the member or holder is specifically engaged to co-ordinate the general review of the professional engineers and reports of the inspection and testing companies, co-ordinate the general review of the professional engineers and the reports of the inspection and testing companies that pertain directly to the work being reviewed and arrange for the distribution of such reports to the client and the contractor, or*
   vi. *if the member or holder is not engaged to perform any or all of the services listed in subparagraph v, co-operate with the professional engineer responsible for the co-ordination of the general review in order to assist the professional engineer in the carrying out of the functions described in that subparagraph.*

2. *In paragraph 1,*

   "design document" means a design or other document which formed the basis for the issuance of a building permit and includes all changes thereto that were authorized by the chief building official as defined in the Building Code Act, 1992.

Background & Considerations

In many circumstances, ~~the member~~OAA practices delegate~~s~~ responsibility for some of the construction phase services to staff who are not OAA members. ~~This Notice discusses the personal supervision and direction required by a member to protect the public interest and meet the requirements of the *Architects Act* and the regulations.~~

The ~~amount~~ nature and extent of the personal supervision and direction required will vary depending on a number of factors, including, for example, the size and complexity of the construction project, the construction schedule, and the skills ~~and~~, experience, and qualifications of the ~~assigned persons~~ individuals assigned ~~utilized~~ by the practice. The OAA member providing personal supervision and direction must have sufficient ongoing knowledge of the project and of the nature ~~level~~ and quality of services being carried out to be satisfied that their ~~member's~~ professional responsibilities are being properly discharged.

~~**Procedure**~~

~~This means t~~The ~~supervising~~ OAA member providing personal supervision and direction must be engaged at each stage of the project, including by ~~to~~ providing~~e~~ guidance and ~~to~~ reviewing ongoing work and deliverables. The member who personally supervised the preparation of the drawings, detail drawings, specifications and other documents is typically in the best position to execute an accurate review. ~~It is important for~~ Most often, the same ~~the~~ member should ~~to~~ be engaged throughout the project to ensure the work meets the client's functional program, the requirements of the authority having jurisdiction, and to provide supervisory control of the work. The OAA member and the practice must document the members' personal supervision and direction of the services provided.

In order to ~~effectively~~ carry out the professional~~member's~~ responsibilities of a practice and an OAA member providing personal supervision and direction, the member must,

1. delegate responsibility for field and office functions to competent personnel who are sufficiently experienced, qualified, and knowledgeable to perform the required tasks and make the appropriate decisions, subject to the member's personal supervision and direction.;

1. set out the procedures as required, and confirm they delegated personnel are clearly understood and are appropriate for the project.; and
2.

3. monitor the progress sufficiently to be satisfied that the services required by the clientgoverning/member practice agreement(s), the local bBuilding cCode(s), and the Architects Act and rRegulations are being carried out with proper reasonable skill and judgment.

The services to be monitored include:

- attendance and input at site meetings;
- general review visits and reports;
- clarifications;
- correspondence and other communications;
- review of shop drawings;
- review of independent inspection and testing reports;
- processing of changes including preparation of required documents;
- review and processing of contractor's submittals;
- preparation of certificates at various stages of completion;
- review of applications for payment and preparation of certificates for payment;
- processing documentation for authorities having jurisdiction;
- coordinating the review by other consultants; and
- dealing with disputes.
-

2.3. In order to effectively monitor progress, the member must have personal knowledge of and involvement in the procedures. Monitoring of these services should include sufficient personal participation to verify that the tasks are being properly carried out and appropriate decisions being made. For example, it is expected that the supervising members providing personal supervision and direction are expected to personally visits the project sites personally on a sufficient number of occasions and att critical times to facilitate the preparation of accurate assessments.

3.4. 4. maintain records of personal involvement, including, for example as described above by way of minutes, memos, copies of marked-up documents, time sheets, etc., all of which should be sufficient, should a problem arise, to demonstrate compliance with the *full intent of the Act* and rRegulations. Adequate record keeping is a critical part of the providing competent professional services with reasonable skill and judgment.

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[i] **General Review:** in relation to the construction, enlargement, or alteration of a building, means an examination of the building to determine whether the construction, enlargement, or alteration is in general conformity with the design governing the construction, enlargement, or alteration, and reporting thereon; ("examen de conformité") from *Architects Act*

[ii] **OAA member:** Every person issued a licence or limited licence by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject. R.S.O. 1990, c. A.26, s. 5 (1).

Ontario Association of Architects

Regulatory Notice RN.09
Version 3.0
XXXX, 2024

General Review Without a Building Permit

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Regulatory Framework

OAA members[i] (members) are required to undertake and provide general review services in compliance with the prevailing legislation and regulations, including the *Architects Act* (the Act) and Ontario Regulation 27 (the regulations), the *Building Code Act,* and the Building Code. The Act and regulations include the following:

From the Act:

"general review," in relation to the construction, enlargement, or alteration of a building, means an examination of the building to determine whether the construction, enlargement, or alteration is in general conformity with the design governing the construction, enlargement, or alteration, and reporting thereon;

"practice of architecture" means,

- *a) the preparation or provision of a design to govern the construction, enlargement, or alteration of a building,*
- *b) evaluating, advising on, or reporting on the construction, enlargement, or alteration of a building, or*
- *c) a general review of the construction, enlargement, or alteration of a building;*

From the Regulations:

***42**. For the purpose of the Act, "professional misconduct" means,*

1. Contravention of any provision of the Act, or the Regulations.

2. Knowingly contravening any provision of the Building Code Act, 1992 or the building code.

3. Knowingly contravening any federal, provincial or municipal law, regulation, or bylaw relating to the construction, enlargement or alteration of buildings.

4. Authorizing, permitting, counselling, assisting, aiding, abetting or acquiescing in any contravention of a federal, provincial or municipal law, regulation or by-law relating to the construction, enlargement or alteration of buildings.

9. Failing to maintain the standards of practice of the profession.

10. Failing to maintain the performance standards of the profession.

38. Doing or failing to do anything while engaged in the practice of architecture that shows a deliberate or reckless disregard for the rights and safety of others.

39. Failing to perform architectural services with reasonable skill and judgment.

***47.**(2) It is part of the standards of practice that every holder of a certificate of practice must,*

(b) maintain chronological books, records, accounts, and files for each architectural project including,

(iv) files containing all certificates, statements, notices and other documents with respect to contract administration or general review carried out.

***49.** The following are prescribed as standards of practice:*

10. Where a member or holder provides general review of the construction, enlargement or alteration of a building to a design-builder, the member or holder must perform all of the services prescribed as performance standards by Section 50.

50. *The following are prescribed as performance standards with respect to the general review of the construction, enlargement, or alteration of a building by a member or holder as provided for in the building code:*

1. The member or holder, with respect to the matters that are governed by the building code, shall,

- *i. make periodic visits to the site to determine whether the work is in general conformity with the design documents that were prepared by a member or holder,*
- *ii. inform the client and contractor in writing as to the progress and quality of the work and as to any part of the work that the member or holder has observed during the visits to the site not to be in conformity with the design documents,*
- *iii. review all changes to the design documents to determine whether the changes conform to the building code,*
- *iv. review and comment on shop drawings and samples for general conformity with the design concept of the work, and*
- *v. if the member or holder is specifically engaged to co-ordinate the general review of the professional engineers and reports of the inspection and testing companies, co-ordinate the general review of the professional engineers and the reports of the inspection and testing companies that pertain directly to the work being reviewed and arrange for the distribution of such reports to the client and the contractor, or*
- *vi. if the member or holder is not engaged to perform any or all of the services listed in subparagraph v, co-operate with the professional engineer responsible for the co-ordination of the general review in order to assist the professional engineer in the carrying out of the functions described in that subparagraph.*

2. In paragraph 1,

"design document" means a design or other document which formed the basis for the issuance of a building permit and includes all changes thereto that were authorized by the chief building official as defined in the Building Code Act, 1992.

Background and Considerations

Building Permit Required but Not Issued

During construction, general review must be provided to confirm the construction is being carried out in general conformity with plans and specifications that formed the basis for issuance of a building permit.

If an OAA member performs a general review of a construction project in Ontario without ensuring that a valid building permit has been obtained, there can be serious legal and professional consequences. These may include (but are not necessarily limited to):

1. Professional discipline: OAA members must meet their professional obligations, including refraining from engaging in professional misconduct. Among other things, if a member knowingly proceeds with general review services on a project without a building permit, they may be subject to disciplinary action.
2. *Building Code Act* violations: Proceeding without a building permit generally violates the *Ontario Building Code Act*, which can lead to fines for individuals and companies involved in a project.
3. Insurance and financial consequences:
    a. Professional liability insurance: If the member/practice's actions lead to a claim, professional liability insurance may not cover the claim if the member/practice acted contrary to the law, such as conducting work without a building permit.
    b. Financial: A member/practice may be held financially liable for damages incurred due to construction proceeding without a permit. Those damages can include (among other things) the cost of halting and restarting the project once a permit is obtained and the cost of remediating any aspect of the project that was constructed without a permit.

4. Damage to reputation:
    a. Client relations: Failing to act in accordance with building permit requirements can damage the member/practice's reputation. Clients and prospective clients may lose trust in the member/practice's ability to manage regulatory requirements properly.
    b. Industry reputation: Members have a duty to maintain professional standards. Involvement in illegal construction practices can lead to negative publicity, impacting future work and professional relationships.
    c. Reputation of the profession: Failing to act in accordance with regulatory requirements can negatively impact the reputation of the architectural profession.

Ensuring that a building permit is in place before providing general review services is a crucial responsibility of OAA members and practices. Failure to do so has significant legal, professional, and reputational risks.

Building Permit May Not Be Required

In Ontario, certain projects may be subject to different rules regarding building permits.

Government Projects

- Projects carried out by the federal government or on federal land (such as military bases) are typically exempt from the requirement to obtain a municipal building permit. This is because federal government property is generally not subject to provincial laws, including the Ontario Building Code. However, federal projects must still adhere to federal laws, regulations, and building standards. Members/practices should obtain appropriate advice regarding compliance with federal law.
- Provincial and municipal governments and other crown agents (e.g., colleges) may not always be required to obtain permits from the local municipality for their own projects. However, they are typically expected to comply with the same safety and building standards. Members/practices should obtain appropriate advice regarding projects for provincial and municipal governments and crown agents.

Projects on Indigenous Reserves

- Construction on Indigenous reserves is generally governed by federal legislation under the Indian Act and related federal regulations, as well as the laws of Indigenous governments, rather than provincial laws like the Ontario Building Code.
- Building permits for projects on reserves are typically managed by the First Nation's government or a body responsible for housing and construction on the reserve. Some First Nations have developed their own building codes and permit systems, which may be similar to provincial standards but adapted to local needs.
- Projects on reserves often involve federal government oversight (e.g. through Indigenous Services Canada) and must meet safety and health standards, though the exact rules vary depending on the specific First Nation and the nature of the project.
- Members/practices should obtain appropriate advice to ensure compliance with laws applicable to projects on Indigenous reserves.

In both cases—government projects and projects on reserves—building code principles are typically followed, but the authority overseeing the permitting process differs from Ontario municipal jurisdictions. For projects like these, OAA members are expected to understand and comply with the relevant regulatory requirements. In some instances, this may mean that the general review is conducted without the issuance of a building permit.

General Review During Emergencies

During emergencies, such as a pandemic, regulatory requirements often need to be adapted to accommodate urgent and evolving circumstances. Authorities having jurisdiction may implement temporary emergency measures that affect standard processes, including those related to building codes, standards, permitting, and compliance.

These changes, which may modify existing requirements, are aimed at addressing immediate public safety concerns and ensuring the rapid delivery of critical infrastructure or services. As such, professionals involved in planning, construction, and other regulated activities must stay informed about these evolving requirements and be prepared to navigate the regulatory landscape in a way that balances compliance with the need for swift action.

In addition to staying informed about evolving regulatory requirements during emergencies, it is crucial for professionals to contact their professional liability insurance providers. Changes in regulations or emergency measures may introduce unforeseen risks, and it is important to ensure that any actions taken under these conditions remain within the scope of coverage. By consulting with their insurance provider, professionals can clarify whether adjustments to their coverage are needed to address emergent situations. Further, professionals should obtain legal advice to minimize the risks associated with decisions made during the emergency. Legal guidance can help professionals navigate complex situations, minimize the risk of liability, and protect their interests while responding effectively to the crisis.

The OAA does not provide legal, insurance, or accounting advice. Readers should consult their own legal, insurance, or accounting advisors to obtain appropriate professional advice. OAA members are responsible for ensuring that they comply with all applicable laws, regulations, policies, and bylaws. Regulatory Notices do not comprehensively address all laws, regulations, policies, and by-\laws that may apply in a particular scenario.

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Ontario Association of Architects

Regulatory Notice RN.09
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~~November 16, 2021~~XXXX, 2024

General Review ~~Where Contractor Proceeds~~ Without a Building Permit

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Regulatory Framework

OAA members[i] are required to undertake and provide general review services in compliance with the prevailing legislation and regulations, ~~inclusive~~including ~~of~~ the *Architects Act* (the Act) and the General Regulation 27 (the regulations) thereunder and the *Building Code Act, 1992* and the Building Code. The Act and Regulation include the following:

From the Act:

"general review", in relation to the construction, enlargement or alteration of a building, means an examination of the building to determine whether the construction, enlargement or alteration is in general conformity with the design governing the construction, enlargement or alteration, and reporting thereon;

"practice of architecture" means,

(a) the preparation or provision of a design to govern the construction, enlargement or alteration of a building,

(b) evaluating, advising on or reporting on the construction, enlargement or alteration of a building, or

(c) a general review of the construction, enlargement or alteration of a building;

From the regulations:

***42**. For the purpose of the Act, "professional misconduct" means,*

1. Contravention of any provision of the Act, or the regulations.

2. Knowingly contravening any provision of the Building Code Act, 1992 or the building code.

3. Knowingly contravening any federal, provincial or municipal law, regulation or by-law relating to the construction, enlargement or alteration of buildings.

4. Authorizing, permitting, counselling, assisting, aiding, abetting or acquiescing in any contravention of a federal, provincial or municipal law, regulation or by-law relating to the construction, enlargement or alteration of buildings.

9. Failing to maintain the standards of practice of the profession.

10. Failing to maintain the performance standards of the profession.

38. Doing or failing to do anything while engaged in the practice of architecture that shows a deliberate or reckless disregard for the rights and safety of others.

39. Failing to perform architectural services with reasonable skill and judgment.

***47.**(2) It is part of the standards of practice that every holder of a certificate of practice must,*

(b) maintain chronological books, records, accounts and files for each architectural project including,

(iv) files containing all certificates, statements, notices and other documents with respect to contract administration or general review carried out

***49.** The following are prescribed as standards of practice:*

10. Where a member or holder provides general review of the construction, enlargement or alteration of a building to a design-builder, the member or holder must perform all of the services prescribed as performance standards by section 50.

***50.** The following are prescribed as performance standards with respect to the general review of the construction, enlargement or alteration of a building by a member or holder as provided for in the building code:*

1. The member or holder, with respect to the matters that are governed by the building code, shall,

> *i. make periodic visits to the site to determine whether the work is in general conformity with the design documents that were prepared by a member or holder,*
>
> *ii. inform the client and contractor in writing as to the progress and quality of the work and as to any part of the work that the member or holder has observed during the visits to the site not to be in conformity with the design documents,*
>
> *iii. review all changes to the design documents to determine whether the changes conform to the building code,*
>
> *iv. review and comment on shop drawings and samples for general conformity with the design concept of the work, and*
>
> *v. if the member or holder is specifically engaged to co-ordinate the general review of the professional engineers and reports of the inspection and testing companies, co-ordinate the general review of the professional engineers and the reports of the inspection and testing companies that pertain directly to the work being reviewed and arrange for the distribution of such reports to the client and the contractor, or*
>
> *vi. if the member or holder is not engaged to perform any or all of the services listed in subparagraph v, co-operate with the professional engineer responsible for the co-ordination of the general review in order to assist the professional engineer in the carrying out of the functions described in that subparagraph.*

2. In paragraph 1,

"design document" means a design or other document which formed the basis for the issuance of a building permit and includes all changes thereto that were authorized by the chief building official as defined in the Building Code Act, 1992.

~~Summary~~Background and Considerations

Building Permit Required but Not Issued

During construction, general review must be provided to confirm that the construction is being carried out in general conformity with plans and specifications that formed the basis for issuance of a building permit.

If an OAA member performs a general review of a construction project in Ontario without ensuring that a valid building permit has been obtained, there can be serious legal and professional consequences. These may include (but are not necessarily limited to):

Professional Discipline: OAA members must meet their professional obligations, including refraining from engaging in professional misconduct. Among other things, if a member knowingly proceeds with general review services on a project without a building permit, they may be subject to disciplinary action.

***Building Code Act* Violations**: Proceeding without a building permit generally violates the *Ontario Building Code Act*, which can lead to fines for individuals and companies involved in a project.

Insurance and Financial Consequences:

- **Professional Liability Insurance**: If the member/practice's actions lead to a claim, professional liability insurance may not cover the claim- if the member/practice acted contrary to the law, such as conducting work without a building permit.
- **Financial**: A member/practice may be held financially liable for damages incurred due to construction proceeding without a permit.~~,~~ Those damages can include (among other things) the cost of halting and restarting the project once a permit is obtained and the cost of remediating any aspect of the project that was constructed without a permit.

Damage to Reputation:

- **Client Relations**: Failing to act in accordance with building permit requirements can damage the member/practice's reputation. Clients and prospective clients may lose trust in the member/practice's ability to manage regulatory requirements properly.
- **Industry Reputation**: Members have a duty to maintain professional standards~~,~~. Involvement in illegal construction practices can lead to negative publicity, impacting future work and professional relationships.
- **Reputation of the Profession**: Failing to act in accordance with regulatory requirements can negatively impact the reputation of the architectural profession.

Ensuring that a building permit is in place before providing general review services is a crucial responsibility of OAA members and practices.~~,~~ Failure to do so has significant legal, professional, and reputational risks.

Building Permit May Not be Required

In Ontario, certain government projects and projects on Indigenous reserves are subject to different rules regarding building permits.

Government Projects:

- Projects carried out by the federal government or on federal land (such as military bases) are typically exempt from the requirement to obtain a municipal building permit. This is because federal government property is generally not subject to provincial laws, including the Ontario Building Code. However, federal projects must still adhere to federal laws, regulations, and building standards. Members/practices should obtain appropriate advice regarding compliance with federal law.
- Provincial and municipal governments and other crown agents (e.g., colleges) may not always be required to obtain permits from the local municipality for their own projects. However, they are typically expected to comply with the same safety and building standards. Members/practices should obtain appropriate advice regarding projects for provincial and municipal governments and crown agents.

Projects on Indigenous Reserves:

- Construction on Indigenous reserves is generally governed by federal legislation under the *Indian Act* and related federal regulations, as well as the laws of Indigenous governments, rather than provincial laws like the Ontario Building Code.
- Building permits for projects on reserves are typically managed by the First Nation's government or a body responsible for housing and construction on the reserve. Some First Nations have developed their own building codes and permit systems, which may be similar to provincial standards but adapted to local needs.

- Projects on reserves often involve federal government oversight (e.g., through Indigenous Services Canada) and must meet safety and health standards, though the exact rules vary depending on the specific First Nation and the nature of the project.
- Members/practices should obtain appropriate advice to ensure compliance with laws applicable to projects on Indigenous reserves.

In both cases—government projects and projects on reserves—building code principles are typically followed, but the authority overseeing the permitting process differs from Ontario municipal jurisdictions. For projects like these, OAA members are expected to understand and comply with the relevant regulatory requirements. In some instances, this may mean that the general review is conducted without the issuance of a building permit.

General Review During Emergencies

During emergencies, such as a pandemic, regulatory requirements often need to be adapted to accommodate urgent and evolving circumstances. Authorities having jurisdiction may implement temporary emergency measures that affect standard processes, including those related to building codes, standards, permitting, and compliance. These changes, which may modify existing requirements, are aimed at addressing immediate public safety concerns and ensuring the rapid delivery of critical infrastructure or services. As such, professionals involved in planning, construction, and other regulated activities must stay informed about these evolving requirements and be prepared to navigate the regulatory landscape in a way that balances compliance with the need for swift action.

In addition to staying informed about evolving regulatory requirements during emergencies, it is crucial for professionals to contact their professional liability insurance providers. Changes in regulations or emergency measures may introduce unforeseen risks, and it is important to ensure that any actions taken under these conditions remain within the scope of coverage. By consulting with their insurance provider, professionals can clarify whether adjustments to their coverage are needed to address emergent situations. Furthermore, professionals should obtain legal advice to minimize the risks associated with decisions made during the emergency. Legal guidance can help professionals navigate complex situations, minimize the risk of liability, and protect their interests while responding effectively to the crisis.

~~OAA members[ii] who provide general review[iii] services where construction proceeds without a building permit do so in violation of the *Building Code Act* and in contravention of the Regulation under the *Architects Act*.~~

~~Background~~

~~From time to time, the Ontario Association of Architects (OAA) receives inquiries pertaining to performing general review services during construction in the absence of a building permit.~~

~~Under the laws of the Province of Ontario, it is required that during construction, general review will be provided (except where exempted by the *Architects Act*) both by a member (acting pursuant to a client/member contract) and by a building official (acting pursuant to the *Building Code Act*). In combination, the two professionals provide two sets of eyes acting independently of each other in reviewing construction for general conformity with plans and specifications that formed the basis for issuance of a building permit.~~

~~This basic principle is undermined in circumstances where a building permit is not in place. The factual circumstances may break down into three sorts of situations:~~

1. ~~No application has been made for a building permit, and no permit has been issued. The municipality in effect is not on notice of the construction.~~

2. An application has been made for the building permit and the building official is aware of the pending application, and building department staff attends the site to conduct inspections.

3. An application is pending, but the building official declines to become involved in the inspection process pending issuance of the permit.

In situations 1 and 3 above, a member who proceeds to provide general review services may reasonably be considered to have breached the Regulation under the *Architects Act* by acquiescing in a contravention of a provincial law, namely the *Building Code Act*.

Even though this scenario may be perceived to be common practice in some areas, by continuing to provide services under such circumstances the member is placing themselves in a situation where substantial liability may be incurred through civil action for participating in an illegal act, either directly or indirectly. It is not possible to carry out general review in accordance with the performance standards, as to do so requires a determination that the building is being constructed in general conformity with the documents that formed the basis for the issuance of the building permit and, as the permit has not been issued, there are no such documents.

One municipality sent a letter to consultants who chose to ignore the absence of a building permit and who attended the site to review the work. This letter is reproduced below with the author's permission.

> *There have been several occasions recently, where it has come to our attention that on-site review of construction, for which a permit has not been issued, has been performed by a professional engineer. This is of significant concern because, as a professional with special knowledge, it appears that an engineer should ensure that there is a permit before proceeding. The* Building Code Act *1992, Section 8(1), reads as follows:*
>
> > *No person shall construct or demolish a building, or cause a building to be constructed or demolished in a municipality unless a permit has been issued therefore by the Chief Building Official.*
> >
> > *In addition, Section 1. of the* Building Code Act *contains the following definition:*
> >
> > > *'construct' means to do anything in the erection, installation, extension, or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and 'construction' has a corresponding meaning;*
> >
> > *Pursuant to the above, on-site review by an engineer would be deemed as 'construction' and therefore should not be undertaken unless a permit has been issued.*
> >
> > *In this regard, please be advised that if legal action is initiated under the* Building Code Act *in future, as a result of construction without a permit on a project, then charges will also be laid against any person, company, or engineer, who has undertaken the on-site review of the construction on that project.*
> >
> > *We trust this will not be necessary and look forward to your future cooperation.*

In providing general review in the absence of a building permit, the member may well be motivated by their perception of the public interest. However, the public interest is best served by construction under the watchful eyes of both the member and the building official in accordance with the building legislation in Ontario. The member's motivation may be no defense to the allegation that they are "acquiescing" in the contravention of the law.

In some circumstances, a member may be subjected to coercion by a client to attend the site regardless of the absence of a building permit citing it to be the member's duty to fulfil the contractual obligations relative to site review.

~~Contract law operates such that contracts neither anticipate nor require parties to participate in illegal activities. Construction without a building permit is arguably in this category.~~

~~OAA Council, the OAA Discipline Committee, and legal counsel to the OAA have all reviewed this issue of a member providing general review services on a project without a building permit being in violation of the Regulation under the *Architects Act*.~~

~~Procedure~~

1. ~~The OAA Standard Form of Contract, Document 600, current version contains a provision for the member to suspend services related to general review in the event that construction proceeds in the absence of a building permit. If your contract with your client does not contain such a provision, add a clause to provide for the right of the member to suspend general review services if construction proceeds without a building permit and without the chief building official dispatching building officials to the site.~~

2. ~~Ascertain whether a building permit has been issued prior to attending the site to perform general review services.~~

3. ~~If a permit has not been issued, determine from the building official whether the official intends to dispatch inspectors to conduct inspections in the usual and customary ways. If the municipal inspector will be conducting the inspections, record your findings and commence general review, so advising the owner and building official.~~

4. ~~If the building inspectors will not be directed to attend the site, advise the owner that you will not be able to conduct general review services until a permit is issued or until the building official agrees to send the building inspectors to the site.~~

5. ~~Advise the owner and constructor of ramifications of continuing construction without a building permit.~~

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[i] **OAA member:** Every person issued a licence or limited licence by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject.

Ontario Association of Architects

Regulatory Notice RN.10
Version 4.0
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Professional Opinion & Independent Opinion

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Regulatory Framework

OAA members[i] (members) are required to maintain high standards of objectivity, competence, confidentiality, and ethical behavior when providing independent opinions regarding the work of another member or practice. The *Architects Act (the Act)* and Ontario Regulation 27 (the regulations) include the following:

From the Act:

"architectural services" means services that are part of or are related to the practice of architecture;

"practice of architecture" means,

> *(a) the preparation or provision of a design to govern the construction, enlargement or alteration of a building,*
>
> *(b) evaluating, advising on or reporting on the construction, enlargement or alteration of a building, or*
>
> *(c) a general review of the construction, enlargement or alteration of a building.*

From the regulations:

42. *For the purpose of the Act, "professional misconduct" means,*

> *9. Failing to maintain the standards of practice of the profession.*
>
> *15. Signing or issuing a false or misleading certificate, report, or other document.*
>
> *16. Having a conflict of interest.*
>
> *31. Misrepresenting the practice of architecture carried on by the member or holder, or the qualifications, experience, or capabilities of the member or holder or an officer, director, partner, or employee of the member or holder.*
>
> *38. Doing or failing to do anything while engaged in the practice of architecture that shows a deliberate or reckless disregard for the rights and safety of others.*
>
> *44. Disclosing confidential information received from a client or employer except as authorized by law or with the consent of the client or employer.*
>
> *54. Conduct or an act relevant to the practice of architecture that, having regard to all of the circumstances, would reasonably be regarded by members of the Association as disgraceful, dishonourable, or unprofessional.*

49. *The following are prescribed as standards of practice:*

> *1. No holder or officer, director, employee, or partner of a holder, shall solicit or accept any work in respect of a building project knowing or having reason to believe that another holder has been engaged on the same building project for the same purpose by the same client.*
>
> *2. Paragraph 1 does not apply to prevent a holder from,*
>
> *i. advising or reporting on any aspect of the practice of architecture if an independent opinion is being sought and the other holder has been so informed in writing by the client*

Background and Considerations

OAA members must provide professional opinions that distinguish among facts, assumptions, and their opinions and conclusions. This commentary is directed at a relatively narrow band of formal professional opinions—not the day-to-day advice and judgments that members provide in various formats, whether written or verbal. However, members are reminded that as professionals, providing opinions (or statements that may be interpreted as opinions) in any forum carries risks.

This commentary relates specifically to:

- **Expert opinion/witness**: including expert reports provided for purposes of litigation (court cases), tribunals and other administrative decision-makers (e.g. professional conduct proceedings), inquests, and arbitrations; one of the hallmarks of such opinions is providing clear separation of facts, assumptions, and opinions.
- **Independent opinion and peer review**: specific requests for professional opinions under a professional engagement. Professional opinions are conclusions calling for independent, objective judgment and are founded on facts, assumptions and the training and experience members bring to a commission.
- **Sitting on boards, committees, or similar bodies** (e.g. advisory design panels, appeal and variance boards, interpretation committees): opinions in these settings attract the expectation of clarity among facts, assumptions, and opinions.

Members should ensure that professional opinions and the relevant facts and assumptions underlying opinions are identified when preparing reports. Reports should be prepared in a manner that is understandable by non-members.

When a member provides expert witness testimony or prepares an expert opinion, the following obligations apply:

- **Objectivity and impartiality**: members must be impartial, unbiased, and objective. Their duty is to the adjudicator. Their evidence must be truthful and objective and based on their professional expertise. Members must disclose any actual or perceived conflicts of interest. They should be transparent about any prior involvement with the case or project in question. If members believe there is a conflict or there could reasonably be a perceived conflict, they should decline to provide the opinion or withdraw from the engagement.
- **Competence and knowledge**: members must limit their opinions to those areas in which they have appropriate qualifications and experience. Under the regulations, they are required to perform their work with the competence and skill that can reasonably be expected of a member.
- **Thoroughness and accuracy**: Their opinions must be grounded in comprehensive knowledge, careful analysis, and adherence to professional standards.
- **Confidentiality:** Members must not disclose client information without permission, except when required by law.

When conducting peer reviews or preparing independent opinion of the work of another member/practice, the following obligations must be observed:

- **Impartial evaluation**: Peer reviews must be conducted fairly, impartially, and objectively. Members must be neutral in reviewing the work of another member/practice work to ensure compliance with professional standards and requirements, including, for example, the Ontario Building Code.
- **Confidentiality**: Members performing peer reviews must maintain confidentiality regarding the reviewed practice’s work, designs, and business practices. This is essential to protect the intellectual property and proprietary information of the practice being reviewed.
- **Ethical conduct**: Peer reviews should be constructive and professional. Members must not unfairly criticize or disparage a colleague's work, but members must be honest and provide truthful opinions regarding the work of the member/practice.
- **Professional competence**: Members should not undertake peer reviews unless they have the necessary expertise in the specific area being reviewed. The regulations prohibit members from offering services in areas where they are not adequately qualified.

- **Detailed and accurate reporting**: Peer reviews must be based on detailed and thorough evaluations. Members should document their findings and conclusions clearly. Reviews (including any recommendations) must be consistent with members' professional obligations and applicable rules, standards, regulations, and legislation.

The OAA does not provide legal, insurance, or accounting advice. Readers should consult their own legal, insurance, or accounting advisors to obtain appropriate professional advice. OAA members are responsible for ensuring that they comply with all applicable laws, regulations, policies, and bylaws. Regulatory Notices do not comprehensively address all laws, regulations, policies, and bylaws that may apply in a particular scenario.

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Ontario Association of Architects

Regulatory Notice RN.10
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Professional Opinion - Independent Opinion - Reviewing a Project Prepared by another OAA Member or Practice

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Regulatory Framework

OAA members[i] are required to maintain high standards of objectivity, competence, confidentiality, and ethical behavior when providing independent opinions regarding the work of another member or practice. The Act and Regulation include the following:

From the Act:

> *"architectural services" means services that are part of or are related to the practice of architecture;*
>
> *"practice of architecture" means,*
>
> > *(a) the preparation or provision of a design to govern the construction, enlargement or alteration of a building,*
> >
> > *(b) evaluating, advising on or reporting on the construction, enlargement or alteration of a building, or*
> >
> > *(c) a general review of the construction, enlargement or alteration of a building.*

From the Regulations:

> ***42.*** *For the purpose of the Act, "professional misconduct" means,*
>
> > *9. Failing to maintain the standards of practice of the profession.*
> >
> > *15. Signing or issuing a false or misleading certificate, report or other document.*
> >
> > *16. Having a conflict of interest.*
> >
> > *31. Misrepresenting the practice of architecture carried on by the member or holder, or the qualifications, experience or capabilities of the member or holder or an officer, director, partner or employee of the member or holder.*
> >
> > *38. Doing or failing to do anything while engaged in the practice of architecture that shows a deliberate or reckless disregard for the rights and safety of others.*
> >
> > *44. Disclosing confidential information received from a client or employer except as authorized by law or with the consent of the client or employer.*
> >
> > *54. Conduct or an act relevant to the practice of architecture that, having regard to all of the circumstances, would reasonably be regarded by members of the Association as disgraceful, dishonourable or unprofessional.*
>
> ***49.*** *The following are prescribed as standards of practice:*
>
> > *1. No holder or officer, director, employee or partner of a holder shall solicit or accept any work in respect of a building project knowing or having reason to believe that another holder has been engaged on the same building project for the same purpose by the same client.*
> >
> > *2. Paragraph 1 does not apply to prevent a holder from,*

i. advising or reporting on any aspect of the practice of architecture if an independent opinion is being sought and the other holder has been so informed in writing by the client

~~Summary~~Background and Considerations

OAA members[ii] must provide professional opinions that distinguish among facts, assumptions, and their opinions and conclusions. This commentary is directed at a relatively narrow band of formal professional opinions, not the day-to-day advice and judgments that members provide in various formats, whether written or verbal. However, members are reminded that as professionals, providing opinions (or statements that may be interpreted as opinions) in any forum carries risks.

This commentary relates specifically to:

- Expert Opinion/Witness: including expert reports provided for purposes of litigation (court cases), tribunals and other administrative decision-makers (including, e.g., professional conduct proceedings), inquests, and arbitrations; one of the hallmarks of such opinions is providing clear separation of facts, assumptions and opinions.~~;~~
- Independent Opinion and Peer Review: specific requests for professional opinions under a professional engagement. Professional opinions are conclusions calling for independent, objective judgment and are founded on facts, assumptions and the training and experience members bring to a commission.
- Situations in which members sit on boards, committees or similar bodies (e.g. advisory design panels, appeal and variance boards, interpretation committees):~~.~~ Opinions in these settings attract the expectation of clarity among facts, assumptions, and opinions.

Members should ensure that professional opinions and the relevant facts and assumptions underlying opinions are identified when preparing reports. Reports should be prepared in a manner that is understandable by non-architects.

When a member provides expert witness testimony or prepares an expert opinion, the following obligations apply:

- Objectivity and Impartiality: members must be impartial, unbiased, and objective. Their duty is to the adjudicator. Their evidence must be truthful and objective and based on their professional expertise. ~~m~~Members must disclose any actual or perceived conflicts of interest. They should be transparent about any prior involvement with the case or project in question. If members believe there is a conflict or there could reasonably be a perceived conflict, they should decline to provide the opinion or withdraw from the engagement.
- Competence and Knowledge: members must limit their opinions to those areas in which they have appropriate qualifications and experience. Under the regulations, they are required to perform their work with the competence and skill that can reasonably be expected of a member.
- Thoroughness and Accuracy: Their opinions must be grounded in comprehensive knowledge, careful analysis, and adherence to professional standards.
- Confidentiality: Members must not disclose client information without permission, except when required by law.

When conducting peer reviews or preparing independent opinion of the work of another ~~OAA~~ member/practice, the following obligations must be observed:

- Impartial Evaluation: Peer reviews must be conducted fairly, impartially, and objectively. Members must be neutral in reviewing the work of another member/practice's work to ensure compliance with professional standards and requirements, including, for example, the Ontario Building Code.
- Confidentiality: Members performing peer reviews must maintain confidentiality regarding the reviewed practice's work, designs, and business practices. This is essential to protect the intellectual property and proprietary information of the practice being reviewed.
- Ethical Conduct: Peer reviews should be constructive and professional. Members must not unfairly criticize or disparage a colleague's work. But members must be honest and provide truthful opinions regarding the work of the member/practice.
- Professional Competence: Members should not undertake peer reviews unless they have the necessary expertise in the specific area being reviewed. The regulations prohibit members from offering services in areas where they are not adequately qualified.
- Detailed and Accurate Reporting: Peer reviews must be based on detailed and thorough evaluations. Members should document their findings and conclusions clearly. Reviews (including any recommendations) must be consistent with members' professional obligations and applicable rules, standards, regulations, and legislation.

~~Background~~

~~This Regulatory Notice addresses the various circumstances and related issues where a professional opinion by a member of another practice or member's work may be sought. These circumstances might include a client, an authority having jurisdiction, or a third party such as an insurer or legal counsel requesting the opinion.~~

~~Examples include:~~

- ~~**Independent Opinion** where a member reviews a project prepared by another practice as part of a quality assurance process;~~
- ~~**Expert Opinion** that is part of a formal mediation on judicial process;~~
- ~~**Expert Witness** where a member provides testimony as part of a judicial process;~~
- ~~**Advocate OAA Member** where the member acts as the representative of a client or user group;~~
- ~~**Practice Review** where a member is retained to review an architectural firm's practices and procedures as part of a risk management strategy;~~
- ~~**Design Critique** where the review member offers a reasoned opinion or evaluation of a specific design acting on behalf of a client or as an affiliate of an authority having jurisdiction or ratepayer group; and~~
- ~~**Compliance Architect** where an architect is retained as part of a planning, design, and compliance (PDC) team to evaluate compliance of a proponent's design with the client's guidelines and performance requirements as in a P3 project.~~

~~Legal and Regulatory Issues and Procedures~~

~~The following procedures in whole or part are generally applicable to most situations, but may differ in specific circumstances.~~

~~Regulatory: Standards of Practice of the Regulation under the *Architects Act*.~~

~~The standards of practice do not prevent a member from accepting an engagement or being affiliated with a committee where the purpose is clearly different; for example, where a member is engaged to provide testimony as an expert witness, or to advise legal counsel, as part of a judicial process or where related to a review process. The requirement for notification by the client does not apply in these situations as the member is not being retained for the same purpose.~~

~~Where the holder of Certificate of Practice (holder) or member is contracted by the client, the intent of the Regulation is to permit the member to provide a professional opinion on the work of another member provided that the member whose work is being reviewed is notified in advance by the client. Where the client cannot confirm in writing that the member has been notified that an independent opinion is being sought, the review member should decline the appointment.~~

~~The review member should not go beyond the mandate of the committee of which they are affiliated, or beyond their contracted mandate with the client. A change in the mandate should be made only with the express written authority of the client.~~

~~It is strongly recommended the review member not accept an offer to be engaged to succeed the member whose work is being reviewed. The review member could be seen as having solicited the work from the client contrary to the Regulation, having induced a breach of the contract, or having intentionally interfered in a contractual relationship between the client and the original member.~~

~~Refer to Practice Tip PT.07 for information regarding the preparation of an independent opinion.~~

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Ontario Association of Architects

Regulatory Notice RN.12
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Certificates of Practice – Registered Offices

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Regulatory Framework

The *Architects Act* (the Act) and Ontario Regulation 27 (the regulations) established the Ontario Association of Architects (OAA) to regulate the practice of architecture in service and protection of the public interest. OAA members[i] (members) must uphold their professional obligations to clients, to the public, and to the profession. To comply with legislative requirements, an OAA practice must have a member designated to maintain personal supervision, direction, and control over the delivery of its services.

Specific provisions of the Act include, but are limited to, the following:

11. *(1) No person shall engage in the practice of architecture or hold himself, herself or itself out as engaging in the practice of architecture unless,*

(a) the person is the holder of a licence or limited licence under this Act;

(b) the person is the holder of a certificate of practice or the person is doing so as a member of a partnership that holds a certificate of practice; or

(c) the person is the holder of a temporary licence under this Act.

(2) No person shall provide to a member of the public a service that is part of the practice of architecture except under and in accordance with a certificate of practice or a temporary licence.

(3) Subsections (1) and (2) do not apply to,

[...]

(d) the preparation or provision, under the personal supervision and direction of a member of the Association or the holder of a temporary licence, of a design for the construction, enlargement, or alteration of a building;

22. *(1) It is a condition of every certificate of practice held by a corporation or a partnership that the holder of the certificate of practice shall provide services that are within the practice of architecture only under the personal supervision and direction, on a full-time basis, of a member of the Association who is,*

(a) in the case of a corporation, an officer, director, or employee of the corporation; or

(b) in the case of a partnership, a member or employee of the partnership or an officer,

(c) director or employee of a member of the partnership.

(2) A member of the Association who personally supervises and directs the practice of architecture by a holder of a certificate of practice is subject to the same standards of professional conduct and competence in respect of such practice of architecture as if the member personally engaged in the practice of architecture

Specific provisions of the regulations include, but are limited to, the following:

1. *In this Regulation,*

"address of record", in relation to a member of the Association, means the last address of a member recorded in the register maintained by the Registrar;

42. *For the purpose of the Act, "professional misconduct" means,*

[...]

9. Failing to maintain the standards of practice of the profession.

[...]

24. Failing to notify the Registrar in writing forthwith of a change of address recorded on a register maintained under the Act by the Registrar.

***47.** (1) A holder of a certificate of practice shall maintain the standards of practice for the practice of architecture in the performance of architectural services.*

(2) It is part of the standards of practice that every holder of a certificate of practice must,

- *a. maintain at least one office from which the practice of architecture is carried on;*
- *b. maintain chronological books, records, accounts and files for each architectural project including,*
  - *i. a record showing all fees and disbursements charged for services,*
  - *ii. files containing all letters, memoranda, notices, and correspondence,*
  - *iii. files containing all evaluations, advice, and reports,*
  - *iv. files containing all certificates, statements, notices and other documents with respect to contract administration or general review carried out, and*
  - *v. all designs issued, exhibited or used for the construction, enlargement, or alteration of a building.*

(3) It is part of the standards of practice that every office in which the practice of architecture is carried on must,

- *a. be accessible to all clients during business hours;*
- *b. be equipped with a telephone that is answered either manually or by means of a mechanical device and that is listed in the local telephone directory;*
- *c. have such staff, instruments, equipment, and activities as are reasonably necessary for the performance of architectural services; and*
- *d. be under the personal supervision and direction of a member, but no member shall supervise and direct more than one office or an office that is more than 160 kilometres from his or her principal residence.*

Background and Considerations

Members who offer services to the public in Ontario through a certificate of practice (CoP) must maintain a practice address of record with the OAA. Each CoP office offering architectural service to the public must have an OAA member available who has direct knowledge of the services provided and is able to provide personal supervision and direction of such services. The level of supervision and general management of an office will vary with many factors, including, for example, the size of the practice, number of employees, the number of projects for which the practice is providing services, and the nature and scale of services provided.

As set out in the regulations, a practice's address of record must (among other things) be "accessible to all clients during business hours." This means an address of record cannot be a post office box or any kind of service for collecting mail.

A practice may maintain a site office for a specific project as a matter of convenience, but such an office is not itself permitted to offer or to provide independent architectural services to the public. While a site office may not offer services to the public, a branch or secondary office may. The public is entitled to expect that the services offered and provided by an OAA practice office, including a branch, are personally supervised and directed by a member. In branch offices as much as elsewhere, it is important to be cautious to ensure that the public, including clients, are not misled by any misrepresentations as to staff qualifications and professional status.

Members and OAA practices must not publicize unregistered offices, including home and satellite offices, in any promotional material, proposals, vendor list, public registry or listing, website, social media, or article. To the extent members or practices become aware that a third party (e.g. media or a client) is promoting an office that is not the registered office of the member or practice, the member or practice must take immediate steps to stop such promotion.

Members are permitted to do work in a setting that is not open to the public, including home offices, site offices, and construction sites. However, these unregistered settings must not be held out to the public as offices where architectural services are offered or provided.

Procedure

1. OAA members may only offer services to the public through a certificate of practice. Each CoP must be placed on the official Register of the OAA, with an address of record.
2. Every certificate of practice must be personally supervised and directed by an OAA member of record. Each member may only supervise and direct one office. The OAA must be notified of any change to the member personally supervising and directing a practice.
3. Members and practices must ensure that the office designated at the address of record conforms to the standards of practice set out in the regulations.
4. When listing an address on any vendor list, Request for Qualifications (RFQs), Request for Proposals (RFPs), and/or listing that will appear publicly, members and practices must use the address registered with the OAA.
5. If a member or practice moves or changes its address, the member or practice must notify the OAA immediately. They must also update the address on any listing or registry that will appear publicly, to ensure it is consistent with the address of record with the OAA.

Practice in a Virtual Environment

The architecture profession is well-suited to working remotely. Even before the COVID-19 pandemic, many practices had already implemented the technological infrastructure needed to enable employees to work from home or other locations aside from the registered office. Firms continue to evolve and pivot toward technology-based solutions to accommodate collaboration and support project delivery.

It is important to consider that many architecture professionals may wish to continue remote work in varying degrees even as many professionals return to in-person office environments. However, OAA members and practices must always meet the statutory requirements, including the requirements of maintaining a certificate of practice.

Although the requirements for a practice's office were established at a time when nearly all offices were physical spaces, these standards continue to apply to all practice offices, including those practices conducted primarily virtually. Practices must review the mandated criteria and ascertain whether their work environment is compliant. Some items to consider include (but are not limited to):

- Would there be adequate accessibility to clients and members of the public (assuming it is safe to do so)?
- Would there be adequate direct supervision of staff if it is all virtual?
- Would legal notices (including those from the OAA) be deliverable with adequate certainty of receipt?
- Would there be adequate maintenance and storage of record and file-keeping?
- Would staff have all the required instruments of service reasonably necessary for the performance of architectural services?

Practices considering a permanent or partial transition to a virtual work environment should review their plans against the regulatory criteria. It is up to each member who has personal supervision and direction of a practice to determine the best way to meet their professional obligations.

The OAA does not provide legal, insurance, or accounting advice. Readers should consult their own legal, insurance, or accounting advisors to obtain appropriate professional advice. OAA members are responsible for ensuring that they comply with all applicable laws, regulations, policies, and bylaws. Regulatory Notices do not comprehensively address all laws, regulations, policies, and bylaws that may apply in a particular scenario.

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[i] **OAA member:** Every person issued a licence or limited licence by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject.

Ontario Association of Architects

Regulatory Notice RN.12
Version 3~~2~~.0
~~November 17, 2021~~XXXX, 2024

~~Unauthorized Use of Architects' Unregistered Offices~~Certificates of Practice – Registered Offices

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Regulatory Framework

The *Architects Act* (the Act) and Ontario Regulation 27 (the regulations) established the Ontario Association of Architects (OAA) to regulate the practice of architecture in service and protection of the public interest. OAA members[ii] (members) must uphold their professional obligations to clients, to the public and to the profession. To comply with legislative requirements, an OAA practice must have a member designated to maintain personal supervision, direction, and control over the delivery of its services.

Specific provisions of the Act include, but are limited to, the following:

> ***11.***
> *(1) No person shall engage in the practice of architecture or hold himself, herself or itself out as engaging in the practice of architecture unless,*
> *(a) the person is the holder of a licence or limited licence under this Act;*
> *(b) the person is the holder of a certificate of practice or the person is doing so as a member of a partnership that holds a certificate of practice; or*
> *(c) the person is the holder of a temporary licence under this Act.*
> *(2) No person shall provide to a member of the public a service that is part of the practice of architecture except under and in accordance with a certificate of practice or a temporary licence.*
> *(3) Subsections (1) and (2) do not apply to,*
> *[...]*
> *(d) the preparation or provision, under the personal supervision and direction of a member of the Association or the holder of a temporary licence, of a design for the construction, enlargement or alteration of a building;*
> ***22.***
> *(1) It is a condition of every certificate of practice held by a corporation or a partnership that the holder of the certificate of practice shall provide services that are within the practice of architecture only under the personal supervision and direction, on a full-time basis, of a member of the Association who is,*
> *(a) in the case of a corporation, an officer, director or employee of the corporation; or*
> *(b) in the case of a partnership, a member or employee of the partnership or an officer,*
> *(c) director or employee of a member of the partnership.*
> *(2) A member of the Association who personally supervises and directs the practice of architecture by a holder of a certificate of practice is subject to the same standards of professional conduct and competence in respect of such practice of architecture as if the member personally engaged in the practice of architecture*

Specific provisions of the regulations include, but are limited to, the following:

> ***1.*** *In this Regulation,*
>
> *"address of record", in relation to a member of the Association, means the last address of a member recorded in the register maintained by the Registrar;*
>
> ***42.*** *For the purpose of the Act, "professional misconduct" means,*
> *[...]*
> *9. Failing to maintain the standards of practice of the profession.*

[...]
24. Failing to notify the Registrar in writing forthwith of a change of address recorded on a register maintained under the Act by the Registrar.

47.

(1) A holder of a certificate of practice shall maintain the standards of practice for the practice of architecture in the performance of architectural services.

(2) It is part of the standards of practice that every holder of a certificate of practice must,

a. maintain at least one office from which the practice of architecture is carried on;
b. maintain chronological books, records, accounts and files for each architectural project including,
i. a record showing all fees and disbursements charged for services,
ii. files containing all letters, memoranda, notices and correspondence,
iii. files containing all evaluations, advice and reports,
iv. files containing all certificates, statements, notices and other documents with respect to contract administration or general review carried out, and
v. all designs issued, exhibited or used for the construction, enlargement or alteration of a building.

(3) It is part of the standards of practice that every office in which the practice of architecture is carried on must,

a. be accessible to all clients during business hours;
b. be equipped with a telephone that is answered either manually or by means of a mechanical device and that is listed in the local telephone directory;
c. have such staff, instruments, equipment and activities as are reasonably necessary for the performance of architectural services; and
d. be under the personal supervision and direction of a member, but no member shall supervise and direct more than one office or an office that is more than 160 kilometres from his or her principal residence.

Background and Considerations

~~Architects and Licensed Technologists OAA~~Members who offer services to the public in Ontario through a c~~C~~ertificate of p~~P~~ractice must maintain a practice ~~n~~ address of record with the OAA. Each certificate of practice office offering architectural service to the public must have an OAA member available who has direct knowledge of the services provided and is able to provide personal supervision and direction of such services. The level of supervision and general management of an office will vary with many factors, including, for example, the size of the practice, number of employees, the number of projects for which the practice is providing services, and the nature and scale of services provided.

As set out in the regulation, a practice's address of record must (among other things) be "accessible to all clients during business hours". This means that an address of record cannot be a post office box or any kind of service for collecting mail.

A practice may maintain a site office for a specific project as a matter of convenience, but such an office is not itself permitted to offer or to provide independent architectural services to the public. While a site office may not offer services to the public, a branch or secondary office may. The public is entitled to expect that the services offered and provided by an OAA practice office, including a branch, are personally supervised and directed by a member. In branch offices as much as elsewhere, it is important to be cautious to ensure that the public, including clients, are not misled by any misrepresentations as to staff qualifications and professional status.

Members and OAA practices must not publicize unregistered offices, including home and satellite offices, in any promotional material, proposals, vendor list, public registry or listing, website, social media or article. To the extent members or practices become aware that a third party (e.g., media or a client) is promoting an

office that is not the registered office of the member or practice, the member or practice must take immediate steps to stop such promotion.~~**Summary**~~

~~Architects and Licensed Technologists OAA who offer services to the public in Ontario through a Certificate of Practice must maintain an address of record with the OAA. In addition, every Certificate of Practice must be personally supervised and directed by the OAA member who is identified as the individual responsible for that practice.~~

~~**Background**~~

~~The OAA recently investigated occurrences of OAA members using satellite or home offices that were not registered with the OAA but were publicly listed or registered in instances when the client's procurement rules prioritize vendors with offices closer to the project. OAA members therefore have an interest in maximizing the number of "offices" they identify such clients, in order to maximize the number of projects on which they may be given priority to bid.~~

~~The *Architects Act* and Regulation do not prohibit Architects and Licensed Technologists OAA from working from home~~Members are permitted to do work in a setting that is not open to the public, including home offices, site offices, and construction sites. However, these unregistered settings must not be held out to the public as offices where architectural services are offered or provided.
~~it is prohibited to call their homes "offices" unless they meet the requirements of the *Act* and Regulation for an architecture practice, which includes that it be personally supervised by an OAA member, who does not personally supervise another office.~~

~~The practice of unfairly seeking competitive advantages in using home or satellite offices that are not properly registered with the OAA constitutes professional misconduct and could lead to further penalties under the Act.~~

Procedure

1. ~~Architects and Licensed Technologists OAA~~OAA members may only offer services to the public through a c~~C~~ertificate of p~~P~~ractice. Each c~~C~~ertificate of p~~P~~ractice must be placed on the official Register of the OAA, with an address of record.

2. Every c~~C~~ertificate of p~~P~~ractice must be personally supervised and directed by an ~~Architect or Licensed Technologist OAA~~ OAA member o~~n~~f record. Each member may ~~-~~only supervise and direct one office. The OAA must be notified of any change to the member personally supervising and directing a practice.

3. Members and practices must ~~E~~ensure that the office designated at the address of record conforms to the standards of practice set out in the regulation~~s)~~.

4. When listing an address on any vendor list, Request for Qualifications (RFQs), Request for Proposals (RFPs), and/or listing that will appear publicly, members and practices must use the address that is registered with the OAA.

5. If a member or practice moves or changes its address, the member or practice must notify the OAA immediately. They must also update the address on any listing or registry that will appear publicly, to ensure it is consistent with the address of record with the OAA.

~~You are permitted to do work in a setting that is not open to the public, including home offices, site offices, and construction sites; however, as each member is only entitled to supervise and direct one office, these unregistered settings must not be held out to the public as offices where architectural services are offered, failing which, you could be found to have breached the *Act*.~~

~~Offering Services~~Practice in a Virtual Environment

The architecture profession is well-suited to working remotely. Even before the COVID-19 pandemic, many practices had already implemented the technological infrastructure needed to enable employees to work from home or other locations aside from the registered office. Firms continue to evolve and pivot toward technology-based solutions to accommodate collaboration and support project delivery.

It is important to consider that many architecture professionals may wish to continue remote work in varying degrees even as many professionals return to in-person office environments. However, OAA members and practices must always meet the statutory requirements, including the requirements of maintaining a c~~C~~ertificate of p~~P~~ractice.

Although the requirements for a practice's office were established at a when virtually all offices were physical spaces, these standards continue to apply to all practice offices, including those practices conducted primarily virtually. ~~standards were clearly set out in consideration of a physical office space; but what if practices want to remain remote and continue to work in a virtual environment "post-pandemic?"~~ Practices ~~would~~ must~~need to~~ review the mandated criteria and ascertain whether ~~if~~ their ~~new~~ work environment is compliant~~complying with the legislation~~. Some ~~I~~items to consider ~~would~~ include (but are not limited to):

- Would there be adequate accessibility to clients and members of the public (assuming it is safe to do so)?
- Would there be adequate direct supervision of staff if it is all virtual?
- Would legal notices (including from the OAA) be deliverable with adequate certainty of receipt?
- Would there be adequate maintenance and storage of record and file-keeping?
- Would staff have all the required instruments of service reasonably necessary for the performance of architectural services?

Practices considering a permanent or partial transition to a virtual work environment should review their plans against the regulatory criteria. It is up to each member who has personal supervision and direction of a ~~is a holder of a c~~~~C~~~~ertificate of~~ p~~P~~ractice to determine the best way to meet their professional obligations ~~within our the regulatory context~~.

---

[i] **OAA member:** Every person ~~licensed~~ issued a licence or limited licence by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject. R.S.O. 1990, c. A.26, s. 5 (1).

~~**References to the Act and Regulations:**~~

~~Applicable sections of the *Architects Act*, R.S.O. 1990, CHAPTER A.26 s.11, s. 46, s. 47~~

~~Applicable Sections of R.R.O. 1990, Reg. 27: GENERAL under *Architects Act*, R.S.O. 1990, c. A.26 s.42. subsections 1, 3, 4, 6-10, 15, 25, 54; s. 47 subsections (1), 2(a), (b), and (3)~~

~~1. Contravention of any provision of the Act, or the regulations.~~
~~3. Knowingly contravening any federal, provincial, or municipal law, regulation, or bylaw relating to the construction, enlargement, or alteration of buildings.~~
~~4. Authorizing, permitting, counselling, assisting, aiding, abetting or acquiescing in any contravention of a federal, provincial, or municipal law, regulation, or bylaw relating to the construction, enlargement, or alteration of buildings.~~
~~6. Authorizing, permitting, counselling, assisting, aiding, abetting, or acquiescing in any contravention of the Act or the regulations by any person.~~
~~7. Authorizing, permitting, counselling, assisting, aiding, abetting, or acquiescing in any act that constitutes professional misconduct.~~
~~8. Failing to abide by the terms and conditions of a licence, Certificate of Practice, Certificate of Practice issued under section 23 of the Act, or temporary licence.~~

~~9. Failing to maintain the standards of practice of the profession.~~
~~10. Failing to maintain the performance standards of the profession.~~
~~15. Signing or issuing a false or misleading certificate, report or other document.~~
~~25. Failing to notify the Registrar in writing forthwith of a change in any particular contained in an application for a licence, Certificate of Practice, Certificate of Practice issued under section 23 of the Act, temporary licence, or seal or in an application for professional liability insurance or for exemption from the insurance requirement.~~
~~54. Conduct or an act relevant to the practice of architecture that, having regard to all of the circumstances, would reasonably be regarded by members of the Association as disgraceful, dishonourable, or unprofessional.~~

~~47. (1) A holder of a Certificate of Practice shall maintain the standards of practice for the practice of architecture in the performance of architectural services. R.R.O. 1990, Reg. 27, s. 47 (1).~~

~~(2) It is part of the standards of practice that every holder of a certificate of practice must,~~

~~(a) maintain at least one office from which the practice of architecture is carried on;~~

~~(b) maintain chronological books, records, accounts, and files for each architectural project including,~~

~~(i) a record showing all fees and disbursements charged for services,~~

~~(ii) files containing all letters, memoranda, notices, and correspondence,~~

~~(iii) files containing all evaluations, advice, and reports,~~

~~(iv) files containing all certificates, statements, notices, and other documents with respect to contract administration or general review carried out, and~~

~~(v) all designs issued, exhibited or used for the construction, enlargement, or alteration of a building. R.R.O. 1990, Reg. 27, s. 47 (2).~~

~~(3) It is part of the standards of practice that every office in which the practice of architecture is carried on must,~~

~~(a) be accessible to all clients during business hours;~~

~~(b) be equipped with a telephone that is answered either manually or by means of a mechanical device and that is listed in the local telephone directory;~~

~~(c) have such staff, instruments, equipment, and activities as are reasonably necessary for the performance of architectural services; and~~

~~(d) be under the personal supervision and direction of a member, but no member shall supervise and direct more than one office or an office that is more than 160 kilometres from their principal residence. R.R.O. 1990, Reg. 27, s. 47 (3); O. Reg. 91/93, s. 6.~~

The OAA does not provide legal, insurance, or accounting advice. Readers are advised to consult their own legal, accounting, or insurance representatives to obtain suitable professional advice in those regards.

Memorandum

To: **Council**

Settimo Vilardi	Loloa Alkasawat
J. William Birdsell	Jim Butticci
Kimberly Fawcett-Smith	Christina Karney
Natasha Krickhan	Jenny Lafrance
Michelle Longlade	Lara McKendrick
Elaine Mintz	Greg Redden
Anna Richter	Kristiana Schuhmann
Susan Speigel	Edward (Ted) Watson
William (Ted) Wilson	Thomas Yeung
Marek Zawadzki	

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 4.13

From: OAA Governance Committee

Ted Wilson, Chair	Elaine Mintz
Settimo Vilardi	Susan Speigel
Michelle Longlade	

Date: November 26, 2024

Subject: Updated Regulatory Notice RN.01 and Document Digital Authentication

Objective: Council review and approval.

Prompted by the anticipated changes to the regulations under the *Architects Act* to recognize the authority of the OAA to issue limited licences, staff have reviewed related existing OAA documents in order that they may be updated accordingly. Proposed updates are reviewed by the Governance Committee and, where required, shared with Council for review and approval.

Concurrently, the Office of the Registrar (OOTR) has been reviewing existing documents to ensure the OAA is acting within its statutory authority and to avoid/minimize legal risk to the Association. This work is undertaken in alignment with the Strategic Plan's Regulatory Leadership pillar to identify and correct regulatory misalignments. Proposed revisions or substantive changes are reviewed by the Governance Committee and, where required, shared with Council for review and approval.

Within this context, the Registrar has examined the OAA's existing Regulatory Notices (RNs). These are documents that inform members and the public of the expected professional obligations of OAA members within specific circumstances. To ensure the updates are done in accordance with the Act and regulations, each was also reviewed and edited by legal counsel.

The RNs are distinct from other OAA resources like Practice Tips, Guidelines, and advisories. Their content is specific to the regulatory framework for certain aspects of the practice of architecture and the applicable professional obligations that arise from the legislation and regulations.

Regulatory Notice RN.01 has received general updates in accordance with the above parameters. However, upon review by the Governance Committee, it has also received specific updates with respect to document digital authentication and content related to Notarius.

Notarius provides a service to OAA members that enables the digital authentication of documents. The OAA entered into a contract with Notarius in 2018 to establish this service for members. However, this contract is non-exclusive and does not impose any obligation on OAA members to use Notarius.

Notarius is just one of several options for members to secure their documents. It is the Governance Committee's position that OAA information to members and the public should focus on requirements and best practices related to document security and authentication *in general*, and not promote a specific service provider. OAA members are in the best position to determine the appropriate methods to secure their documents, and this could vary on the exigencies of the practice, project location, and type of building.

Regulatory Notice RN.01 has been updated to reflect this position and sets out best practice information in regard to securing digital documents.

Recommendation

The Governance Committee recommends that Council consider and approve the updates to regulatory Notice RN.01 inclusive of the changes to the digital authentication section.

Action

It was moved by Wilson and seconded by Speigel that Council approve the update to Regulatory Notice RN.01 as presented to Council on December 6, 2024.

Attachments

Appendix 1 – RN.01 (clean version)

Appendix 2 – RN.01 (redline version)

Ontario Association of Architects

Regulatory Notice RN.01
Version 7.0
December 6, 2024

OAA Professional Seal

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Regulatory Framework

OAA members[i] (members) must use the professional seal[ii] issued to them by the OAA in accordance with the rules governing the use of professional seals contained in the Ontario Regulation 27 (the regulations) under the *Architects Act* (the Act) and any applicable laws, regulations, and bylaws that may apply in a particular scenario. Specific seal provisions are established in Section 42 of the regulations, including:

For the purpose of the Act, "professional misconduct" means,

> *18. Using a seal that has not been issued under this Regulation.*
>
> *19. Affixing a seal or permitting a seal to be affixed to a design that was not prepared in its entirety under the personal supervision and direction of a member or a holder of a temporary licence.*
>
> *21. Failure of a member or holder to affix his or her seal and signature through the imprint of his or her seal to every design prepared under his or her personal supervision and direction and issued or exhibited to a person who is not a holder and is either submitted as part of an application for a building permit or is issued for the construction, enlargement, or alteration of a building, except in the case of an open competition in which anonymity is a requirement.*
>
> *22. Failure of a member or holder to return a seal to the Registrar upon cancellation, revocation, or suspension of a licence, certificate of practice, certificate of practice issued under Section 23 of the Act or temporary licence, dissolution of a corporation or partnership, termination of a practice of architecture or project described in a temporary licence or certificate of practice issued under Section 23 of the Act, or when no longer required to use a seal in his or her capacity as an employee.*

Further, Section 1 of the Act defines design as follows:

> *"design" means a plan, sketch, drawing, graphic representation, or specification intended to govern the construction, enlargement, or alteration of a building or a part of a building; ("plan")*

The ownership of every seal issued by the OAA is retained by the OAA[iii]. The public interest (and the legislation) demands that a member's seal always remain the property, and under regulatory control, of the OAA. As stipulated in the above regulation reference, a member's seal must be returned when that person ceases to be a member or able to practise and in other circumstances established in the regulations.

To meet these regulatory requirements, an OAA member can only obtain a seal from the OAA, and it must be returned on demand.

Background and Considerations

The following are key considerations that must be addressed when contemplating the use of an OAA seal, delivery of documents issued for the construction, alteration, or enlargement of a building, and digital authentication of documents.

Descriptions in this Regulatory Notice relating to "sealing" documents are shorthand and include the expectation that the application of a member's seal will include the member's signature and date.

An OAA seal is a representation to the public—including clients, other consultants, approval-granting entities such as local governments and authorities having jurisdiction, contractors, consultants, and sub-trades—that not only does the OAA member who applied it take responsibility for the document, but also the document was prepared by that OAA member or under their personal supervision and direction.

The seal is a solemn confirmation that a qualified, licensed member is sufficiently aware of the relevant considerations that went into the design such that, in the member's opinion, the design is ready for publication and intended to be relied upon and used by others for the purposes intended.

An OAA member's essential obligations with respect to the seal are not affected by the size or type of the project or the stage of approval. The fact that a building, such as a single-family home, may not require a member's services under the Act does not diminish the professional responsibility associated with sealing a design. As long as the architectural services are being provided by an OAA member (having the required certificate of practice [CoP]), the member's responsibilities and the public's expectations are no less than if the building required a member under the Act. Similarly, the member's responsibilities to seal designs, and the public's expectations, are no less at an earlier approval stage, such as for development permit application.

Practical Use and Procedures

Subsection 42(21) of the regulations establishes the documents that require the application of a seal by the member who prepared them or who provided supervision and direction of their preparation. It is not relevant to a member's statutory and professional conduct obligations whether an authority (or client) has a seal requirement or expectation that differs from the obligations of the regulations.

For example, it is not acceptable to dispense with the sealing requirements merely because a particular authority does not require development permit drawings to be sealed—whether that "requirement" derives from advice, policy, or customary practice. The proper use of an OAA member's seal is a matter for the Act and the Regulations, not expectations established by local governments, clients, or others.

In general, any item prepared in its entirety under the personal supervision and direction of an OAA member as verification that the requirements under legislation are met and that the design can be used to govern the construction of a building is to be sealed.

An OAA seal is required on the following documents that govern the construction, enlargement, or alternation of a building:

Drawings

All designs that govern the construction, enlargement, or alteration of a building issued by an OAA member for approval by an authority or for reliance by a client or third party, including the general public, must be sealed. This includes (but is not limited to) drawings submitted for rezoning, committee of adjustment, site plan control, building permit, tender, construction drawings, addenda, and drawings accompanying change orders, change directives, and site instructions.[iv] Drawings submitted for amendments to applications must also be sealed.

Documents prepared for approval purposes under seal may be qualified as incomplete. Sealed documents that do not represent a final design ready for construction, such as pre-tender drawings, or development permit applications must state specific purpose of the documents to avoid misinterpretation; such as "Preliminary," "Issued for SPA," and/or "Not for Construction." Members sealing documents must clearly indicate any qualifications.

Drawings used for internal purposes within the architectural firm generally need not be sealed. Similarly, drawings prepared solely for discussion purposes between architectural firm and authority having jurisdiction, client, or consultants need not be sealed; indeed, if such drawings were not prepared by or under the supervision and direction of an OAA member, they must not be sealed. Drawings prepared and delivered for the purpose of seeking fee proposals from consultants, including other OAA members, need not be sealed, but the drawings themselves should include a notice to indicate the specific purpose behind their preparation and delivery.

Specifications

All specifications for the construction, enlargement, or alteration of a building issued by an OAA member for approval or reliance by a client or third party must be signed and sealed. Where specifications are issued in separately bound or binder format, as opposed to already "sealed" as an integral part of sealed drawings, the first appropriate page of the specification document should be sealed. When bound specifications include drawings (or any other instrument of

service) that must be sealed on their own merits, such documents should be sealed separately within the bound document.

In summary, members must seal:

- drawings, specifications, reports, or documents that govern the construction, enlargement, or alteration of a building, that are complete and intended to be relied upon.
- documents issued to authorities having jurisdiction for development permit and building permit purposes—additionally, sketches and drawings accompanying applications for site plan control, committee of adjustment, or rezoning documents as they govern the construction, enlargement, or alteration of a building.
- construction documents that govern the construction, enlargement, or alteration of a building issued to the contractor and owner.
- drawings and accompanying site instructions, change orders, or change directives that alter a document that has already been sealed or is to be added to the contract documents.

Inappropriate Use of a Professional Seal

Given the importance of an OAA seal—symbolically, professionally, and from a liability point of view—it should not be used indiscriminately. The seal is intended for application on designs produced in connection with rendering architectural service; it is not a “business seal” for use on fee proposals, business letters, contracts, etc. An OAA professional seal should not be confused with a corporate business seal, which is intended for entirely different purposes. Application of a member’s seal when corresponding with authorities or with the OAA is inappropriate and may signify a lack of understanding of the nature and purpose of the seal. The mere fact that a document is issued from a member’s practice is itself insufficient grounds to warrant application of the seal.

“Record” or “as-built” drawings must never be sealed. Such drawings are largely produced by, or based on information provided by, other parties, and typically include information that represents concealed conditions. OAA members must not attest to the accuracy of record or “as-built” documents by applying a signature and seal.

An OAA member must never apply a seal to title blocks on blank drawing sheets, blank letters, or any other incomplete or unchecked document. Any apparent convenience of “pre-sealing” such documents is dramatically outweighed by significant liability, insurance coverage, and professional conduct consequences.

An OAA member must never apply a seal to other consultants’ documents.

An OAA member must not seal documents that were not prepared by them personally or under their personal supervision and direction.

In summary, members must not seal:

- documents not prepared under an OAA member’s personal supervision and direction (including, for example, “progress” drawings used for internal coordination or discussion between the OAA member, client, and consultants);
- as-built documents produced by the contractor or based on information provided by others;
- blank drawing sheets, blank letters of assurance, or blank schedules for authorities having jurisdiction;
- competition documents where anonymity is a requirement; and
- legal documents requiring a corporate seal or other kinds of business documents such as fee proposals.

Who Can Apply an OAA Seal

Section 41 of the regulations provides that a seal may be issued to an OAA member who is:

- a holder of a certificate of practice;
- a member of a partnership that holds a certificate of practice;
- an employee of the Crown of Canada, a crown agency, sole proprietorship, partnership, or a corporation, if required to use a seal in the member's capacity as an employee; or
- an officer, director, or full-time employee of a holder of a certificate of practice who personally supervises and directs the practice of architecture by the holder of the certificate of practice.

Members are reminded that an OAA member's seal must never be applied by a member (whatever the member's title or role) simply upon a perfunctory check without due personal supervision and direction.

The regulations establish an expectation that the OAA member who prepared the documents or who had direct knowledge, supervised, and controlled the preparation of documents requiring a seal, must seal them. This means that the member having comprehensive, coordinated knowledge of the documents and who has exercised professional judgment that the documents are ready for publication and reliance by others should be the one applying a seal, not a colleague (principal or otherwise) with inadequate knowledge of, or involvement with, a project.

The ability of member employees to obtain and use a seal strikes a balance between the restrictions on the use of a seal and the requirement to obtain a certificate of practice and the need for architectural firms to manage risk and the limits of authority of those working for them. The regulations do not dispense with the expectation that owners, sole proprietors, and partners will continue to sign and seal documents prepared by them or under their personal supervision and direction. Rather, to ensure that such members, often referred to as "principals" of firms, are not sealing documents simply because they are "principals," the member(s) most directly involved in the preparation, supervision, and direction of the preparation of key documents should be the individual applying their seal. This allows firms to establish which members have the authority to sign and seal documents issued under the firm's title block, in keeping with the requirements in the regulations.

No firm is entitled to force or pressure an OAA member to sign and seal a document for which that member is not prepared to take the requisite responsibility. Conversely, if a firm is not prepared to authorize individual members who are preparing documents or who are supervising and directing their preparation to sign and seal such documents, it must ensure another member can and does satisfy the expectations established by the regulations to seal those documents.

Seal application and control are tied to insurance. OAA members applying their seals should have risk, control, liability, and insurance discussions to ensure that any risks, real or perceived, are understood and appropriately managed. OAA members who had not previously been applying their seals on behalf of a firm should ensure that the firm's professional liability (errors and omissions) insurance policy coverage provides adequate coverage, or that suitable alternative insurance is in place. OAA members and firms concerned about longer-term liability should review "retirement/post action" policies and other means of addressing liability after retirement, change of employment, firm closure, key-person loss, etc. All parties should seek out appropriate legal and insurance advice for these discussions.

Care and Control of an OAA Seal

Seals are issued by the OAA to certain members for their use while they are registered as members. As set out in subsection 42(22) of the regulations, any person who ceases to be a member "must return the seal to the Registrar." This statutory expectation applies upon cancellation, revocation, or suspension of a licence, certificate of practice, certificate of practice issued under Section 23 of the Act or temporary licence, dissolution of a corporation or partnership, termination of a practice of architecture or project described in a temporary licence or certificate of practice issued under Section 23 of the Act, or when no longer required to use a seal in their capacity as an employee. As part of their cessation and estate planning, members should provide suitable instructions to their executors, administrators, agents, or family to ensure that the seal is returned to the OAA.

The seal should be kept safely secured. Members are expected to advise the OAA promptly if the seal is lost, stolen, or compromised and to bring in a damaged seal to the OAA for replacement. The seal must never be altered for any reason.

Misuse of an OAA Seal

In general, misuse of an OAA seal is considered among the more serious breaches of a member's duty to the public. Underscoring the gravity of the matter is the fact that the use of the seal is addressed specifically in the regulations. Many of the concerns relating to misuse of the seal are found throughout this Regulatory Notice, including the fundamental expectation that the OAA member who prepared the document or personally supervised and directed its preparation must apply the seal and signature.

An OAA seal is not for sale, and the term "rubber stamping" is an appropriately derogatory term to describe any member who applies a seal to documents that they did not personally prepare or personally supervise and direct. Requests to do so are often sparked by clients looking to have their 'in-house' design (or that provided by a non-member consultant) sanctioned by a professional. Such misuse of the seal brings the architectural profession and the validity of the seal as a public representation of professional qualifications and responsibility into disrepute. The stakes are even higher when an OAA member applies a seal to a non-member's drawing, because it appears to legitimize, and thereby aids and abets, the unauthorized practice of architecture by unregistered individuals and businesses. Aiding and abetting unauthorized practice is professional misconduct under the regulations.

Sealing and Translated Documents

The *Official Languages Act* requires Public Services and Procurement Canada (PSPC) to communicate with the public in both English and French. When professionally sealed documents are published online as part of PSPC's obligations, they must generally be in both official languages. However, not all jurisdictions include provisions allowing for issued for tender translations of professionally sealed documents. OAA members and practices must make arrangements to address any necessary translation of their documents in a manner that complies with their professional obligations, including the requirement that all sealed documents are prepared under the personal supervision and direction of the member/holder.

Applying for a Seal

The OAA seal is purchased directly via the Office of the Registrar. Upon successful application, the OAA issues a seal and the applicant will be provided with high-resolution images of their seal in several file formats. These images are meant to be used alongside the seal for the convenience of members. If members elect to use the image of their seal, they must ensure it is not altered in any way and applied clearly. More information is available on the OAA Website.

If a seal is required to be returned to the Registrar, any images of the seal must be deleted from every storage device, electronic file folders, etc.[v] The Registrar must be advised in writing that all images of the seal have been destroyed.

Before sharing drawing files with consultants, owners, contractors, or any other party to the project, ensure the files no longer contain the seal image. The seal information must be removed in its entirety before files are shared.

Digital Authentication of OAA Member Documents

This section addresses the appropriate use of digital authentication of OAA member documents. It is applicable to all OAA members and holders of a certificate of practice issued by the OAA.

Definitions

- *Digital Authentication:* The use of electronic signatures or other approved digital methods to verify the identity of an OAA member and confirm the authenticity of a document.
- *OAA Seal:* A physical imprint or electronic image issued by the Ontario Association of Architects that represents an OAA member's registration and is used to certify documents as accurate and compliant with OAA's professional standards.
- *Electronic Signature:* A legally recognized digital mark that an OAA member can use to authenticate documents.

OAA members should authenticate electronic documents using secure, legally compliant platforms alongside the OAA-issued seal to ensure the integrity of designs and protect the public.

Standards for digital authentication and OAA seal application include:

- **approved platforms:** use only digital authentication platforms that comply with relevant laws, including those respecting electronic commerce;
- **secure access:** platforms should offer strong data encryption, audit trails, and multi-factor authentication to maintain document integrity and accountability;
- **traceability:** electronic signatures should provide traceability for identity verification and reliable digital authentication records; and
- **OAA seal requirement:** every digitally authenticated document should display the OAA-issued seal as proof of authority.

Members are responsible for controlling their digital authentication tools and the OAA-issued seal to prevent unauthorized use. They must ensure their methods align with OAA standards and relevant legal requirements, including the Architects Act, the regulations, OAA Bylaws, and Canadian and Ontario digital laws. Members are encouraged to seek expert guidance on the appropriate use of digital authentication and approved technologies.

The OAA does not provide legal, insurance, or accounting advice. Readers should consult their own legal, insurance, or accounting advisors to obtain appropriate professional advice. OAA members are responsible for ensuring that they comply with all applicable laws, regulations, policies, and bylaws. Regulatory Notices do not comprehensively address all laws, regulations, policies, and bylaws that may apply in a particular scenario.

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[i] OAA member: Every person issued a licence or limited licence by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject. R.S.O. 1990, c. A.26, s. 5 (1).

[ii] “Seal” means a seal issued by the Registrar.

[iii] R.R.O. 1990, Reg. 27, s. 41 (3)

[iv] Note that not all change orders require a seal—only those that alter a document that has already been sealed (generally, a drawing).

[v] Members are reminded to maintain complete hard copies or PDFs of all their sealed drawings for record keeping before the seal image is deleted.

Ontario Association of Architects

Regulatory Notice RN.01
Version 7.0
~~September X, 2024~~

OAA Professional Seal ~~- Application (Usage)~~

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Regulatory Framework

OAA Members[i] (members) must use the professional seal[ii] issued to them by the OAA in accordance with the rules governing the use of professional seals contained in the Ontario Regulation 27 (the regulations) under the *Architects Act* (the *Act*). Specific seal provisions are established in section 42 of the regulations ~~as follows~~including:

For the purpose of the Act, "professional misconduct" means,

> *18. Using a seal that has not been issued under this Regulation.*
>
> *19. Affixing a seal or permitting a seal to be affixed to a design that was not prepared in its entirety under the personal supervision and direction of a member or a holder of a temporary licence.*
>
> *21. Failure of a member or holder to affix his or her seal and signature through the imprint of his or her seal to every design prepared under his or her personal supervision and direction and issued or exhibited to a person who is not a holder and is either submitted as part of an application for a building permit or is issued for the construction, enlargement or alteration of a building, except in the case of an open competition in which anonymity is a requirement.*
>
> *22. Failure of a member or holder to return a seal to the Registrar upon cancellation, revocation or suspension of a licence, certificate of practice, certificate of practice issued under section 23 of the Act or temporary licence, dissolution of a corporation or partnership, termination of a practice of architecture or project described in a temporary licence or certificate of practice issued under section 23 of the Act or when no longer required to use a seal in his or her capacity as an employee.*

Further, section 1 of the Act defines design as follows:

> *"design" means a plan, sketch, drawing, graphic representation or specification intended to govern the construction, enlargement or alteration of a building or a part of a building; ("plan")*

The ownership of every seal issued by the OAA is retained in the OAA[iii]. The public interest (and the legislation) demands that a member's seal always remain the property, and under regulatory control, of the OAA. As stipulated in the above regulation reference, a member's seal must be returned when that person ceases to be a member or able to practise.

To meet these regulatory requirements, an OAA member can only obtain a physical seal from the OAA, and it must be returned to the OAA on demand. Electronically, this process is facilitated through an arrangement between the OAA and Notarius, a third-party provider that allows the OAA to retain control of issuance, and revocation when circumstances warrant, of digital certificates.

Background and Considerations

The following are key considerations that must be addressed when contemplating the use of a seal, digital signature, and delivery of documents issued for the construction, alteration or enlargement of a building.

"Seal" is the word used in the *Architects Act* and OAA documents. It is used to refer to either the traditional embossed seal or the inked 'stamp', as well as the use of a digital seal. Descriptions in this bulletin relating to

"sealing" documents are shorthand and include the expectation that the application of a member's seal will include the member's signature and date.

An OAA seal, whether in physical or digital form, is a representation to the public – including clients, other consultants, approval-granting entities such as local governments and authorities having jurisdiction, contractors, consultants and sub-trades – that the OAA member who applied it not only takes responsibility for the document, but that the document was prepared by that OAA member or under their personal supervision, and -direction.

The seal is a solemn confirmation that a qualified, licensed member is sufficiently aware of the relevant considerations that went into the drawing or other instruments of service such that, in the member's opinion, the document is ready for publication and intended to be relied upon and used by others for the purposes intended.

An OAA member's essential obligations with respect to the seal are not affected by the size or type of the building or the stage of approval. The fact that a building, such as a single-family home, may not require a member's services under the *Architects Act*, does not diminish the professional responsibility associated with sealing a design. As long as the architectural services are being provided by an OAA member (having the required Certificate of Practice), the member's responsibilities and the public's expectations are no less than if the building required a member under the Act. Similarly, the member's responsibilities to seal designs, and the public's expectations, are no less at an earlier approval stage, such as for development permit application.

~~Additionally, some items prepared in their entirety under the personal supervision and direction of a member may be sealed at the member's discretion. The OAA professional seal is not intended to be used for any other purpose.~~

~~**Documents not prepared in their entirety under the personal supervision and direction of a member must not be sealed.**~~

~~Also, competition documents where anonymity is a requirement should not be sealed nor should contracts or other documents requiring signature "under seal." A corporation that practises architecture has a corporate seal, which is not to be confused with the professional seal issued by the OAA to individual members. The corporate seal is on occasion used on legal documents such as contracts, leases, and other agreements.~~

~~Procedures for documents that must be sealed~~Practical Use and Procedures

Section 42(21) of the regulations under the *Architects Act* establishes the documents that require the application of a seal by the member who prepared them or who provided supervision and direction of their preparation. Note that it is not relevant to a member's statutory and professional conduct obligations whether an authority (or client) has a seal requirement or expectation that differs from the obligations of the regulations.

For example, it is not acceptable to dispense with the sealing requirements merely because, a particular authority does not require development permit drawings to be sealed, whether that "requirement" derives from advice, policy or customary practice. The proper use of an OAA member's seal is a matter for the *Architects Act* and its regulations, not expectations established by local governments, clients or third parties.

In general, any item prepared in its entirety under the personal supervision and direction of an OAA member as verification that the requirements under legislation are met and that the document or other instruments of service can be used to govern the construction of a building is to be sealed.

A PROFESSIONAL SEAL IS REQUIRED ON THE FOLLOWING DOCUMENTS WHICH GOVERN THE CONSTRUCTION, ENLARGEMENT OR ALTERNATION OF A BUILDING:

Drawings

All drawings that govern the construction, enlargement or alteration of a building issued by an OAA member for approval by an authority or for reliance by a client or third party, including the general public, must be sealed. This includes drawings submitted for rezoning, committee of adjustment, site plan control, building permit, tender, construction (working) drawings, addenda and drawings accompanying change orders, change directives and site instructions.[iv] Drawings submitted for amendments to applications must also be sealed.

Documents prepared for approval purposes under seal may be qualified as incomplete. Sealed documents that do not represent a final design ready for construction, such as pre-tender drawings, or development permit applications must state specific purpose of the documents to avoid misinterpretation such as "Preliminary", "Issued for SPA", and/or "Not for Construction".

Drawings used for internal purposes within the architectural firm need not be sealed. Similarly, drawings prepared solely for discussion purposes between architectural firm and authority having jurisdiction, client or consultants need not be sealed; indeed, if such drawings were not prepared by or under the supervision, and direction of an OAA member, they must not be sealed . Drawings prepared and delivered for the purpose of seeking fee proposals from consultants, including other OAA members, need not be sealed, but the drawings themselves should include a notice to indicate the specific purpose behind their preparation and delivery.

Specifications

All specifications for the construction, enlargement or alteration of a building issued by an OAA member for approval or reliance by a client or third party must be signed and sealed. Where specifications are issued in separately bound or binder format, as opposed to already "sealed" as an integral part of sealed drawings, the first appropriate page of the specification document should be sealed. When bound specifications include drawings (or any other instrument of service) that must be sealed on their own merits, such documents should be sealed separately within the bound document.

IN SUMMARY, MEMBERS MUST SEAL:

- Drawings, specifications, reports, or documents that are complete and intended for construction.
- Documents issued to authorities having jurisdiction for development permit and building permit purposes. Additionally, sketches and drawings accompanying applications for site plan control, committee of adjustment, or rezoning documents as they govern the construction, enlargement, or alteration of a building.
- Construction documents issued to the contractor and owner.
- Drawings and accompanying site instructions, change orders or change directives that alter a document that has already been sealed or is to be added to the contract documents.

INAPPROPRIATE USE OF PROFESSIONAL SEAL

Given the importance of an OAA seal – symbolically, professionally and from a liability point of view – it should not be used indiscriminately. The seal is intended for application on documents produced in connection with rendering architectural service; it is not a "business seal" for use on fee proposals, business letters, contracts, etc. An OAA professional seal should not be confused with a corporate business seal, which is intended for entirely different purposes. Application of a member's seal when corresponding with authorities or with the OAA is inappropriate and signifies a lack of understanding of the essential nature of the seal. The mere fact that a document is issued from a member's practice is itself insufficient grounds to warrant application of the seal.

"Record" or "as-built" drawings must never be sealed. Such drawings are largely produced by, or based on information provided by, other parties, and typically include information that represents concealed conditions. It is impractical and risky for an OAA member to attest to the accuracy of record or "as-built" documents by applying a signature and seal.

An OAA member must never apply a seal to title blocks on blank drawing sheets, blank letters or any other incomplete or unchecked document. Any apparent convenience of "pre-sealing" such documents is dramatically outweighed by significant liability, insurance coverage and professional conduct consequences.

An OAA member must never apply a seal to other consultants' documents.

IN SUMMARY, MEMBERS MUT NOT SEAL:

- Documents not prepared under an OAA member's personal supervision and direction, including "progress" drawings used for internal coordination or discussion between the OAA member, client and consultants.

- As-built documents produced by the contractor or based on information provided by others.
- Blank drawing sheets, blank letters of assurance or blank schedules for authorities having jurisdiction.
- Competition documents where anonymity is a requirement.
- Legal documents requiring a corporate seal.

- ~~Those documents accompanying applications for permits to construct or demolish (commonly called a building permit) or to be used to govern construction, enlargement, or alteration of a building as stated in the Regulation.~~
- ~~State the purpose of the sealed and signed documents to avoid misinterpretation that they are to be used for a purpose that was not intended; e.g. "Issued for SPA," "Issued for Permit," "Issued for Construction," etc.~~
- ~~In addition to the documents accompanying a building permit application, those documents that govern construction, enlargement, or alteration of a building include sketches and drawings accompanying 1) applications for site plan control, committee of adjustment, or rezoning, 2) other submissions to authorities having jurisdiction, or 3) site instructions, change orders, and change directives.~~
- ~~*Drawings*~~

~~Apply your OAA professional seal and your signature on each drawing governing the construction, enlargement, or alteration of a building (which includes drawings submitted to authorities having jurisdiction.)~~

- ~~*Project Manual*~~

~~Prepare a 'seal sheet' for the Project Manual or specifications book. Apply your seal and signature, and indicate those sections to which your seal and signature apply. Have consultants apply their professional seals and signatures to the 'seal sheet,' indicating the sections for which they are responsible.~~

~~*Reports and Other Documents*~~

~~Apply your OAA professional seal and your signature on each report or other document governing the construction, enlargement, or alteration of a building (which includes alternative solutions reports and reports or other documents submitted to authorities having jurisdiction.) Have the consultants who are licensed professionals apply their seals and signatures to the reports or other documents, indicating which sections they have prepared.~~

~~Other Documents~~

- ~~If you choose to apply your seal and signature to documents other than those that must be sealed, state the purpose of the sealed and signed document to avoid misinterpretation that it is to be used for a purpose for which a seal is required.~~

~~Examples are:~~

1. ~~Schematic and design development drawings that are marked as "Preliminary and Not for Construction."~~
2. ~~Bid documents that are marked as "For Bid Purposes and Not for Construction."~~

Who Can Apply an OAA Seal

Seal application and control are exclusively tied to issuance. Section 41 of the regulations under the *Architects Act* provides that a seal may be issued to an OAA member who is:

- a holder of a certificate of practice;
- a member of a partnership that holds a certificate of practice;
- an employee of the Crown of Canada, a crown agency, sole proprietorship, partnership or a corporation, if required to use a seal in the member's capacity as an employee;
- an officer, director or full-time employee of a holder of a certificate of practice who personally supervises and directs the practice of architecture by the holder of the certificate of practice.

Members are reminded that an OAA member's seal must never be applied by a member (whatever the member's title or role) simply upon a perfunctory check without due personal supervision and direction.

The regulations establish an expectation that the OAA member who prepared the documents or who had direct knowledge, supervised and controlled the preparation of documents requiring a seal must seal them. This means that the member having comprehensive, coordinated knowledge of the documents and who has exercised professional judgment that the documents are ready for publication and reliance by others should be the one applying a seal, not a colleague (principal or otherwise) with inadequate knowledge of, or involvement with, a project.

The ability of member employees to obtain and use a seal strikes a balance between the restrictions on the use of a seal and the requirement to obtain a certificate of practice and the need for architectural firms to manage risk and the limits of authority of those working for them. The regulations do not dispense with the expectation that owners, sole proprietors and partners will continue to sign and seal documents prepared by them or under their personal supervision and direction. Rather, to ensure that such members, often referred to as "principals" of firms, are not sealing documents simply because they are "principals", the member(s) most directly involved in the preparation, supervision, and direction of the preparation of key documents should be the individual applying their seal. This allows firms to establish which members have the authority to sign and seal documents issued under the firm's title block, in keeping with the requirements in the regulations.

No firm is entitled to force or pressure an OAA member to sign and seal a document for which that member is not prepared to take the requisite responsibility. Conversely, if a firm is not prepared to authorize individual members who are preparing documents or who are supervising and directing their preparation to sign and seal such documents, it must ensure that another member can and does satisfy the expectations established by the regulations in order to seal those documents.

OAA members applying their seals should have risk, control, liability and insurance discussions to ensure that any risks, real or perceived, are understood and appropriately managed. OAA members who had not previously been applying their seals on behalf of a firm should ensure that the firm's professional liability (errors and omissions) insurance policy coverage provides adequate coverage, or that suitable alternative insurance is in place. OAA members and firms concerned about longer-term liability should review "retirement/post action" policies and other means of addressing liability after retirement, change of employment, firm closure, key-person loss, etc. All parties should seek out appropriate legal and insurance advice for these discussions.

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provide suitable instructions to their executors, administrators, agents or family to ensure that the seal is returned to the OAA.

The seal should be kept safely secured. Members are expected to advise the OAA promptly if the seal is lost or stolen, and to bring in a damaged seal to the OAA for replacement. The seal must never be altered for any reason.

Misuse of the OAA Seal

In general, misuse of an OAA seal is considered among the more serious breaches of a member's duty to the public. Underscoring the gravity of the matter is the fact that the use of the seal is located in the regulations under the *Architects Act*. Many of the concerns relating to misuse of the seal are found throughout this Notice, including the fundamental expectation that the OAA member who prepared the document or personally supervised and directed its preparation must apply the seal and signature.

An OAA seal is not for sale, and the term "rubber stamping" is an appropriately derogatory term to describe any member who applies a seal to documents that they did not personally prepare or personally supervise and direct. Requests to do so are often sparked by clients looking to have their 'in-house' design (or that provided by a non-member consultant) sanctioned by a professional. Such misuse of the seal brings the architectural profession and the validity of the seal as a public representation of professional qualifications and responsibility into disrepute. The stakes are even higher when an OAA member applies a seal to a non-member's drawing, because it appears to legitimize, and thereby aids and abets the unauthorized practice of architecture by unregistered individuals and businesses.

Sealing and Translated Documents

The *Official Languages Act* requires Public Services and Procurement Canada (PSPC) to communicate with the public in both English and French. When professionally sealed documents are published online as part of PSPC's obligations, they must generally be in both official languages. However, not all jurisdictions include provisions allowing for issued for tender translations of professionally sealed documents. OAA members and practices must make arrangements to address any necessary translation of their documents in a manner that complies with their professional obligations, including the requirement that all sealed documents are prepared under the personal supervision and direction of the member/holder.

Applying for a Seal

The OAA seal is purchased directly via the Office of the Registrar. Upon successful application, the OAA issues a seal and the applicant will be provided with high-resolution images of their seal in several file formats. These images are meant to be used alongside the seal for the convenience of members. If members elect to use the image of their seal, they must ensure it is not altered in any way and applied clearly. More information is available on the OAA Website.

If a seal is required to be returned to the Registrar, any images of the seal must be deleted from every storage device, electronic file folders, etc.[v] The Registrar must be advised in writing that all images of the seal have been destroyed.

Before sharing drawing files with consultants, owners, contractors, or any other party to the project, ensure the files no longer contain the seal image. The seal information must be removed in its entirety before files are shared.

Digital Authentication of OAA Member Documents

This section addresses the appropriate use of digital authentication of OAA member documents. It is applicable to all OAA members and holders of a certificate of practice issued by the OAA.

Definitions

- **Digital Authentication:** The use of electronic signatures or other approved digital methods to verify the identity of an OAA member and confirm the authenticity of a document.
- **OAA Seal:** A physical imprint or electronic image issued by the Ontario Association of Architects that represents an OAA member's registration and is used to certify documents as accurate and compliant with OAA's professional standards.
- **Electronic Signature:** A legally recognized digital mark that an OAA member can use to authenticate documents.

OAA members should authenticate electronic documents using secure, legally compliant platforms alongside the OAA-issued seal to ensure the integrity of designs and protect the public.

Standards for digital authentication and OAA seal application include:

- **approved platforms:** use only digital authentication platforms that comply with relevant laws, including those respecting electronic commerce;
- **secure access:** platforms should offer strong data encryption, audit trails, and multi-factor authentication to maintain document integrity and accountability;
- **traceability:** electronic signatures should provide traceability for identity verification and reliable digital authentication records; and
- **OAA seal requirement:** every digitally authenticated document should display the OAA-issued seal as proof of authority.

Members are responsible for controlling their digital authentication tools and the OAA-issued seal to prevent unauthorized use. They must ensure their methods align with OAA standards and relevant legal requirements, including the Architects Act, the regulations, OAA Bylaws, and Canadian and Ontario digital laws. Members are encouraged to seek expert guidance on the appropriate use of digital authentication and approved technologies.

~~Types of Seals~~

~~The OAA has two professional seal types: a physical seal and a digital seal. The OAA physical seal is purchased directly via the Office of the Registrar. The OAA digital seal, which is a sealing process that embeds a digital certificate in the sealed documents, is acquired via subscription with Notarius. The official issuance type will be on record and forms part of the OAA Register.~~

~~Physical OAA Seal – Manual Application~~

~~Members who have obtained a physical OAA Seal must follow the procedures set out below:~~

~~Apply your professional seal, and your signature through the seal, on each document as required.~~

~~If the manual seal is required to be returned to the Registrar, delete any photocopies or other copies or images of the seal. Advise the Registrar in writing that all versions or copies of the seal have been destroyed.~~

~~Physical OAA Seal – Seal Image Application~~

~~Members who choose to apply an image of their physical OAA seal may follow the procedures set out below:~~

- ~~When you elect to apply an image of your seal and signature, you must ensure the electronic version is an exact replica of the imprint of the seal issued by the OAA.~~

- ~~Do not reproduce the seal by redrawing, resizing, or creating a facsimile by other means.~~
- ~~Similarly, if you choose to apply images of both seal and signature, apply your signature in a clear, crisp manner to the image.~~
- ~~Before sharing files with consultants, owners, contractors, or any other party to the project, ensure the files no longer contain the seal and signature image(s). The seal information must be removed in its entirety before files are shared.~~
- ~~When your seal image is required to be returned to the Registrar, delete the image files of the seal from every storage device, electronic file folders, etc.~~
- ~~Advise the Registrar in writing that all images of the seal have been eliminated.~~
- ~~Holders are reminded to maintain complete hard copies or PDFs of all their sealed drawings for your records before the seal image is deleted from your system.~~

~~***Note:*** *Some authorities having jurisdiction may not accept an image of a signature on documents forming part of an application submission.*~~

~~Digital OAA Seal Application~~

~~The procedures set out below must be followed:~~

~~Once members have obtained a digital OAA seal, any document to which a member's seal must be applied will be signed and sealed via the Notarius authentication process, which will embed a digital certificate in the document(s). A digital seal certificate embeds the information, including the time and date in your documents.~~

~~Terminology~~

a) ~~"Digital signature/ Digital signing certificate" means cryptographically protected information in which the veracity of the certificate details is certified by a Certificate Authority.~~

b) ~~"Digital Seal" means digital signatures that include additional information regarding the professional affiliation of the licensed member, which is cryptographically asserted and controlled by OAA.~~

c) ~~"Electronic impression" or "Seal Image" means a visual reproduction of a physical seal, which will be provided by the OAA. Members may add the visual image of their hand-written signature to the image provided by the OAA. The date and time will be embedded in the digital certificate and is verifiable.~~

~~Use~~

~~Where the member is sharing drawings with consultants or any other parties involved in the project, it is important to remember to remove the digital signature from the file, or lock the original digital signature to prevent misuse of your seal. Turning off the layer in the software program of your choice is not sufficient.~~

~~Seal images should not be confused with digital signatures or digital seals. Once subscribed to the Notarius seal process, the Digital Seal is used for documents to be authenticated electronically. The digital seal confirms that the document was signed by a professional licence holder of the OAA, and that the content of the document has not changed since it was signed.~~

~~OAA members shall ensure their digital seal remains under their control to prevent unauthorized use and to maintain trust in the digital OAA seal. Also, the OAA member must always retain exclusive control of the use of the digital seal. Authority to use one's digital seal shall not be delegated to anyone nor shall the personal security codes enabling use of the digital seal be shared.~~

~~The security of the digitally signed and sealed document is verified through the digital certificate. The digital certificate can also be applied to an image of a member's signature or initials.~~

~~Obtaining your Digital OAA Seal~~

~~Members who wish to obtain their digital OAA seal must purchase a licence to use their Seal. Their seal will be controlled through the use of a secure password and possession of the digital certificate. To apply for a digital certificate, visit the OAA section on the Notarius website or visit https://www.notarius.com/en/certifio/pro/oaa.~~

The OAA does not provide legal, insurance, or accounting advice. Readers should consult their own legal, insurance, or accounting advisors to obtain appropriate professional advice. OAA members are responsible for ensuring that they comply with all applicable laws, regulations, policies, and bylaws. Regulatory Notices do not comprehensively address all laws, regulations, policies, and bylaws that may apply in a particular scenario.

~~For technical assistance, contact Notarius Customer Support by calling 1-855-505-7272 or by emailing support@notarius.com.~~[vi]

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[i] OAA member: Every person issued a licence or limited licence by the Ontario Association of Architects is a member of the Association, subject to any term, condition or limitation to which the licence is subject. R.S.O. 1990, c. A.26, s. 5 (1).

[ii] "seal" means a seal issued by the Registrar.

[iii] R.R.O. 1990, Reg. 27, s. 41 (3)

[iv] Note that not all change orders require a seal – only those that alter a document that has already been sealed (generally, a drawing).

[v] Members are reminded to maintain complete hard copies or PDFs of all their sealed drawings for record keeping before the seal image is deleted.

~~*The OAA does not provide legal, insurance, or accounting advice. Readers are advised to consult their own legal, accounting, or insurance representatives to obtain suitable professional advice in those regards.*~~

~~affix seal to every design issued for the construction, enlargement or alteration of a building,~~

~~"design" means a plan, sketch, drawing, graphic representation or specification intended to govern the construction, enlargement or alteration of a building or a part of a building; ("plan")~~

Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
Kimberly Fawcett-Smith
Natasha Krickhan
Michelle Longlade
Elaine Mintz
Anna Richter
Susan Speigel
William (Ted) Wilson
Marek Zawadzki
Loloa Alkasawat
Jim Butticci
Christina Karney
Jenny Lafrance
Lara McKendrick
Greg Redden
Kristiana Schuhmann
Edward (Ted) Watson
Thomas Yeung

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 4.14

From: OAA Governance Committee

Ted Wilson, Chair
Settimo Vilardi
Michelle Longlade
Elaine Mintz
Susan Speigel

Date: November 11, 2024

Subject: Policy considerations re. Supervising Architect eligibility in the IAP

Objective: Council review and approval.

The purpose of this memo is to review and confirm the OAA's previous approach with regard to the eligibility of Supervising Architects in the Internship in Architecture Program (IAP). Specifically, if a limited licence holder is qualified to be a Supervising Architect in the IAP. And whether an Architect (subject to terms, conditions and limitations) is qualified to be a Supervising Architect in the IAP.

The following is from the IAP Manual:

Role of Supervising Architect

The Supervising Architect plays a crucial role in the Intern's career, not only by providing encouragement, direction and constructive advice, but also by facilitating the transition between architectural education and practice and providing the practical architectural experience required for registration/licensure.

The Supervising Architect is the Architect within the architectural practice or place of employment who personally supervises and directs the Intern daily. The Architect must be registered/licensed in the jurisdiction in which the Intern is gaining the experience. They must be able to assess the quality of work performed and regularly certify the Intern's documented architectural experience prior to submission of each section of the Canadian Experience Record Book (CERB) to the ROAC jurisdiction.

The Supervising Architect must be familiar with the IAP's objectives and experience requirements, and its documentation processes.

Prior to May 10, 2023, there were five Intern Architects being supervised by former Licensed Technologists OAA. Since the voiding of all Licensed Technologist OAA licences and certificates of practice, there are currently no Intern Architects being supervised by other than Architects.

Background

Historically the OAA permitted former Licensed Technologists OAA to take on the role of a Supervising Architect in the IAP. The former instructions were as follows:

An Intern Architect or Student Associate may be employed by a Licensed Technologist OAA with a certificate of practice, and the Licensed Technologist OAA or an Architect employed under that certificate of practice may sign the Internship in Architecture Program (IAP) experience record forms as the employer. Intern Architects and Student Associates are cautioned that requirements for licensure will require a broader range of experience than a Licensed Technologist OAA is permitted to provide. It is the responsibility of the Licensed Technologist OAA to ensure that they abide by all of the terms, conditions and limitations placed on their licence. The Licensed Technologist OAA is also bound by the same standards of practice and professional conduct, to which all architects are subject, as well as the OAA's complaints and discipline processes.[i]

The Licensed Technologist OAA may act as a Supervising Professional[ii] *under the Internship in Architecture Program (IAP) for architectural services permitted by Paragraph 1 but may not act as a Mentor.*[iii]

Recommendation

Upon review of the matter, the Governance Committee recommends that Council consider maintaining the former OAA position that limited licence holders be eligible to act as Supervising Architects in the Internship in Architecture Program.

Further, the Governance Committee recommends that Council consider that Architects (subject, to terms, conditions and limitations) be eligible to act as Supervising Architects in the Internship in Architecture Program. On the condition that the terms, conditions and limitations related to scope of practice are equivalent to or less restrictive than those for limited licence holders and no other term, condition or limitations are present on the licence.

Action

It was moved by... and seconded by...that Council approve the recommendation from the Governance Committee to allow limited licence holders to be eligible to act as Supervising Architects in the Internship in Architecture Program.

It was moved by... and seconded by... that Council approve the recommendation from the Governance Committee to allow Architects (subject, to terms, conditions and limitations) to be eligible to act as Supervising Architects in the Internship in Architecture Program provided that the terms, conditions and limitations related to scope of practice are equivalent to or less restrictive than those for limited licence holders and no other term, condition or limitations are present on the licence.

Attachments

Appendix 1 – Background Information

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[i] OAA Regulatory Notice RN.11 (now revoked)
[ii] Internship in Architecture Program Manual - Reference Supervising Architect.
[iii] Policy of the Council with respect to the Licensed Technologist OAA (now revoked)

IAP Manual Information

The objectives of the IAP are*:*

1. *To define and document areas of architectural practice in which professional knowledge and skills must be gained in a structured, supervised and mentored environment;*
2. *To provide a uniform system for documentation and periodic assessment of internship activities;*
3. *To provide feedback and guidance to the Intern Architect;*
4. *To involve the members of the profession in the development and training of future members.*[i]

Although there is general agreement on the Canadian Experience Standard for Architects by ROAC, the specific requirements in each jurisdiction may vary slightly. ROAC requires a minimum of 3720 hours (2 years) of recorded architectural experience which must be gained in the specified areas of architectural practice while under the personal supervision and direction of an Architect licensed by a ROAC jurisdiction.[ii]

The fundamental purpose of the pre-registration/licensing employment period is to ensure that the Recognized Student/Intern is provided with sufficient 'hands-on' architectural experience to meet the standards of practical skill and level of competence required to engage in the practice of architecture in Canada.

It is the responsibility of the Recognized Student/Intern, before accepting architectural employment, to ascertain that the employment will provide the required scope of architectural experience. There may be variations regarding the acceptability of experience in each ROAC jurisdiction.[iii]

Variety

The Intern's architectural experience must satisfy the required hours stated under Categories A, B and C, which constitute the core areas of architectural practice. An Intern's experience must include different types of experience within multiple categories. An intern is not expected to know something about every building type, but to be exposed to enough variety to understand that there will be something to learn for each new project. Non-compliance with the requirement to gain experience for a "variety of projects" will be considered by the ROAC jurisdiction only in exceptional circumstances. (Refer to Appendix B).[iv]

OAA Appendix B Information

Variety of Experience/Diversification[v]

The OAA requires Intern Architects/Student Associates gain experience across a range of building types, occupancies, and complexities. It is recognized this may not always be possible. However, when the Intern Architect nears the completion of their internship, they must be able to demonstrate knowledge about practice requirements and professional considerations/obligations that would be required from simple to highly complex buildings and projects.

The OAA will consider experience where the Intern Architect/Student Associate has a good range of diversification within an occupancy type. For example, under Assembly, the Intern Architect/Student Associate works on schools, theatres, libraries, arenas, restaurants, etc. However, if this range of complexity is not possible, the OAA strongly encourages that a minimum of 600 hours be obtained in at least two occupancies. Deficiencies related to diversification will be noted in the Periodic Assessment Forms, so Intern Architects/Student Associates, Supervising Architects, and Mentors have the opportunity to discuss and address outstanding experience requirements.

OAA Technology Program Information

Intern Technologists must document at least 5,580 hours working in an appropriate architectural setting under the personal supervision and direction of a person authorized to practise architecture in the jurisdiction where the experience is being gained. Intern Technologists must work on a variety of tasks and on at least three different building occupancy types.

The experience categories of the OAA Technology Program match the 15 categories of the third edition of the IAP. The latest, fourth edition of the IAP has two new categories: Energy Literacy and Envelope Detailing which are not included the OAA Technology Program experience categories.

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[i] Page 3, Internship in Architecture Program Manual.
[ii] Page 4, Internship in Architecture Program Manual.
[iii] Page 8, Internship in Architecture Program Manual.
[iv] Page 9, Internship in Architecture Program Manual.
[v] Page 13, OAA Appendix B

Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
Kimberly Fawcett-Smith
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FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 4.15

From: Claire Hepburn, Deputy Registrar

Date: October 23, 2024

Subject: Consideration of Toronto Society of Architects Delegation Request - Amendment to Learning Category for Continuing Education (ConEd) Program

Objective: To consider an approach to address the request from the Toronto Society of Architects to recognize the Society tour program as Structure Learning under the OAA's Continuing Education Program.

On May 9, 2024, senior members of the Toronto Society of Architects Joël León Danis (Executive Director), Ana-Francisca de la Mora (Chair), Barbora Vokac Taylor (Vice Chair), and Pamela Bruneau (Treasurer) wrote to the OAA to request that OAA Council review the existing policy on qualifying activities for Structured Learning Hours as part of the OAA's Continuing Education (ConEd) Program (the Request). More specifically, they requested that the OAA reconsider the eligibility of building tours as Structured Learning given their significant value as on-site learning experiences.

On September 19, 2024, Joël León Danis and Ana-Francisca de la Mora addressed OAA Council and presented information about the TSA Building Tours Program. Currently, building tours are eligible for unstructured learning hours under the ConEd program.

In the Request, the TSA writes:

> *Our Building Tours program is an essential part of our educational offerings and we have systems in place to ensure attendees are checked in and participate throughout the duration of the event. We also provide opportunities for questions and discussions throughout the tour, similar to the requirements for Structured Learning during lectures. The only difference with our webinars or in-person*

> *courses is that these learning opportunities happen on-site instead of in front of a screen or blackboard.*

The TSA provided additional information about the topics addressed and their relevance to the ConEd program, the duration and structure of the tours, and the type of proof of attendance provided to participants.

The OAA's Continuing Education Policy defines 'Structured learning hours' to include

> *activities that are organized educational sessions offered by Education Providers, are a minimum one hour in length, include a live question and answer period and/or assessment, and are supported by evidence of participation at the time the Learning hours are acquired. Activities must constitute the following educational categories: in-person learning, distance education, and teaching.*

And "Unstructured learning hours"

> *encompasses all learning activities that an OAA member may perform in a professional capacity or other activities that accord with the Competency Framework.*

On the OAA website page Unstructured Learning, there are 11 learning categories, one of which includes Tours. Each learning category has maximum allotted hours that a member can accrue during a two year reporting cycle. For members whose requirements have not been halved or reduced, the maximum amount of hours members can accrue in the category of "Tours" is 15 hours per cycle.

Should Council wish to include tours offered by the TSA and other OAA Local Architectural Societies, the definition of Structured Hours could be expanded, under In-Person Learning to include:

Attendance in lectures, college or university courses, tours offered by OAA Local Architectural Societies or Lunch & Learns: No maximum

The existing definition of unstructured hours would remain the same and other types of tours (i.e. not offered by OAA Local Architectural Societies), would continue as a learning category under unstructured learning.

No changes to the OAA's iMIS database or policy change would be required. A change to the website and communication strategy to notify the profession would be implemented.

On October 6, 2024, Executive Director, Kristi Doyle sought feedback from the OAA's counterpart administrators of the Regulatory Organizations of Architecture in Canada (ROAC) about any proposed change to expand the definition of structured learning hours. The feedback at the October 6 meeting was well received and, following a short discussion, it was agreed that if the OAA includes tours by local societies as a Structured learning activity, there would be no concern from the other Canadian architectural regulators.

Action

The following motion is suggested if it is the desire of Council to respond in the affirmative to the TSA's request.

It was moved by... and seconded by...that Council approve the Expansion of the definition of In-Person Learning, under the Structured Learning hours for the OAA's ConEd Program, to include tours offered by OAA Local Architectural Societies.

Attachments

1. TSA presentation to OAA Council, September 19, 2024
2. Continuing Education Policy
3. Structured Learning page on OAA website
4. Unstructured Learning Page on OAA Website

TSA

TORONTO SOCIETY OF ARCHITECTS

May 09, 2024

Settimo Vilardi, President OAA
Natasha Krikchan, OAA Councillor, Society Liaison to the TSA
Kristi Doyle, Executive Director OAA

RE: Continuing Education Program -- Learning Category Amendment to Recognize On-Site Learning (Building Tours) as Structured Hours

Dear Settimo, Natasha, and Kristi,

We are writing on behalf of the Executive of Toronto Society of Architects (TSA) to request the Ontario Association of Architects (OAA) Council to review the existing policy on qualifying activities for Structured Learning Hours as part of the OAA's Continuing Education Program. More specifically, **we request that the OAA reconsider the eligibility of building tours as Structured Learning given their significant value as on-site learning experiences**.

For over 10 years, the TSA has organized numerous tours with the belief that first-hand experience and being on site provides invaluable educational value, equal if not more to those of lectures. In particular, our Building Tours program has provided hundreds of members with the opportunity to visit projects—both complete and under construction—and hear directly from the architects, engineers, clients, and construction managers behind these buildings. These visits foster candid conversations within the profession and provide real life examples to issues of design, code compliance, sustainability and heritage preservation that better prepare our members to serve their province. At times, these tours might be the only opportunity some members have to see certain building types under construction and learn from their fellow members.

Our Building Tours program is an essential part of our educational offerings and we have systems in place to ensure attendees are checked in and participate throughout the duration of the event. We also provide opportunities for questions and discussions throughout the tour, similar to the requirements for Structured Learning during lectures. The only difference with our webinars or in-person courses is that these learning opportunities happen on-site instead of in front of a screen or blackboard. We have provided a number of attachments that provide further information on this program, including logistics, previous tour guides, and content covered that highlight this equivalency.

Currently, as stated on the OAA's Continuing Education Program website, tours of any kind are only eligible for unstructured learning hours. We believe this should be expanded to acknowledge the value of on-site education as equal to that of in-class and distance learning. This could be accomplished by amending the In-Person Learning category to include building tours led by architects or other design professionals as part of the eligible programs.

TSA

We hope the OAA Council is supportive of this update given the value of on-site learning and its equivalency to current Structured Learning opportunities as we work together to make a stronger, more competent and better informed profession in service of all Ontarians.

On behalf of the Toronto Society of Architects Executive,

Ana-Francisca de la Mora, OAA, FRAIC
Chair

Barbora Vokac Taylor, OAA, MRAIC
Vice Chair

Pamela Bruneau, OAA
Treasurer

Joël León Danis, OAA, FRAIC
Executive Director

TSA

Structured Learning Requirements vs. Building Tours

The following table provides a comparison between the requirements for Structured Learning Hours for the OAA Continuing Education Program and the TSA Building Tours program. Requirements listed for OAA Structured Learning were obtained from the OAA website on April 22, 2024.

Requirement	OAA Structured Learning	TSA Building Tour
Topics	Learning activities relevant to the practice and/or business of architecture and addressing at least one of the following subject matters: ● architectural design; ● Ontario Building Code or National Building Code of Canada; ● environment and energy; ● heritage buildings restoration; ● legal issues and legislation related to architectural practice and the construction industry; ● practice management or project management; ● risk management; and ● sustainable design and green architecture.	TSA Building Tours are always led by at least one architect and at least more or more additional members of the design team for the project being visited. Discussions during the tour range from architectural design to code compliance, sustainability, and heritage retention, among many others. As the tour is both led and attended by design professionals, they are valuable learning opportunities to observe, learn and question how designs translate into built realities and the challenges faced on site. Many of the tours are also led during construction, allowing for a unique opportunity to learn from the construction process.
Duration and structure	Minimum one hour in length and must include a questions/answers component.	All TSA Building Tours are a minimum of 1 to 1.5 hours in length. Questions are encouraged throughout the length of the tour, including a final question period at the end.
Proof of Attendance	Must be supported by evidence of participation which must include: ● Presentation title, total time, and date of completion; ● Attendee's name; and ● Provider's name, logo and contact information.	All attendees for a TSA Building Tour are checked in when arriving at the tour starting point and are required to stay with the group for the duration of the visit. The TSA already produces certificates of attendance with the required information for lectures and could easily use the same technology to produce certificates for our Building Tours.
Categories	Structured Learning is currently limited to the following educational categories: ● In-Person Learning: attendance in lectures, college or university courses, or Lunch & Learns; ● Distance Education: participation in webinars or online education modules or courses; and ● Teaching: public speaking engagements in a professional capacity for the purpose of informing others	The TSA requests that the OAA amend the Structured Learning categories to recognize the value of building tours as On-Site Learning, equivalent to other In-Person Learning. We recommend the In-Person Learning definition is amended as follows: "In-Person learning: attendance **to guided visits to building sites and projects**, lectures, college or university course, or Lunch & Learns"

TSA

Past TSA Building Tours

The following is a list of building tours organized by the Toronto Society of Architects between 2015 and 2023. During 2020-2021 the tours program moved to a virtual only format in response to the pandemic in the form of Home Tours and Virtual Building Tours which are not listed below.

Site	Year	Tour Guides
Massey Hall Revitalization	2023	Sharon Vattay, Principal, GBCA Graham Baxter, Senior Associate, KPMB Architects
Waterworks*	2023	Andrew Pruss, Principal, ERA Architects Duncan Bates, Senior Associate, Diamond Schmitt Gary Switzer, CEO, MOD Developments Stratton Townley, Director, Development, Woodcliffe Landmark Properties
Mirvish Village*	2023	Joseph Troppmann, Senior Associate, Diamond Schmitt Architects Ashraf Hanna, Contract Administrator, Diamond Schmitt Architects Krenar Sulejmani, Contract Administrator, Diamond Schmitt Architects Dat Pham, OAA Intern Architect, Diamond Schmitt Architects Neima Hoseini, OAA Intern Architect, Diamond Schmitt Architects
Centre for Aerospace and Aviation	2022	Tim Roy, Chairperson, Aerospace/Aviation, Centennial College Steve Hoffman, Avionics Professor, Centennial College Jamie Milks, Program Coordinator and Professor, Centennial College Robert Allen, Partner, MJMA Timothy Belanger, Partner, MJMA Sean Solowski, Architect, MJMA Stephen Phillips, Senior Vice President & Business Leader, Buildings, Stantec
The Port Lands*	2022	Shannon Baker, Project Director, Parks and Public Realm, Waterfront Toronto Chris Glaisek, Chief Design Officer, Waterfront Toronto Don Forbes, Project Director, Soil Remediation and Earthworks, Waterfront Toronto
University College Revitalization	2022	John Shnier, Partner, Kohn Shnier Architects Graeme Stewart, Principal, ERA Architects
Centre for Engineering Innovation and Entrepreneurship	2019	Robert (Bob) Davies, Principal, Montgomery Sisam Architects Shannon Wiley, Associate, Montgomery Sisam Architects
King Portland Centre	2019	Michael Conway, Associate Partner, Hariri Pontarini Architects
80 Atlantic*	2019	Richard Witt – Principal-In-Charge, OAA Michelle Xuereb – Director of Innovation/Project Lead, OAA Wayne McMillan
York University Station	2018	William Bradley, Partner at Adamson Associates Architects Andrew McAlpine, Principal, Arup Joanna Kervin Director, Third Party, Planning & Property

TSA

		Toronto-York Spadina Subway Extension Dept. at TTC
Finch West Station	2018	Welland Sin, Associate Manager of Architecture at IBI Group Ana-Francisca de la Mora, Associate Manager of Architecture at IBI Group Mohammad Majdabadi, Vice President of LEA Consulting Ltd. Peter Ojala, Vice President of LEA Consulting Ltd. Ian Trites, Head Architectural Design for TTC
Pioneer Village Station	2018	Richard Stevens, Chief Architect Welland Sin, Architect – Associate Manager, IBI Group Bruce Han, Project Architect – Associate Manager, IBI Group Ian Trites, Head Architectural Design for TTC
Centre for Engineering Innovation and Entrepreneurship*	2017	Robert (Bob) Davies, Principal, Montgomery Sisam Architects Shannon Wiley, Associate, Montgomery Sisam Architects
Goldring Centre for High Performance Sport	2017	Ted Watson, Principal-in-Charge, MJMA Aaron Letki, Project Architect, MJMA
Daniels Building, One Spadina	2017	Katherine Faulkner, President and Founding Principal, NADAAA Claudina Sula, Partner, Adamson Associates Architects
Cooper Koo Family YMCA	2016	Andrew Filarski, MacLennan Jaunkalns Miller Architects (MJMA) Janouque LeRiche, MacLennan Jaunkalns Miller Architects (MJMA) Jason Wah, MacLennan Jaunkalns Miller Architects (MJMA) Alex Versluis, VP of Property Management, YMCA of Greater Toronto
Goldring Student Centre	2016	Carol Phillips, Principal, Moriyama & Teshima Architects Phil Silverstein, Associate, Moriyama & Teshima Architects
Union Station*	2016	Manuela Istrate, Metrolinx (Project Manager in previous role with Zeidler Partnership) Ricky Mugford, Metrolinx (Interior Design in previous role with Zeidler Partnership) Rob Eley, Partner, Zeidler Vaidila Banelis, Senior Partner, Zeidler
Ryerson Student Learning Centre	2015	Vaidila Banelis, Senior Partner, Partner-in-Charge, Zeidler Partnership Mike Smith, Project Manager, Zeidler Partnership
Rotman School of Management Expansion	2015	Bruce Kuwabara, Founding Partner and Partner-in-Charge. KPMB Luigi LaRocca, Principal and Project Architect, KPMB
Aga Khan Museum and the Ismaili Centre	2015	Po Ma, Project Architect, Moriyama & Teshima Architects Nick Onody, Project Architect, Moriyama & Teshima Architects

** Tours done under construction*

TSA Building Tours

October 11, 2023

TSA TORONTO SOCIETY OF ARCHITECTS

About TSA Building Tours

- TSA Building Tours provide special, behind-the-scenes access to some of our city's newest buildings—some still under construction— led by the people behind the design including architects, owners, engineers, and consultants.

- The tours' main focus is on professional education, providing unique pedagogic insights into the design and construction process and allowing attendees to learn directly from those involved during the process.

- The TSA currently organizes 4-5 building tours every summer, with 3 in-person visits and 1-2 as virtual experiences. Buildings featured in tours are selected to showcase a diversity of programming types, scale and studios involved, and for their location accessibility.

What makes them so valuable?

Straight from the Source

Building Tours are highly engaging opportunities to see and learn about projects directly from the team who worked on them.

Unique Experiences

With no two alike, each tour is a unique learning and sharing experience.

Site Experience

Many tours are under-construction, providing insight into the construction process and effective CA practices. Particularly valuable for those who might not get as much exposure to this in their own offices!

Professional Competency & Proliferation of Best Practices

They provide attendees an opportunity to learn how others are tackling similar issues and better understand building types that are not a part of their own practice.

Building Tours Attendance and Reach | 2023

4
Building Tours

141
In-Person Attendees

880+
Virtual Tour Viewers

70,000
Social Media Reactions/Comments*

1.7M+
Social Media Views*

*Based on likes, comments, and views from LinkedIn and Instagram content produced about the Building Tours.

Planning a Building Tour

6-8 months before the season begins	**Identify Sites** ● Put out an open call for building tour proposals. ● Discuss and produce short list of potential sites.
2-3 months before the season begins	**Reach-Outs & Coordination** ● Contact firms from chosen buildings to confirm interest. ● Meet with studio and guides to discuss route, content, capacity, and logistics.
2 months before the tour	**Obtain Materials** ● Acquire materials about the building to use in marketing and the website.
1-2 months before the tour	**Publish Tour & Open Registration** ● Tickets go on sale and attendees register through Eventbrite.
Day of tour	**Event Day**
1-2 days following the tour	**Attendee Follow Ups** ● Attendees receive a follow up email with a feedback survey.

The Day-of Timeline

5:50 - 6:10 PM	**Arrive on Site & Final Check-In with Guides** ● Confirm if any of the plan or route has changed due to unknown factors. ● Instruct guides on how to use the microphone for the speaker system.
6:10 - 6:30 PM	**Attendee Check-In** ● All attendees are checked-in before the tour by staff and volunteers. ● Confirming waiver forms are signed and correct PPE in place, if required.
6:30 - 8:00 PM	**Tour** ● Begins with TSA event & speaker introduction and land acknowledgement. ● Then the guides introduce the tour and the context of the site. ● Tours have multiple stops covering diverse subjects, and there are opportunities for questions at each stop and throughout the tour.
8:00 PM	**Event Ends** ● We share closing remarks, thanking the guides and encouraging attendees share their photos online and complete the feedback survey.

Other Logistical Considerations

- **Accessibility**
  - Depending on the site, sound amplification devices may be beneficial and/or required.
  - Planning for an accessible route is best (be sure to consider wheelchair friendly spaces, but also things like walkers, crutches, strollers, etc.) If an accessible route is not possible due to site constraints, this information must be shared in advance with attendees.
  - Provide attendees the opportunity to share any accessibility needs at registration.
- **Member Preference**
  - Tours are provided at a discounted rate to TSA Members.
  - Members also receive early-bird access to tour tickets (which comes in handy with the popularity of our tours!).
- **PPE Requirements**
  - Make sure PPE requirements are clearly communicated as they vary site to site.

TSA Building Tour: Mirvish Village

July 19, 2023

Diamond Schmitt Architects

Building Tour: Mirvish Village | More Info

# of Tour Guides	5
Tour Guide Roles	Senior Associate, Contract Administrators, Intern Architects
Attendees	38
Group Size	2 groups; ~20 people per group.
Duration of Tour	1.5 hours
PPE Required	Yes
Key Topics	Heritage retention, mixed-use development and code challenges, TGS, public consultations, BIM and CA coordination, affordability, high rise construction.
Uniqueness	This tour began with a short presentation on the background of the site where each of the team members had a chance to speak, providing an opportunity to hear from diverse perspectives on the project, from interns to senior architects.

TSA Building Tour: Waterworks Project

August 15, 2023

ERA Architects, Diamond Schmitt Architects, MOD Developments, Woodcliffe Landmark Properties

Building Tour: Waterworks | More Info

# of Tour Guides	4
Tour Guide Roles	Principal, Senior Associate, Developers
Attendees	58
Group Size	2 groups; ~30 people per group.
Duration of Tour	1.5-2 hours
PPE Required	No
Key Topics	Heritage retention and adaptive reuse, public/private ownership, sustainability and heritage strategies, mixed-use development, zoning.
Uniqueness	This tour featured the unique opportunity to learn more about the financial aspects of the project as we were joined by two of the developers on the project.

TSA Building Tour: Massey Hall

September 12, 2023

KPMB, GBCA

Photos by Kurtis Chen

Building Tour: Massey Hall | More Info

# of Tour Guides	2
Tour Guide Roles	Principal/Architectural Historian, Senior Associate
Attendees	45
Group Size	1 group
Duration of Tour	2 hours
PPE Required	No
Key Topics	Revitalization vs. restoration, heritage retention, accessibility retrofits, design of performance and event spaces, new meets old, acoustic design.
Uniqueness	This tour was 3 years in the making for the TSA, and it proved incredibly popular, selling out in under 20 minutes!

Attendee Feedback & Where to Improve

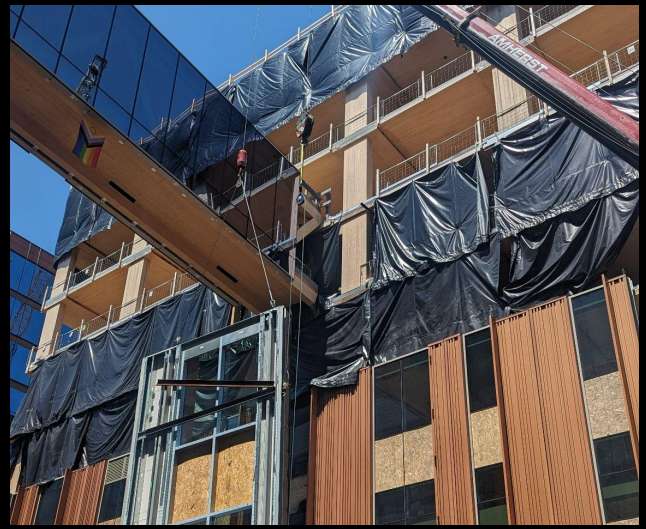
- **More Tours!** Our most frequent feedback received is that we do not host enough building tours to keep up with the interest out there.
- **Structured ConEd**: Many of our attendees are OAA Members and we are often asked why these tours are not eligible for structured learning hours despite their educational value.
- **Small-Scale Buildings**: Because of the size of our tours, most of our featured buildings are quite large. We have received a growing number of requests to feature small-scale projects that show innovation within the realm of Part 9.
- **Additional Virtual Tours**: Attendees have also shared that they appreciate the effort made to do virtual tours in addition to in-person ones. Many of these comments are in reference to accessibility and making the opportunities available beyond the limited capacity of an in-person tour.

TSA Building Tours

Bonus: Virtual Tours!

October 11, 2023

TSA TORONTO SOCIETY OF ARCHITECTS



TSA Virtual Building Tour: Limberlost Place

July 7, 2023

Moriyama Teshima Architects

Virtual Building Tour: Limberlost Place | More Info

# of Tour Guides	2
Tour Guide Roles	Principal/CA, Associate
Viewers	880
Duration of Tour	38 minutes
Key Topics	Mass-timber, sustainability, CA, design to construction, mechanical systems including passive ventilation strategies, code and zoning challenges.
Uniqueness	This virtual tour provides a rare visit of an under-construction site to everyone, regardless of their position, location, or affiliation. We have received great feedback from industry professionals, as well as the general interested public, about this accessible opportunity to view and learn more about the site. This tour has also allowed us to produce reels that have reached over a million viewers all across the world.

Some Logistical Considerations

- **A/V Consideration**
  - Audio is the biggest challenge in a virtual tour. Investing in the proper audio equipment that is recording audio separate to the video makes a big difference in the finished product.
  - We use a phone to record the TSA videos, but have also invested in a gimbal to make it a smooth experience.
  - If sites are large, editing is a must to eliminate long walks between stops. Same doesn't apply to smaller buildings (like our Home Tours).
- **Accessibility**
  - Captions should be added to the video to ensure audio is accessible, especially if there is background noise on site.
  - Make sure to edit the captions as many of the terms used by architects are not commonly understood by AI and automatic transcription methods.

TSA Building Tours

October 11, 2023

TSA TORONTO SOCIETY OF ARCHITECTS

Ontario Association of Architects

Council Policy

Policy Name	**Continuing Education Policy**
Issue Date	**June 20, 2024**
Revision Dates	**N/A**

Part 1: Definitions

"Act" means the Architects Act, R.S.O. 1990, c. A.26

"Association" means the Ontario Association of Architects

"Continuing Education Competency Framework" means all professional, ethical, and substantive tools and resources to maintain and develop OAA members' competence and ethical practice, as it relates to the business or practice of architecture, and includes, without limitation:

a) All competencies required for entry into the profession;

b) Professional and technical knowledge and skills;

c) Leadership and client management skills;

d) Risk management;

e) Administrative, legal, and regulatory knowledge;

f) Professional and ethical conduct;

g) Equity and social justice issues as they relate to the profession and the built environment;

h) Ontario Building Code and National Building Code of Canada;

i) Heritage and restoration;

j) Climate action and sustainability.

"Continuing Education Program" means the program for continuing education of members established by Council.

"Council" means the Council of the Association

"Education Providers" includes any other professional associations, architectural societies, architectural advocacy groups, educational institutions, architectural firms, or commercial organizations that offer learning activities that accord with the Competency Framework.

"Learning hours" means hours approved by Council for continuing education and shall be reported in accordance with sections 3.9 to 3.14 of this Policy.

"Licence holder" means a person who has been granted a licence to engage in the practice of architecture issued under the Act.

"Limited licence holder" means a person who has been granted a limited licence to engage in the practice of architecture

under the Act.

“Member” means a Licence holder, Limited licence holder, or Licence holder who holds non-practising status.

“Non-compliant” means failure to meet the Continuing Education Program requirements by the Reporting Cycle deadline.

“Reporting Cycle” means the period of time designated by the Association in which Learning hours must be completed and recorded in the manner established in this Policy.

“Regulations” means the regulations made under Architects Act, R.S.O. 1990, c. A.26

“Structured learning hours” includes activities that are organized educational sessions offered by Education Providers, are a minimum one hour in length, include a live question and answer period and/or assessment, and are supported by evidence of participation at the time the Learning hours are acquired. Activities must constitute the following educational categories: in-person learning, distance education, and teaching.

“Unstructured learning hours” encompasses all learning activities that an OAA member may perform in a professional capacity or other activities that accord with the Competency Framework.

Part 2: Background

2.1 This Policy establishes the rules and procedures for completion of and compliance with the Continuing Education Program and should be read in tandem with the Act and the Regulations. If there is a conflict between the Policy and the provisions of the Act or Regulations, the provisions of the Act and Regulations prevail.

2.2 This Policy shall replace the following OAA Council policies:

a. Continuing Education Non-Compliance Procedure
b. Continuing Education Requirements for New Members, Re-application, Re-instated Members and Members Under Suspension
c. Continuing Education – Fines for Non-Compliance

2.3 This Policy shall replace the following administrative policies:

a. Continuing Education Collection of Payments
b. Continuing Education Program – Prorated Maximum Hours
c. Continuing Education Program – Retroactive hours
d. Continuing Education Program Compliance Audit Policy

Part 3: Continuing Education Requirements

Learning hours

3.1 Licence holders must complete 70 Learning hours every Reporting Cycle that shall include:

a. at least 25 Structured Learning hours;
b. the remaining may be Unstructured Learning hours;
c. such further and other learning that Council shall require.

3.2 Limited Licence holders must complete 35 Learning hours every Reporting Cycle that shall include:

a. At least 12 hours of structured Learning hours;
b. The remaining may be unstructured Learning hours;
c. such further and other learning that Council shall require.

3.3 Those who hold the status of non-practising member must complete 35 learning hours every Reporting Cycle all of which may be Unstructured.

Carry-Over

3.4 A licence holder may carry over up to 10 Structured Learning hours and up to 20 Unstructured Learning hours to the next Reporting Cycle. Learning hours may not be carried over more than one Reporting Cycle.

3.5 A limited licence holder may carry over up to 5 Structured Learning hours and up to 10 Unstructured Learning hours to the next Reporting Cycle. Learning hours may not be carried over more than one Reporting Cycle.

Status Changes

3.6 If a member changes to non-practising status at any point during the Reporting Cycle, the member's required Learning hours will be those set out in section 3.3.

New Members

3.7 If a member joins the Association within the first six months of a Reporting Cycle, the member will be required to complete 100% of the Learning hours set out in section 3.1, 3.2, or 3.3 as applicable.

3.8 If a member joins the Association between six to eighteen months of the Reporting Cycle, the member will be required to complete 50% of the Learning hours set out in section 3.1, 3.2 or 3.3, as applicable.

3.9 If a member joins the Association within the final six months of the Reporting Cycle, the member will not be required to complete any of the Learning hours set out in section 3.1 3.2 or 3.3, as applicable.

3.10 New members can report to their transcript Continuing Education Learning hours completed one year prior to date of licensure provided that such learning activities meet all Continuing Education criteria.

Form, Format and Manner of Reporting

3.11 Members shall record learning hours in the manner established in this Policy and as further detailed by the Association.

> 3.11.1 The Association shall record Learning hours for all webinars, conference sessions, Council meetings, and Committee meetings administered by the Association, but only if the member attends at least 80% of the learning activity.

3.12 For learning activities not administered by the Association, members shall keep all documents substantiating the member's proof of attendance at Structured Learning hours reported to the Association for six months after the end of the Reporting Cycle in which they were reported. Proof of attendance need only be submitted to the Association in accordance with paragraphs 3.13 to 3.15 of this Policy.

3.13 Acceptable proof of attendance includes a certificate, a diploma, a letter of attendance from the provider, and/or an email attendance confirmation and such proof must include: the presentation title, total time, and date of completion; attendee's name; and provider's name and email address.

3.14 Members shall keep a record of Unstructured Learning hours, which shall include a description, the length, and date of the learning activity for six months after the end of the Reporting Cycle in which they were reported.

Requirement to Provide Information

3.15 During the Reporting Cycle and up to six months thereafter, the Association may require a member to provide documents about the member's completion of their Structured Learning hours. Every two years (each Reporting Cycle) using an automated random selection process, 1% – 3% of OAA members' ConEd transcripts are audited and reviewed for factual ConEd compliance.

3.16 The Association shall notify the member in writing of the requirement to provide information under section 3.15 and shall send the member a detailed list of the information to be provided and shall specify a time period of no fewer than ten business days after the notice was sent.

3.17 On request of the member, the Association may, but shall not be required to, extend the time within which the member is required to provide the information.

Prorated Maximum Hours

3.18 The maximum hours per learning category that can be reported each Reporting Cycle vary for each OAA member type and status. If a member's status changes to On Leave or non-practicing (or both), the maximum hours per learning category will change; refer to the table in Appendix A to this policy.

Part 4: Jurisdiction Declaration

4.1 Members who are licenced in more than one Canadian jurisdiction with an equivalency agreement in place with the Association, may elect, using the prescribed form, to designate an applicable jurisdiction in which to report their Learning hours.

4.2 Members must submit the prescribed form to the Association, designating one primary reporting jurisdiction, upon application for licence in another Canadian jurisdiction.

Part 5: Non-Compliance Procedure

5.1 Non-compliance with the OAA's Mandatory Continuing Education Program (ConEd) is a serious matter. Members shall be deemed non-compliant when their transcript fails to reflect completion of the required number of Learning hours as required under Part 3 of this Policy, by 5:00 p.m. ET of the last day of the Reporting Cycle.

> 5.1.1. Members who have elected to report their Learning hours to another Canadian jurisdiction with equivalency in place with the Association, shall be deemed non-compliant if and when the Association receives notice that the member is non-compliant in the primary reporting jurisdiction.

5.2 The process to administer non-compliance with the OAA's mandatory Continuing Education Program is a time-consuming and costly process. All members who have been deemed non-compliant shall be required to pay a ConEd fee of $750.

5.3 On application of a member using the prescribed form, the Association may, for the previous Reporting Cycle:

> 5.3.1 exempt the member from the Requirement under section 3.1., 3.2, or 3.3,
>
> 5.3.2 reduce the number of Learning hours that the member is required to complete under section 3.1., 3.2, or 3.3, and/or
>
> 5.3.3 waive or reduce the non-compliance fee[1].

5.4 When considering an application under section 5.3, the Association shall have regard to the Association's duty to accommodate in accordance with the Human Rights Code., R.S.O. 1990, c. H.19.

5.5 When refusing an application under section 5.3, the Association shall not be required to provide reasons for refusal and the decision shall be final, with no right of appeal.

5.6 Unless a member has been granted an exemption of any outstanding Learning hours under this policy, a member shall have 90 days after the end of the Reporting Cycle to complete the Learning hours, failing which the Registrar may administratively suspend the member's licence or limited licence, pursuant to section 54 of the Regulations.

> 5.6.1 A member whose licence is administratively suspended must comply with all of the provisions of the Act and its Regulations which deal with suspensions.

5.7 The Registrar shall provide the member with at least 10 days' notice prior to issuing the administrative suspension, and the notice shall include the number and type of Learning hours the member is required to complete.

5.8 An administrative suspension will be administered in accordance with section 54 of the Regulations.

5.9 Nothing in this policy shall prevent the Registrar from cancelling a licence, limited licence, certificate of practice or temporary licence, in accordance with section 28(3) of the Act.

Part 6: Re-applications, Reinstatements and Members Under Suspension

6.1 In order to be eligible for reapplication or reinstatement, the individual must first complete and record any outstanding continuing education requirements for the last Reporting Cycle in which they were a member, as well as any outstanding requirements from a previous Continuing Education Reporting Cycle.

i. If the individual left a cycle between **July 1 and December 31** (the first six months of a Reporting Cycle), they are not required to complete any requirements for that cycle prior to being eligible for reapplication or reinstatement.

ii. If the individual left a cycle between **January 1 and December 31** (the middle 12 months of a 24-month Reporting Cycle) they must complete and record half of the Learning hours set out in section 3.1, 3.2, or 3.3 (as applicable) for that cycle prior to being eligible for reapplication or reinstatement.

iii. If the individual left a cycle between **January 1 and June 30** (the final six months of a 24-month Reporting Cycle), they must complete and record all the Learning hours set out in section 3.1, 3.2, or 3.3 (as applicable) for that cycle before being eligible for reapplication or reinstatement.

6.2 Once the individual has completed and recorded the outstanding cycle requirements, and reapplication or reinstatement has been approved, the member will be subject to the continuing education requirements for that Reporting Cycle as set out in section 3.7, 3.8, or 3.9 (New Members) of this Policy as applicable.

6.3 Notwithstanding the above, any member who has been granted leave or surrendered their licence, limited licence or whose status has been cancelled, and then applies for reapplication or reinstatement within the same Reporting Cycle will be subject to the requirements as set out in section 3.7, 3.8, or 3.9 (New Members) of this Policy as applicable.

6.4 Prior to reinstatement, the member shall be required to demonstrate that they have completed all Learning hours for the previous cycle and paid all outstanding fines and fees, in accordance with Schedule A of the Association's Bylaws.

6.5 If an individual has not been a member for more than three years and is applying for licence or limited licence and does not have any outstanding disciplinary condition, they will be subject to the same continuing education requirements as a new member. Any incomplete Learning hours prior to the three-year period will not be carried forward. Council may, however, when considering an exemption request from a former member, direct the applicant to undertake specific activities under the OAA's Continuing Education Program to ensure that the individual is current in the practice of architecture.

6.6 Any individual whose licence or limited licence is suspended will be subject to the full Continuing Education requirements for the Reporting Cycle(s) in which the suspension is in effect.

6.7 If a member takes non-practising status at any time in the Reporting Cycle, the full 35 hours of learning is required.

Part 7: Collection of Payments

7.1 The collection of fees/payments as it relates to Continuing Education activities offered directly by the OAA is administered by OAA staff.

7.2 Three days prior to each scheduled event ConEd staff will send a reminder to all registrants who have not paid indicating that payment is due immediately and in advance of the session.

7.3 After a session is complete, ConEd staff reconciles attendance, registration and payment lists to identify any inconsistencies. ConEd staff will provide the reconciliation list to finance staff and provide the following instructions based on the list as marked:

i. Where a member has registered for the session, paid in full, and attended the session, no action is required.

ii. Where a member has registered for the session, paid in full, and did not attend the session, no further action is required unless the member requests a refund. In that case, a full refund may be granted provided the member can substantiate incapacity to attend the session. The decision to grant the refund will be based medical and/or other exceptional circumstances that prevented the individual from attending. Workload and/or other last-minute scheduling conflicts are not considered exceptional circumstances. The OAA Office of the Registrar will advise finance staff whether to process the refund.

iii. Where a member has registered for the session, did not pay, however did attend the session, the outstanding payment will be collected by finance staff as per established procedures.

iv. Where a member did not register for the session, however, did attend the session and signed in accordingly, the outstanding payment is to be collected by finance staff as per established procedures.

7.4 In the event that a member does not pay an outstanding invoice for Continuing Education, that member will not be permitted to register for future events until the outstanding debt is paid.

7.5 Only cancellations that are submitted in writing (i.e. email) will be considered.

i. A full refund will be provided if the cancellation is made up to 48 hours prior to the ConEd session.

ii. Cancellation requests received less than 48 hours prior to the event will not be considered, unless the individual can substantiate exceptional circumstances that prevented him/her from attending.

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[1] *A request for a waiver, reduction, or deferral of the ConEd non-compliance fee under this policy is available, if the following criteria are met:*

a. Within ninety (90) days of the date the fee was issued, the recipient of the fee must send a written request to the Registrar which includes:

1. The amount of the fee they are requesting be waived, reduced or deferred.

2. The reason for the request.

b. The reasons for the Request must accord with the OAA's duty to accommodate under the Human Rights Code.

c. The Registrar shall make all decisions related to the Request and the decision of the Registrar is final.

d. A written decision on a Request that is properly submitted in accordance with this Policy shall be provided within 45 days of the Request being received by the OAA. Reasons for the decision will only be provided when the request has been denied entirely and when the recipient of the fee submits a written request for reasons.

Relief under this policy may be granted a maximum of three times within a ten-year period.

Ontario Association of Architects

Council Policy

Policy Name **Continuing Education Policy – Appendix A**

Issue Date **August 11, 2015**

Revision Dates **June 20, 2024**

Continuing Education Program prorated maximum hours for members.

The maximum hours per cycle that can be reported vary for each OAA member type and status. If a member's status changes to On Leave or non-practicing (or both), the maximum hours reported per learning category will change as per the table below.

Total Structured Hours Req'd = 25 hours *Structured Carry Over Max = 10 hours* *Total Unstructured Hours Req'd = 45 hours* *Unstructured Carry Over Max = 20 hours*	**Licence Status**			
	Architect	**Architect** On Leave	**Architect** Non-practising	**Architect** Non-practising, On Leave
Max Presentation (S)	25	13	13	7
Max Committee (U)	25	13	13	7
Max Council (U)	30	15	15	8
Max Discussions (U)	25	13	13	7
Max Mentor (U)	10	5	5	3
Max Presentations (U)	25	13	13	7
Max Reading (U)	15	8	8	4
Max Research (U)	45	23	23	12
Max Tour (U)	15	8	8	4
Max Writing (U)	25	13	13	7

Total Structured Hours Req'd = 12 hours *Structured Carry Over Max = 5 hours* *Total Unstructured Hours Req'd = 23 hours* *Unstructured Carry Over Max = 10 hours*	**Limited Licence Status**			
	Licensed Technologist	**Licensed Technologist** On Leave	**Licensed Technologist** Non-practising	**Licensed Technologist** Non-practising, On Leave
Max Presentation (S)	13	7	7	4
Max Committee (U)	13	7	7	4
Max Council (U)	15	8	8	4
Max Discussions (U)	13	7	7	4
Max Mentor (U)	5	3	3	3
Max Presentations (U)	13	7	7	4
Max Reading (U)	8	4	4	4
Max Research (U)	23	12	12	6
Max Tour (U)	8	4	4	4
Max Writing (U)	13	7	7	4

Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
Kimberly Fawcett-Smith
Natasha Krickhan
Michelle Longlade
Elaine Mintz
Anna Richter
Susan Speigel
William (Ted) Wilson
Marek Zawadzki
Loloa Alkasawat
Jim Butticci
Christina Karney
Jenny Lafrance
Lara McKendrick
Greg Redden
Kristiana Schuhmann
Edward (Ted) Watson
Thomas Yeung

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 4.16

From: Governance Committee

William (Ted) Wilson (Chair)
Susan Speigel
Elaine Mintz
Settimo Vilardi
Michelle Longlade

Date: November 25, 2024

Subject: Respectful Work Policy for Members of Council

Objective: For Council to approve the updates to the Respectful Work Policy for Members of Council

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Recall that the following motion re. Council Policies was passed by Council in September.

It was moved by Speigel and seconded by Longlade that Council instructs OAA Manager, HR to work with legal counsel to review and propose updates to the Respectful Work Policy for Members of Council.

This policy was reviewed and updated by Jean-Claude Killey, legal counsel at Paliare Roland LLP. It is noted that there have been updates in employment legislation related to harassment. These updates were included in the policy revisions to ensure that the policies are compliant with current legislation.

Action

Council to approve the updates to the policy.

It was moved by Speigel and seconded by Longlade that Council approve the updates to the Respectful Work Policy for Members as presented to Council on December 6, 2024.

Ontario Association of Architects

Attachments

Respectful Work Policy for Members of Council (clean copy)

Respectful Work Policy for Members of Council (copy with tracked changes)

Ontario Association of Architects

Council Policy

Policy Name	**Respectful Work Policy for Members of Council** Understanding, preventing and addressing harassment, discrimination, and violence among and by members of Council
Issue Date	**September 23, 2021**
Revision Dates	**December 6, 2024**

Overview

This Policy is adopted to advance OAA's commitment to creating and maintaining a respectful work environment for all stakeholders, including its members of Council, and to comply with OAA's obligation to provide members of Council, volunteers and staff with a healthy work environment, free from discrimination, harassment and violence.

The OAA will take all reasonable steps to ensure that all members of Council are aware of their rights and responsibilities relating to maintaining a harassment, discrimination, and violence-free work environment. This policy will be reviewed as often as necessary and at least once every three years.

Application

This policy applies to all members of Council when they engage in conduct, regardless of location and expressly including conduct occurring in virtual environments, that is in furtherance of their duties as Council members or that may reflect on the OAA's perception by the public.

Prohibited Conduct

The following types of conduct are prohibited under this policy:

a) Harassment

"Harassment" means a course of comment or conduct that is known, or ought reasonably to be known, to be unwelcome. Harassment can take many forms but often involves conduct or comment that is insulting, intimidating, humiliating, demeaning, or otherwise causes offence, discomfort, or embarrassment to a person or group of persons. It may be intentional or unintentional.

Although "harassment" usually describes a pattern of behaviour, in some cases, a single incident will be serious enough to constitute harassment.

Harassment can include, but is not limited to:

- Offensive remarks, jokes, or gestures whether spoken in-person or online;
- Spreading malicious rumours or gossip.

Specific types of harassment include:

I. Grounds-based harassment – This type of harassment includes behaviour that targets an individual because of one or more of the "Protected Grounds" set out in human rights legislation, such as: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

   Examples:

   - Mimicking someone who has a disability;
   - Making offensive comments about members of a racialized group;
   - Disparaging a particular religion;
   - Refusing to use a person's preferred gender pronouns.

II. Psychological harassment (sometimes known as personal harassment) – This type of harassment is not related to a particular "Protected Ground" but is nonetheless damaging to a person's dignity or psychological and/or physical well-being. It has the effect of tormenting, ostracizing, or humiliating an individual.

   Examples:

   - Making remarks, jokes or innuendos that demean, ridicule, intimidate or offend;
   - Displaying or circulating offensive pictures or materials;
   - Isolating, shunning, or excluding.

III. Sexual harassment – This type of harassment involves behavior that relates to one's sex, sexual orientation, and gender identity or gender expression. It also includes making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the person and the person knows or ought to reasonably know that the solicitation or advance is not welcome.

   Because "sexual harassment" is a kind of harassment based on a "Protected Ground" (namely, sex, sexual orientation, gender identity and/or gender expression), it is also prohibited under human rights legislation.

   Examples:

   - Making unwelcome sexual or romantic advances or propositions;
   - Sexually suggestive gestures;
   - Comments about a person's body or appearance;
   - Offensive comments about sexual orientation or gender identity;
   - Sexual jokes, sexually explicit conversation, and/or intrusive sexual questions;
   - Inappropriate touching;
   - Physical assault;
   - Inappropriate staring.

b) Discrimination

"Discrimination" means any form of unequal treatment based on a "Protected Ground" (see above) whether imposing extra burdens or denying benefits. It may be intentional or unintentional.

Discrimination can be obvious or it can occur in very subtle ways.

Examples:

- Against her wishes, a female member of Council is not spoken to at Council or committee meetings regarding finance-related decisions because others assume that she's not good at math because of her sex;
- A member of Council is not selected for a particular position because of their religious background.

c) Abuse of authority

"Abuse of authority" is a kind of harassment that occurs when a person misuses the power inherent in his or her position to unfairly endanger another person's job, undermine them, threaten their economic livelihood, or in any way

improperly interfere with their career. It should not be confused with the legitimate exercise of their duties, even when someone believes that they have exercised them improperly - it is more than a flawed administrative decision.

Examples:

- Using a position of power to intimidate, threaten, mistreat, or blackmail others;
- Unjustifiably withholding information so as to compromise another's ability to do their job;
- Reprimanding or otherwise humiliating a worker in front of others.

d) Workplace violence

"Workplace violence" refers to any of the following:

- An exercise of physical force by a person against a worker, in the work environment, that causes or could cause physical injury to the worker;
- An attempt to exercise physical force against a worker in the work environment, that could cause physical injury to the worker;
- A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in the work environment, that could cause physical injury to the worker;
- Domestic violence situations wherein a person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partners – physically harms, attempts or threatens to physically harm that worker in the work environment.

Examples:

- Threatening to harm someone, either verbally or in writing
- Hitting or attempting to hit someone
- Throwing an object at someone

e) Reprisal

"Reprisal" means to threaten or take retaliatory action against someone for exercising their rights under this policy, or under human rights or health and safety legislation.

No one will be penalized, punished, or subjected to negative treatment of any kind for bringing an incident of discrimination, harassment, or violence to the OAA's attention, or for participating in an investigation or resolution of an incident or complaint.

If any Member of Council is exposed to or observes any the Prohibited Conduct, even if the Prohibited Conduct is not directed at that member of Council, it is nevertheless Prohibited Conduct and must be addressed.

Responding to Prohibited Conduct

Anyone may report incidents of Prohibited Conduct to the Chief Operating Officer or the President of Council (or, if the conduct concerns the President of Council, it may be reported to one or two Vice-Presidents of Council).

Any such reports will be received under and addressed in accordance with, the OAA's Policy for Compliance with Duties of Members of Council.

Ontario Association of Architects

Council Policy

Policy Name	**Respectful Work Policy for Members of Council** Understanding, preventing and addressing harassment, discrimination, and violence among and by members of ~~the Council~~Council
Issue Date	**September 23, 2021**
Revision Dates	**N/A**

Overview

This Policy is adopted to advance OAA's commitment to creating and maintaining a respectful work environment for all stakeholders, including its members of ~~the Council~~Council, and to comply with OAA's obligation to provide members of ~~the Council~~Council, volunteers and staff with a healthy work environment, free from discrimination, harassment and violence.

The OAA will take all reasonable steps to ensure that all members of ~~the Council~~Council are aware of their rights and responsibilities relating to maintaining a harassment, discrimination, and violence-free work environment. This policy will be reviewed as often as necessary and at least once every three years.

Application

This policy applies to all members of ~~the Council~~Council when they engage in conduct, regardless of location and expressly including conduct occurring in virtual environments, that is in furtherance of their duties as Council members or that may reflect on the OAA's perception by the public. ~~. Under this policy, discrimination, harassment and violence will not be tolerated from anyone, including members of the Ccouncil, staffother employees, members, volunteers, customers, guests, visitors, or domestic partners who enter the work environment.~~

~~The work environment is defined broadly and includes any environment or situation that has a connection to, or adverse impact on, the dynamics and relationships of members of the CouncilCouncil in the course of their work with the OAA, and includes both . Whether incidents occur in a built environments or and virtual environments, including online., if there are negative repercussions for the affected individual member of the Council in the course of their work with the OAA, it will be addressed by this policy.~~

Prohibited Conduct

The following types of conduct are prohibited under this policy:

a) Harassment

"Harassment" means a course of comment or conduct that is known, or ought reasonably to be known, to be unwelcome. Harassment can take many forms but often involves conduct or comment that is insulting, intimidating, humiliating, demeaning, or otherwise causes offence, discomfort, or embarrassment to a person or group of persons. It may be intentional or unintentional.

Although “harassment” usually describes a pattern of behaviour, in some cases, a single incident will be serious enough to constitute harassment.

Harassment can include, but is not limited to:

- Offensive remarks, jokes, or gestures whether spoken in-person or online;
- Spreading malicious rumours or gossip.

Specific types of harassment include:

I. Grounds-based harassment – This type of harassment includes behaviour that targets an individual because of one or more of the “Protected Grounds” set out in human rights legislation, such as: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

   Examples:

   - Mimicking someone who has a disability;
   - Making offensive comments about members of a racialized group;
   - Disparaging a particular religion;
   - Refusing to use a person’s preferred gender pronouns.

II. Psychological harassment (sometimes known as personal harassment) – This type of harassment is not related to a particular “Protected Ground” but is nonetheless damaging to a~~n~~ person’s dignity or psychological and/or physical well-being. It has the effect of tormenting, ostracizing, or humiliating an individual.

   Examples:

   - Making remarks, jokes or innuendos that demean, ridicule, intimidate or offend;
   - Displaying or circulating offensive pictures or materials;
   - Isolating, shunning, or excluding.

III. Sexual harassment – This type of harassment involves behavior that relates to one’s sex, sexual orientation, and gender identity or gender expression. It also includes making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the person and the person knows or ought to reasonably know that the solicitation or advance is not welcome.

   Because “sexual harassment” is a kind of harassment based on a “Protected Ground” (namely, sex, sexual orientation, gender identity and/or gender expression), it is also prohibited under human rights legislation.

   Examples:

   - Making unwelcome sexual or romantic advances or propositions;
   - Sexually suggestive gestures;
   - Comments about a person’s body or appearance;
   - Offensive comments about sexual orientation or gender identity;
   - Sexual jokes, sexually explicit conversation, and/or intrusive sexual questions;
   - Inappropriate touching;
   - Physical assault;
   - Inappropriate staring.

b) Discrimination

“Discrimination” means any form of unequal treatment based on a “Protected Ground” (see above) whether imposing extra burdens or denying benefits. It may be intentional or unintentional.

Discrimination can be obvious or it can occur in very subtle ways.

Examples:

- Against her wishes, a female member of ~~the Council~~Council is not spoken to at Council or committee meetings regarding finance-related decisions because others assume that she's not good at math because of her sex;
- A member of ~~the Council~~Council is not selected for a particular position because of their religious background.

c) Abuse of authority

"Abuse of authority" is a kind of harassment that occurs when a person misuses the power inherent in his or her position to unfairly endanger another person's job, undermine them, threaten their economic livelihood, or in any way improperly interfere with their career. It should not be confused with the legitimate exercise of their duties, even when someone believes that they have exercised them improperly - it is more than a flawed administrative decision.

Examples:

- Using a position of power to intimidate, threaten, mistreat, or blackmail others;
- Unjustifiably withholding information so as to compromise another's ability to do their job;
- Reprimanding or otherwise humiliating a worker in front of others.

d) Workplace violence

"Workplace violence" refers to any of the following:

- An exercise of physical force by a person against a worker, in the work environment, that causes or could cause physical injury to the worker;
- An attempt to exercise physical force against a worker in the work environment, that could cause physical injury to the worker;
- A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in the work environment, that could cause physical injury to the worker;
- Domestic violence situations wherein a person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partners – physically harms, attempts or threatens to physically harm that worker in the work environment.

Examples:

- Threatening to harm someone, either verbally or in writing
- Hitting or attempting to hit ~~a member of the Council~~someone
- Throwing an object at someone

e) Reprisal

"Reprisal" means to threaten or take retaliatory action against someone for exercising their rights under this policy, or under human rights or health and safety legislation.

No ~~member of the Council~~one will be penalized, punished, or subjected to negative treatment of any kind for bringing an incident of discrimination, harassment, or violence to the OAA's attention, or for participating in an investigation or resolution of an incident or complaint.

If any Member of ~~the Council~~Council is exposed to or observes any the Prohibited Conduct, even if the Prohibited Conduct is not directed at that member of ~~the Council~~Council, it is nevertheless Prohibited Conduct and must be addressed.

Responding to Prohibited Conduct

Anyone may report incidents of Prohibited Conduct to the ~~Manager, HR~~Chief Operating Officer or the President of Council (or, if the conduct concerns the President of Council, it may be reported to one or two ~~a~~ Vice-Presidents of Council).

Any such reports will be received under, and addressed in accordance with, the OAA's Policy for Compliance with Duties of Members of Council.

There are three ways in which complaints about Prohibited Conduct under this policy may be dealt with: Emergency response, Informal approach, and Formal approach.

a) Emergency response (mandatory where violence is imminent or has occurred)

If a member of the CouncilCouncil, staff, member, volunteer or visitor feels that an incident of workplace violence has or is likely to occur, they must report this incident immediately, and contact emergency services (i.e. 911) if appropriate (for example, in the case of an immediate threat of physical harm). Where an imminent threat of harm exists, a member of the Councilthe complaintant should be mindful of their personal safety and should not interfere except to summon emergency assistance. As soon as the imminent threat has subsided, or following any incident of workplace violence, the member of the Councilcomplaintant must report the incident through the "Formal approach" (see below).

b) Informal approach

Members of the CouncilThe Complaintant with non-violent, minor concerns, and/or who feel comfortable resolving their concerns on their own, are encouraged to do so informally prior to seeking formal resolution. Wherever possible, they should speak or write to the person engaging in the concerning behaviour one-on-one to let them know that their conduct is unwelcome and to ask them to stop immediately.

If the problem is not resolved, or if one of the parties feels he or shethey cannot speak directly with the other person, other options such as a facilitated dialogue or mediation can be explored.

In these cases, the member of the Councilcomplaintnant should make detailed notes about what happened, when it happened, who was involved, and who may have witnessed the incident. These details may be needed to refresh one's memory in the event that the problem is not corrected and the matter needs to be pursued further.

c) Formal approach

If a member of the Councilthe Complaintant feels uncomfortable or unsafe addressing the issue on their own; if they are unsuccessful in resolving the issue informally; or if they experience an incident of workplace violence (and the immediate threat has subsided), they should bring the incident to the Manager, HR or President of Council as soon as possible and the matter will be addressed in accordance with the Policy for Compliance with Duties of Members of the Council.

Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
Kimberly Fawcett-Smith
Natasha Krickhan
Michelle Longlade
Elaine Mintz
Anna Richter
Susan Speigel
William (Ted) Wilson
Marek Zawadzki
Loloa Alkasawat
Jim Butticci
Christina Karney
Jenny Lafrance
Lara McKendrick
Greg Redden
Kristiana Schuhmann
Edward (Ted) Watson
Thomas Yeung

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 4.17

From: Governance Committee

William (Ted) Wilson (Chair)
Susan Speigel
Elaine Mintz
Settimo Vilardi
Michelle Longlade

Date: November 25, 2024

Subject: Compliance with Duties of Members of Council

Objective: For Council to approve the updates to the Compliance with Duties of Members of Council

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Recall that the following motion re. Council Policies was passed by Council in September.

It was moved by Speigel and seconded by Longlade that Council instructs OAA Manager, HR to work with legal counsel to review and propose updates to the Respectful Work Policy for Members of Council.

This policy noted in the above motion has a corresponding policy, which is the Policy for Compliance with Duties of Members of Council. Both policies were reviewed and updated by Jean-Claude Killey, legal counsel at Paliare Roland LLP. It is noted that there have been updates in employment legislation related to harassment. These updates were included in the policy revisions to ensure that the policies are compliant with current legislation.

Action

Council to approve the updates to the policy.

It was moved by Speigel and seconded by Longlade that Council approve the updates to the Respectful Work Policy for Members of Council as presented to Council on December 6, 2024*.*

Attachments

Policy for Compliance with Duties of Members of Council (clean copy)

Policy for Compliance with Duties of Members of Council (copy with tracked changes)

Ontario Association of Architects

Council Policy

Policy Name	**Policy for Compliance with Duties of Members of Council** Reporting and investigating allegations of non-compliance with the duties of members of Council as outlined in OAA's by-laws and policies
Issue Date	November 5, 2020
Revision Dates	December 6, 2024

Overview

It is the responsibility of each member of Council to hold themselves accountable for complying with the duties outlined in OAA's by-laws, applicable policies, and any applicable workplace laws, such as the Occupational Health and Safety Act and Ontario Human Rights Code ("Duties"). Members of Council also have a responsibility to hold each other accountable when they observe that another member of Council is not complying with their Duties.

The President or Chief Operating Officer may be consulted for advice by members of the Council concerning compliance with their Duties.

1. Reporting non-compliance with Duties

A person who has information suggesting that a member of Council has not complied or is not complying with their Duties may report the information in writing to the Chief Operating Officer or President of Council (the "Recipient").

If the information concerns the President of Council's non-compliance with their Duties, then the information may be referred to the Chief Operating Officer. This substitution applies to all of the responsibilities under this policy.

2. Responsibilities of the Recipient

The Recipient may take no further action with respect to a report received under this policy where the Recipient assesses that the report does not allege any failure of a Council member to comply with their Duties, or where the Recipient assesses that the report is frivolous, vexatious, made for an improper purpose, or otherwise an abuse of the processes set out in this policy. When the Recipient takes no further action under this paragraph, the Recipient may, but is not required to, notify the subject member of the receipt of the report and the decision to take no further action.

Where the Recipient does not decide to take no further action under the paragraph above, the Recipient shall notify the member of Council who is the subject of the issue disclosed in the report ("the subject member") and provide them with a summary of the relevant information relating to the subject member's compliance with their Duties. The Recipient has

the discretion to refuse to disclose the identity of the person who made the report or of other involved individuals where it appears desirable to do so. The subject member shall be given an opportunity to provide a written response to the issue to the Recipient.

Upon receipt of the response from the subject member, or if no response is provided, the Recipient shall review the information provided and determine the appropriate action to be taken. The appropriate actions taken by the Recipient may include any one or more of the following:

a) take no action;
b) conduct such informal investigation as may be appropriate to the circumstances of the matter;
c) caution the subject member about the issue;
d) require an apology from the subject member to those affected by conduct related to the issue;
e) accept an undertaking from the subject member with respect to their conduct, such as providing additional information, or attending a meeting, training session or workshop;
f) advise the subject member on any other steps to be taken to remedy or resolve the issue; and/or
g) refer the issue to an independent third-party investigator for review and investigation with appropriate terms of engagement for the investigation.

The Recipient shall give the person who made the report a written summary of the Recipient's decision made under this section where that decision disposes of the report, including a brief summary of the Recipient's reasons for such disposition.

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3. Investigation Process

Investigations conducted under this Policy may be formal or informal.

Informal investigations

Informal investigations may be conducted by the Recipient or another person delegated by the Recipient. Informal investigations may consist of such steps as appear reasonable and appropriate to identifying and gathering information relevant to the report.

Informal resolutions

The Recipient or another person delegated by the Recipient, and/or the person who made the report and/or the subject member, may explore the possibility of informal resolution of an issue giving rise to a report under this policy. When attempting to resolve a matter informally, the interested parties are encouraged to communicate with each other directly, and respectfully, to discuss their concerns and how they may be addressed. Where an interested party does not feel that they can communicate directly with another, the Recipient or another person delegated by the Recipient may explore options such as facilitated dialog or mediation.

Formal investigations

Formal investigations conducted under this Policy will be timely, fair and objective. They shall not be based on presumptions about guilt or innocence of any party. The investigator will be objective and trained to conduct investigations involving the subject matter of the information provided to the Recipient. All parties involved in the investigation, including the person who made the report to the Recipient, will be informed of their rights and responsibilities as well as possible options to access support.

The Executive Committee shall be notified when a formal investigation is initiated. Once a formal investigation is initiated, the subject member will be informed of the commencement of the investigation and its subject matter in writing. At this stage, it may be necessary to implement interim measures to preserve the health and safety of those who are involved in the investigation, and the integrity of the OAA. These measures may include separating the subject member from any party whom the subject member has affected.

Before the subject member is asked to provide their response to any inquiries by the investigator, they will be given a summary of the allegations, in writing.

Information relating to a complaint or investigation, including identifying information about the individuals involved, will be kept confidential except to the extent that it must be disclosed to investigate the allegations, to take corrective action, or as otherwise required by law. All individuals who participate in an investigation are expected to maintain confidentiality throughout the process.

The investigation procedure will be established on a case-by-case basis, based on the nature and circumstances of the subject matter of the investigation.

Following the conclusion of the investigation, the investigator will submit a written report to the Recipient, who shall forthwith provide a copy to the Executive Committee. The investigator's report will typically include:

a) a summary of the allegations raised;
b) an overview of the steps taken during the investigation;
c) a summary of the evidence provided by all parties to the investigation;
d) findings of fact (i.e. a finding of whether the allegations are substantiated or unsubstantiated);
e) a conclusion about whether the subject member failed to fulfil their Duties was found; and
f) recommendations to prevent the incident from recurring, where appropriate.

The Recipient shall give the subject member and the person who made the report a summary of the conclusions reached in the investigator's report, and may provide those parties with summaries of further elements of the investigator's report, or with a redacted or unredacted copy of the investigator's report, in the Recipient's discretion.

Based on the investigator's report, the Executive Committee may:

a) conclude the review of the matter and advise the parties involved accordingly in writing; or
b) determine that the issue should be referred to the Council for the purpose of selecting an appropriate remedy.

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4. Referral to Council

The Executive Committee may refer the matter to Council for a determination of whether the subject member of Council has failed to fulfill their Duties and a determination of an appropriate remedy. The referral shall be in writing and the issue shall be considered and determined by at least a quorum of Council, and in the absence of the public/in camera.

After considering the issue, Council shall determine whether or not the subject member has failed to fulfil their Duties and shall provide written reasons for its decision. Following the preparation of its decision and reasons, Council shall provide the decision and reasons to the subject member.

Where Council determines that the subject member has failed to fulfil their Duties, the Council may:

a) reprimand the subject member, and/or
b) suspend for a period of time certain rights and privileges of the subject member.

The decision of Council under this part of this policy is final. Council may report publicly on the issue once it has been concluded, but shall maintain confidentiality regarding the individuals involved in the investigation, with the exception of the subject member, to the extent possible and desirable.

Ontario Association of Architects

Council Policy

Policy Name	**Policy for Compliance with Duties of Members of Council** Reporting and investigating allegations of non-compliance with the duties of members of Council as outlined in OAA's by-laws and policies
Issue Date	**November 5, 2020**
Revision Dates	**~~N/A~~December 6, 2024**

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Overview

It is the responsibility of each member of Council to hold themselves accountable for complying with the duties outlined in OAA's by-laws, applicable policies, and any applicable workplace laws, such as the Occupational Health and Safety Act and Ontario Human Rights Code ~~, or policies~~ ("Duties"). Members of Council also have a responsibility to hold each other accountable when they observe that another member of Council is not complying with their Duties.

The President or Chief Operating Officer may be consulted for advice by members of the Council concerning compliance with their Duties.

1. Reporting non-compliance with Duties

A person who has information suggesting that a member of Council has not complied or is not complying with their Duties may ~~refer~~ report the information in writing to the ~~Manager, Human Resources (HR)~~Chief Operating Officer or President of Council (the "Recipient").

If the information concerns the President of Council's non-compliance with their Duties, then the information may be referred to the ~~Manager, HR~~Chief Operating Officer. This substitution applies to all of the responsibilities under this policy.

~~The Manager, HR or President of Council shall notify the member of Council who is the subject of the issue disclosed in the information ("the subject member") and provide them with the information. The subject member shall be given an opportunity to provide a written response to the issue to the Manager, HR or President of Council.~~

2. Responsibilities of the ~~Manager, HR or President of Council~~Recipient

The Recipient may take no further action with respect to a report received under this policy where the Recipient assesses that the report does not allege any failure of a Council member to comply with their Duties, or where the Recipient assesses that the report is frivolous, vexatious, made for an improper purpose, or otherwise an abuse of the processes set out in this policy. When the Recipient takes no further action under this paragraph, the Recipient may, but is not required to, notify the subject member of the receipt of the report and the decision to take no further action.

Where the Recipient does not decide to take no further action under the paragraph above, the Recipient shall notify the

member of Council who is the subject of the issue disclosed in the report ("the subject member") and provide them with a summary of the relevant information relating to the subject member's compliance with their Duties. The Recipient has the discretion to refuse to disclose the identity of the person who made the report or of other involved individuals where it appears desirable to do so. The subject member shall be given an opportunity to provide a written response to the issue to the Recipient.

Upon receipt of the response from the subject member, or if no response is provided, the ~~Manager, HR or President of Council~~Recipient shall review the information provided and determine the appropriate action to be taken. The appropriate actions taken by the ~~Manager, HR or President of Council~~Recipient may include any one or more of the following:

a) take no action;
~~a)~~b)conduct such informal investigation as may be appropriate to the circumstances of the matter;
~~b)~~c)caution the subject member about the issue;
~~c)~~d) require an apology from the subject member to those affected by conduct related to the issue;

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d)e)require accept an undertaking from the subject member with respect to their conduct, such as providing additional information, or attending a meeting, training session or workshop;

e)f) advise the subject member on any other steps to be taken to remedy or resolve the issue; and/or

g) refer the issue to an independent third-party investigator for review and investigation with appropriate terms of engagement for the investigation.

f) The Recipient shall give the person who made the report a written summary of the Recipient's decision made under this section where that decision disposes of the report, including a brief summary of the Recipient's reasons for such disposition.

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3. Investigation Process

Investigations conducted under this Policy may be formal or informal.

Informal investigations

Informal investigations may be conducted by the Recipient or another person delegated by the Recipient. Informal investigations may consist of such steps as appear reasonable and appropriate to identifying and gathering information relevant to the report.

Informal resolutions

The Recipient or another person delegated by the Recipient, and/or the person who made the report and/or the subject member, may explore the possibility of informal resolution of an issue giving rise to a report under this policy. When attempting to resolve a matter informally, the interested parties are encouraged to communicate with each other directly, and respectfully, to discuss their concerns and how they may be addressed. Where an interested party does not feel that they can communicate directly with another, the Recipient or another person delegated by the Recipient may explore options such as facilitated dialog or mediation.

Formal investigations

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Formal Investigations investigations conducted under this Policy will be thorough, timely, fair and objective. They shall not be based on presumptions about guilt or innocence of any party. The investigator will be objective and trained to conduct investigations involving the subject matter of the information provided to the Manager, HR or President of CouncilRecipient. All parties involved in the investigation, including the person who made the report to the Recipient, will be informed of their rights and responsibilities as well as possible options to access support.

The Executive Committee shall be notified when a formal investigation is initiated. Once aa formal investigation is initiated, the subject member will be informed of the commencement of the investigation and its subject matter in writing. At this stage, it may be necessary to implement interim measures to preserve the health and safety of those who are involved in the investigation, and the integrity of the OAA. These measures may include separating the subject member from any party whom the subject member has affected.

Before the subject member is asked to provide their response to any inquiries by the investigator, they will be given a summary of the allegations, in writing.

Information relating to a complaint or investigation, including identifying information about the individuals involved, will be kept confidential except to the extent that it must be disclosed to investigate the allegations, to take corrective action, or as otherwise required by law. All individuals who participate in an investigation are expected to maintain confidentiality throughout the process.

The investigation procedure will be established on a case-by-case basis, based on the nature and circumstances of the subject matter of the investigation.

Following the conclusion of the investigation, the investigator will submit a written report to the Recipient, who shall forthwith

provide a copy to the Executive Committee. The investigator's report will typically include:

a) a summary of the allegations raised;
b) an overview of the steps taken during the investigation;
c) a summary of the evidence provided by all parties to the investigation;
d) findings of fact (i.e. a finding of whether the allegations are substantiated or unsubstantiated);
e) a conclusion about whether the subject member failed to fulfil their Duties was found; and
f) recommendations to prevent the incident from recurring, where appropriate.

The Recipient shall give the subject member and the person who made the report a summary of the conclusions reached in the investigator's report, and may provide those parties with summaries of further elements of the investigator's report, or with a redacted or unredacted copy of the investigator's report, in the Recipient's discretion.

Based on the investigator's report, the Executive Committee may:

a) conclude the review of the matter and advise the parties involved accordingly in writing; or
b) determine that the issue should be referred to the Council for the purpose of selecting an appropriate remedy.

---

4. Referral to Council

The Executive Committee may refer the matter to Council for a determination of whether the subject member of Council has failed to fulfill their Dduties and a determination of an appropriate remedy. The referral shall be in writing and the issue shall be considered and determined by at least a quorum of Council, and in the absence of the public/in camera.

AAfter considering the issue, Council shall determine whether or not the subject member has failed to fulfil their Dduties and shall provide written reasons for its decision. Following the preparation of its decision and reasons, Council shall provide

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the decision and reasons to the subject member.

Where Council determines that the subject member has failed to fulfil their Dduties, the Council may:

a) reprimand the subject member, and/or
b) suspend for a period of time certain rights and privileges of the subject member.

The decision of Council under this part of this policy is final. Council may report publicly on the issue once it has been concluded, but shall maintain confidentiality regarding the individuals involved in the investigation, with the exception of the subject member, to the extent possible and desirable.

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FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 6.1

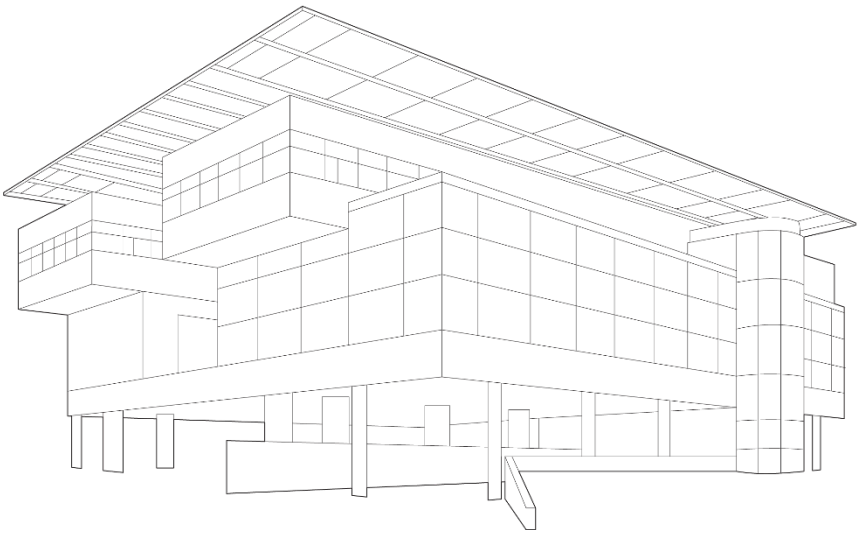
President's Log

Date	Event/Meeting	Location	Attendees	Time
September 20	President/Executive Director Meeting	Virtual meeting	w/K.Doyle	8-9:00 a.m.
September 24	Pro-Demnity Board Meeting	Virtual meeting	w/Pro-Demnity Board	8:30 a.m.-1:00 p.m.
September 25	President/Executive Director Meeting	Virtual meeting	w/K.Doyle	8-9:00 a.m.
October 9	Toronto Society Event	Toronto	w/N.Krickhan, Society members, K.Doyle	5-10:30 p.m.
October 10	Niagara Society Visit	St. Catharines	w/G.Redden, Society members, K.Doyle	5:30-8:00 p.m.
October 11	President/Executive Director Meeting	Virtual meeting	w/K.Doyle	8-9:00 a.m.
October 15	ROAC pre-meeting	Virtual meeting	w/T.Wilson, K.Doyle, C.Mills	11:00 a.m. - 12 noon
October 16	St. Lawrence Valley Society Visit	Kingston	w/L.McKendrick, Society members, K.Doyle	5:30-8:00 p.m.
October 17	EABO meeting	Toronto	w/EABO members, K.Doyle	12 - 2:30 p.m.
October 18-20	ROAC Meeting	Toronto	w/ROAC reps, T.Wilson, K.Doyle, C.Mills	
October 21	Meet the OAA Webinar rehearsal	Virtual meeting	w/Intern participants, C.Mills	5-6:00 p.m.
October 22	Queen's Park Picks Celebration	Toronto	w/MPPs, S.Trotta, E.Walsh	5:30 - 7:00 p.m.
October 23	QPP meeting w/MPP Collard	Virtual meeting	w/MPP Collard, S.Speigel, S.Trotta, E.Walsh	1:30 - 2:00 p.m.
October 23	Northumberland-Durham/Trent Society Visit	Peterborough	w/T.Yeung, M.Zawadzki, Society members, K.Doyle	5:30 - 8:00 p.m.
October 25	President/Executive Director Meeting	Virtual meeting	w/K.Doyle	8 - 9:00 a.m.
October 25	QPP meeting w/MPP Sabawy	Virtual meeting	w/MPP Sabawy, S.Speigel, S.Trotta, E.Walsh	3 - 3:30 p.m.
October 28	Governance Committee	Virtual meeting	w/committee members	9:30 a.m. - 12:30 p.m.
November 1	President/Executive Director Meeting	Virtual meeting	w/K.Doyle	8-9:00 a.m.
November 1	QPP Meeting w/MPP Bell	Virtual meeting	w/MPP Bell, S.Speigel, S.Trotta, E.Walsh	10-10:30 a.m.
November 1	QPP Meeting w/MPP Clancy	Virtual meeting	w/MPP Clancy, S.Speigel, S.Trotta, E.Walsh	3-3:15 p.m.
November 4	QPP Meeting w/MPP Tangri	Virtual meeting	w/MPP Tangri, S.Speigel, S.Trotta, E.Walsh	2-2:20 p.m.
November 5	QPP Meeting w/MPP Andrew	Virtual meeting	w/MPP Andrew, S.Speigel, S.Trotta, E.Walsh	3 - 3:30 p.m.
November 5	ORSA Society Visit	Ottawa	w/Society members, K.Doyle	5:30 - 8:00 p.m.
November 6	QPP meeting w/MPP Karnagan	Virtual meeting	w/MPP Karnagan, S.Speigel, S.Trotta, E.Walsh	2-2:30 p.m.
November7	Executive Performance Reviews	Virtual meeting	w/Governance Cttee, K.Doyle, C.Mills	9:00 a.m. - 12 noon
November 7	Member Correspondence Meeting	Virtual meeting	w/J.Butticci, M.Longlade, E.Mintz, K.Doyle, C.Mills	2-2:30 p.m.
November 7	MMAH - Working Group # 3 - Designers - Third Part Review of Building Permit Applications	Virtual meeting	MMAH, PEO, OSPE	4 - 5:30 p.m.
November 8	President/Executive Director Meeting	Virtual meeting	w/K.Doyle	8-9:00 a.m.
November 12	Meeting re. Interns Committee	Virtual meeting	w/L.Alkasawat, K.Doyle, C.Mills	11 - 11:30 a.m.
November 12	Windsor Region Society Visit	Windsor	w/Society members, K.Doyle	5:30 - 8:00 p.m.
November 13	Executive Committee/Pro-Demnity Chairs Joint Meeting	Virtual meeting	w/Pro-Demnity Board, Executive Committee	12 noon - 2:30 p.m.
November 14	Hamilton/Burlington Society Visit	Hamilton	w/C.Karney, Society members, K.Doyle	5:30 - 8:00 p.m.
November 15	President/Executive Director Meeting	Virtual meeting	w/K.Doyle	8 - 9:00 a.m.
November 18	Special Meeting of Council	Virtual meeting	w/Council	3:30 - 4:00 p.m.
November 19	Executive Committee	Virtual meeting	w/Executive Committee	3:30 - 4:45 p.m.
November 21	Pro-Demnity Board Meeting	Toronto	w/Pro-Demnity Board	9:00 a.m. - 1:00 p.m.
November 22	President/Executive Director Meeting	Virtual meeting	w/K.Doyle	8-9:00 a.m.
November 25	Governance Committee	Virtual meeting	w/committee members	9:00 a.m. - 12:30 p.m.
November 26	Society Chairs Meeting	Virtual meeting	w/Society Chairs, Councillor liaisons, staff	10 - 11:30 a.m.
November 27	OAA/OGCA Joint Best Practices Liaison Group	Virtual meeting	w/K.Schuhmann, K.Doyle, M.Audet, OGCA representatives	10:00 a.m. - 12 noon
November 7	MMAH - Plenary Working Group Meeting - Third Part Review of Building Permit Applications	Virtual meeting	MMAH, PEO, OSPE, Contractors, Building Officials	3 - 4:30 p.m.
November 28	NOW Lecture Event	Toronto	w/Award winners, attendees	6 - 9:00 p.m.
November 29	President/Executive Director Meeting	Virtual meeting	w/K.Doyle	8- 9:00 a.m.
December 3	International Architectural Roundtable Dinner	Toronto	w/Roundtable participants	7 - 9:30 p.m.
December 4	International Architectural Roundtable	Toronto	w/attendees	8 - 10:00 a.m.
December 5	Pre-Council Dinner	Toronto	w/Council	7 - 10:00 p.m.
December 6	Council Meeting	Toronto	w/Council, staff	9:30 a.m. - 2:30 p.m.
December 6	Seasonal Celebration Event	Toronto	w/Council, staff	6- 11:00 p.m.

Executive Director Report to Council

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 6.2

November 26, 2024



PRESENTED BY

Kristi Doyle
Executive Director

Ontario Association of Architects

The Executive Director's Report to Council provides an overview of key **operational matters and milestones as well as updates on progress towards achievement of the OAA's 5-year Strategic Plan.** Specifically, this report focusses on items not covered elsewhere in the meeting agenda. Items within this report have been organized and linked in relation to the overarching lenses and strategic priorities of the 5-year plan using the below noted symbols.

climate action, and

equity, diversity, and inclusion.

regulatory leadership,

governance and operations,

member competency, and

public education.

OAA Strategic Plan

As we approach the end of 2024, the OAA management team is preparing their individual service area year-end reports. These reports will be included in the January Council meeting package and will focus on activities and achievements related to administration, programming and services between July 1 and December 31. Council will recall that similar reports reflecting the first half of the calendar year were provided within the June Council meeting package. The OAA's 5-year Strategic Plan continues to provide a solid foundation for the OAA staff and governing Council to focus the Association's resources and has resulted in the realization of many of the goals and objectives under the Plan.

As we get ready to begin 'year 4' of the Plan, the 2024 'year end' report card on the achievements towards the OAA Strategic Plan itself will be presented to Council at the annual Council planning session in January. Like last year's planning session, OAA staff will review the 2024 operational and committee workplans and report on achievements as well as ongoing programming and activities tied to the Plan's specific goals and objectives.

Council will spend time during the planning session to review and reflect on the achievements, brainstorm on a few specific topics and consider possible adjustments to the Plan.

In advance of this formal year end reporting, I am pleased with the progress that has been made in relation to the Strategic Plan and thank Council for their diligence in supporting and focussing on the Plan. There are some areas where progress has been slower than expected, however, this is a direct result of other priorities that

have arisen. As noted above, the planning session serves as the mechanism for that critical check in point each year where the governing Council can review, evaluate and tweak the Plan, as necessary.

Operational Review

In September, the following items were reported as underway however not yet completed under the five-year implementation plan for the recommendations stemming from the 2021 Operational Review.

- Develop a Communications Plan about the OAA for the Public and Members;
- Develop & Implement a Process for Updating & Maintaining Practice Documents;
- Develop a delegation of authority policy; and,
- Develop & Implement a Plan to fulfil the OAA's Technology & Data Management needs.

Included elsewhere in this Council package is a draft *Delegation of Authority Policy* for Council's consideration. Subject to Council's approval, this item is now complete.

We are on track to provide a final Report on the Operational Review at the January 2025 Council planning session and wrap-up the project from a reporting standpoint. This is a major achievement under the OAA Strategic Plan!

Administration + Operations

- OAA's IT infrastructure transition to Office 365 continues and weekly staff chat sessions have included ongoing updates, preliminary training and transition discussions. This will continue to be a major focus in 2025.
- The OAA staff held their holiday luncheon at the Headquarters on November 22. It was a great opportunity for the Team to come together socially and enjoy some team building activities.
- Staff peer-to-peer sessions resumed in September following the summer hiatus. Recent presentations included Understanding AI; IT security measures; and Understanding OAA Practice Advisory Services. I will be conducting the next peer-to-peer on the OAA's involvement at the national level and the Regulatory Organizations of Architecture Canada (ROAC).
- The OAA has continued to strengthen its relationship with the Ministry of the Attorney General over the fall months, as well as government in general. This is evident in the progress made on the regulation amendment related to Limited Licences as well as the very positive response to our Queens Park Picks event and subsequent MPP meetings. The Attorney General is responsible for the *Architect's Act* and leads the Ministry to which the OAA reports.
- The most recent monthly Team Leads meeting was held on November 18. The meeting focussed on preparing for the January planning session and year end reports and achievements towards the Strategic Plan.
- Following discussion over the summer months along with data obtained through a survey of the membership, the Society Chairs

came together on September 17 to arrive at a decision regarding an increase in individual Society Membership Dues for 2025. These adjusted fees will be collected by the OAA on behalf of the Societies as part of the 2025 fee renewal process.

As a result of the postal strike, the Manager of Finance and staff team have sped up the move to electronic fund transfers, and e-transfers to minimize the impact on operations and continue to streamline operations.

The OAA's Finance & Audit Committee met on November 19 to finalize the draft 2025 budget as well as conduct the 2024 pre-audit meeting with BDO, the OAA's new auditors.

OAA Executive Committee met with Pro-Demnity Committee Chairs on November 13. These meetings occur on a semi-annual basis and serve as an opportunity to share information between OAA and Pro-Demnity Executives.

Public Outreach + Education

Along with the Registrar, I was happy to have been invited to deliver Fall lectures to students at the McEwen School of Architecture, Laurentian U and the Azrieli School of Architecture – Carleton U on September 12 and 19 respectively. The lectures were well received and focussed on understanding the mandate of the OAA, our roles and responsibilities as well as programs and services offered. The Registrar focussed on the path to licensure and regulatory aspects of the profession.

The Registrar and I hosted a virtual session for OAA Council nominees on November 4. In an effort to continue to adopt best practices around good governance, this virtual information session is offered to all eligible candidates to ensure a clear understanding of the roles and responsibilities of Councillors, and the mandate of the OAA.

As a component of ongoing education and public awareness initiatives related to the OAA building, final editing of a series of 10-minute videos featuring specific aspects of the Headquarters renovation project is underway. The video tours are on track for publication in early in the New Year.

National Initiatives

The fall semi-annual meetings of ROAC were held at the OAA Headquarters on October 18-20. Attending on behalf of the OAA was President Vilardi, Senior Vice President & Treasurer Wilson, Registrar Christie Mills and me. The agenda for both the Board meeting as well as the Administrator's meeting is included elsewhere in this Council package.

Key items on the agenda included: *Presentation by Spire Consultants re. ExAC modernization: Online deliver & software options; Review of the final draft of the UK/Canada Mutual Recognition Agreement; Review of*

proposed amendments to the Canada/US Mutual Recognition Agreement; and year end report from the Canadian Architectural Certification Board.

Of specific note during those national meetings was the one-day strategic planning exercise facilitated by Arsenal Consultants. This was a very successful session and important in the evolution of ROAC as a formal entity. The consultants are currently working on finalizing the draft Strategic Plan which will be presented to the ROAC Board shortly.

Relationship Building

The Construction & Design Alliance of Ontario (CDAO) Board of Directors will hold its next meeting on December 3. I will attend as a member of the Board. The next full CDAO Forum meeting will take place on December 16.

Engineers, Architects & Building Officials (EABO) met in-person at the OAA Headquarters – October 17. The Group enjoyed a tour of the Building while remarking how impressed they were with the interior renovation and energy retrofit. President Vilardi and I attend as the OAA representatives to EABO. The attached OBC transition infographic was produced as a result of the meeting – a demonstration of the collaboration and desire to develop industry recognized best practices. It has been shared with OAA members and featured in the upcoming OBOA Journal.

The OAA hosted the semi-annual meeting of the OAA/OGCA joint liaison group chaired by President Vilardi and attended by Vice President Schuhmann, OAA Manager PAS, Audet and I.

I was invited to participate in PEO's upcoming Strategic Plan stakeholder consultation. Date to be confirmed.

A number of senior staff and the OAA President participated in a series of four virtual meetings hosted by the Ministry of Municipal Affairs this fall which focused on understanding the delays in the permitting process. MMAH has been asked by the Premier's office to review this issue with the appropriate stakeholder groups.

I previously reported that I attended a meeting with the City of Toronto, Building Department officials on August 27 to discuss the City's pending bylaw to prevent illegitimate renovictions from bad faith landlords. That meeting was followed by a meeting with the PEO to discuss the impact on architects and engineers as "qualified persons" who would be providing the Report to confirm that vacant possession is indeed required to perform a renovation. As a follow up, the attached joint letter was submitted on behalf of the OAA/PEO.

As at the December 6 Council meeting, the President and I have completed eleven visits to the OAA's local societies. The visits have been well received and are the first in-person meetings since 2019.

Looking Ahead

The following is coming up:

December 10: New Councillor Orientation will be hosted virtually.

- Final two Local Society Visits this Fall – December 11 with Grand Valley Society of Architects and December 12 with the London Society of Architects.
- December 13 – I will be attending a meeting with Infrastructure Ontario as a member of the Board of Directors of the Construction & Design Alliance Ontario.
- OAA operations will be closed for the holidays between December 25 and January 2. Happy Holidays!

Ontario's Building Code

Transition Rules & Application for Permit

Updated November 7, 2024

Ontario's new 2024 Building Code (OBC) comes into effect January 1, 2025.
Engineers, Architects & Building Officials (EABO) has prepared this infographic to clarify how some Ontario municipalities may be addressing the transition between the 2012 OBC and the 2024 version. The organizations that comprise EABO are in support of this approach; however they recognize that some municipalities may choose a different approach. Architects and Engineers should directly confirm with the applicable municipality before submitting for permit.

Scenario 1 — **Only 2012 OBC Applies**

Complete permit application received on or before December 31, 2024 → **2012 OBC applies** → Construction must start **within six months** of permit issuance

Scenario 2 — **Transition - Either 2012 or 2024 OBC may be used**

Complete permit application received **on January 1, 2025, or up to and including March 31, 2025**

As a preferred approach, municipalities may rely on the professional to determine if the design was **'substantially'** complete under the 2012 Code - check with the municipality to confirm.

(A) "Design has been completed to the 2024 OBC"

(B) "Design has been completed to the 2012 OBC. (Drawings were **substantially** completed before January 1, 2025)" → (B) Construction must start **within six months** of permit issuance

Scenario 3 — **Only 2024 OBC Applies**

Complete permit application received **on or after April 1, 2025** → **2024 OBC applies**

EABO

Engineers, Architects, and Building Officials is a joint liaison group comprising the following organizations: the Ontario Association of Architects (OAA), the Association of Consulting Engineering Companies (ACEC) - ON, the Ontario Building Officials Association (OBOA), the Ontario Large Municipalities Chief Building Officials (OLMCBO), and the City of Toronto Building Department.

Professional Engineers Ontario

Ontario Association of Architects
Ordre des architectes de l'Ontario

City of Toronto
Office of the Chief Building Official and Executive Director
Toronto Building Division
Development and Growth Services
Attention: Mr. Kamal Gogna, P.Eng., Interim Executive Director, and Chief Building Official

November 21, 2024

Re: Implementing a Rental Renoviction License By-Law to Address Renovictions in the City of Toronto

Dear Kamal,

Further to our letter dated September 24, 2024, Professional Engineers Ontario (PEO) had the opportunity to discuss the matter with the Ontario Association of Architects (OAA) and have aligned a coordinated joint response.

We have noted that your report to Council on October 16, 2024, showed on page 16 that

> City staff have engaged the PEO and the OAA to discuss the implementation of a proposed Renovictions Bylaw. Staff heard of the need for clear guidance materials for both engineers and architects. Toronto Building will continue to engage these, and other professional organizations throughout the implementation process.

Our comments are specifically related to the City's Draft Renovictions Bylaw with respect to the role of individuals licensed by the PEO and OAA serving as "qualified persons" to prepare a report that a landlord's proposed renovations or repairs are so extensive that vacant possession of the rental unit is needed, as described in subsection 2.2 (5);

> (5) a copy of a report prepared by a Qualified Person saying that the repairs or renovations **are so extensive or present such a danger to the health and safety of the occupant** that they require vacant possession of the Tenant's Rental Unit.

Areas where further clarification is needed

While the by-law has few details on how Qualified Persons will be involved and affected, both of our organizations are confident that persons licensed by the PEO and OAA are competent to prepare the required report. The following areas that require further clarification include:

- Clear definitions and/or other guidance to help qualified persons interpret what is meant by "extensiveness required for vacancy". A definition of "extensive", such that it could not be up for interpretation, is required prior to implementation.

- More clarity pertaining to the determining factors for health and safety dangers is recommended to reduce the possibility of deliberate attempt to encourage eviction. OAA

  and PEO licensed members are not trained to identify specific health concerns or conditions, other than that which is directly related to safety.

- Specificity on the required scope of work needed from the qualified professional and responsibilities of any action needed.

- Clarity on what is meant by "emergency repair and health & safety risk" and whether the report by qualified professionals is intended to report on efforts to mitigate to avoid eviction.
- Guidance for consideration of issues that may be a significant inconvenience for contractors or tradespeople undertaking any applicable repairs or renovations with a tenant staying including scheduling, noise, dust, etc.
- How will the municipality enforce the by-law consistently as it relates to the report of the qualified professional?
- Protection from any administrative or legal penalties or liabilities that may be imposed on the qualified professional because of the report provided.
- How would the City of Toronto address situations of conflict of interest for qualified professional arise from issuing these reports, if it exists?

PEO and OAA value the opportunity to be included in these discussions with a view to helping you and your colleagues develop clear by-laws and supporting materials to guide both landlords and qualified professionals, as well as provide clarity to tenants affected by these renoviction applications.

We look forward to continued consultations as the by-law development process moves forward.

Sincerely,

David Smith

David Smith
Director, External Relations
Professional Engineers Ontario

Kristi Doyle

Kristi Doyle
Executive Director
Ontario Association of Architects

Office of the Registrar Statistical Report

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 6.3

FOR THE PERIOD SEPTEMBER 4 TO NOVEMBER 19, 2024

PRESENTED BY

Christie Mills

Ontario Association of Architects

The Registrar's Report to Council provides an overview of key statutory matters and statistics, both ongoing and planned. Items of regulatory importance to the Association include information on the activities of the following:

- The Experience Requirements Committee (ERC);
- The Complaints Committee;
- The Discipline Committee;
- The Registration Committee;
- Act Enforcement; and
- Correlated legislative matters.

The report also provides statistical information regarding:

- OAA membership and OAA status composition;
- Licence applications;
- OAA Certificate of Practice composition;
- Certificate of Practice applications; and
- Growth statistics of the above.

The Association's principal objective is to protect users and potential users of professional architecture services by governing its licensed members, including holders of certificates of practice and temporary licences, so that the public can be confident OAA members are appropriately qualified and meet the requirements at law to practise architecture. As a self-regulated professional organization, the OAA is authorized by the Government of Ontario, under provincial statute to establish, monitor, and enforce standards of practice and performances for its members and practices. For the purpose of carrying out these objectives, the Association relies on statutory committees and processes; the statistics of which are highlighted below.

Experience Requirements Committee (ERC)

Upon referral, the Experience Requirements Committee determines if an applicant has met the experience requirements prescribed by the Regulations forming part of the eligibility requirements for the issuance of an OAA licence.

As per Section 13(3)b of the *Architects Act*, the Registrar, on their own initiative, can (and on the request of an applicant, *shall*) refer an application for the issuance of licence to the ERC for a determination as to whether the applicant has met the experience requirements prescribed by the Regulations for the issuance of licence. Additionally, the Committee will assess and make a recommendation to Council as to whether the applicant has met the experience requirements prescribed by the Regulations for the issuance of licence in matters related to Exemption Requests to Council as set out in Section 33 of the Regulations.

- Two (2) assessment interviews were held in this reporting period.
- One (1) assessment is scheduled for December.

The statutory requirement for confidentiality is established section 43 of the Act. It requires the Registrar and committee members maintain "*secrecy with respect to all matters that come to an individual's knowledge in the course of their duties*". Section

13(6) states that the Registrar shall give notice to the applicant of the ERC decision; though, is not authorized to share the results to anyone else.

There is an exception in s.43 to allow the Registrar to share information "*as may be required in connection with the administration of*" the Act, regulations and by-laws.

Upon review with legal counsel, there is an argument that data related to successful vs unsuccessful applications may be provided to Council. There is also an argument that the Registrar share general data trends that have arisen from the ERC assessments that may be relevant to the work of Council. Assuming this data can be connected Council's work in the administration of the Act, the table summary below can be provided on an ongoing basis:

	2024		
	Reason	Result	Deficiency
ERC Recommendations to Council	CY	Recommendation that the experience meets the requirements.	
ERC Determinations	CI	Does not meet requirements. Remedial action required.	• Lack of minimum required competency in OBC & Building Science. • Recommendation for more experience in complex buildings.

CI: applicant using international experience gained prior to enrolment in IAP
CY: Currency
IAP-D: Internship in Architecture CERB deficiency.

Complaints Committee

As the regulator of the practice of architecture in Ontario, the OAA handles complaints regarding the conduct or actions of a member of the OAA.
The *Architects Act*, R.S.O. 1990, c. A.26 prescribes the complaints process to ensure the public interest in Ontario is served and protected. A complaint may be made if there is concern a member of the OAA (Architect, a holder of a Certificate of Practice, or holder of a Temporary Licence) has contravened the *Architects Act* or has engaged in professional misconduct as set out in the Regulations (R.R.O. 1990, Reg. 27, s. 42).

Below are the complaints committee statistics for this reporting period of September 4 to November 19, 2024:

Total Inquiries[1]	21
Total Complaints initiated	7
Held in abeyance	1
Preliminary Review Stage	0
Active[2]	9
Closed	

[1] Any communication about a member's professional misconduct. This number includes matters that has since been referred to complaints, however, not all complaints began as inquiries.
[2] Active includes matters in documentary exchange process, in an active investigation or before a panel prior to the parties being notified of the disposition

Not referred (dismissed or withdrawn)	3
Not referred (caution)	0
Referred to Discipline	2
Ongoing Registrar's Investigations[3]	2
Good Character Investigations initiated	1

Discipline Committee

Discipline decisions are the result of hearings conducted by a tribunal comprising two senior members of the OAA and a Lieutenant Governor in Council Appointee (LGIC) from the Discipline Committee. The Discipline Committee hears allegations of professional misconduct against members of the Association, holders of a certificate of practice, or holders of a temporary licence.

Allegations may arise through:

- referral of a matter by the Complaints Committee; or
- Council directing the Discipline Committee to conduct a hearing into allegations of professional misconduct in a specific situation.

Currently the Committee is administering the following:

- Six (6) cases to be scheduled (scheduling to occur upon completion of document exchange between parties).

Registration Committee

When the Registrar proposes to refuse (Notice of Proposal (NoP)) an application for licence, certificate of practice or temporary licence; proposes to suspend or revoke a certificate of practice or temporary licence; or, proposes to issue a licence, certificate of practice or temporary licence with terms, conditions and limitations, the applicant may request a hearing before the Registration Committee. The Committee hears the matter and makes a determination as to the proposal by the Registrar.

The hearing is held before a panel of three members of the Registration Committee. A Registration hearing is not an appeal and is not a review of the decision made by the Registrar. A hearing is an opportunity for an applicant to present evidence in support of their application. The applicant bears the onus of satisfying the Registration Panel, on reasonable grounds, that they meet the requirements of the Act and the Regulations for the purpose of issuance of a licence or Certificate of Practice.

On the recommendation from OAA legal counsel, the OAA website dedicated to the Registration Committee has been updated to include 2024 requested hearings and the associated hearing dates. This aligns with the expectations of the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 (ontario.ca) and infuses more transparency on the OAA website. Committee Decisions and Reasons are also posted for any hearings resulting in a decision and order to issue a licence.

[3] Not yet referred to a committee

On July 5, 2025 the Chair of the Registration Committee ordered that further scheduling of Registration hearings be suspended until the Notice of Motion advanced by the AATO is resolved. This decision was communicated via legal counsel to all hearing applicants on July 8, 2024. The communication can be summarized as follows:

> *"On Thursday, July 4, 2024, the OAA was served with a draft Notice of Motion from the Association of Architectural Technologists of Ontario (AATO). The AATO is alleging that the OAA is in contempt of the May 2023 order. The AATO appears to be alleging that by accepting and processing applications for licenses from former Licensed Technologists OAA, and adhering to the requirements of the Architects Act, the OAA has contravened the May 2023 order. The OAA intends to defend itself against the AATO motion. However, as a result of the AATO bringing its motion, the Registration Committee has advised that it will not schedule any further hearings. To be clear, this is not out of concern that the OAA has contravened the May 2023 order but rather to communicate to the court that the OAA treats such matters seriously."*

Act Enforcement

The Act restricts the practice of architecture to licensed members of the OAA providing professional services through a Certificate of Practice issued by the OAA. The practice of architecture includes:

- the preparation or provision of a design to govern the construction, enlargement, or alteration of a building;
- evaluating, advising on, or reporting on the construction, enlargement, or alteration of a building; or
- the general review of the construction, enlargement, or alteration of a building.

It is an offence for an unlicensed person (including a corporation) to use the term "architect". It is also an offence to hold oneself out as engaging in the practice of architecture without a licence issued by the OAA.

Misrepresentation of the protected title "architect" and misleading claims or advertising (inadvertently or purposely) could lead the public to conclude they would be receiving architectural services from a licensed and regulated professional.

The OAA's regulatory mandate includes taking action against those unlawfully providing architectural services. The *Architects Act* and its Regulations outline specific exceptions, but outside of these, the OAA may take legal action. The OAA will investigate when a possible infraction is brought to its attention. If it appears illegal practice has occurred, the OAA may do one or more of the following:

- Send an inquiry letter advising of the concerns, and request specific corrective action. This is a common first step in the case of misrepresentations.
- Request the individual sign an undertaking and covenant agreement, which includes an acknowledgment of the breach of the *Architects Act* and agrees to compliance in the future.
- Pursue financial damages or injunctive relief through the courts.

Below are the act enforcement statistics from September 4 to November 19, 2024:

Active files/ Ongoing investigations[4]	**14**
New matters received during reporting period	16
Resolved by Legal Counsel	0
Resolved by OOTR[5]	2
Unable to locate	0
No breach found[6]	1
Injunctions	0

Correlated Legislative Matters

Office of the Fairness Commissioner

The Fairness Commissioner assesses the registration practices of regulated professions and trades in Ontario to make sure they are transparent, objective, impartial and fair for anyone applying to practise their profession in Ontario.

The Office of the Fairness Commissioner (OFC) supports the Fairness Commissioner in acting on the mandate set out in the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* (FARPACTA) and the *Regulated Health Professions Ac*t, 1991 (RHPA).

The OFC launched its new Risk-Informed Compliance Framework (RICF), which came into effect on April 1, 2022. This framework relies both on the regulator's historical performance, and a series of forward-looking risk factors that could impact a regulator's ability to achieve better registration outcomes for applicants.

The OAA's RICF for the 2022-2023 period was determined to be in full compliance with no outstanding recommendations. In November 2023, the OFC implemented the second iteration of its RICF for the 2023-2024 period. Under this framework, the OFC assesses each regulator's operations against five risk factors that may impede the regulator's ability to apply fair registration practices for the licensure of domestic and internationally trained applicants; the five risk factors are set out below:

1. Organizational capacity.
2. The overall control that a regulator exerts over its assessment and registration processes.
3. The impact of major changes to registration practices and relations with third-party service providers.
4. The ability of the regulator to comply with newly introduced legislative and / or regulatory obligations.
5. Public policy considerations:
    a. Addressing labour market shortages.
    b. The ability to promote inclusion and address anti-racism concerns in registration processes.

[4] Includes ongoing matters from previous reporting period .
[5] Resolved means the OOTR has contacted the individual in breach and the requested changes have been made.
[6] Investigations were made and no breach found.

For the OAA's 2023/2024 RICF, the OFC has identified three areas of risk that will require actions plans to address these concerns. The three identified risks are as follows:

- *Ensure that the OAA's CER alternative(s) comply with the applicable regulatory criteria and facilitate the timely registration of experienced architects from international jurisdictions.* To this end, the OAA may wish to approach other regulators that have eliminated their CERs, or introduced a full competency-based assessment alternative, to compare their experience and approach. The OFC will also want to monitor the number of internationally experienced architects who are accessing alternatives to the IAP, and the number who are successfully licensed.
- *Continue to disseminate public information on all pathways to licensure available for internationally experienced architects* and ensure that these modalities are easily accessible and understood.
- *Implement a thoughtful implementation plan to reinstate the OAA's Lic.Tec.OAA licensees and ensure that this work is undertaken fairly*, efficiently and through a client-focused lens.

The Office of the Registrar completed its first meeting in June with the assigned OFC Analyst to review progress made on these three items. The second (quarterly) meeting was completed September 3, 2024. In order to address the identified risk areas:

- Item number one is tracking the potential for a new national CACB/ESDC project.
- Item number two can be considered complete with the updated OAA webpage International Credentials and Professional Mobility (oaa.on.ca).
- Item number three is tracking the implementation of the legislation and regulation for limited licences.

FARPACTA Upcoming Amendments

The period of 2022 and 2023 saw many changes to the *Fair Access to Regulated Professions and Compulsory Trades Act* (FAPACTA) that compelled all Ontario regulators to examine and, in many cases, change their registration practices. The FARPACTA continues to evolve with the following items awaiting Act and/or regulation amendment or proclamation:

Third Party Service Providers

On a day to be named by proclamation of the Lieutenant Governor, section 10 of the Act is amended by adding the following subsection:

(3) For the purposes of subsection (2),

(a) in order for a regulated profession to be considered to make assessments of qualifications in a way that is transparent, objective, impartial and fair, it must, at a minimum, meet the requirements prescribed by regulation; and

(b) in order for a regulated profession to be considered to have taken reasonable measures to ensure that a third party makes assessments in a way that is transparent, objective, impartial and fair, it must, at a minimum, meet the requirements prescribed by regulation, including any requirements respecting contracts entered into between the regulated profession and the third party. 2024, c. 3, Sched. 3, s. 1.

With this section above passed into FARPACTA, associated regulations are anticipated that will prescribe requirements relating to assessment of qualifications including specific duties for regulated professions when working with third parties.

Pending FARPACTA Amendments

At the time of writing this report proposed amendments to FARPACTA (Schedule 3 of the Bill 190, *Working for Workers Five Act*, 2024) had received second reading in the Ontario legislature. Schedule 3 proposes the following:

1. Policy re reasonable alternatives to required documentation:

   A regulated profession shall have a policy addressing what alternatives to the documentation of qualifications that is normally required will be acceptable. The policy must,

   (a) provide that the regulated profession will accept reasonable alternatives to the documentation that is normally required if the required documentation cannot be obtained for reasons beyond an applicant's control;

   (b) describe what constitutes a reasonable alternative;

   (c) include the timelines within which the regulated profession will process such alternative documentation and inform the applicant of the next steps; and

   (d) comply with any requirements set out in the regulations respecting the policy, including respecting how the policy must address the matters described in clauses (a) to (c).

   A regulated profession shall submit the policy to the Fairness Commissioner for review. Whenever there is a change in circumstances that may affect the policy, the regulated profession shall update it and submit it to the Fairness Commissioner for review. Before implementing a policy or updated policy, a regulated profession shall, respond to any input from the Fairness Commissioner regarding the policy or updated policy; and if the regulations so provide, obtain the Fairness Commissioner's approval of the policy or updated policy.

2. Plan re Parallel Processing

   A regulated profession shall have a plan addressing how it will enable multiple registration processes to take place concurrently. The plan must,

   (a) permit applicants who experience a delay in one part of the registration process to proceed with other parts of the registration process wherever possible; and

   (b) comply with any requirements set out in the regulations respecting the plan, including respecting how the plan must address the matter described in clause (a).

   A regulated profession shall submit the plan to the Fairness Commissioner for review. Whenever there is a change in circumstances that may affect the plan, the regulated profession shall update it and submit it to the Fairness Commissioner for review. Before implementing a plan or updated plan, a regulated profession shall, respond to any input from the Fairness Commissioner regarding the plan or updated plan; and if the regulations so

provide, obtain the Fairness Commissioner's approval of the plan or updated plan.

The Office of the Fairness Commissioner recently hosted a webinar to discuss the 2023, section 6(2) revision to The *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*(FARPACTA) which specified that a regulated profession has a duty to work in consultation with its responsible minister: *"to ensure, as a matter or public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated professionals*". The webinar set out OFC expectations as follows:

The OFC believes that regulated professions should be prepared to discuss:

- The supply and demand characteristics of their profession or trade(s), including the views of the regulator on whether labour market shortages are likely to arise in the short, medium or longer-term;
- How they are engaging with their boards of directors or governing councils to discuss labour market risks;
- The strategies that they are taking, or propose to take, to help understand and close the supply and demand gap, including how they plan to remove barriers and expedite the registration of qualified applicants;
- Their efforts to reach out to other stakeholders (e.g. post-secondary institutions, employers) to address these complex "ecosystem" issues in a systematic way; and
- The spheres in which they may require assistance to successfully complete these steps.

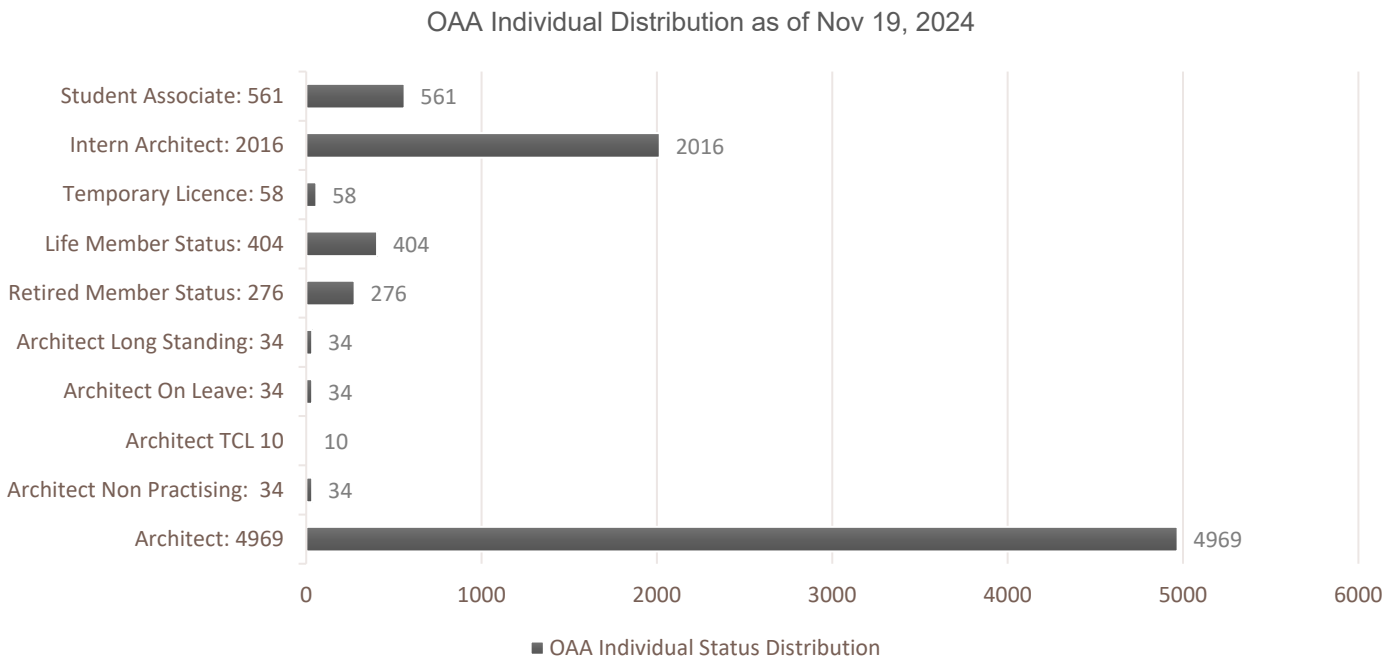
Currently, there is no data to indicate a shortage of Architects in Ontario.

The Office of the Registrar, the Policy and Government Relations Manager and the Executive Director will continue to monitor the above developments. Actions arising or required will be reviewed with the Governance Committee. Any required policy or statutory changes required will be overseen by the Governance Committee with recommendations to follow for Council review and approval.

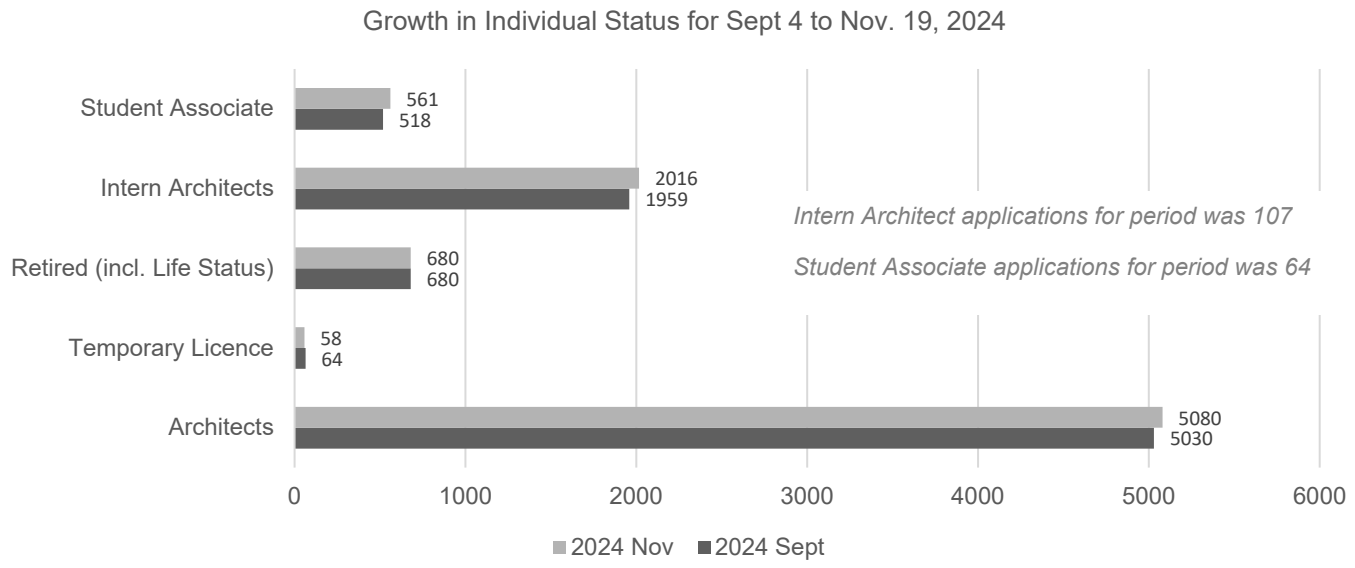
Statistics

Below are the OAA community statistics as of November 19, 2024, indicating current records as well as changes for the period of September 4 to November 19, 2024. The OAA community includes members as defined by the *Architects Act* as well as prescribed as classes of persons whose interests are related to those of the Association as defined by the regulations.

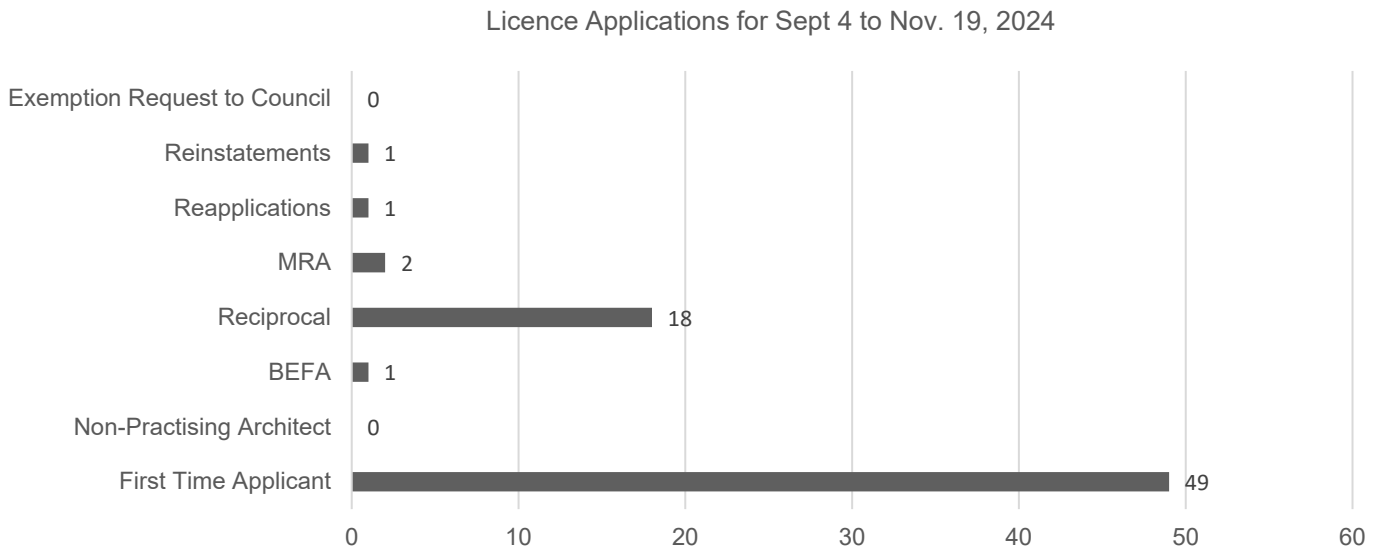
OAA Members and Status Holders



Growth in Individual Status

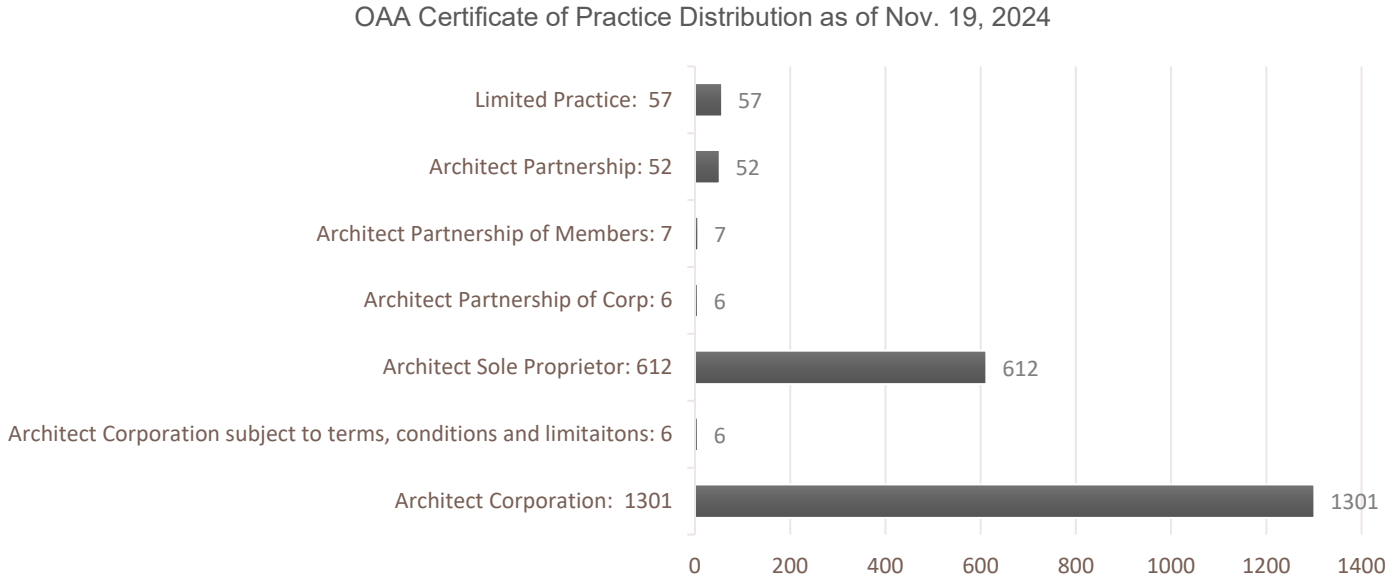


Licence Applications

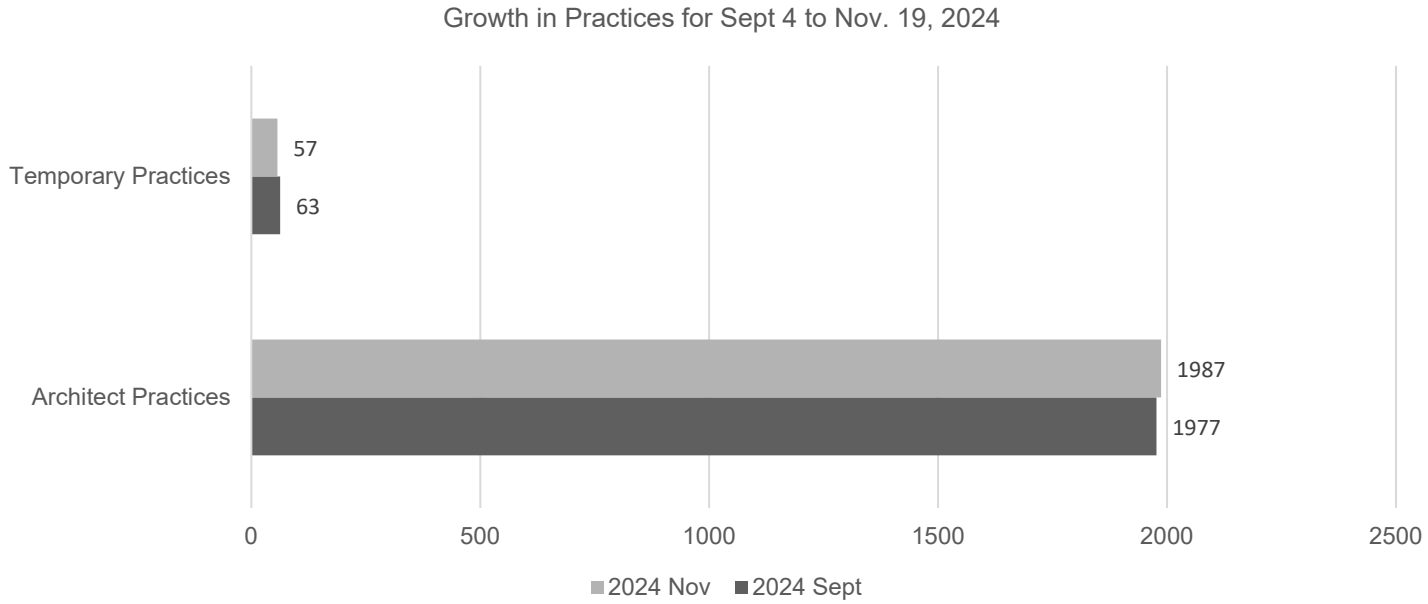


- *Total licence applications received for the period was 49.*
- *Total licence applications approved for the period was 72.*
- *Of the 49 First Time Applicants 13 were internationally educated applicants.*

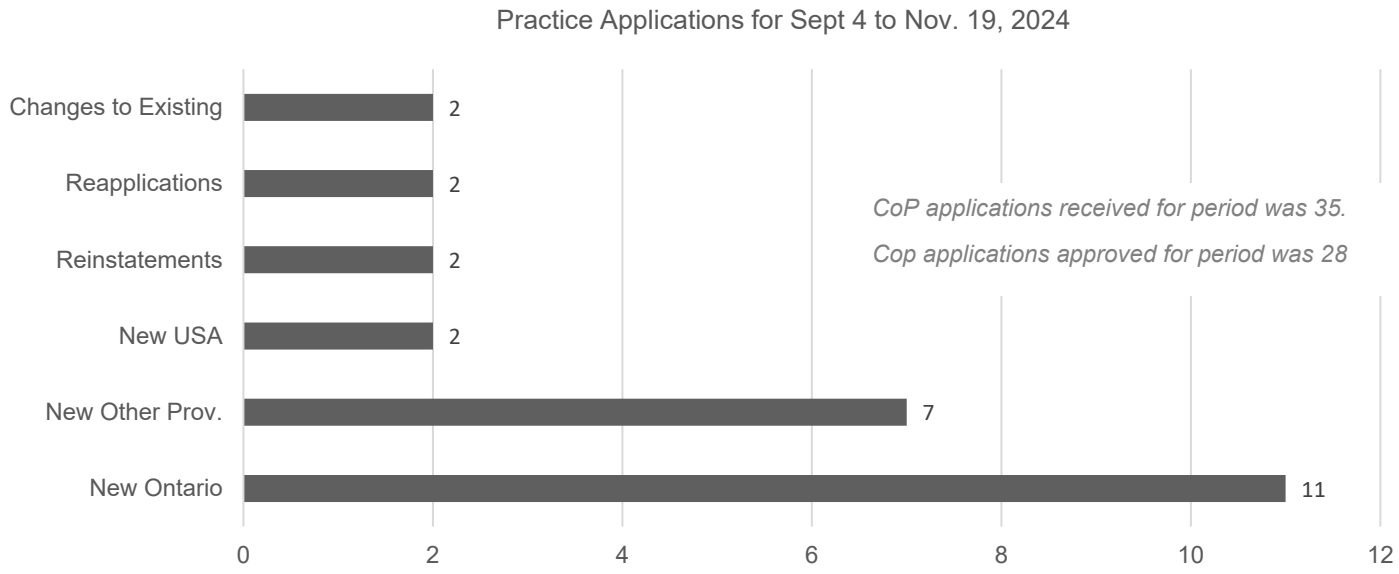
Certificate of Practice



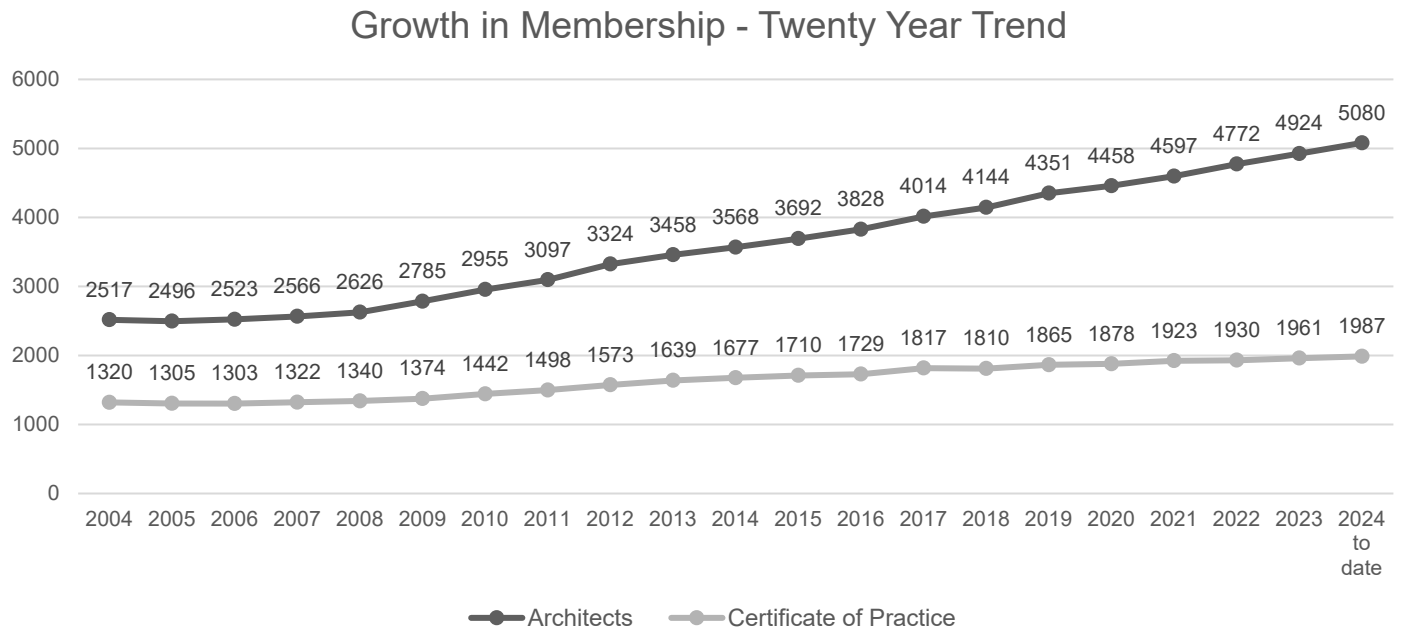
Growth in Practices



Certificate of Practice Applications



Long Term Trends



Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
Kimberly Fawcett-Smith
Natasha Krickhan
Michelle Longlade
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Thomas Yeung

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 6.4.a

From: Lara McKendrick, CPEC Chair

Mariella Amodio
Kurtis Chen
Carl Knipfel
Brigitte Ng
Pearl Chan
Jon Hobbs
Elaine Mintz

Date: November 14, 2024

Subject: Update on Communications and Public Education Activities

Objective: To provide an update on CPEC items and initiatives since the last Council Meeting.

Background

The Communications & Public Education Committee (CPEC) provides oversight and advice for consideration by Council and OAA staff on public education and outreach activities in direct response to the secondary objects set out in the *Architects Act*. It focuses its efforts to advance the public's understanding and recognition that architecture is integral to the quality of life and well-being of society as experienced through a sustainable, resilient, and durable built environment.

CPEC held a four-hour virtual meeting with OAA staff on Friday, November 1, 2024 to discuss numerous items, including the OAA Website, Conference (feedback collected as part of a larger information-seeking process to help plot the future of the event), and the selection of a candidate to recommend to council for next year's virtual keynote (see separate memo).

Another virtual meeting was scheduled for early January 2025 to review status of projects and tasks of the 2024 CPEC work schedule, initial options for further changes to the website (detailed later in this memo), and possible initiatives for the year to come, in preparation for the Council planning sessions in late January.

General Updates

OAA staff shared changes to the OAA Website with respect to revised information on the Public Awareness Funding program for 2025. These updates to deadlines, wording, and administration were based on the Committee's suggested changes, which were shared with Council in the previous meeting package.

For the OAA's public-facing podcast, *Architecturally Speaking*, three more episodes have been recorded, with two now released on social media and streaming platforms. These were interviews conducted by OAA member Ryan Schwartz with urban planner Shonda Wang on transit-oriented developments, and architect Joe Lobko on architectural design competitions. The third episode, a chat with architect Barry Hobin on built environments and waterfronts, is scheduled for December. The Committee likes the podcast and would like to review performance metrics next year, including the possibility of an expansion and/or reworking of the program.

Staff shared that the OAA Headquarters video building tour is now in post-production, having been filmed on location with a variety of subject matter experts in October. Council will be able to preview the short video series before it is shared live.

Regarding the SHIFT Challenge, OAA staff confirmed all five jurors and a jury facilitator have been chosen, based on availability of candidates on a short list compiled from recommendations from CPEC, Council, staff, and Local Architectural Chairs. This jury will be announced in November via a special standalone email, website post, small-scale media release, and social media channels to continually encourage those with OAA status to participate in the biennial awards program. Once there are selections for SHIFT projects in the new year, CPEC recommends the results be shared with federal, provincial, and municipal levels of government to shed light on the importance of the SHIFT theme, "Reshaping Communities.

The NOW Lecture was also discussed. Now with a nominal fee (to better encourage registrants to actually attend as it is a popular event; a discount is available for Intern Architects and Student Associates), the biennial event will be held at the OAA Headquarters on the evening of November 28. Over three hours, there will be a reception with food, drinks and networking, an opportunity to see this year's Queen's Park Picks selections, a greeting from the OAA president, and then two 45-minute presentations featuring OAA Landscape Design Competition winners Ja Architecture and 2024 Best Emerging Practice, Lanescape.

Website discussion

Given that 2025 will mark the five-year point of the current website, the Committee is keen to ensure it remains current with changing times and that certain pain points—particularly searchability and navigability (for both the architectural community and the wider public) are improved. The goal is to better the current website; not create a new one.

To begin this process, CPEC members were given a walkthrough of the OAA Website from the communications team, including high-level performance metrics, a basic explanation of the content management system for the thousands of pages, and

acknowledgement of various areas that need improvement. Members shared what they liked/disliked about the website. Some of their concerns included:

- ensuring Public Resources information is easier to find;
- improving the structure and comprehensiveness of the sitemap
- overall frustration with the website requiring too many clicks to get to places
- confusion with respect to disparate parts of the website (i.e. the store, the transcript, ConEd opportunities looking too similar so you can get lost)—colour bar wayfinding might be worth exploring; and
- overall searching/navigation issues (e.g. putting in a keyword can bring up 100 webpages of content—it can be quite hard to filter and find the exact items one seeks).

One chief concern, after exploring the websites of other regulatory bodies, is that the main image on the homepage is too big and you have to scroll down to get to the content—that and the liberal use of white space meant many CPEC members were surprised to see additional content available on the screen once a user scrolled down. While other factors would also need to be considered, including accessibility and responsive design for cellphones, the Committee agreed the homepage space is under-utilized due to the large space taken up by the image—it recommended a balance between aesthetic images and pertinent timely information instantly seen.

To this end, staff will work to provide mock-ups of potential landing page redesigns for the aforementioned next meeting in January. Samples will be shared with the Committee, incorporating recommendations as discussed before finalizing any new design.

The landing homepage notwithstanding, CPEC is also keen to explore how the rest of the website can be improved, especially in terms of finding the vast amount of information it contains. To that end, the Committee is keen to explore UX (i.e. user experience) testing from third-party companies to offer suggestions for further refinement and improvement. After more Committee discussions and research into costs, options, and providers next year, CPEC will make a request for Council consideration regarding access to some funds for this initiative.

Action

None. For information only.

Attachments

None.

Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
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Thomas Yeung

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 6.4.b

From: Governance Committee

William (Ted) Wilson (Chair)
Susan Speigel
Elaine Mintz
Settimo Vilardi
Michelle Longlade

Date: November 25, 2024

Subject: **Update from OAA Governance Committee**

Objective: To provide Council with an update regarding recent activities of the Governance Committee.

The Governance Committee met on October 28, 2024, and November 25, 2024

The following items were discussed by the Committee and are included as separate items in the Council Package: IAP Supervising Architect Eligibility, Enforcement of 'Use of OAA Designation' per Council Policy, Delegation of Authority Council Policy, Amendment to OAA bylaws, OAA Regulatory Notices, Respectful Work Policy for Members of Council, and Policy for Compliance with Duties of Members of Council.

Annual Planning Session

The Governance Committee has been directing OAA senior staff on the schedule and agenda for the Annual Planning Session, which will be held on January 23 and 24, 2025. A draft has been approved and will continue to be worked on. The Committee will finalize the agenda and pre-reading materials in early January.

Committee Appointments

In January 2025, the Governance Committee will conduct a preliminary review of the Council Appointments to OAA Committees for 2025 as per their mandate. However, Committee Appointments will only be finalized after the Election of Officers at the January Council meeting.

Annual Council Training re Occupational Health and Safety Act (OHSA) and Ontario Human Rights Code (OHRC)

The Governance Committee supported the direction to include annual training on OSHA and OHRC along with Good Governance Training as part of the Annual Planning Session. In addition, training will be provided as part of the New Council Orientation and Manual.

The Governance Committee approved updates to the staff Health and Safety Policy. The updates ensure that the policy is compliant with OSHA.

HR Multiyear Roadmap

Regarding succession planning for the Executive Director, a Transition Plan has been established. Most of the action items related to the Transition Plan can only be done once Doyle gives notice of retirement. Any action items that can be done proactively will continue to be done. For instance, Doyle is proactively ensuring that senior staff are exposed to files that she works on exclusively.

Annual Performance Evaluations for ED and Registrar

In addition, the Governance Committee met on November 7, 2024, to conduct the performance review for the Executive Director. Afterward, the Governance Committee and the Executive Director conducted the performance review for the Registrar.

Action

For information only.

Attachments

None

Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
Kimberly Fawcett-Smith
Natasha Krickhan
Michelle Longlade
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FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 6.4.c

From: **Building Committee**

Lara McKendrick, Chair
Sheena Sharp, Member-at-Large
Thomas Yeung, Councillor

Date: November 20, 2024

Subject: Update from OAA Building Committee

Objective: To provide Council with an update on the activities of the Building Committee

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The last Building Committee meeting was held on Nov 7, 2024.

Landscape Project

Joe Lobko has provided the attached report and schematic design to update Council on the progress of the Landscape Project.

OAA Presidents Wall

OAA Headquarters Renovation & Refresh Architect David Fujiwara was engaged to complete the schematic design for the Presidents Wall. Fujiwara has recommended Lewitt Construction to the Building Committee. Pending the approval of the Fiscal 2025 Budget, a contractor will be formally engaged, and a schedule will be finalized.

Building Performance

As part of the ongoing effort to reach net zero in terms of the ongoing performance of the OAA headquarters, the Building Committee reviewed the annual energy usage based on Toronto Hydro data. Following last year's report produced by NRC, a number of 'tweaks' were made to reduce energy usage. The Building is continuing to perform at a level and is just shy of net zero - the difference reflects approximately the energy usage required

for one incandescent light bulb. As we continue to strive for net zero, OAA staff will continue to investigate potential energy use reductions.

Attachments

OAA Landscape Project Progress Report from Client Representative Joe Lobko inclusive of an updated Schematic Design

November 25, 2024

Memo re: **OAA HQ Landscape Revitalization - Progress Report**

To: Members of OAA Council plus OAA Staff Team

From: Joe Lobko

The following draft report is intended to provide members of the OAA Governing Council with an update of progress on the design and implementation of the Landscape Revitalization project for the 111 Moatfield Drive headquarters site. This report is organized under the following headings:

1 Schematic Design Updates - (To be read in conjunction with the separately attached updated schematic design package.)
2 Progress of Engagment of Construction Manager/General Contractor
3 Approvals - Engagement with City of Toronto Staff
4 Next Steps

1 Schematic Design Updates

A series of meetings have been held with the Ja design team to review and inform the progress of schematic design development. Attendance at these meetings included members of the Ja design team, as well as OAA staff (Kathy Armbrust, Kristi Doyle), Building Committee Chair Lara McKendrick and OAA client representative Joe Lobko.

These meetings were organized to each focus on a particular aspect of schematic design development as follows: 1 Pedestrian access, accessibility, materiality, interpretation. 2 Storm Water Management. 3 Planting plan, parking area treatment and main entry door area. 4 Integration of all of the above into an updated schematic design package (to be held on Nov. 29).

Pedestrian access, accessibility, materiality of all surface treatments, interpretation, (see pages 5-17 attached). Schematic design updates include the following:

- Confirmation of an accessible path of travel from the sidewalk to the front door not exceeding 5% (average slope 4.62%). See page 5 of attachment. Addition of tactile walking surface indicator plus a series of wood bollards to differentiate vehicular from pedestrian access (pgs 6-8). Update on railing design to include toe rail to aid those with visual impairment. (pg 6).

- Exploration of alternative surface materials for the pedestrian path of travel resulting in a recommendation for the use of some sort of wood or wood composite plank material providing a solid surface in lieu of the open grating previously indicated. (pgs 7-9)

- Addition of a series of outdoor benches arranged to help define the path of travel and also allow for direct views into the adjacent meadow garden and interpretative exhibition wall proposed. (pgs 10-12)

Joe Lobko Architect Inc. Architecture | Urban Design 26 Browning Avenue Toronto, Ontario, M4K 1V7 T 416-209-0537 E joe@lobkoarchitect.ca

• Suggested incorporation of interpretative elements which describe the landscape revitalization project particularly the approach to ecological restoration through planting and storm water management features. This includes a 'meadow wall' (adaptation of the existing concrete retaining wall separating the parking area from the pedestrian access path) as well as a series of symbols placed on the top rail of the guard adjacent to the meadow garden below. (pgs 13-17)

• Suggested modifications to the area immediately adjacent to the main front door to the building intended to enhance the sense of arrival and provide more distinction between the adjacent parking area and the front entry zone. Surface materiality of this area is still being explored and may involve the reuse of existing paving materials in combination with the wood planking proposed for the pedestrian access path. Consideration may also be given to a potential graphic wall treatment along the south face of the entry pavillion. (pgs19-20)

• An ongoing review of surface treatments to distinguish areas of the parking zone, edge (curb) treatments, as well as the threshold conditions of the entry bridge. This includes a proposed transition zone between hard paving areas along the city sidewalk and entry drive beyond and the bridge. (pgs 22-26)

Storm Water Management (see pg 28).

• Generally consistent with the competition design proposal but with some evolution of thinking with respect how the proposed bioretention areas will integrate with the modified approach to traditional storm water infrastructure. Designed to meet the City of Toronto Wet Weather Flow Management Guidelines including both quality and quantity control. (see pg 28 for a detailed summary).

Planting Plan Updates (see pgs 30-35)

• A proposed combination of plug planting and hydroseeding. Plug planting involves the careful placement of specific plants in the meadow area proposed under and adjacent to the entry bridge, the lowest elevation on the site and the area expected to serve as a bioretention pond. The hydroseeding will be based on a range of specific mixes to be defined by the design team and will vary depending on the specific zone on site. (pg 30)

• An updated arborist's report will likely be required to confirm the health and viability of existing trees and to support the application for a Tree Injury Permit. (pg 31)

• The design team has evolved their thinking about the specific plants to be included based on feedback from the OAA team and their own discussions. The intention remains to develop a meadow compatible with the adjacent Don River ravine context and to support the ecological restoration of the site. (pgs 31-35)

• It is highly desirable to provide the hydroseeding treatment to the elevated mound located on the school property just west of the turn of the entry driveway into the parking area. This is a highly visible landscape feature that is currently covered in sod and maintained by the OAA notwithstanding its location on the school property. A meeting in the near future with the Bayview Glen School is recommended to review this specific aspect of the design as well as the approach to site revitalization more generally, in light of the ownership and easement status of the south portion of the property. (pgs 31-32)

2 Progress of Engagement of Construction Manager/General Contractor

An RFP has been prepared which describes the scope of work to be undertaken by a CA/GC as well as the process for selection. This RFP has been distributed to a short list of three qualified companies - Aldershot, Somervill and UCC. A review of proposals received will be undertaken by the OAA staff team, the Building Committee and the client representative in the last week of November. Interviews with each of the shortlisted proponents are scheduled for Tuesday December 3. A recommendation will be provided to the OAA Council on Dec 6.

The contract will be based on CCDC 5B which will enable the selected company to immediately assist the design team with a review of the design proposed, its cost and an estimate of required scheduling. Once construction documents are completed and approvals are obtained a final reconcillitation of project scope and construction budget will be confirmed and the contract will adjust to a fixed price contract.

3 Approvals - Engagement with City of Toronto Staff

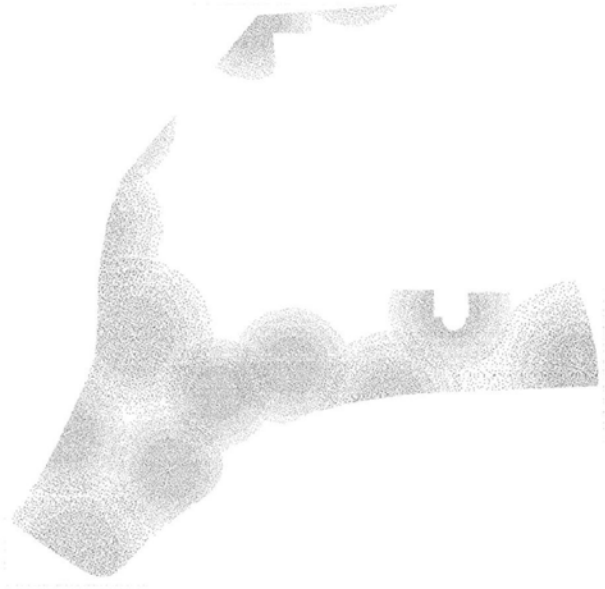
The design team requested a pre-application meeting with the City of Toronto staff approvals team as well as TRCA staff. This meeting included attendance by the OAA staff team, Lara McKendrick and Joe Lobko. The City staff team expressed strong support for the project direction and provided specific feedback and suggestions regarding particular aspects of the design and process. Those suggestions have been incorporated into the ongoing development of the schematic design proposal.

The design team also made an application for a Zoning Applicable Law Certificate (ZAP). This resulted in the identification of the need for a zoning variance related to parking and the inclusion of a porous material (steel grating) as part of the driveway arrangement. This results in a requirement to make an application to the Committee of Adjustment to obtain these two minor variances. The design proposed is consistent with evolving city policy whereas the older zoning by-law is not, so these variances are likely to be easily approved.

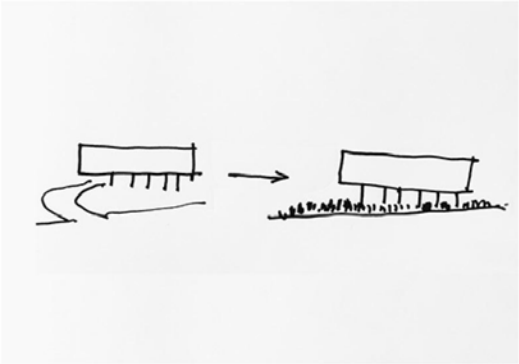
4 Next Steps

- Completion of a schematic design package for costing and estimate of construction scheduling.
- Engagement of a Construction Manager/General Contractor to provide a construction cost estimate, a review of the design and the development of a construction schedule.
- Prepare an application to the Committee of Adjustment to address the two minor variances indicated above resulting from the ZAP application.

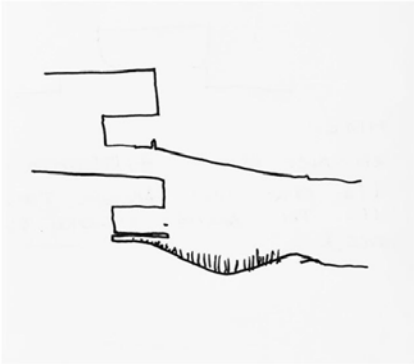
End of Memo.



Grounding Meadow
JA Architecture Studio Inc
Presentation Extracts - Reduced
20 Nov 2024



Reconciliation & Climate Change



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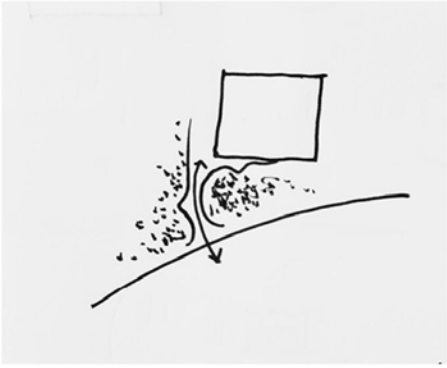
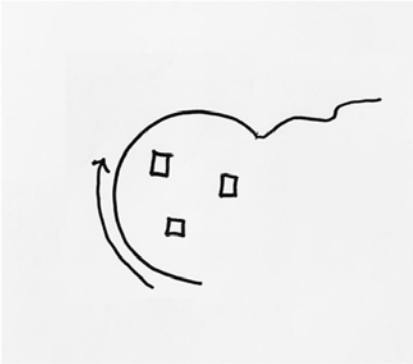


Bridge



Plant

NOTES

THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY, STRUCTURAL, ETC, ENGINEERING INFORMATION SHOWN ON THE DRAWING. REFER TO THE APPROPRIATE ENGINEERING DRAWINGS BEFORE PROCEEDING WITH WORK.

CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK AND REPORT ANY DESCREPANCY TO THE ARCHITECT BEFORE PROCEEDING. ALL CHANGES TO BE NOTED ON PLANS FOR APPROVAL.

CONSTRUCTION MUST CONFORM TO ALL APPLICABLE CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.

NOT FOR CONSTRUCTION

PRELIMINARY

LEGEND

REVISION

No	Description	Date
1		
2		
3		
4		
5		
6		
7		
8		
9		

SEAL

JA Architecture Studio Inc

98 Beaconsfield Ave.
Toronto, ON
Canada M6J 3J3
T: 416 594 2300
F: 416 594 2301

PROJECT

111 MOATFIELD DRIVE

SHEET TITLE

SHEET No. 2

DATE 20-Nov-2024

SCALE

NOTES

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NOT FOR CONSTRUCTION

PRELIMINARY

LEGEND

REVISION

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SEAL

JA Architecture Studio Inc

98 Beaconsfield Ave.
Toronto, ON
Canada M6J 3J3
T: 416 594 2300
F: 416 594 2301

PROJECT

111 MOATFIELD DRIVE

SHEET TITLE Site Context

SHEET No. 3

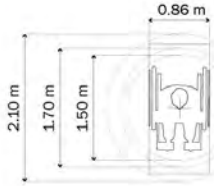
DATE 20-Nov-2024

SCALE NTS

Evolution of thinking with respect to the pedestrian entry including materiality, slope, amenity. To include what I sense is our collective instinct to shift to a wood surface separated from the vehicular entry route with wood bollards, a modified approach to the railing that improves accessibility but also provides interpretation, and the addition of site furnishings sited to best take advantage of a adaptation of the existing concrete retaining wall as an exhibition surface.

Legend

1	Pedestrian entry
2	Vehicular entry
3	OAA main entry
4	Accessible parking
5	Siamese connection
6	Side walk
7	Road verge
8	Moatfield drive
	Vehicular zone
	Tactile walking surface indicator
	Pedestiran zone
	Pedestrian accesible route
	Vehicular accesible route



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Toronto, ON
Canada M6J 3J3
T: 416 594 2300
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PROJECT

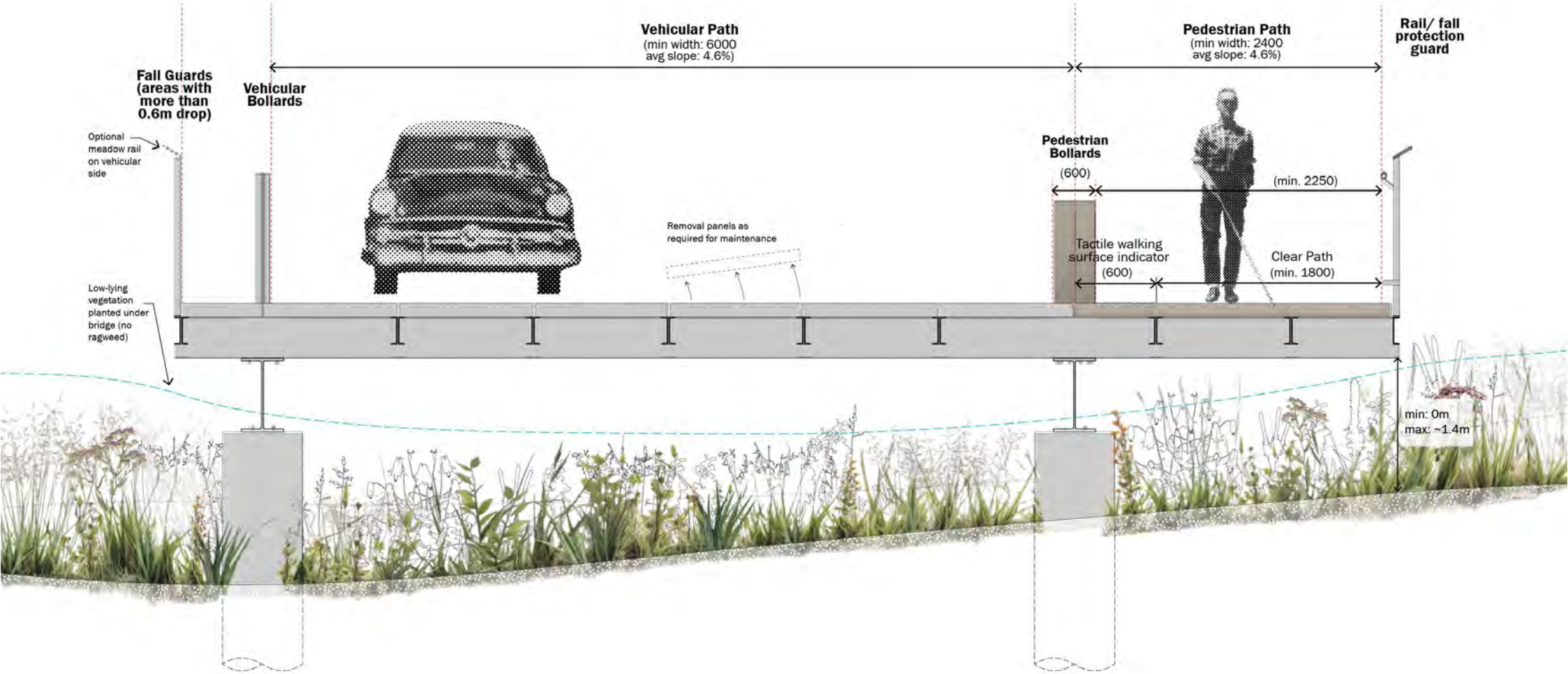
111 MOATFIELD DRIVE

SHEET TITLE
Accesibility Features Overview

SHEET No.
5

DATE
20-Nov-2024

SCALE



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LEGEND

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Toronto, ON
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F: 416 594 2301

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111 MOATFIELD DRIVE

SHEET TITLE
Accesibility Features Overview

SHEET No.
6

DATE
20-Nov-2024

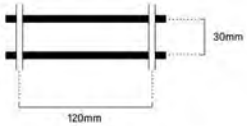
SCALE

a. Wood

Product Information

a. Vehicular Path

Product: Heavy Duty Welded Galvanized Steel Grating (30HW102).



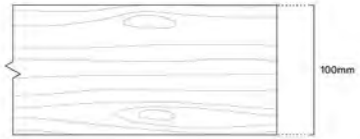
Manufacter: Ohio Grating, Vulcraft

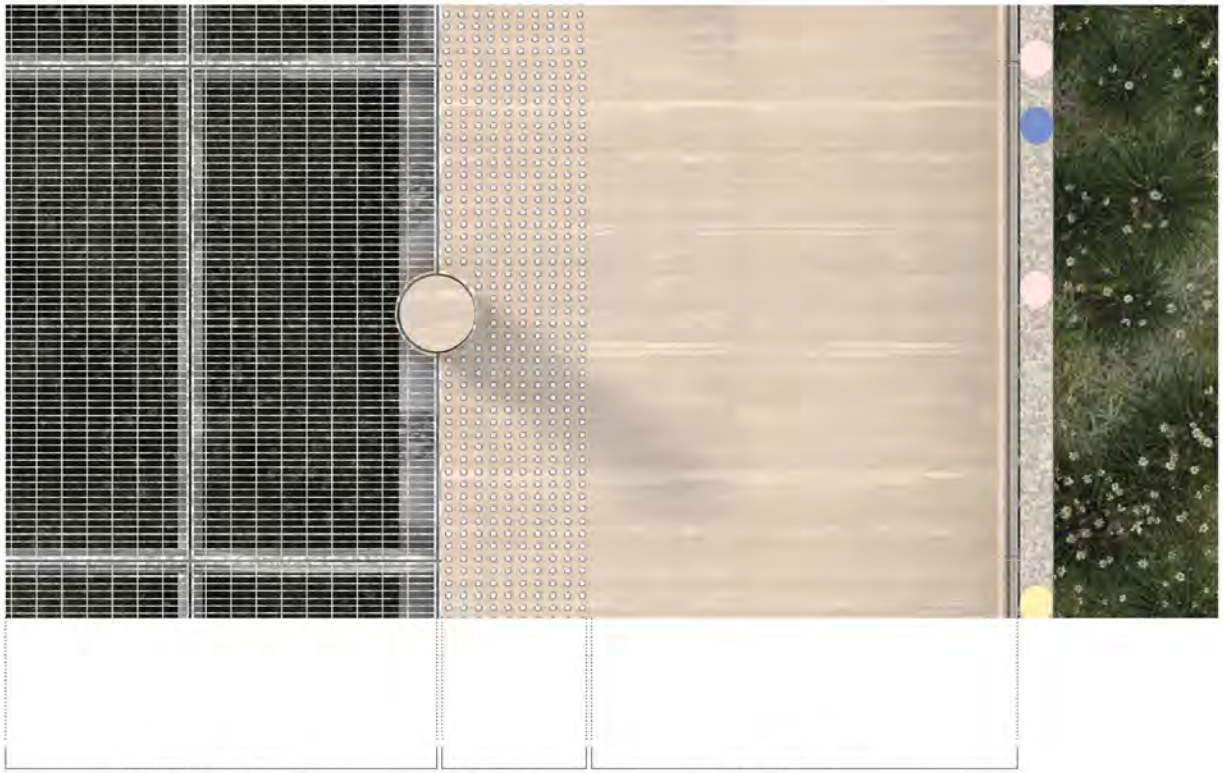
b. Tactile Walking Surface Indicator

Product: 600mm wide CSA Compliant TWSI Studs.

c. Pedestrian Path

Product: To be Determined Wood Product Planks.





Pedestrian Path Material Qualities

Water Permeability

Partial water permeability.

Light Permeability

Limited light permeability.

Low Carbon Footprint

Carbon sequestration from wood.
Carbon sequestration requires good maintenance of wood

Accessibility

Relies on wood natural traction.
Requires clearing of snow and ice.

Ease of Maintenance

Moderate maintenance requirements.
Maintenance depends on wood choice.
Measure to be taken to protect material from weather and decay.

NOTES

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Toronto, ON
Canada M6J 3J3
T: 416 594 2300
F: 416 594 2301

PROJECT

111 MOATFIELD DRIVE

SHEET TITLE: Wood 1

SHEET No.: 7

DATE: 20-Nov-2024

SCALE

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Toronto, ON
Canada M6J 3J3
T: 416 594 2300
F: 416 594 2301

PROJECT

111 MOATFIELD DRIVE

SHEET TITLE
Wood 2

SHEET No.
8

DATE
20-Nov-2024

SCALE

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Toronto, ON
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PROJECT

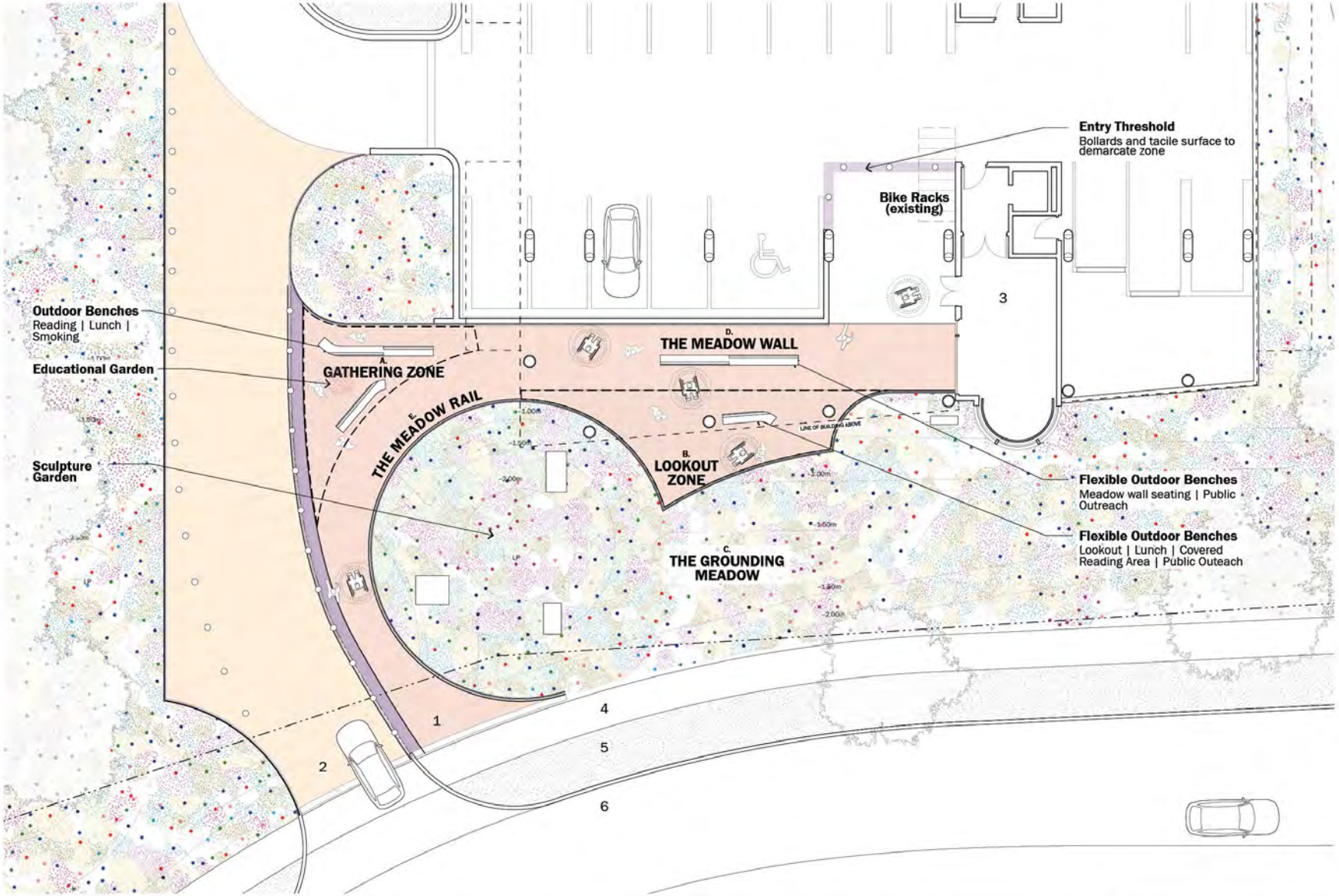
111 MOATFIELD DRIVE

SHEET TITLE

SHEET No. 10

DATE 20-Nov-2024

SCALE



Legend

1	Pedestrian entry
2	Vehicular entry
3	OAA main entry
4	Bike storage
5	Side walk
6	Road verge
7	Moatfiled drive
	Vehicular zone
	Tactile walking surface indicator
	Pedestiran zone

NOTES

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PROJECT

111 MOATFIELD DRIVE

SHEET TITLE Amenites Overview 2

SHEET No. 11

DATE 20-Nov-2024

SCALE

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111 MOATFIELD DRIVE

SHEET TITLE
Amenites Overview 3

SHEET No.
12

DATE
20-Nov-2024

SCALE

Lookout Zone

Gathering zone

NOTES

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PROJECT

111 MOATFIELD DRIVE

SHEET TITLE Amenites Studies

SHEET No. 13

DATE 20-Nov-2024

SCALE

The Meadow Wall

** Educational programmes/ systems in place for users to interact with design*
** Define how users interact with the desing (e.g. access into the meadow)*

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98 Beaconsfield Ave.
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Canada M6J 3J3
T: 416 594 2300
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PROJECT

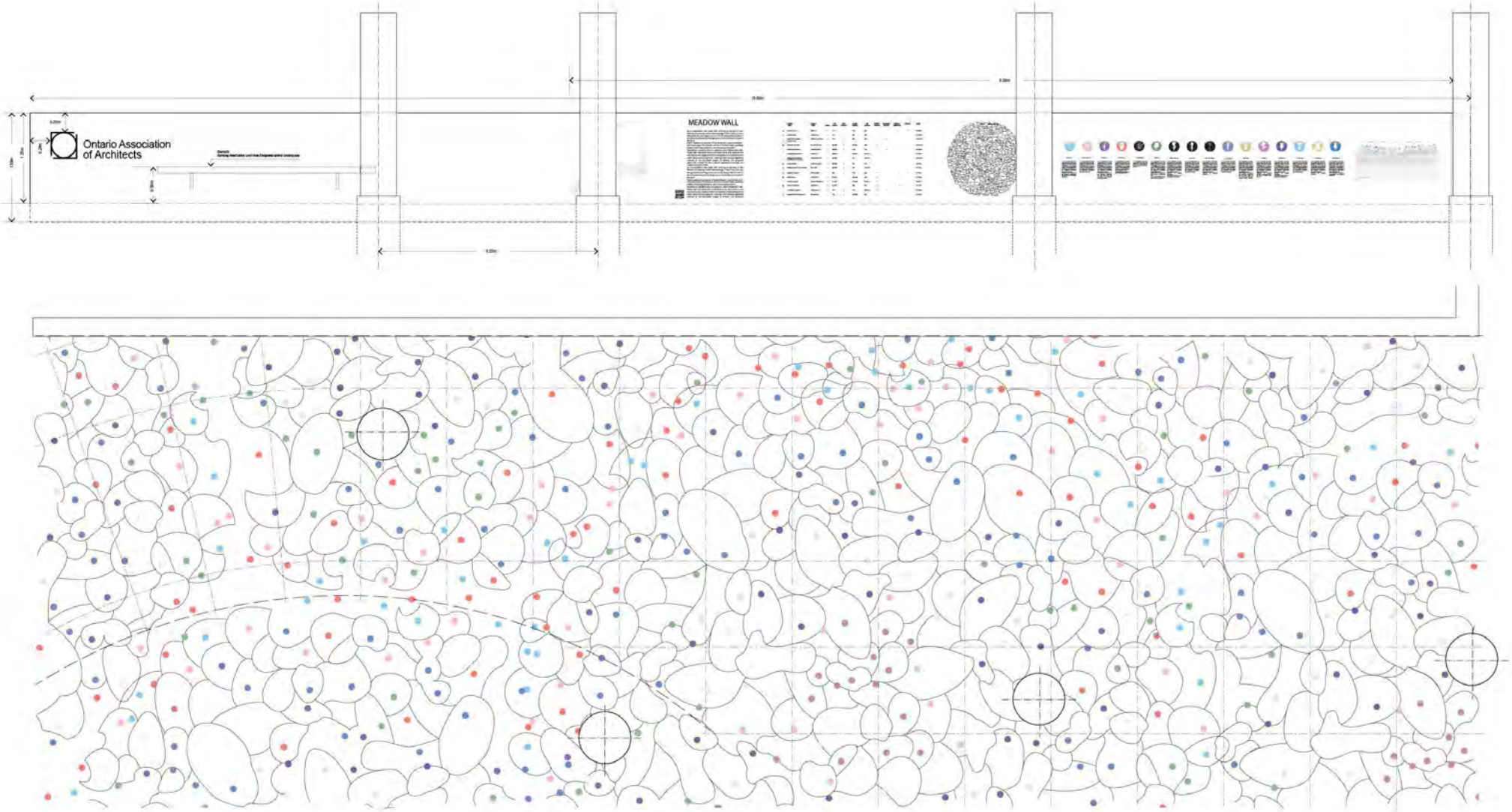
111 MOATFIELD DRIVE

SHEET TITLE Meadow Wall Overview

SHEET No. 14

DATE 20-Nov-2024

SCALE



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LEGEND

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JA Architecture Studio Inc

98 Beaconsfield Ave,
Toronto, ON
Canada M6J 3J3
T: 416 594 2300
F: 416 594 2301

PROJECT

111 MOATFIELD DRIVE

SHEET TITLE
Meadow Wall 1

SHEET No.
15

DATE
20-Nov-2024

SCALE

The Meadow Rail

** Educational programmes/ systems in place for users to interact with design*
** Define how users interact with the desing (e.g. access into the meadow)*

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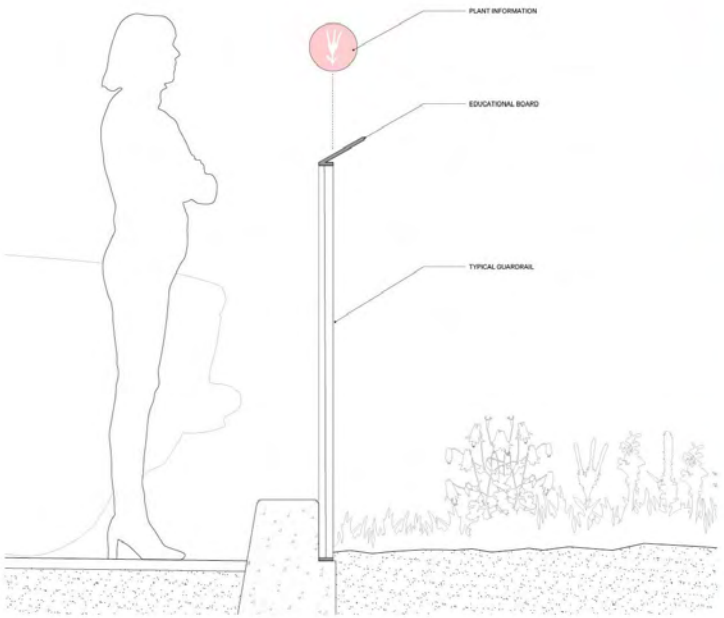
111 MOATFIELD DRIVE

SHEET TITLE Meadow Rail 1

SHEET No. 16

DATE 20-Nov-2024

SCALE



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PROJECT

111 MOATFIELD DRIVE

SHEET TITLE
Meadow Rail 2

SHEET No.
17

DATE
20-Nov-2024

SCALE

NOTES

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PROJECT

111 MOATFIELD DRIVE

SHEET TITLE
Bench Study

SHEET No.
18

DATE
20-Nov-2024

SCALE

An updated design consideration for the main door entry zone to enhance the sense of welcome

REVISIONS

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PROJECT

111 MOATFIELD DRIVE

SHEET TITLE
Entry Threshold (Existing)

SHEET No.
20

DATE
20-Nov-2024

SCALE

LEGEND

NOTES

NOT FOR CONSTRUCTION

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REVISIONS

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111 MOATFIELD DRIVE

SHEET TITLE

Entry Threshold (Updated)

SHEET No.

21

DATE

20-Nov-2024

SCALE

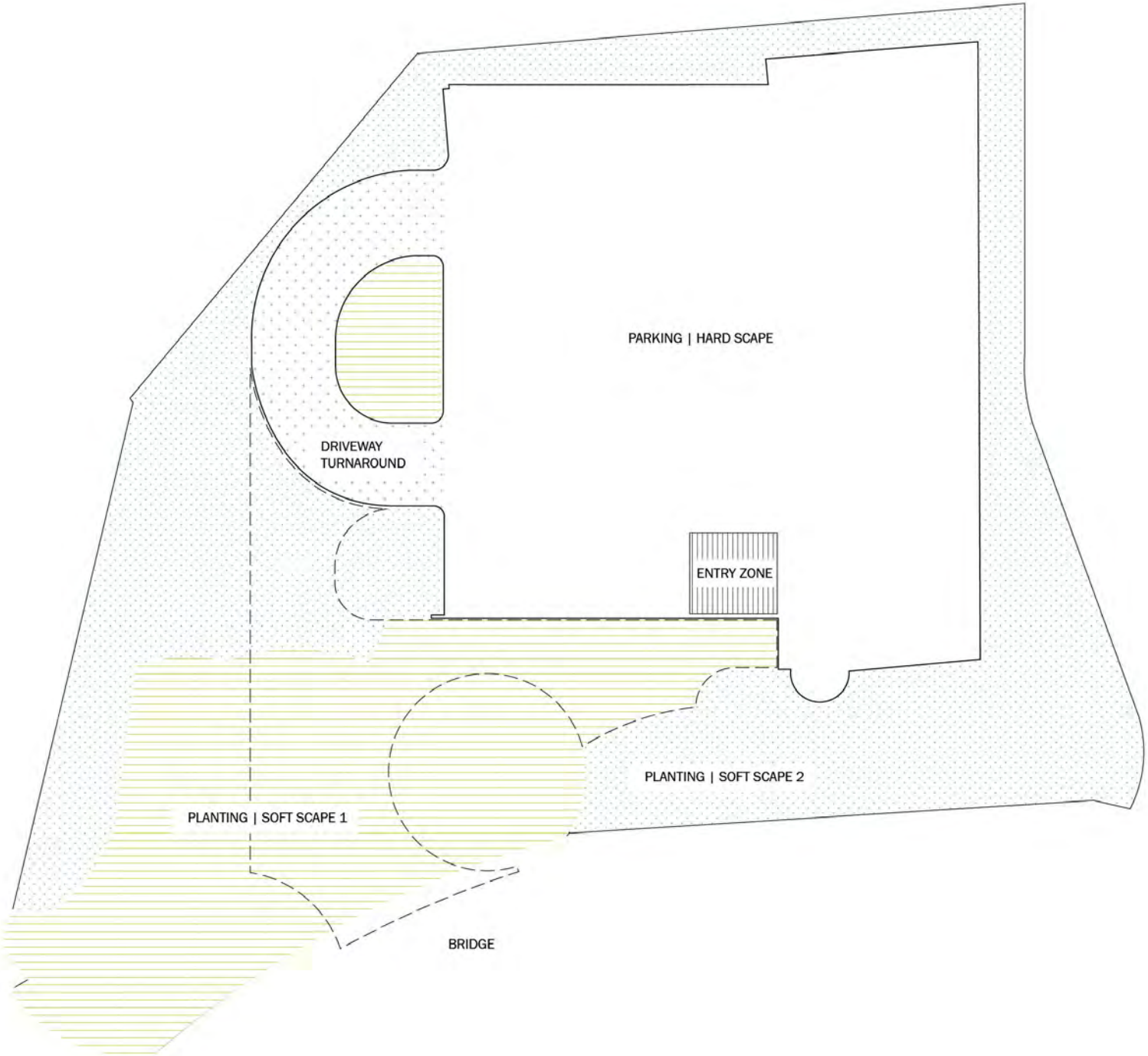
LEGEND

NOTES

NOT FOR CONSTRUCTION

PRELIMINARY

Evolution of thinking about the vehicular drive including the distinct approach to the city boulevard and the approach to the paved surface beyond.



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111 MOATFIELD DRIVE

SHEET TITLE

Site Surfaces

SHEET No.

23

DATE

20-Nov-2024

SCALE

LEGEND

NOTES

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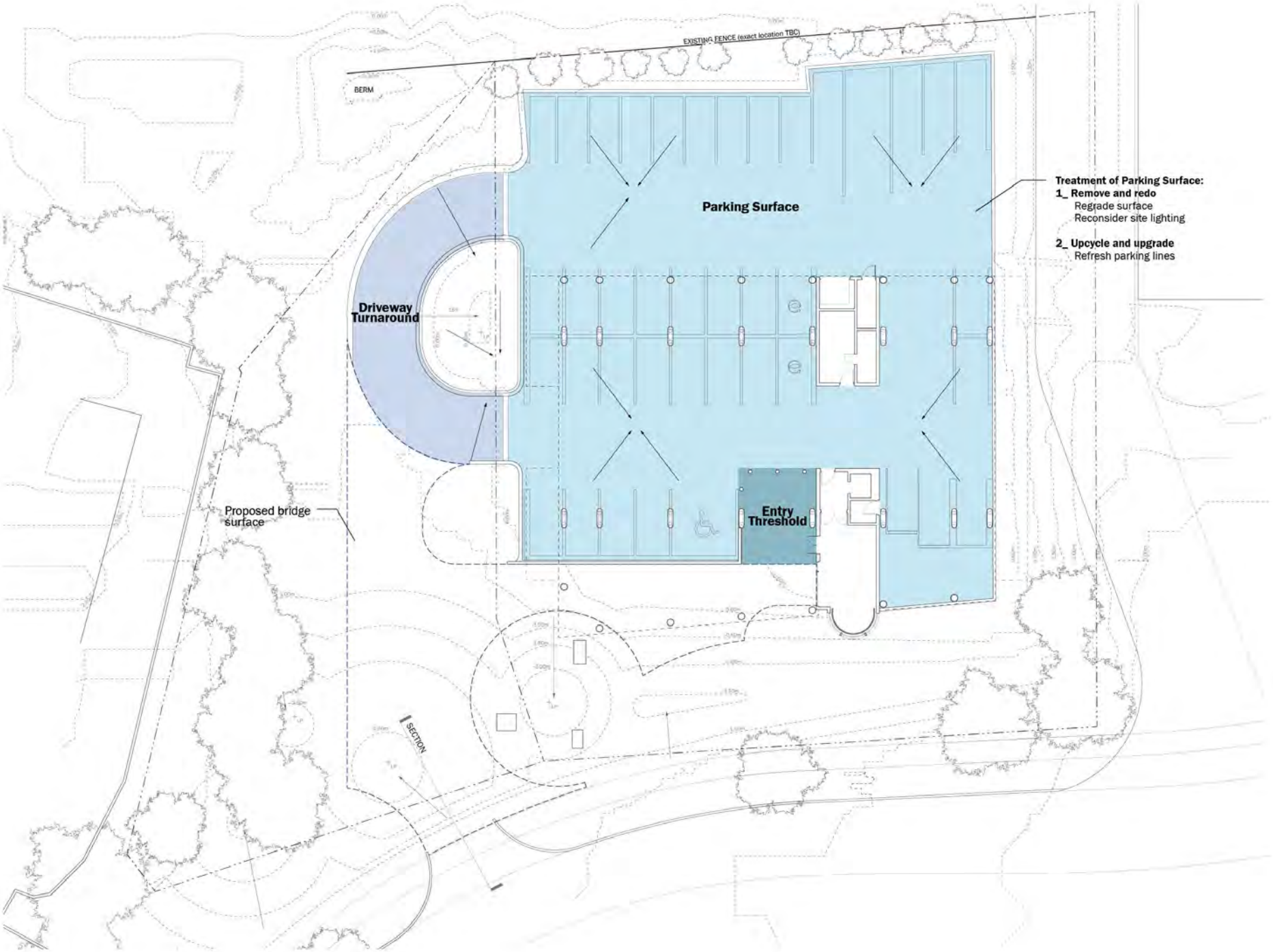

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SHEET TITLE

Hard surfaces

SHEET No.

24

DATE

20-Nov-2024

SCALE

1:300

LEGEND

- Parking surface
- Driveway turnaround
- Entry threshold
- Direction of waterflow

NOTES

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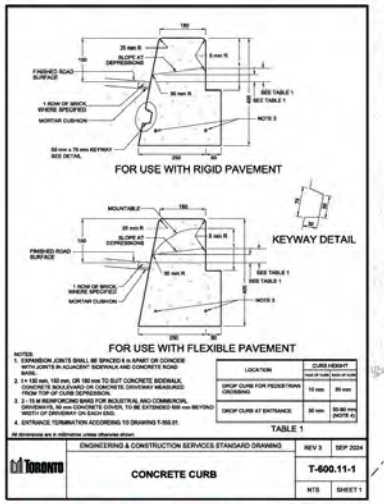
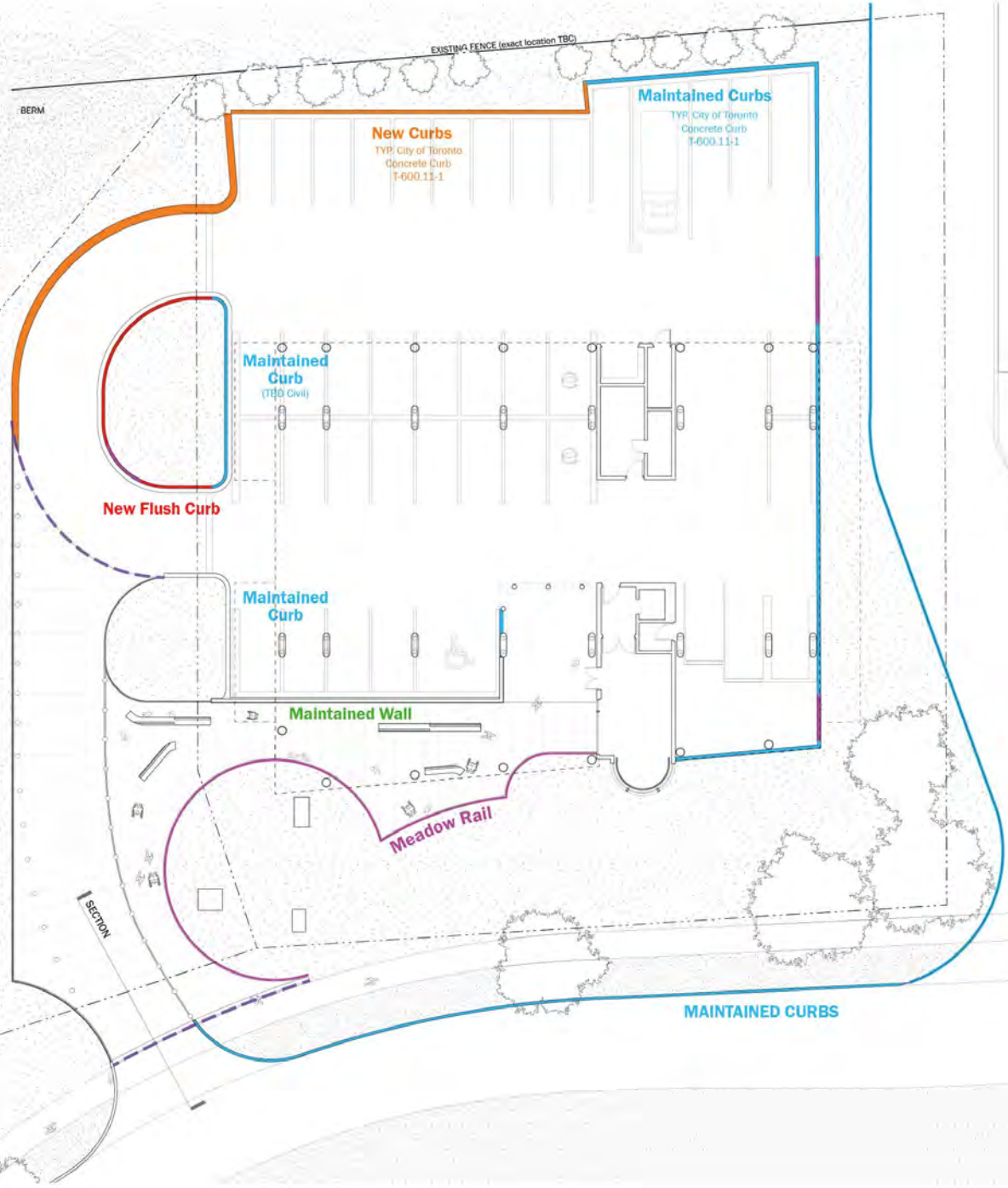


City of Toronto Concrete Curb



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111 MOATFIELD DRIVE

SHEET TITLE

Curbs and Thresholds

SHEET No.

25

DATE

20-Nov-2024

SCALE

1:300

LEGEND

- New curbs
- Maintained curbs
- New flush curbs
- Maintained wall
- Meadow rail
- Flush threshold (detail TBD)

NOTES

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PRELIMINARY

Note: Diagram produced by JA Architecture Studio for Faetlab. The comments reflect the structural engineer's assessment of the above design.

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LEGEND

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F: 416 594 2301

PROJECT

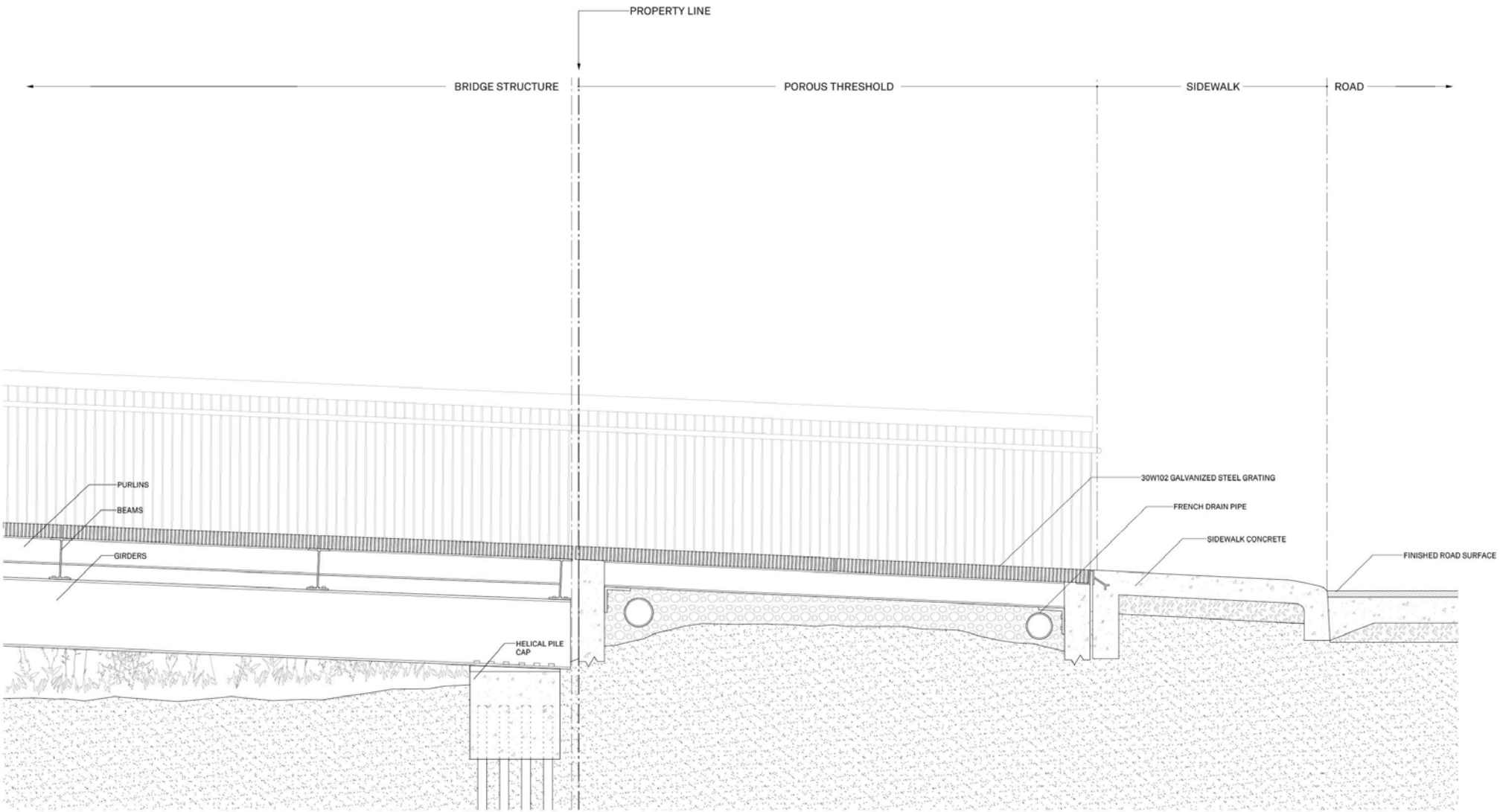
111 MOATFIELD DRIVE

SHEET TITLE Structural Threshold 1

SHEET No. 26

DATE 20-Nov-2024

SCALE



NOTES

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NOT FOR CONSTRUCTION

PRELIMINARY

LEGEND

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SEAL

JA Architecture Studio Inc

98 Beaconsfield Ave.
Toronto, ON
Canada M6J 3J3
T: 416 594 2300
F: 416 594 2301

PROJECT

111 MOATFIELD DRIVE

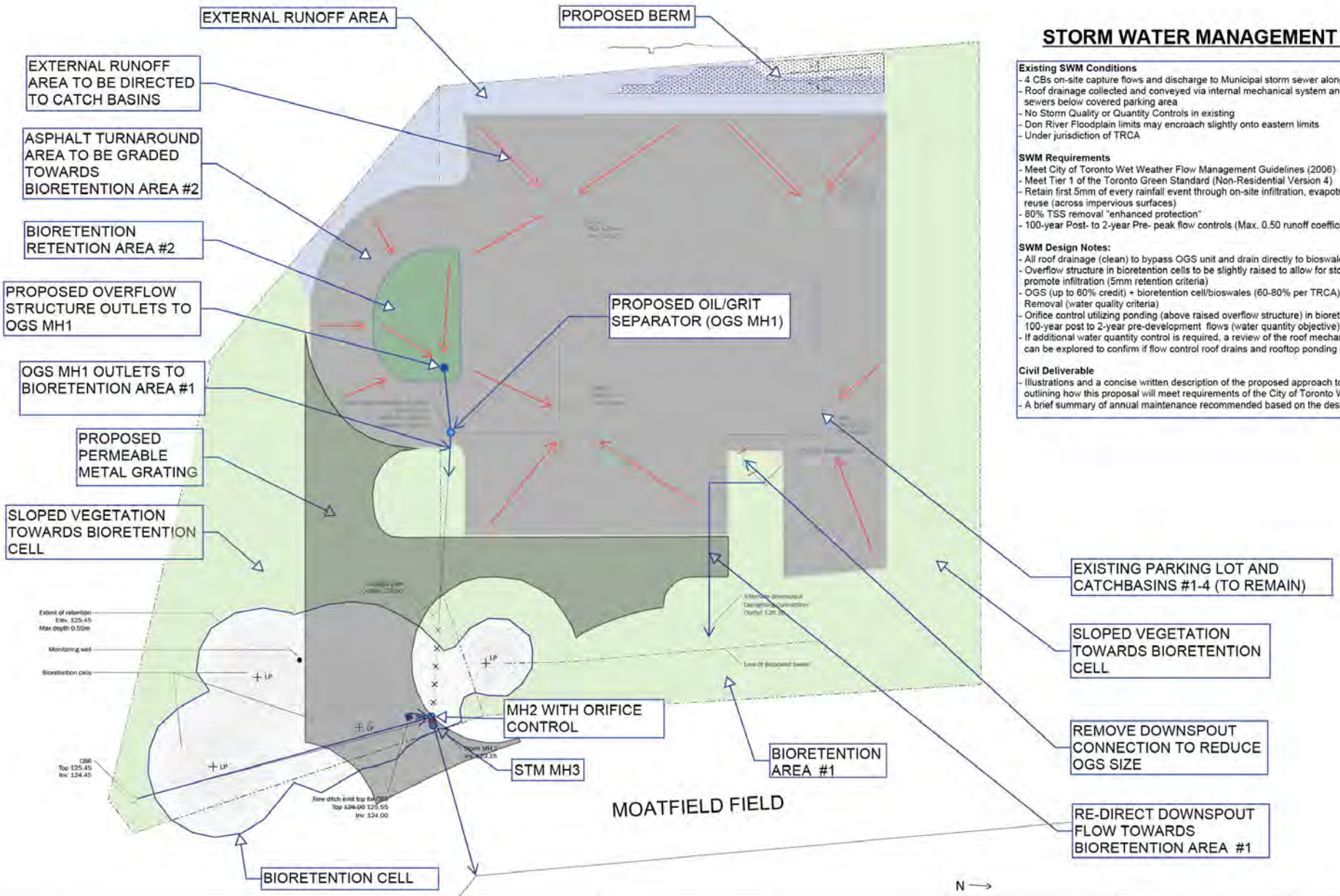
SHEET TITLE Meadow Rail 1

SHEET No. 27

DATE 20-Nov-2024

SCALE

Update on the storm water management strategy which seems to be supported by city staff.



STORM WATER MANAGEMENT STRATEGY

Existing SWM Conditions
- 4 CBs on-site capture flows and discharge to Municipal storm sewer along Moatfield Drive
- Roof drainage collected and conveyed via internal mechanical system and discharges to storm sewers below covered parking area
- No Storm Quality or Quantity Controls in existing
- Don River Floodplain limits may encroach slightly onto eastern limits
- Under jurisdiction of TRCA

SWM Requirements
- Meet City of Toronto Wet Weather Flow Management Guidelines (2006)
- Meet Tier 1 of the Toronto Green Standard (Non-Residential Version 4)
- Retain first 5mm of every rainfall event through on-site infiltration, evapotranspiration and rainwater reuse (across impervious surfaces)
- 80% TSS removal "enhanced protection"
- 100-year Post- to 2-year Pre- peak flow controls (Max. 0.50 runoff coefficient for pre- calculations)

SWM Design Notes:
- All roof drainage (clean) to bypass OGS unit and drain directly to bioswale/bioretention cells.
- Overflow structure in bioretention cells to be slightly raised to allow for stormwater to pond and to promote infiltration (5mm retention criteria)
- OGS (up to 60% credit) + bioretention cell/bioswales (60-80% per TRCA) = >80% Total TSS Removal (water quality criteria)
- Orifice control utilizing ponding (above raised overflow structure) in bioretention cells to meet 100-year post to 2-year pre-development flows (water quantity objective)
- If additional water quantity control is required, a review of the roof mechanical and structural design can be explored to confirm if flow control roof drains and rooftop ponding can be utilized.

Civil Deliverable
- Illustrations and a concise written description of the proposed approach to stormwater management outlining how this proposal will meet requirements of the City of Toronto Wet Weather Guidelines
- A brief summary of annual maintenance recommended based on the design submission

NOTES

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JA Architecture Studio Inc

98 Beaconsfield Ave.
Toronto, ON
Canada M6J 3J3
T: 416 594 2300
F: 416 594 2301

PROJECT

111 MOATFIELD DRIVE

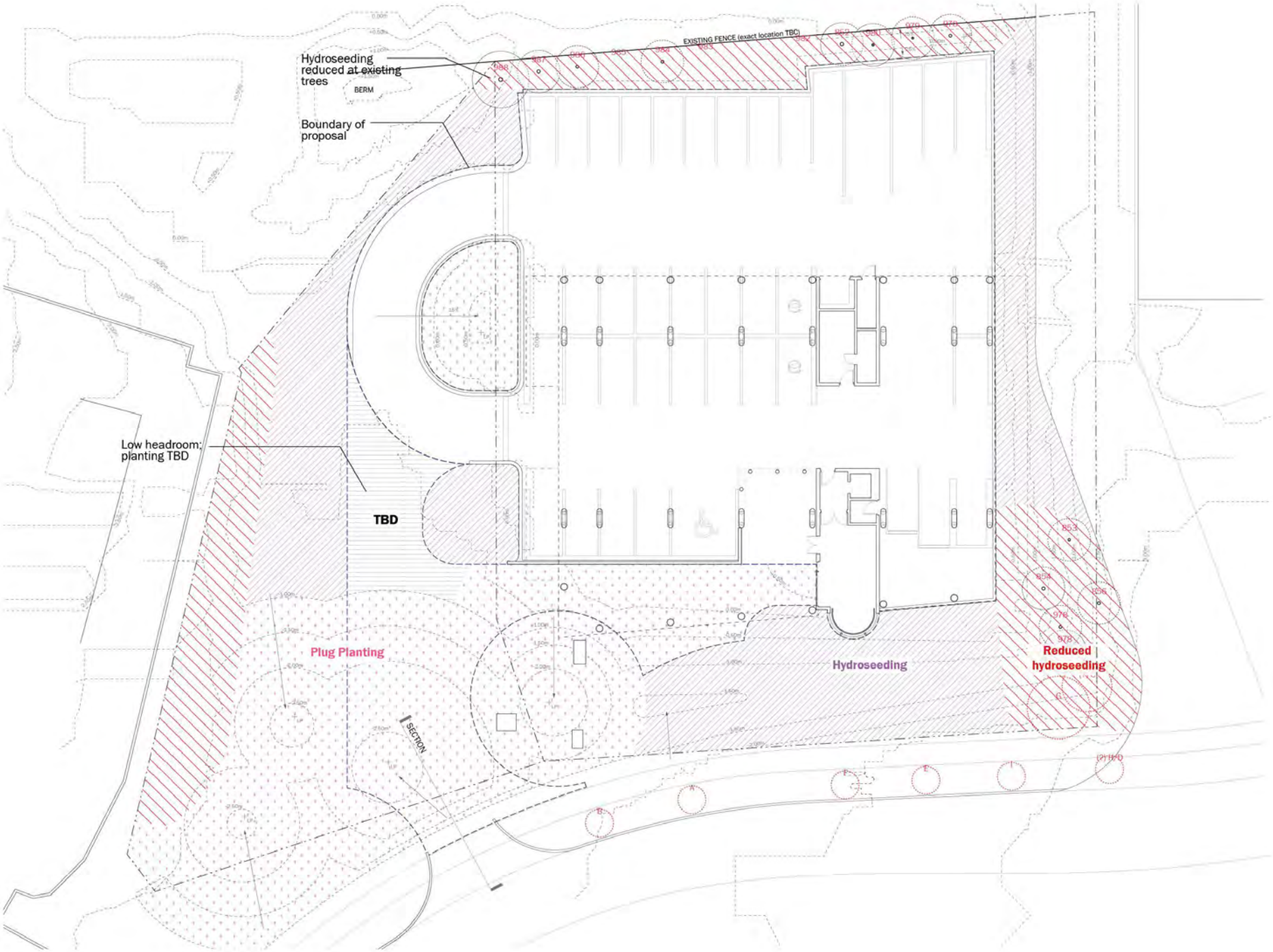
SHEET TITLE Stormwater Management

SHEET No. 29

DATE 20-Nov-2024

SCALE

Update on the approach to planting, including the combination of ‘plug’ planting areas and hydroseeding



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JA Architecture Studio Inc

98 Beaconsfield Ave.
Toronto, ON
Canada M6J 3J3
T: 416 594 2300
F: 416 594 2301

PROJECT

111 MOATFIELD DRIVE

SHEET TITLE

Planting zones

SHEET No.

31

DATE

20-Nov-2024

SCALE

1:300

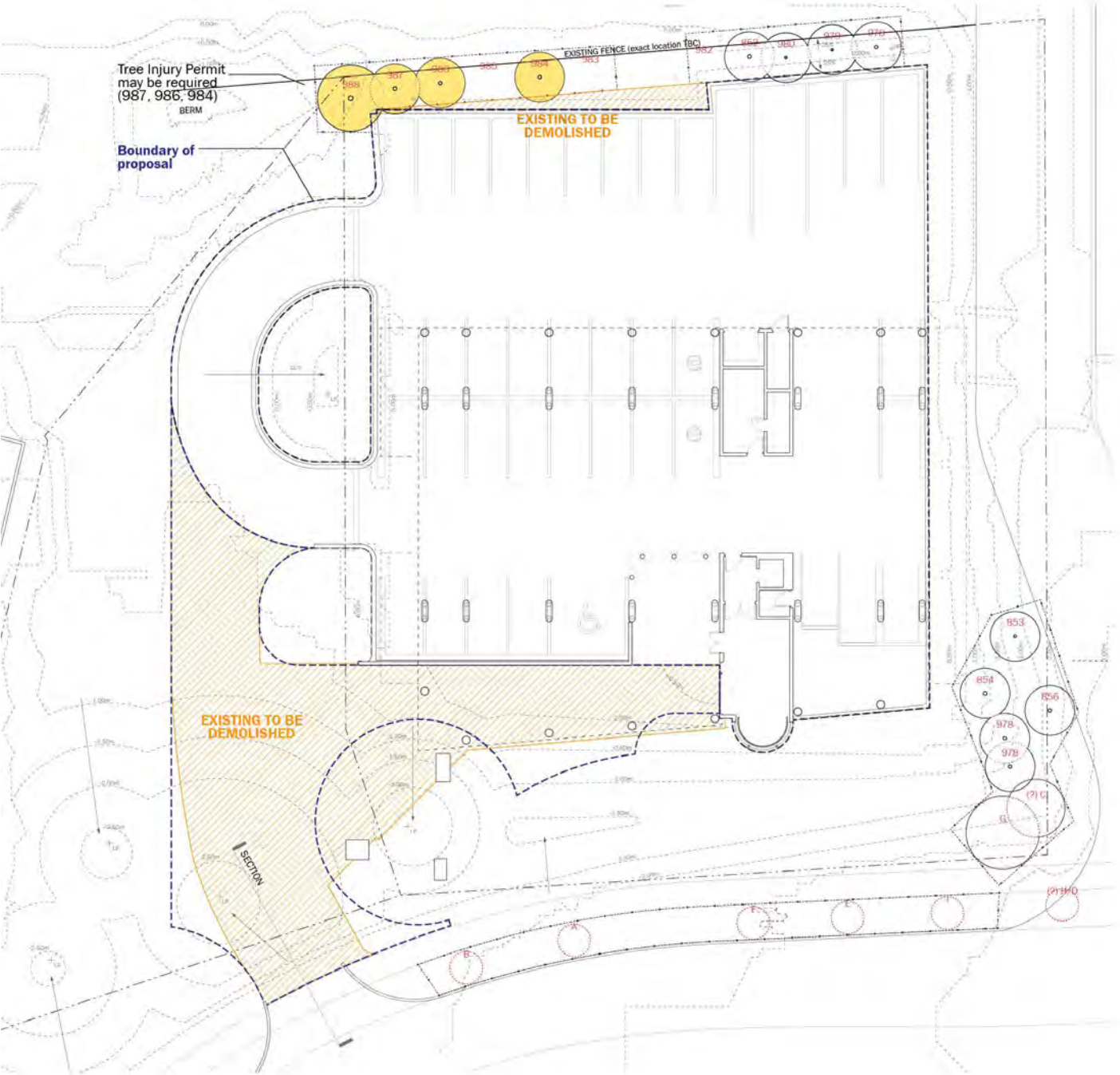
LEGEND

- Hydroseeded zones
- Reduced hyroseeding
- Plug planted zones
- Planting TBD
- Proposed hard surfaces
- Direction of waterflow

NOTES

NOT FOR CONSTRUCTION

PRELIMINARY



	Tree #	Common Name	Botanical Name	Diameter[1] (cm)	Category[2]	TPZ[3] (m)
Sunarts Design (2023 and 2017 arborist report)	978	Colorado Spruce	*Picea glauca*	24	1, 4	3.6
	979	Colorado Spruce	*Picea glauca*	17	1, 4	3.6
	980	Colorado Spruce	*Picea glauca*	18	1, 4	3.6
	852	Colorado Spruce	*Picea glauca*	27	1, 4	3.6
	982*	*from 2017 report: dead, removed*				
	983*	Colorado Spruce	*Picea glauca*	21	0	N/A
	984	Norway Spruce	*Picea abies*	24	1, 4	3.6
	985*	Colorado Spruce (tree was in poor health, replacement recommended)	*Picea glauca*	23	0	N/A
	986	Norway Spruce	*Picea abies*	24	1, 4	3.6
	987	Norway Spruce	*Picea abies*	27	1, 4	3.6
	988	Norway Spruce	*Picea abies*	33	1, 4	4.8
	853	Norway Spruce	*Picea abies*	19, 25	1, 4	3.6
	854	Norway Spruce	*Picea abies*	27	1, 4	3.6
	855	Norway Spruce	*Picea abies*	36	1, 4	4.8
	856	Norway Spruce	*Picea abies*	25	2, 4	3.6
Data from City of Toronto Open Data, to be confirmed by arborist	A	Elm, Accolade	*Ulmus davidiana 'japonica Morton*	8	/	TBC
	B	Kentucky coffeetree	*Gymnocladus dioicus*	8	/	TBC
	C	Spruce, white	*Picea glauca*	5	/	TBC
	D	Honey locust Skyline	*Gleditsia triacanthos f. inermis 'Skyline'*	8	/	TBC
	E	Kentucky coffeetree	*Gymnocladus dioicus*	8	/	TBC
	F	Kentucky coffeetree	*Gymnocladus dioicus*	20	/	TBC
	G	Spruce, white	*Picea glauca*	10	/	TBC
	H	Honey locust	*Gleditsia triacanthos*	5	/	TBC
	I	Maple, Norway	*Acer platanoides*	19	/	TBC

Legend

[1] Diameter
Refers to diameter (in centimeters) measured at 1.4 m above finished grade.

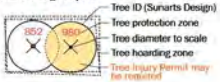
[2] Category
0. Trees with diameters less than 30 cm situated on private property on the subject site. No permit required to remove or injure.
1. Trees with diameters of 30 cm or more, situated on private property on the subject site.
2. Trees with diameters of 30 cm or more, situated on private property, within 6 m of the subject site.
3. Trees of all diameters situated on City owned parkland within 6 m of the subject site.
4. Trees of all diameters situated within lands designated under City of Toronto Municipal Code, Chapter 658, Ravine Protection.
5. Trees of all diameters situated within the City road allowance adjacent to the subject site

[3] TPZ, Tree Protection Zone
MinimumTree Protection Zone distances are to be measured from the outside edge of the tree base

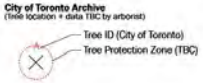
Information to be confirmed by arborist

*
Data retrieved from 2017 arborist report by Sunarts Design

Sunarts Design Report



City of Toronto Archive
(tree location + data TBC by arborist)



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JA Architecture Studio Inc

98 Beaconsfield Ave.
Toronto, ON
Canada M6J 3J3
T: 416 594 2300
F: 416 594 2301

PROJECT

111 MOATFIELD DRIVE

SHEET TITLE
Tree Protection Plan

SHEET No.
32

DATE
20-Nov-2024

SCALE
1:300

LEGEND

NOTES

NOT FOR CONSTRUCTION

PRELIMINARY

Scientific Name	**Doellingeria umbellata**	**Symphyotrichum puniceum**	**Verbena stricta**	**Penstemon digitalis**	**Eupatorium perfoliatum**	**Thelypteris palustris var. pubescens**	**Agastache foeniculum**	**Carex atherodes**	**Verbena hastata**
Common Name	Flat-top White Aster	Swamp Aster	Hoary Vervain	Foxglove Beardtongue	Common Boneset	Marsh Fern	Blue Giant Hyssop	Awned Sedge	Blue Vervain
Native	Y	Y	Y	Y	Y	Y	Y	Y	Y
Soil Moisture	Med-Wet	Med-Wet	Dry-Med	Dry-Med	Med-Wet	Med-Wet	Med-Wet	Wet	Moist- Wet
Shade Tolerance	Low	Low-Med	Med-High	Med-High	Y	Y	Y	Med	Med
Drought Tolerance	Med-High	Med-High	med	Med-High	Med	Low	Med-Wet	Med	Low
Salt Tolerance			Y	Y	Low	Low- Med	High		
Pollution Tolerance					Y		Y		
Compaction Tolerance									
Indeginous Significance									Y
Pollinators									Y
Height	100-175cm	90-125cm	90-125cm	50-60cm	90-125cm	45-70cm	100-125cm	35-125cm	35-125cm

Scientific Name	**Asclepias Syriaca**	**Artemisia ludoviciana**	**Symphyotrichum ooientangiense**	**Eupatorium maculatum maculatum**	**Deschampsia cespitosa**	**Aquilegia canadensis**	**Lobelia siphilitica**	**Achillea millefolium**
Common Name	Milkweed	Sage(various)	Sky-blue Aster	Spotted Joe-pye Weed	Tufted Hairgrass	Wild Columbine	Great Blue Lobelia	Yarrow
Native	Y	Y	Y	Y	Y	Y	Y	Y
Soil Moisture	Wet	Dry-Med	Dry	Wet	Wet	Med	Med-Wet	Dry
Shade Tolerance			Y		Y	Y	Y	Y
Drought Tolerance	Med	High	Med-High	Med	Med	Med	Low	High
Salt Tolerance	Med	Med	Med	Med	Med-High	med	Low	
Pollution Tolerance	Y	Y	Y	Y	Y	Y		
Compaction Tolerance								
Indeginous Significance	Y	Y			Y	Y		Y
Pollinators	Y					Y		Y
Height	80-100mm	60-75cm	60-80cm	150-175cm	60-100cm	40-50cm	50-60cm	50-60cm

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JA Architecture Studio Inc

98 Beaconsfield Ave,
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Canada M6J 3J3
T: 416 594 2300
F: 416 594 2301

PROJECT

111 MOATFIELD DRIVE

SHEET TITLE Proposed Plants

SHEET No. 33

DATE 20-Nov-2024

SCALE NTS

*Zone A: Wet
Zone B: Moist- Wet
Zone C : Moist- Dry
Zone D: Dry

Common Name	*Zone
Wild Columbine	B
Marsh Fern	B
Great Blue Lobelia	B
Foxglove Beardtongue	C
Sky-blue Aster	D
Sage(various)	C
Awned Sedge	A
Sweetgrass	B
yarrow	D
Blue Vervain	B
Tufted Hairgrass	A
Flat-top White Aster	B
Milkweed	D
Swamp Aster	B
Hoary Vervain	C
Common Boneset	B
Blue Giant Hyssop	B
Spotted Joe-pye Weed	A

Planting Strategy

As an association that deals with building on the land of the Wendat, the Seneca, and the Mississaugas of the Credit, it is only fitting that the planting scheme for this building reflects some of the ethos and respect the Indigenous communities show towards the land.
A wild meadow is a rejection of the manicured, unproductive lawn that exists today. The meadow will be a rich biotic layer, providing habitat, attracting pollinators, and managing stormwater.
Depressions created by the cut operation create bioretention cells. These cells have three distinct moisture zones: Dry, medium and wet. Each zone is planted with a combination of low-maintenance native perennials and grasses, creating a wild meadow registered precisely to the anticipated degree of wetness. The proposed plants are selected for their cultural significance amongst the indigenous communities.

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JA Architecture Studio Inc

98 Beaconsfield Ave,
Toronto, ON
Canada M6J 3J3
T: 416 594 2300
F: 416 594 2301

PROJECT

111 MOATFIELD DRIVE

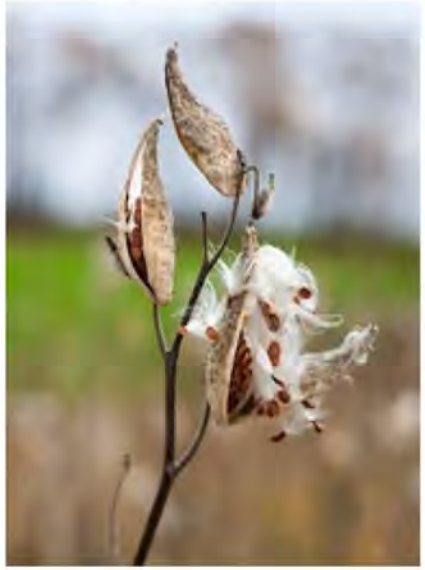
SHEET TITLE Refined Plant List

SHEET No. 34

DATE 20-Nov-2024

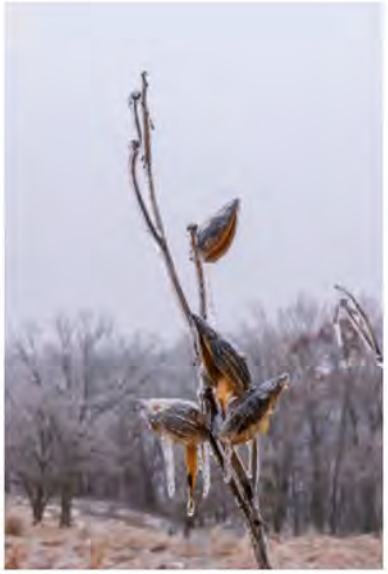
SCALE NTS

Sprint -End of Summer



Fall

Fall



Winter

Milkweed in spring

flowers are rich in nectar and pollen and therefore support a wide diversity of insects including Carpenter bees, Bumblebees, Leafcutter bees, butterflies, moths and even Hoverflies. In fact, even the Ruby-Throated Hummingbird will drink nectar from the flowers. Once you get up close with a Milkweed patch in bloom, you will be amazed by the diversity of life that it supports. In our experience, all milkweed species provide equally valuable floral resources.

Milkweed in Fall

Milkweed naturally produces nesting material for birds. They will use the familiar white fluff from seed-pods and fibers from the stems to build their nests.

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98 Beaconsfield Ave,
Toronto, ON
Canada M6J 3J3
T: 416 594 2300
F: 416 594 2301

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111 MOATFIELD DRIVE

SHEET TITLE
Meadow Seasonality 1

SHEET No.
35

DATE
20-Nov-2024

SCALE
NTS

George Pegg Botanical Garden| Piet Oudolf | Canada

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Toronto, ON
Canada M6J 3J3
T: 416 594 2300
F: 416 594 2301

PROJECT

111 MOATFIELD DRIVE

SHEET TITLE Meadow Seasonality 2

SHEET No. 36

DATE 20-Nov-2024

SCALE NTS

Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
Kimberly Fawcett-Smith
Natasha Krickhan
Michelle Longlade
Elaine Mintz
Anna Richter
Susan Speigel
William (Ted) Wilson
Marek Zawadzki
Loloa Alkasawat
Jim Butticci
Christina Karney
Jenny Lafrance
Lara McKendrick
Greg Redden
Kristiana Schuhmann
Edward (Ted) Watson
Thomas Yeung

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 6.4.d

From: Kristiana Schuhmann, Vice President & PRC Chair

Date: November 21, 2024

Subject: Practice Resource Committee (PRC) - Update

Objective: To update Council on Practice Resource Committee (PRC) activities

Activities Report – Practice Resource Committee (PRC)

Practice Resource Committee had its sixth (and final) meeting of 2024 on Wednesday November 20. The meeting was conducted virtually. The meeting focused on the following key items:

General Updates:

Amendments to the *Construction Act*: PAS and Policy & Government Relations service areas are currently assessing the impact of the amendments on OAA resources, in particular the PT.10.0 series as well as the contracts. PRC was encouraged to review the article in the Practice Advisory Newsletter of November 15.

CBHCC Public Review of Proposed Changes to 2020 National Model Codes (Fall 2024): PAS staff provided a brief overview of this public consultation comprised of 18 proposed code changes. An Advisory Group is meeting on November 26 to work on the proposed draft submission that will go to Council in early December. The deadline for the submission to CBHCC is December 19. The information was shared with membership via OAA News and the Practice Advisory Newsletter.

Architects are not building inspectors (Bulletin from Pro-Demnity): A brief discussion ensued on recent messages from a municipality that was requesting architects and engineers to complete municipal inspections during a labour dispute. Pro-Demnity issued a bulletin after being alerted by an OAA member. PAS also referenced this bulletin in the Practice Newsletter. PRC members were reminded of a similar situation at the beginning of the COVID-19 pandemic.

Document Development and Maintenance

PT.03 Building Code Data Matrix, PT.35 & other resources impacted by the new OBC: Given the numerous and extensive changes present in the new building code, the data matrices need to be revised. As per the 2024 Work Plan for the committee, PRC has been tasked to support PAS with a review of the code matrices and code updates. Refer to the December 2024 memo entitled "OAA Document Maintenance - Practice Tips Impacted by OBC 2024" for updates.

Minor Updates to Practice Tip PT. 23.6 Design-Build: CCDC 14-2013 and PT. 23.7 Design-Build: CCDC 15-2013: Following the launch of PT.25 Design Build: Using OAA 600-2021, localised maintenance of these practice tips was slotted for completion. Changes included miscellaneous technical items (e.g. update the OAA 600 contract version to 2021, add reference to the newly released version of PT.25, etc.) and updates with legal review (e.g. address prompt payment in the *Construction Act,* indemnity from sub-contractor's use of Instruments of Service and considerations for the holder's role in payment certification). PRC is being asked to review and provide comments to the proposed updates.

Updates to PT.28 Recent Changes to the Copyright Act: PRC was requested to review this Practice Tip and be prepared to discuss points for consideration as the existing resource is being reviewed. The draft presented to PRC had some of the following suggested updates: reference to the change in the term of copyright protection from 50 to 70 years, updates from OAA 600-2013 to the OAA 2021 Contract Suite, minor formatting and editorial edits, new hyperlink to the Government of Canada Justice Laws website.

Other general practice topics/Emerging Issues discussed:

Preparing practices and clients for OBC 2024: PRC members provided some of the measures their practices are taking:

- In-house sessions with code consultants,
- Preparing summaries to clients, curating the messages depending on the client or project type, and
- Assessing impacts on current office details, templates, etc.

PRC was reminded that the infographic recently published by EABO may be useful to share with clients and staff alike: News & Insights - New Transition Infographic on Ontario's 2024 Building Code

---

Action

None. For information only.

Attachments

None

Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
Kimberly Fawcett-Smith
Natasha Krickhan
Michelle Longlade
Elaine Mintz
Anna Richter
Susan Speigel
William (Ted) Wilson
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Jim Butticci
Christina Karney
Jenny Lafrance
Lara McKendrick
Greg Redden
Kristiana Schuhmann
Edward (Ted) Watson
Thomas Yeung

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 6.4.e

From: Susan Speigel, Chair, Policy Advisory Coordination Team (PACT)

Len Abelman
James Eduful
Cory Stechyshyn
Ted Watson
Toon Dreessen
Ibrahim El-Hajj
John Stephenson

Date: November 26, 2024

Subject: Update on the Policy Advisory Coordination Team's (PACT) work.

Objective: To update Council on PACT's ongoing work.

The last regular meeting of PACT took place on September 11 and the Committee also met briefly on October 29. PACT will meet again on December 4, 2024. At the upcoming meeting, PACT will develop its work plan for 2025.

Their work continues to progress on several files, including:

- Queen's Park Picks: On October 22, the Queen's Park Picks event took place at Queen's Park. The event was well attended by government, as well as Local Architectural Society Chairs, building architects and client groups. Additionally, follow up meetings are ongoing with MPPs to discuss key policy factors that can advance housing affordability, including intensification in already developed areas, prioritization of energy efficiency as a key to affordability, and the importance of building conversions to residential uses.

  Further details about the 2024 QP Picks event will be shared with Council in the semi-annual operation report from Policy and Government Relations staff in January.

- Government Submissions: Since PACT last reported to Council, three submissions have been made to government.

    - Consultation on Proposed Initiatives Affecting Condominiums: Government was consulting on bringing into force sections of Ontario Regulation 48/01 under the *Condominium Act*. Although not contemplated in the consultation, PACT determined that it would be strategic to advance the OAA's longstanding recommendation to amend Schedule G under Section 5 of O. Reg 48/01 which an architect must complete to ensure registration of a condominium.

      To read the Association's submission, click here.

    - Consultation on Additional Residential Units: OAA President wrote to the Planning and Policy Branch at the Ministry of Municipal Affairs and Housing to confirm the Association's support for initiatives that advance the creation of additional residential units by eliminating practical barriers to the building of additional units.

      To read the Association's submission, click here.

    - *Construction Act 2.0*: Government retained leading construction lawyer, Duncan Glaholt, to conduct an independent review of the *Construction Act*. As part of his review, Mr. Glaholt conducted an industry consultation and the OAA had the opportunity to weigh in.

      To read the Association's comments, see attached.

      Further details about *Construction Act* 2.0 are included in the "Legislative Monitoring" section below.

- Legislative Monitoring:

    - Bill 216, *Building Ontario For You Act, 2024*: Bill 216, *Building Ontario For You Act, 2024* was introduced on October 30 and swiftly passed into legislation one week later on November 6. This omnibus bill includes amendments to the *Construction Act* that fall into three main areas:

        1. Access to statutory adjudication;

        2. Mandatory annual release of holdback; and,

        3. Other housekeeping amendments.

      Given the government's desire to move this legislation, public consultations were not conducted on it. However, based on the OAA's preliminary review, these amendments pick up on key themes that the OAA has had the opportunity to comment on in the past including expanding statutory adjudication to include pre-construction design services and simplifying payments.

OAA staff are working on updating relevant Practice Tips regarding these changes.

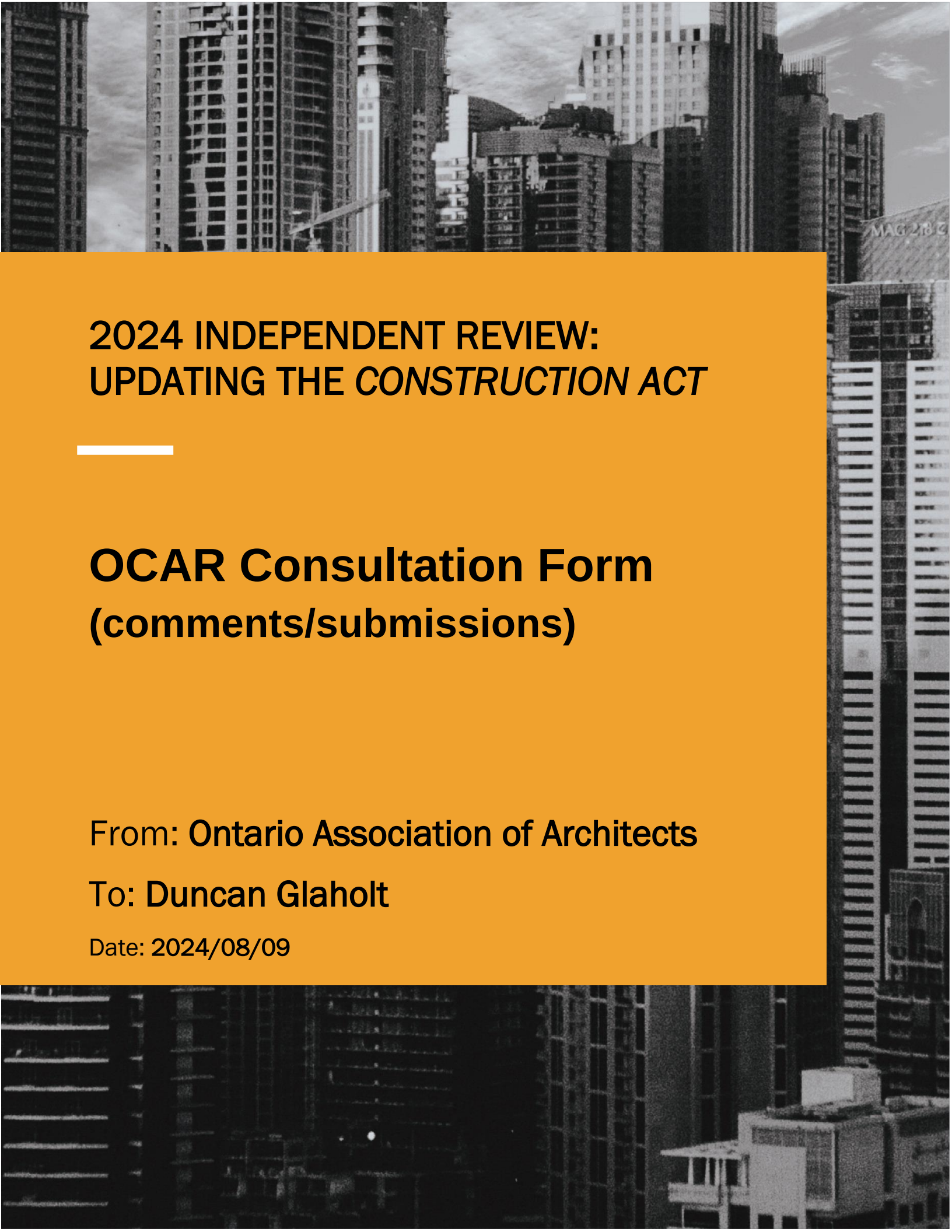
- Renoviction By-laws: As part of Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023,* amendments were made to the *Residential Tenancies Act* and introduced requirements for a "qualified professional" to write a report that renovations to a unit are so extensive, the tenant must move. While the province has not yet enacted regulations to bring these measures into force, cities across Ontario are beginning to introduce renoviction by-laws of their own. Currently, the City of Toronto and City of Hamilton have introduced bylaws that will take effect in 2025. The City of Toronto bylaw defines "qualified person" as "…a person licensed by the Ontario Association of Architects or the Professional Engineers Ontario or, where no Building Permit or Change of Use Permit is required under the Building Code Act, 1992, any other professional deemed qualified by the Chief Building Official". OAA staff continue to monitor for other cities that are developing a bylaw. The Hamilton bylaw, on the other hand, does not define "qualified person". It requires a report written by "…a professionally designated engineer or other person with the requisite qualification stating that the repairs or renovations are so extensive that they require vacant possession of the Rental Housing Unit".

Action

None. For information only.

Attachments

OAA Response to the Industry Consultation conducted by Duncan Glaholt



2024 INDEPENDENT REVIEW: UPDATING THE *CONSTRUCTION ACT*

OCAR Consultation Form
(comments/submissions)

From: Ontario Association of Architects

To: Duncan Glaholt

Date: 2024/08/09

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A. INTRODUCTION

Earlier this year, the Attorney General asked me to conduct an independent review of the *Construction Act* ("the Act"). The Act was last significantly reformed in 2017 on the basis of a seminal report by Bruce Reynolds and Sharon Vogel entitled, *Striking the Balance: Expert Review of Ontario's Construction Lien Act* ("Striking the Balance"). I recall participating in the Advisory Group process at that time. The final recommendation of that report was for a further independent review of the Act to be conducted within several years.

Based on my own experience in practice and informal conversations I have had with industry leaders and members of the legal community, I can say with confidence that the 2017 reforms are working well. What is needed now are targeted changes to make a good system even better. To that end, this document is intended to help facilitate a conversation with the construction industry and other stakeholders about potential adjustments to the Act.

B. BACKGROUND

The Act plays a critical role in Ontario's economic development, increasing housing supply and building infrastructure projects such as public transportation and hospitals. As of 2022, there were 588,000 people employed in Ontario's construction industry, comprising 7.6% of Ontario's total workforce. That year, the construction industry contributed $57 billion (7.4%) to Ontario's GDP.

Ontario has always been a leader in the modernization of construction lien legislation. The first Canadian lien acts came into force in Ontario and Manitoba in 1873 and Ontario's statute has undergone regular improvement ever since, keeping pace with the increasing size, complexity, and sophistication of the construction industry in this province.

The Act has several purposes. Its primary purpose is to prevent an owner of lands, whatever the owner's estate, from improving land without paying for the improvement. Thus, lien legislation is remedial in nature and in derogation of common law. Importantly, however, as the Supreme Court of Canada has long recognized, lien legislation must also protect owners. The protection of owners is at the heart of the holdback scheme for example. Owners of land improved must always be able to disencumber their land and know the precise extent of their statutory obligations to non-privies.

The Act also encourages fair and honest dealing. This is at the heart of Part II.1 of the Act and the province's successful prompt payment and adjudication regime.

The Act must enable these statutory rights and obligations to be enforced at the least possible expense and in as summary a fashion as is possible.

C. PROCESS

This independent review has proceeded in two stages.

During the first phase of my review, I met with leading construction law practitioners to help me assess and prioritize potential areas of reform to the Act. Many of these suggestions are incorporated into this Consultation Paper.

The second phase of my review is consultation. I will engage industry stakeholders in a process that I hope to be complete by mid-August 2024 after which my final report will be made publicly available.

I am guided in this review by three overarching principles:

1. **Respect for party autonomy.** Party autonomy is preserved wherever possible while achieving the remedial purposes of the statute.

2. **Respect for property rights.** Property rights are interfered with as little as possible while achieving the remedial purposes of the statute.

3. **Certainty, inclusiveness, and transparency.** The statute must allow all stakeholders to know with certainty their rights and obligations so as to promote responsible construction project delivery.

D. SUBSTANTIVE PROPOSALS

1. Definition of Contract Price

There is inherent ambiguity in concepts such as "*contract price*" and "*price*". They can have different meanings depending upon the procurement model being used.

The term "*price*" is currently defined in section 1 (Interpretation) as follows:

> "price" means,
>
> (a) the contract or subcontract price,
>
> (i) agreed on between the parties, or
>
> (ii) if no specific price has been agreed on between them, the actual market value of the services or materials that have been supplied to the improvement under the contract or subcontract, and
>
> (b) any direct costs incurred as a result of an extension of the duration of the supply of services or materials to the improvement for which the contractor or subcontractor, as the case may be, is not responsible;

On many projects in this province, particularly complex, high value projects, "*price*" can be a moving target depending on the procurement model chosen. This makes the current definition of "*price*" difficult to apply to collaborative project models, Integrated Project Delivery models, and progressive design build.

Even on conventional cost reimbursable projects, the fair market value or "*price*" of a project changes over time, perhaps taking it over the regulated threshold for phased holdback release.

These are just examples of ambiguities inherent in the current definition of "*price*". These ambiguities are compounded by the fact that the "*fair market value*" component of the definition is largely illusory. There is no market in which such a commodity can be priced or sold.

One suggestion that came forward was to look at building permit valuations as an alternative measure for "*price*" where no other alternative can be found. Building permit valuation may be an available and suitable proxy for market valuation in establishing "*price*". Building permit valuation is well-understood, sound in policy, and adjusted to the location of the improvement. Building permit valuation engages objective pricing standards applied to objective square footages and usage classifications. It is an industry-accepted benchmark.

Consideration must be given to developing a more practical definition of "*price*". All ideas are welcome, but it is suggested that building permit valuation may suit that purpose.

Do you have any comments on this proposal?

2. Pre-Construction Liens for Design Professionals

It can be difficult for design professionals to know whether they have lien rights under section 14 of the Act which currently reads as follows:

> **Creation of lien**
> 14 (1) A person who supplies services or materials to an improvement for an owner, contractor or subcontractor, has a lien upon the interest of the owner in the premises improved for the price of those services or materials.

The term "*improvement*" refers to actual physical construction. This is colloquially referred to as "the first shovel hitting the ground". The argument is that significant realizable value is contributed to an improvement by design professionals even prior to the first shovel hitting the ground, and that value should be protected by the Act.

As it stands, design professionals' lien rights require the "*supply of services*". "*Supply of services*" is defined to include "*where the making of the planned improvement is not commenced, the supply of design, plan, drawing or specification that in itself enhances the values of the owner's interest in land*". In order to support a lien claim, design professionals must therefore be able to demonstrate that a design, plan, drawing or specification prepared by them in advance of construction somehow, on its own, "*enhanced*" the value of the owner's interest in land.

It has been suggested that a more rational and objective benchmark for the added value of pre-construction design services might be the issuance of a building permit, as a more objective measure of "*enhancement*" of an owner's interest in land.

With a building permit in place there is added value that can be realized by sale if necessary. Once a building permit has been issued, a lien trustee appointed by a court on the application of lien claimants, for example, could see a planned improvement through to completion.

It has been suggested that a new lien right should be created for pre-construction services. The lien for pre-construction services would expire within 45 days of the issuance of a building permit, permitting early release of holdback to those providing such services.

Do you have any comments on this proposal?

A clarification of pre-improvement lien rights for design professionals, especially in circumstances where the project does not proceed to construction, is welcome as the current statutory language is confusing. However, the Ontario Association of Architects (OAA) posits that this "building permit approach" to establishing a *new* pre-improvement lien right appears to have some shortcomings.

These shortcomings include:

1. It is unclear how the establishment of a new lien right for design services premised on the issuance of a building permit will help in cases where the project does not

proceed to construction. Consideration should be given to the availability of lien rights for design services where a project does not proceed to construction.

2. It is unclear how this new lien right based on a building permit would be implemented in practice.
3. Seemingly, an architect would not know whether it would have this new lien right when it starts work under a contract since it is impossible to know whether a building permit will ultimately be issued. Additionally, the project owner will not know whether its architect has lien rights until the building permit is issued which may result in the owner pre-emptively retaining holdback from the architect's fee payments (an issue the industry has already been grappling with under the existing statutory regime).
4. This new lien right for pre-improvement premised on the issuance of a building permit may narrow the availability of lien rights for design professionals performing pre-improvement services as it would exclude design professionals who performed services in relation to a planned improvement where no building permit was issued. Additionally, this new lien right may exclude certain services that are actually enhancing the value of the owner's interest in the premises, such as a design professional who provide services for site plan approval or rezoning.
5. Having a lien right for pre-improvement design services expire 45 days after the issuance of a building permit is concerning for the architecture profession as architects will now need to be very mindful of the fact their lien rights for design services will be expiring shortly after the issuance of a building permit. If the intention behind this lien expiry period is to facilitate the release of accrued holdback during design, government should amend section 26.2 of the *Construction Act* to require the mandatory release of accrued holdback during a design phase(s).
6. Seemingly, the creation of this new lien right does not address the application of the prompt payment or adjudication regimes to pre-improvement design services, which is another aspect of the *Construction Act* that government should consider reforming.

The OAA strongly urges government to address the problematic nature of pre-improvement lien rights, specifically in the context where a project does not proceed to construction, via the recommendations in Glenn Ackerley's 2023 report.

In his report, Ackerley recommends, "amend[ing] the definition of 'supply of services' to remove the 'deemed improvement due to enhanced value of plans, drawings, etc.' and create a new provision relating the supply of 'pre-improvement services and materials'." He also suggests that a new definition of "pre-improvement services and materials" that describes the supply of design, plan, drawing, or specification that demonstrably enhances the value of owner's interest in the land be added. Furthermore, Ackerley recommends that Section 14 of the *Construction Act* be amended to allow the right to lien for pre-improvement services and materials.

As opposed to the creation of a new lien right, these recommendations are focused on clarifying the *Construction Act's* confusing treatment of liens for design services where an improvement did not proceed to construction (while respecting the existing concept in the statute that these liens need to be premised on the enhancement of the value of the owner's interest in the premises).

3. Annual/Phased Release of Holdback

Sections 26.1 and 26.2 enable the partial release of holdback on an annual or phased basis, respectively, if provided for by the construction contract entered into by the parties and subject to certain conditions. These sections currently read as follows:

Payment of holdback on annual basis
26.1 (1) If the conditions in subsection (2) are met, a payer may make payment of the accrued holdback he or she is required to retain under subsection 22 (1) on an annual basis, in relation to the services or materials supplied during the applicable annual period.

Conditions
(2) Subsection (1) applies if,
- (a) the contract provides for a completion schedule that is longer than one year;
- (b) the contract provides for the payment of accrued holdback on an annual basis;
- (c) the contract price at the time the contract is entered into exceeds the prescribed amount; and
- (d) as of the applicable payment date,
  - (i) there are no preserved or perfected liens in respect of the contract, or
  - (ii) all liens in respect of the contract have been satisfied, discharged or otherwise provided for under this Act.

Payment of holdback on phased basis
26.2 (1) If the conditions in subsection (2) are met, a payer may make payment of the accrued holdback he or she is required to retain under subsection 22 (1) on the completion of phases of an improvement, in relation to the services or materials supplied during each phase.

Conditions
(2) Subsection (1) applies if,
- (a) the contract provides for the payment of accrued holdback on a phased basis and identifies each phase;
- (b) the contract price at the time the contract is entered into exceeds the prescribed amount; and
- (c) as of the applicable payment date,
  - (i) there are no preserved or perfected liens in respect of the contract, or
  - (ii) all liens in respect of the contract have been satisfied, discharged or otherwise provided for under this Act.

Payment on completion of design phase
(3) If a contract provides for payment of accrued holdback on a phased basis but only with respect to a specified design phase, clause (2) (b) does not apply.

Several possible amendments have been suggested.

(A) Potential Areas for Reform

It has been suggested that the Act should be amended to provide a more structured process for the annual/phased release of holdback, similar to the process involved in releasing holdback after substantial performance.

For example, unlike the process involved in release of holdback under section 26 of the Act (involving publication of a certificate of substantial performance), subcontractors do not have any advance notice of the release of annual/phased holdback. This makes it possible for a subcontractor to preserve a valid lien the day after the owner released the holdback to the contractor on a phased basis, only to learn when it is too late that the holdback fund available to satisfy the subcontractor's lien claim is insufficient.

Another potential issue is that annual/phased release of holdback provisions apply only if "*all liens in respect of the contract have been satisfied, discharged or otherwise provided for*" under the Act. Since anyone who supplies services or materials to an improvement has a lien which subsists until it expires, there will often be subsisting liens as long as work is being done on site. It has been suggested that this creates potential unfairness which could be corrected by amending the statute to allow annual and phased release of holdback only so long as there are no "*preserved*" liens at the time of release.

Others have argued to the contrary that sections 26.1 and 26.2 are already sufficiently flexible for the parties to work through any issues they may have relating to annual/phased release of holdback, and that confidence in the use of these sections requires only an amendment providing that all payments of annual/phased holdback that are compliant with the Act are made "*without jeopardy*".

Do you have any comments on this proposal?

In the absence of a third party payment certifier, the objective definition of the completion of a design phase is problematic. Owners sometimes request a series of last minute changes and then argue that that particular design phase is obviously not complete, as a means to delay payment to consultants.

(B) Disclosure

Section 39 (Right to information) provides any person with a lien or who is the beneficiary of a trust under Part II of the Act with a statutory right to certain information including:

> vi. a statement of whether the contract provides that payment under the contract shall be based on the completion of specified phases or the reaching of other milestones in its completion.

This information is particularly relevant to prompt payment where payment is due monthly or on a milestone basis.

It has been suggested that the provision be amended to entitle any person with a lien or who is the beneficiary of a trust under Part II of the Act to disclosure of any contract provision providing for an annual or phased release of holdback.

Do you have any comments on this proposal?

(C) Payment "Without Jeopardy"

Subsections 26.1(1) (Payment of holdback on annual basis) and 26.2(1) (Payment of holdback on phased basis) both provide that under certain conditions "*a payer may make payment of accrued holdback*" in relation to services or materials supplied in relation to an improvement. Similar provisions governing holdback release – namely section 26 (basic holdback) and section 27 (finishing holdback) – provide that an owner may release holdback "without jeopardy". This assurance is missing from subsections 26.1(1) and 26.2(1) and should be added.

It has been suggested that payment "*without jeopardy*" provisions should be added to these sections.

Do you have any comments on this proposal?

(D) Repeal Monetary Threshold

The same subsections regarding the payment on holdback on an annual or phased basis apply only if "*the contract price at the time the contract is entered exceeds the prescribed amount*". Under O. Reg. 304/18 (GENERAL), the prescribed amount is set at $10,000,000 or more.

It has been suggested that this monetary threshold be repealed to increase the frequency of the use of these mechanisms an thus enhance cashflow.

While it is possible that in certain circumstances the additional administrative cost of phased or annual release of holdback may not be justified, there is no clear policy reason for the statute to prevent the parties from contracting to release the holdback on a phased or annual basis.

Do you have any comments on this proposal?

The OAA is concerned about the proposal to repeal the $10 million threshold. For some time, the Association has pointed out that section 26.2(3) of the *Construction Act*, which provides an exception to the statute's requirement that only contracts with a contract price of $10 million or more can have phased release of holdback.

The exception in section 26.2(3) is that the $10M threshold does not apply if the contract provides for payment of accrued holdback on a phased basis but only with respect to a "specified design phase". The current wording of section 26.2(3) is problematic as it is unclear whether a contract can have more than one "specified design phase".

In Ackerley's report, he suggests amending section 26.2(3) to clarify that a design contract could have "one or more specified design phases." Although not captured in Glaholt's paper, the OAA strongly urges government to consider this recommended amendment.

It is unclear in the *Construction Act* how to proceed if during the course of construction a contract which initially was below the threshold is increased in value to exceed the threshold. If the threshold remains, this should be clarified.

(E) Subcontractors

A concern has been raised that if a contract provides for the annual or phased release of holdback by the owner to the contractor, the contractor may receive payment of the holdback from the owner but not be statutorily obliged to pay all or any portion of those holdback monies to subcontractors.

It must be noted, however, that subcontractors whose work is completed early in the construction project can certify subcontract completion under section 33 (Certificate re subcontract) and obtain early release of holdback.

It must also be noted that the Act contains robust trust provisions and robust adjudication provisions that are available to mitigate this hypothetical situation.

Moreover, proposals #5 (Joinder of Lien Claims, Trust Claims, and other Claims) and #20 (Availability of Adjudication After Completion) may provide further assistance to subcontractors.

For these reasons it has been suggested that no specific amendments to sections 26.1 and 26.2 are required to address the issue of a contractor's obligation to pay holdback down to subcontractors.

Do you have any comments on this proposal?

The OAA advances that, as noted in Ackerley's report, Sections 26 and 27 of the *Construction Act* be amended to clarify that the mandatory requirement on a payor (other than the owner) to make payment of holdback by contingent upon payment of holdback by the owner. In its review of Glaholt's consultation paper, the OAA noted that the paper does not raise this as a potential amendment to the *Construction Act.* The Association strongly urges government to consider the amendments that Ackerley advanced in 2023.

4. Joinder of Lien Claims, Trust Claims, and Other Claims

The Act was amended in 2017 to delete the prohibition against joinder of lien and trust claims, but without adding enabling language in either the statute or the regulation. This situation has led to uncertainty and confusion in the profession over whether it is or is not permitted.

It has been suggested that recommendation #39 in Striking the Balance should be more fully adopted by amending O. Reg. 302/18 (PROCEDURES FOR ACTIONS UNDER PART VIII) to expressly allow for the joinder of trust claims under Part II of the Act with a lien claim.

If *in personam* trust claims can be heard in lien actions, then they can be referred to Associate Justices for hearing. This would address any section 96 *Constitution Act* issues. There would be no jurisdiction in a lien court to grant *in rem* relief declaring monies to be trust monies in the hands of non-parties for example.

There are procedural consequences unique to lien actions, such as consolidation, that must be considered. As lien actions are consolidated for trial, then any party (and the supervising court) should have trust issues heard separately.

Do you have any comments on this proposal?

5. Effect of Prompt Payment and Adjudication on Trust Obligations

Payment certification remains an important objective measure for imposition of a statutory trust. Subsection 7(2) of the Act states,

> **Amounts certified as payable**
> (2) Where amounts become payable under a contract to a contractor by the owner on a certificate of a payment certifier, an amount that is equal to an amount so certified that is in the owner's hands or received by the owner at any time thereafter constitutes a trust fund for the benefit of the contractor.

Most standard form contracts require a payment certifier, often the owner's engineer, to review the contractor's monthly payment applications and "*certify*" them for payment by the owner. There is a large body of case law, nationally and internationally, on the reliability of payment certificates and the circumstances in which they can be re-opened.

The payment certifier exercises a quasi-judicial function in certifying payment. There is an unfortunate perception in the industry that a certifying engineer paid by the owner is compromised in fulfilling this quasi-judicial function. One of the balanced 2017 recommendations and amendments was to disengage from this body of law and use the concept of a "*proper invoice*" instead. The 2017 reforms made delivery of a "*proper invoice*" the trigger for payment, not "*certification*". This amendment was not aligned with the certification requirements of Part II of the Act.

It has been suggested that one solution to this problem would be amend subsection 7(2) so that objected to portions of a proper invoice do not become subject to the trust obligation. This would also require a corresponding change to subsection 8(1).

Do you have any comments on this proposal?

6. Collaborative Contracting Bonds

The prescribed bond forms – Form 31 and Form 32 – for use on public projects under section 85.1 (Bonds and public contracts) are well-understood instruments for use in traditional stipulated price contracting models, such as CCDC 2 – 2020, however, not all public projects proceed under such common project delivery models. Increasingly, alternative collaborative contracting models, such as integrated project delivery using the CCDC 30 – 2018 form of contract, and progressive design/build models are being used with success.

To enable innovation in how public sector projects are delivered, it has been suggested that section 85.1 and O. Reg. 304/18 (GENERAL) be amended to permit the alternate forms of bonds, developed jointly by the construction and construction surety industries, for use in such projects.

Do you have any comments on this proposal?

7. Limits of Bonds on Public Projects

The Act was amended in 2017 to mandate the use of surety bonds on public projects with a price of $500,000 or more. The penal amount of these bonds was to be set at 50% of the "*contract price*".

This amendment was intended to add a layer of protection for protect public project owners, subcontractors, workers, and suppliers against the risk of non-payment or non-performance in case of contractor default under a project agreement.

An exception was created for alternative financing and procurement arrangements ("AFP" or "P3") delivery models) over $100 million, which caps the coverage limit at $50 million.

The government recently amended the Act and O. Reg. 304/18 (GENERAL) to adjust the minimum bonding requirements for large non-P3 public infrastructure projects. Effective July 1, 2024, the coverage limit for public projects over $500 million is $250 million.

Similar to the existing obligation for bonding on P3 projects, project owners are required to assess whether the minimum coverage limit is adequate to protect against contractor non-performance and non-payment and are able to set a higher bonding requirement, if appropriate. In addition, the default minimum coverage limit of 50% for projects under $500 million has been moved from the Act to the regulation.

While the amendments address changes in market conditions and the increased size and complexity of public projects, it has been suggested that further study, information gathering and consultation is required to determine the appropriate coverage limits and to adapt bond forms to various models of public procurement.

Do you have any comments on this proposal?

8. Written Notice of Lien

Section 24 (Payments that may be made) allows a payer to make payments on a contract or subcontract up to 90 per cent of the price of the services or materials that have been supplied unless, prior to making payment, the payer has received "*written notice of a lien*" with Form 1.

If Form 1 notice is given, the payer must also retain, in addition to the normally required holdback, an amount sufficient to satisfy the notified lien.

It has been suggested that in addition to Form 1 notices, this same obligation should be triggered if the lien claimant serves a copy of the registered claim for lien under clause 34(1)(a) or gives the claim for lien to the payor where the lien does not attach to the premises under clause 34(1)(b). As it stands, a payor who receives the actual lien but not Form 1, might be obligated to pay without retaining the lien amount. This seems arbitrary.

It has also been suggested that the manner of service of a written notice of a lien may be too onerous. Subsection 87(1.1) states,

> **Exception, written notice of lien**
> (1.1) Despite subsection (1), a written notice of lien shall be served in a manner permitted under the rules of court for service of an originating process.

This provision reflects the importance under the Act of service of a written notice of lien. On the other hand, this sets a standard that is more onerous than is provided for service of a statement of claim in the lien action itself (registered mail under subsection 87(1)).

It has been suggested that a possible amendment would be to permit service of a written notice of lien under the general rule in subsection 87(1) (How documents may be given).

Do you have any comments on this proposal?

9. Publication in Construction Trade Newspaper

Several notices required by the Act must be published in a "*construction trade newspaper*" which is defined in section 1 of O. Reg. 304/18 (GENERAL) as,

> "construction trade newspaper" means a newspaper,
>
> (a) that is published either in paper format with circulation generally throughout Ontario or in electronic format in Ontario,
>
> (b) that is published at least daily on all days other than Saturdays and holidays,
>
> (c) in which calls for tender on construction contracts are customarily published, and
>
> (d) that is primarily devoted to the publication of matters of concern to the construction industry.

When the Act's regulations were developed, this definition was expanded to include newspapers published in electronic format.

Without any official licensing or designation for "*construction trade newspapers*", websites can simply self-identify as satisfying the requirements of the definition and accept notices for publication. This is undisciplined.

The lack of official licensing or designation for construction trade newspapers has led to some uncertainty as to where to search for statutory notices and where to validly publish notices. It is possible that notices could be published on obscure websites, and, if a particular website does not actually meet the regulatory definition, the publications themselves may end up being challenged as legally invalid and ineffective.

It has been suggested that "*construction trade newspapers*" be licensed or designated. This would require thought as to who should perform that licensing function?

Do you have any comments on this proposal?

10. Access to Statutory Adjudication

Ontario's current interim adjudication scheme is successful. Many have suggested that the province should build on that success in support of sustainable growth in the province's construction industry. To this end, several changes have been suggested.

First, it has been suggested that a new category of ODACC adjudicator be created, by regulation, not for appointment by ODACC if the parties cannot agree on an adjudicator, but only with the consent of the parties. This new class of adjudicator one might tentatively call "*Specialist Adjudicator*".

- Specialist Adjudicators would still have to be ODACC certified/qualified.
- Specialist Adjudicators would be listed separately from ODACC roster adjudicators.
- Specialist Adjudicators would have to be chosen only by party agreement, not ODACC appointment. ODACC would continue to appoint only from its more economical roster list.
- Specialist Adjudicators would negotiate their commercial terms with the parties appointing them. ODACC would continue to take its regulated percentage of the negotiated fee to defray ODACC operating costs.

It is thought that the availability of Specialist Adjudicators would increase the use of statutory adjudication by the infrastructure community and in other complex matters. It might attract a more senior and experienced community of ODACC qualified adjudicators. This could be achieved without compromising the current working scheme for appointment of roster adjudicators in economical bands.

Second, it has been suggested that statutory adjudication should be available to the industry over a broader time period, including prior to the execution of a contract (in the case of preconstruction services and any new lien right that may be created there) and after termination or completion (to permit adjudication throughout the entire period during which liens against basic and finishing holdback may subsist).

In other words, the suggestion being brought forward is that lien rights and adjudication rights should be coterminous.

Do you have any comments on this proposal?

It is the view of the OAA that adjudication is currently available to most design professionals performing services before an improvement commences. As such, the Association strongly believes that no amendments should be made to the *Construction Act* that would risk restricting or removing these rights.

If the general suggestion in Galholt's Consultation Paper is that the right to adjudicate an issue related to pre-improvement services should expire at the same time as the expiry of the (potential new) lien right for pre-improvement services, that would result in shortening the time period within which architects can adjudicate disputes related to their design services.

It would be preferred if the right to adjudicate expired in relation to the later of the expiry of lien rights or completion/termination of services.

11. Transition Rules

While the transition rules that applied when the Act came into force should not be changed, some have asked if different transition rules apply for any new amendments as a result of this review.

Section 87.3 of the Act is a somewhat complex provision which establishes the following transitional rules:

> **Transition**
> **Continued application of Construction Lien Act and regulations**
> 87.3 (1) This Act and the regulations, as they read on June 29, 2018, continue to apply with respect to an improvement if,
>
> > (a) a contract for the improvement was entered into before July 1, 2018;
> >
> > (b) a procurement process for the improvement was commenced before July 1, 2018 by the owner of the premises; or
> >
> > (c) in the case of a premises that is subject to a leasehold interest that was first entered into before July 1, 2018, a contract for the improvement was entered into or a procurement process for the improvement was commenced on or after July 1, 2018 and before the day subsection 19 (1) of Schedule 8 to the *Restoring Trust, Transparency and Accountability Act, 2018* came into force.
>
> **Same**
> (2) For greater certainty, clauses (1) (a) and (c) apply regardless of when any subcontract under the contract was entered into.
>
> **Exception, municipal interest in premises**
> (3) Despite subsection (1), the amendments made to this Act by subsections 13 (4), 14 (4) and 29 (2) and (4) of the *Construction Lien Amendment Act, 2017* apply with respect to an improvement to a premises in which a municipality has an interest, even if a contract for the improvement was entered into or a procurement process for the improvement was commenced before July 1, 2018.
>
> **Non-application of Parts I.1 and II.1**
> (4) Parts I.1 and II.1 do not apply with respect to the following contracts and subcontracts:
>
> > 1. A contract entered into before the day subsection 11 (1) of the Construction Lien Amendment Act, 2017 came into force.
> >
> > 2. A contract entered into on or after the day subsection 11 (1) of the *Construction Lien Amendment Act, 2017* came into force, if a procurement process for the improvement that is the subject of the contract was commenced before that day by the owner of the premises.

3. A subcontract made under a contract referred to in paragraph 1 or 2.

One issue with these rules related to the phased introduction of changes, with the changes to lien, holdback and trust provisions coming into force on July 1, 2018, and the prompt payment and adjudication provisions coming into force on October 1, 2019. This created confusion as to which rules applied to a particular improvement/contract. For any future amendments, ideally all changes would come into force on the same day.

Clause 87.3(1)(b) provides that the Act, as it read prior to the amendments, applies to an improvement if "*the procurement process for the improvement*" was commenced prior to the effective date of the amendments. Subsection 1(4) of the Act clarifies that a procurement process is considered commenced as early as the making of a request for qualifications (RFQ). An RFQ is typically just a screening step to establish if potential contractors are qualified to perform the contemplated improvement. An RFQ bears virtually no relationship to the contract for the improvement itself or what legal regime ought to apply to the performance of the work. Arguably, an RFQ should not be considered in determining what set of rules apply to an improvement.

Under subsection 87.3(4), the prompt payment and interim adjudication rules did not apply "*if a procurement process for the improvement that is the subject of the contract was commenced*" prior to the effective date. Many in the construction bar interpreted this phrase as reaching back to "*contractors*" such as designers, surveyors, and cost consultants who provide construction and often pre-construction support to the improvement, but who do not perform any construction work. Consequently, it's possible that an RFQ merely to select architects to design a building planned to be built years in the future would determine what legal rules apply to a contract.

A potential alternative transitional rule would be the date of the contract for the improvement, i.e., the contract that leads to physical work on site, typically the general construction contract. After all, it is mainly the work performed under that contract improves or enhances the value of the premises.

A potential objection is that this may result in different parties operating under different legal regimes while working on the same project. For example, the designer working on their contract would be subject to the version of the Act in place at the time the design contract was entered. The general contractor and subcontractors would be subject to a different version of the Act if the effective date has passed in the interim.

An elegant solution to this issue is set out in section 25 (Transitional provision) of the *Federal Prompt Payment for Construction Work Act*. Under that approach, changes to the Act could apply to any contract entered into after the effective date of the amendments. However, for one year (or some other period of time) after the effective date, the Act as it read prior to the amendments would continue to apply to contracts and subcontracts entered into prior to the effective date. This approach balances legal certainty for existing contracts with the legal of a

single of rules. If this approach is used, would one year provide a sufficient transition period for existing contracts?

Do you have any comments on this proposal?

Clarification should be provided to address the differences between a head or prime contract directly with an owner, and subcontracts to which an owner is not a party. Part of the clarification should address whether the procurement of the first prime contract entered into by the owner determines the applicable version of the *Construction Act* for the entirety of that project (i.e. including all subsequent prime contracts entered into by that owner with various other contractors) or if each prime contract independently determines the applicable version of the *Construction Act* for the that prime contract and all subcontracts under it.

This would assist in dealing with design vs. construction contracts and within the various contracts under a context of construction management project delivery models, for example, where an owner can be in various prime contracts with respect to a single project since it is retaining the various trade contractors directly.

E. ADMINISTRATIVE AND TECHNICAL PROPOSALS

12. Repeal subsection 34(10)

Section 34 (How lien preserved) governs the preservation of liens. When the adjudication system was added to the Act in 2017, it was thought that lien claimants should be able to access statutory adjudication before having to preserve a lien claim. The way this was done was by extending the lien period.

Subsection 34(10) provides as follows:

> **Adjudication and expiry**
> (10) If the matter that is the subject of a lien that has not expired is also a matter that is the subject of an adjudication under Part II.1, the lien is deemed, for the purposes of this section only, to have expired on the later of the date on which the lien would expire under section 31 and the conclusion of the 45-day period next following the receipt by the adjudicator of documents under section 13.11.

This well-meaning provision may have had unintended consequences. For example, there is no mechanism in the Act for the owner to be made aware that an adjudication is taking place lower in the construction pyramid. Consequently, an owner might not know whether the statutory 60-day lien period has been further extended by 45 days and, therefore, whether it would be safe to release the holdback under section 26 (Payment of basic holdback).

In theory, the period of extension could be longer, since there could be a gap between the commencement of adjudication (which triggers subsection (10) and the date of delivery of documents (being the date to which the 45 additional days get added).

I have heard from some that this uncertainty has resulted in some owners, out of an abundance of caution, retaining holdback for longer than 45 days to ensure there are no unexpired liens that could be charged against the holdback. This arguably defeats the Act's goal of promoting timely payment and improving cashflow.

For this reason, it has been suggested that subsection (10) be repealed.

Do you have any comments on this proposal?

13. Notice of Termination

Subsection 34(6) of the Act provides as follows:

> **Notice of termination**
> (6) If a contract is terminated, either the owner or the contractor or other person whose lien is subject to expiry shall publish, in the manner set out in the regulations, a notice of the termination in the prescribed form and, for the purposes of this section, the date on which the contract is terminated is the termination date specified in the notice for the contract.

It has been suggested that the date of termination for the purpose of the statute should not be the date specified in the notice because that date is set subjectively and is therefore arbitrary.

Furthermore, there is presently no time frame specified for when the notice of termination should be published. As a result, it is possible that the notice may not be published for weeks or months after the actual date of termination under the contract. In the meantime, the lien rights of the contractor and subcontractors would be expiring.

For this reason, it has been suggested that the date of termination should be the date of publication of the notice of termination in a construction trade newspaper in accordance with section 8 of O. Reg. 304/18 (GENERAL) under the Act. The date of publication is objective and publicly so. This would also entail a change to Form 8.

Do you have any comments on this proposal?

14. Multiple Improvements

Subsection 2(4) of the Act provides as follows:

> **Multiple improvements under a contract**
> (4) If more than one improvement is to be made under a contract and each of the improvements is to lands that are not contiguous, then, if the contract so provides, each improvement is deemed for the purposes of this section to be under a separate contract.

This section was added to allow for segmented treatment of separate (non-contiguous) projects constructed under a single contract. This provides an opportunity for parties to a single contract (a linear asset for example) to incorporate more than one discrete scope of work under the same contractual terms and conditions.

It has been suggested that there may be a potential issue with this provision. It is arguably unclear as it stands whether all aspects of the Act apply to each segment of the contract separately. What if, for example, an owner terminates a contractor with respect to one segmented improvement but not the others being performed under the same contract. Is a notice of termination required?

Moreover, it would make sense for the general lien provisions of the Act to apply to a contract under which multiple improvements are undertaken in accordance with subsection 2(4) (unless the contract specifies otherwise). The general lien provision allows a worker or supplier who cannot identify a specific premises to which their services or materials were supplied to lien all premises.

For these reasons, a suggestion has been made to amend subsection 2(4) so that each improvement is deemed for the purposes of the entire Act (not just section 2) to be under a separate contract.

Do you have any comments on this proposal?

15. Mandatory Release of Holdback and Subcontractors

Subsection 27.1(1) currently provides as follows:

> **Non-payment of holdback**
> **By owner**
> 27.1 (1) An owner may refuse to pay some or all of the amount the owner is required to pay to a contractor under section 26 or 27, as the case may be, *if* **(emphasis added)**,
>
> > (a) the owner publishes a notice in the prescribed form specifying the amount of the holdback that the owner *refuses to pay* **(emphasis added)**, and the notice is published in the manner set out in the regulations no later than 40 days after the date on which,
> >
> > > (i) the applicable certification or declaration of substantial performance is published under section 32, or
> > >
> > > (ii) if no certification or declaration of substantial performance is published, the date on which the contract is completed, abandoned or terminated; and
> >
> > (b) the owner notifies, in accordance with the regulations, if any, the contractor of the publication of the notice.

While this subsection likely already provides a closed list of circumstances in which the owner may refuse to pay some or all of the holdback, to ensure there is absolute clarity that there are no other circumstances in which holdback may not be paid, it has been suggested that the word "*if*" in the opening of the provision be replaced with the words "*only if*".

Further, to ensure there is no question about what constitutes a "*refusal*" to pay holdback, it has been suggested that the words "*refuses to pay*", which is subjective, be replaced with "*has not paid*", which is objective.

Do you have any comments on this proposal?

16. Motions Before Action Commenced

The 2017 amendments moved procedural rules formerly contained in part VIII of the Act to O. Reg. 302/18 (PROCEDURES FOR ACTIONS UNDER PART VIII). The now repealed section 67 of the Act used to set out procedural rules governing lien claims, including subsection (6) which provided:

> **Manner of making motion**
> (6) Where in this Act the court is empowered to do anything upon motion, the motion may be made in the manner provided for in the rules of court for the making of motions, regardless of whether any action has been commenced at the time the motion is made.

Yet, under the Act there are certain specific situations where a motion must be brought to the court even though an action has not yet been commenced. The most common example is when a party wishes to post security to vacate a preserved lien. To ensure that courts are able to deal with these motions, an equivalent to the former subsection (6) should be added to O. Reg. 302/18.

One option would be to permit motions to be brought for relief under the Act before an action has been commenced to perfect a lien. As the Attorney General has launched a separate review of the Rules of Civil Procedure, feedback on this proposal will be considered in the future once that review has been completed. Please note that if feedback on this proposal is relevant to that broader review of the Rules, it will be shared within the Ministry of the Attorney General.

Do you have any comments on this proposal?

17. Proper v. "Improper" Invoicing

Section 6.1 of the Act currently provides as follows:

> **Definition, "proper invoice"**
> **6.1** In this Part,
>
> "proper invoice" means a written bill or other request for payment for services or materials in respect of an improvement under a contract, if it contains the following information and, subject to subsection 6.3 (2), meets any other requirements that the contract specifies:
>
> 1. The contractor's name and address.
> 2. The date of the proper invoice and the period during which the services or materials were supplied.
> 3. Information identifying **the authority**, whether in the contract or otherwise, under which the services or materials were supplied.
> 4. A description, including quantity where appropriate, of the services or materials that were supplied.
> 5. The amount payable for the services or materials that were supplied, and the payment terms.
> 6. **The name, title, telephone number and mailing address of the person to whom payment is to be sent.**
> 7. Any other information that may be prescribed. [emphasis added]

A question has been raised about the meaning of "*authority*" in paragraph 3 of s.6.1 in this context and why there is a requirement to identify a person in paragraph 6 of s.6.1.

In addition, it is not clear how milestone payments are accommodated in this definition.

It has been suggested that the definition of "*proper invoice*" be amended to remove the word "*authority*" and replace it with language accommodating milestone payment, for example, and to provide an alternative to paragraph 6 in the list to allow naming of the individual person to whom payment is/was sent (e.g. direct payment information or the accounts receivable department).

Do you have any comments on this proposal?

18. "*Matter*" v. "*Dispute*" in Statutory Adjudication

Subsection 13.5(4) (Multiple matters) states that an adjudication "*may only address a single matter*", unless the parties to the adjudication agree otherwise.

Some have suggested that the use of the term "*matter*" is ambiguous and creates uncertainty. Is a "*matter*" one of the enumerated categories of adjudication jurisdiction? Or is a "*matter*" one dispute, however many categories it fits into? Or does a "*matter*" encompass any issues related to a single improvement?

It has been suggested that subsection (4) be amended so that an adjudication may only address a single "*dispute*", not a single "*matter*". This amendment would have significant policy aspects, as it would mean that issues involving time (schedule extension), money (compensation for schedule extension), and performance security (occurrence of "default" for the purpose of making a claim on a performance bond for example) might all be subject to a single adjudication. This would also require amending subsection (1) to add disputed change orders and change directives to the list of "*matters*" or "*disputes*" that may be referred to adjudication.

There is a strong contrary view that statutory adjudication serves only the purpose of prompt payment and is not the appropriate vehicle for interim determination of scope and time issues, even if they are associated with non-payment.

Do you have any comments on this proposal?

19. Availability of Adjudication After Completion

Subsection 13.5(3) of the Act provides:

> **Expiry of adjudication period**
> (3) An adjudication may not be commenced if the notice of adjudication is given after the date the contract or subcontract is completed, unless the parties to the adjudication agree otherwise.

In terms of the typical timing of completion of an improvement, the date of release of the holdback under section 26 (Payment of basic holdback) following substantial performance may not fall due until after completion of the contract.

The release of the finishing holdback under section 27 (Payment of holdback for finishing work) will not fall due until after completion of the contract, as project completion is itself the start of the 60-day lien expiry period under that section.

For this reason, it has been suggested that an amendment to subsection 13.5(3) is necessary to provide that adjudication is available until all liens that may be claimed against the relevant holdback have expired.

Do you have any comments on this proposal?

The *Construction Act* does not address timing in relation to the termination of a contract in contrast to the completion of a contract. This should be considered and clarified.

20. Subcontractor Rights under Labour and Material Payment Bond

The current Form 31 (Labour and Material Payment Bond under Section 85.1 of the Act) is the result of extensive consultation with the surety industry and key stakeholders.

One purpose of the new form was to provide limited protection against non-payment to second tier subcontractors ("sub-subcontractors"). This protection was limited to recovering their share of the holdback and any contract monies that the defaulting contractor would have been liable to pay to the sub-subcontractor if the sub-subcontractor had filed a claim for lien.

The language in the current Form 31 suggests that the sub-subcontractor must have a subsisting or perhaps preserved construction lien claim in order to recover under the bond. It states:

> 1…The entitlement under this Bond of any Sub-subcontractor, however, is limited to such amounts as the Contractor would have been obligated to pay to the Sub-subcontractor under the *Construction Act* (the "Act").

There is an argument that under the Act as it now stands, the contractor would not have to pay any sub-subcontractors who did not preserve a lien. Therefore, the contractor's liability under the bond would be limited to the sub-subcontractors who preserved a lien.

This may have been an inadvertent deviation from the Federal Government form of payment bond, which was used as a template for Form 31. It states:

> 4. For the purpose of this bond the liability of the Surety and the Principal to make payment to any claimant not having a contract directly with the Principal shall be limited to that amount which the Principal would have been obliged to pay to such claimant had the provisions of the applicable provincial or territorial legislation on lien or privileges been applicable to the work. **A claimant need not comply with provisions of such legislation setting out steps by way of notice, registration or otherwise as might have been necessary to preserve or perfect any claim for lien or privilege which the claimant might have had.** Any such claimant shall be entitled to pursue a claim and to recover judgment hereunder subject to the terms and notification provisions of the Bond. [Emphasis added]

The highlighted language recognizes that a claimant under the bond does not need to commence lien proceedings in order to recover under the bond.

For this reason, it has been suggested that Form 31 be revised to incorporate the language of the Federal Government form of bond, so that sub-subcontractors do not have to preserve, perfect, and sue on liens to recover, while the subcontractor that employed them does not.

Do you have any comments on this proposal?

21. Minor Errors, Irregularities

Subsection 6(2) sets out the types of minor errors and irregularities that do not invalidate a certificate, declaration or claim for lien, absent prejudice. The provision reads as follows:

> **Same**
> (2) Minor errors or irregularities to which subsection (1) applies include,
>
> (a) a minor error or irregularity in,
>
> (i) the name of an owner, a person for whom services or materials were supplied or a payment certifier,
>
> (ii) the legal description of a premises, or
>
> (iii) the address for service; and
>
> (b) including an owner's name in the wrong portion of a claim for lien.

It was suggested by some that there may be a possible ambiguity in clause 6 (b). The use of the word "*including*" in reference to an owner's name potentially suggests that the document includes multiple mentions of the owner's name. Rather, it should be clear that so long as the owner's name is inserted somewhere on the document, then this curative provision should apply.

For this reason, it has been suggested that an amendment be made to clause 6(2)(b) by replacing the word "*including*" with "*inserting*".

Do you have any comments on this proposal?

F. OTHER FEEDBACK

Do you have any other feedback or comments either on the proposals or on the operation of the Act more generally?

It should be clarified that prompt payment and adjudication regimes are available to all design contracts.

Memorandum

To: **Council**

Settimo Vilardi	Loloa Alkasawat
J. William Birdsell	Jim Butticci
Kimberly Fawcett-Smith	Christina Karney
Natasha Krickhan	Jenny Lafrance
Michelle Longlade	Lara McKendrick
Elaine Mintz	Greg Redden
Anna Richter	Kristiana Schuhmann
Susan Speigel	Edward (Ted) Watson
William (Ted) Wilson	Thomas Yeung
Marek Zawadzki	

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 6.4.f

From: Loloa Alkasawat, Councillor and Chair of the Interns Committee

Date: November 21, 2024

Subject: Interns Committee - Update

Objective: To Update Council on the Interns Committee Activities

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The Interns Committee (the Committee) is a discretionary committee of the OAA tasked with performing functions on behalf of Council. The Committee has organized its efforts around its annual work plan as follows:

Work Plan Item - Mentorship

The final version of the updated Mentorship Guide was posted to the OAA website prior to the OAA Conference. Outreach initiatives for this work plan item are complete.

Work Plan Item - Ongoing Communications: Building Connections

1. The Committee determined they would like to collaborate with groups like BAC (Becoming Architects Canada) – leveraging opportunities for advocacy via other stakeholder groups; to provide input and subject matter expertise to these groups. To share resources, plan events, or other collaborations that would benefit Intern Architects and Student Associates, and form partnerships for upcoming events and potentially provide funding.

   The Committee would like to position itself to be the voice for those beginning their careers or new to the profession in Ontario and has composed draft outreach email templates to several advocacy associations (i.e. Ontario architectural societies, BAC, BEAT, SOSA, etc.) in order to facilitate collaboration between organizations.

   At its last meeting the draft letters were reviewed by the Committee to determine next steps. It was agreed that the Chair of the Committee would discuss this item with the Executive Director and President. There may be OAA communication protocols that need to be considered that are different from general outreach to Student Associates and Intern Architects.

2. The annual virtual Meet the OAA Event has been postponed until the New Year, date to be determined after January's final composition of the Committee.

Work Plan Item - Instructional Videos

Committee members have drafted video scripts for 2 of 3 potential mini videos. Videos to be short, concise and specific (1 to 1.5 minutes). Videos to include graphics, animation, narration, script, etc.

- Video 1 = Navigating the IAP
- Video 2 = Understanding the Hour requirements of the IAP
- Video 3 = Maintaining OAA Licence

Committee felt that video 3 can be undertaken by another OAA Committee, OAA staff or as part of an OAA webinar.

At its last meeting the Committee agreed that, given the scale and complexity of this work plan item, it is more appropriately assigned to OAA staff. The Registrar agreed to discuss with Executive Director to determine how it can be resourced for 2025.

Work Plan Item - Acceptance of Undergraduate Student Experience in the IAP

The Committee has drafted a letter to the OAA President. The letter proposes to amend the OAA acceptance of Student Associate IAP hours in order to include undergraduate student experience gained after the completion of five academic terms in a pre-professional architecture degree.

Currently that OAA accepts Student Associate experience hours gained while enrolled in a CACB or NAAB accredited Master Program.

After the Committee's last meeting the letter was delivered to the President. Upon receipt the President determines the appropriate method of review and response.

Work Plan Item - ExAC Assessment

The Committee considered creating a survey for exam takers and drafted several survey questions. Upon review, the Committee noted that the national ROAC work with the examination consultant (RMJ) and the resulting recommendations may address the same subject matter.

The focus of the Committee drafted questions was on the exam writer's experience and the Chair noted that a survey from the Interns Committee may produce different results from the national study. However, the Committee agreed that it would be prudent to pause work on this item pending any information that can be shared from ROAC on the results and action items arising from the national review of the ExAC.

Action

None. For information only.

Attachments

None.

REGULATORY ORGANIZATIONS OF ARCHITECTURE IN CANADA
REGROUPEMENT DES ORDRES D'ARCHITECTES DU CANADA

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 7.1

ROAC SEMI-ANNUAL MEETING
ADMINISTRATORS DRAFT AGENDA ITEMS

Toronto, Ontario | October 18th, 2024

DATE | Friday, October 18th, 2024
TIME | 10-00 AM to 3:55 PM EST
LOCALE | OAA Headquarters, 111 Moatfield Drive, Toronto, Ontario
CHAIR | *Whitney Robson, SAA Executive Director*

ATTENDEES | DESIGNATED REPRESENTATIVES & GUESTS

AAA Erum Afsar, *Executive Director*
Grant Moore, *Registrar*

AANB Karen Chantler, *Executive Director*

AAPEI Scott Stewart, *Executive Director (Absent)*

AIBC Mark Vernon, *CEO*
Thomas Lutes, *Deputy CEO, General Counsel*
Jenelyn Torres, *Director of Registration*

NLAA Lynda Hayward-Kirkland, *Executive Director*

MAA Judy Pestrak, *Executive Director*

NSAA Margo Dauphinee, *Executive Director*

NWTAA Marie Chenard, *Executive Director*

OAA Kristi Doyle, *Executive Director*
Christie Mills, *Registrar*

OAQ Sébastien-Paul Desparois, *Directeur général*

SAA Whitney Robson, *Executive Director*

ROAC Chair Ian McDonald, *AIBC Past President*

ROAC Staff Samar El Chemali, *National Coordinator*

DRAFT

	TIME		AGENDA TOPIC	ACTION	PRESENTERS
			Breakfast (on your own)		
1.0	10:00 AM – 10:05 AM	5	**Call to Order and Housekeeping** 1.1 Adoption of Agenda 1.2 Review of Previous Meeting Minutes & Business | May 2024 (attached) 1.3 Matters arising from previous Board meetings (attached)		***Chair***
2.0	10:05 AM-11:15 AM	70	**ROAC Governance** 2.1 Vacancies (attached) 2.2 NWTAA Replacement to fill vacancy (attached) 2.3 Finance and Audit Director vacancy (attached) 2.4 Reminders (attached) • Director's signed Certification • Reminder of Terms Expiring • Proposal for Staggered Terms for Directors 2.5 CExAC Terms of Reference 2.6 Strategic Plan Update (attached)	**DISCUSSION** **INFORMATION**	**Margo Dauphinee** **Sebastien Desparois**
3.0	11:15 AM – 11:30 AM	15	**Continuing Education** 3.1 Policy regarding categories of structured learning (attached)	**INFORMATION**	**Kristi Doyle**
4.0	11:30 AM – 12:00 AM	30	**ROAC Administrative Host** 4.1 Transition process 4.2 Review of 2025 Budgets (attached) 4.3 National Administrative Survey (attached)	**INFORMATION** **DECISION**	**Sebastien Desparois**
	12:00 PM – 1:00 PM	**60**	**Lunch**		

DRAFT

		TIME	AGENDA TOPIC	ACTION	PRESENTERS
5.0	1:00 PM- 1:35 PM	35	**ROAC Administration** 5.1 Coordinator's Report (attached) 5.2 Location & Dates for ROAC Meetings – Slate of potential dates (spring and fall 2025) (attached) 5.3 2024 Demographics (attached) 5.4 Travel Equalization (attached) • Revision of Equalization for 2023 • Travel Equalization Policy 5.5 ROAC Master Calendar (attached)	**INFORMATION** **DISCUSSION**	**Samar El Chemali** **Karen Chantler** **Karen Chantler** **Sebastien Desparois**
6.0	1:35 PM – 2:05 PM	30	**ExAC Administration 2024** 6.1 Update on implementation of Consultant Recommendations- RMJ Assessment (attached) 6.2 Updates on revisions to protocol agreement and approach to governance (oral) 6.3 ExAC Budget 2025	**INFORMATION**	**Kristi Doyle**
7.0	2:05 PM – 2:35 PM	30	**International Relations Committee** 7.1 Administrative Item: MRA Principles (attached) 7.2 Canada – Europe (MRA) (attached) 7.3 United Kingdom (attached) 7.4 Canada – Mexico – USA (Tri National MRA) (attached) 7.5 ROAC/NCARB MRA (attached)	**DISCUSSION**	**Mark Vernon** **Sebastien Desparois** **Kristi Doyle** **Jenelyn Torres**
8.0	2:50 PM- 3:05 PM	15	**Liaison with external partners** 8.1 CACB (attached) 8.2 CCUSA 8.3 RAIC (attached)	**DISCUSSION**	**Sebastien Desparois**
9.0	3:05 PM – 3:35PM	30	**Administrator's Roundtable** 9.1 OAA Standard Documents – content licensing (verbal)	**DISCUSSION**	**Kristi Doyle**
10.0	3:35 PM – 3:55 PM	20	**New Business** - Orientations from the group on the reimbursement policy (verbal)		

DRAFT

TIME	AGENDA TOPIC	ACTION	PRESENTERS
	Dinner – (on your own)		

DRAFT

REGULATORY ORGANIZATIONS OF ARCHITECTURE IN CANADA
REGROUPEMENT DES ORDRES D'ARCHITECTES DU CANADA

ROAC SEMI-ANNUAL MEETING
BOARD OF DIRECTORS | AGENDA

Toronto, Ontario | October 20th, 2024

DATE | Sunday, October 20th, 2024
TIME | 8:00 AM – 2:00 PM EST
LOCALE | OAA Headquarters, 111 Moatfield Drive, Toronto, Ontario
CHAIR | Ian McDonald, ROAC Chair

ATTENDEES | DESIGNATED REPRESENTATIVES & GUESTS

AAA **Keesa Hutchinson, *Past-President***
Erum Afsar, *Executive Director*
Grant Moore, Registrar

AANB **Sylvain Lagacé, *Past-President***
Karen Chantler, *Executive Director*

AAPEI **Greg Munn, *Past-President***
Scott Stewart, *Executive Director* ***(Absent)***

AIBC **Ian McDonald, *ROAC Chair, Past-President***
Mark Vernon, *CEO*
Thomas Lutes, *Deputy CEO, General Counsel*
Jenelyn Torres, *Director of Registration*
Marguerite Laquinte Francis, *AIBC Board Chair*

ALBNL & NLAA **Robert Menchenton, *Board Chair***
Lynda Hayward-Kirkland, *Executive Director*
Jeremy Bryant, *President*

MAA **Jon Trenholm, *President (Absent)***
Judy Pestrak, *Executive Director*

NSAA **Jim Marriott, *Past-President***
Margo Dauphinee, *Executive Director*

NWTAA **Ksenia Eic, *President***
Marie Chenard, *Executive Director*

OAA **Settimo Vilardi, *President***
Kristi Doyle, *Executive Director*
Christie Mills, *Registrar*
Ted Wilson, *SVP & Treasurer*

OAQ Laurent Mercure, *OAQ Board member*
Sébastien-Paul Desparois, *Directeur général*

SAA **James Youck, *Past Councilor***
Whitney Robson, *Executive Director*

ROAC Staff Samar El Chemali, *National Coordinator*

COMMITTEE REPRESENTATIVES (virtual)

CACB Don Sterritt, *Chair*
CExAC Stephen Terauds, *Chair*
IRC Scott Kemp, *Chair*

EXTERNAL REPRESENTATIVES (virtual)

CACB Lisa Landrum, *President*
Mourad Mohand-Said, *Executive Director*
ExAC Greg Pope, *Consultant*

DRAFT

Toronto, Ontario | October 20th, 2024| 8:00 AM – 2:40 PM | **AGENDA**

AGENDA ITEM		TIME	AGENDA TOPIC	ACTION	PRESENTER
			Breakfast on you own		
1.0	8:00 AM – 8:10 AM	10	**Board of Directors Meeting** 1.1 Adoption of Agenda 1.2 Assignment of Secretarial Duties 1.3 Review of Previous Meeting Minutes/Business | May 2024 (attached) 1.4 Acknowledge Attendance of Non-Voting Attendees 1.5 Elections and Appointments	**DECISION**	**Chair**
2.0	8:10 AM – 8:20 AM	10	**ROAC Chair's Report** 2.1 Semi-Annual Report (Pending : will be sent separately from the package)	**INFORMATION**	**Chair**
3.0	8:20 AM – 8:30 AM	10	**Report from the Administrator's Committee Meeting** 3.1 Quick report of Administrator's Meeting	**INFORMATION**	**Whitney Robson**
4.0	8:30 AM – 8:40 AM	10	**Summary of motions** 4.1 Matters arising from previous board meetings (attached)	**INFORMATION**	**Samar El Chemali**
5.0	8:40 AM – 9:10 AM	30	**ROAC Governance**		
			5.1 Vacancies	**INFORMATION**	**Margo Dauphinee**
			5.2 NWTAA Replacement to fill vacancy	**DECISION**	
			5.3 Finance and Audit Director vacancy		
			5.4 Reminders - Director's Signed Certification - Reminder of Terms Expiring - Proposal for Staggered Terms for Directors	**INFORMATION**	
			5.5 Strategic Planning Task Force Report	**INFORMATION**	**Sebastien Desparois**

DRAFT

AGENDA ITEM		TIME	AGENDA TOPIC	ACTION	PRESENTER
	9:10 AM – 9:20 AM	10	**Break**		
6.0	9:20 AM-9:30 AM	10	**ROAC Budget 2025** 6.1 ROAC Budget 2025	**DECISION**	**Sebastien Desparois**
7.0	9:30AM – 9:50 PM	20	**International Mobility Committee Report** 7.1 MRA Principles 7.2 Canada – Europe (MRA) 7.3 Motion for approval in principle of the UK MRA, requesting approval by each jurisdiction's council/board 7.4 (Tri National MRA) 7.5 NCARB/ROAC MRA discussion 7.6 Taiwan 7.7 Philippines	**DECISION**	**Scott Kemp -** Virtual **Kristi Doyle**
8.0	9:50 AM – 10:10 AM	20	**Liaison with external parties** 8.1 CACB 8.2 CCUSA 8.3 RAIC	**INFORMATION**	**Sébastien Desparois**
9.0	10:10 AM-10:40 AM	30	**CACB Standing Committee** 9.1 Semi-Annual Report to ROAC	**INFORMATION**	**Don Sterritt** - Virtual
10.0	10:40 AM – 11:20 PM	40	**Canadian Architectural Certification Board - CACB** 10.1 Update from the Office of the President of CACB 10.2 CACB Report to ROAC	**INFORMATION**	**Lisa Landrum and Mourad Mohand-Said** - Virtual
	11:20 AM-12:20 PM	**60**	**Lunch**		

DRAFT

AGENDA ITEM		TIME	AGENDA TOPIC	ACTION	PRESENTER
11.0	12:20 PM-1:50 PM	90	**Committee for the Examination of Architects** 11.1 CExAC Chair Report to ROAC 11.2 Online delivery and software options for ExAC		**Stephen Terauds** – Virtual **Greg Pope** – Virtual
12.0	1:50 AM – 2:00 AM	10	**New Business** 12.1 BEFA candidate interview process	**INFORMATION**	**James Youck**
	2:00 PM		**Adjournment**		

DRAFT

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 7.2

CANADIAN ARCHITECTURAL CERTIFICATION BOARD
CONSEIL CANADIEN DE CERTIFICATION EN ARCHITECTURE

CACB-CCCA Latest Activities

Prepared for the Regulatory Organizations of Architecture in Canada (ROAC) Board Meeting.
Toronto, ON. October 20, 2024

Mourad Mohand-Said B.Arch, M.Sc.A, Hon. MRAIC
October 9, 2024

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1. RECENT ACTIVITIES

BOARD'S ACTIVITIES

Board Meetings:

The Board held its third of four annual meetings virtually on September 20, 2024. The fourth meeting is scheduled to take place in Montréal, QC, on November 15-16, 2024.

Meeting with the ROAC Standing Committee

At its in-person meeting in Ottawa, ON, on June 7, 2024, the Board hosted the ROAC Standing Committee for a session to discuss key issues impacting CACB Governance and Operations. The following items were discussed:

- Update of the Conditions and Procedures for Accreditation
- Renewal of the Accreditation Funding Agreement
- Update/Renewal of the Members Agreement
- Update of the By-laws

It was strongly recommended that the ROAC Standing Committee and the CACB continue to invite each other to their meetings to facilitate productive and constructive discussions on these key issues.

Update of the Conditions and Procedures for Accreditation:

Recommendations of the writing committee were circulated to members for feedback on February 29, 2024. Feedback was received over the summer. The work of the Conditions and Procedures for Accreditation Writing Committee has been delayed due to the nature of the feedback from the ROAC Standing Committee, which questioned the status of Accreditation in relation to the Canadian Education Standard. A response from the CACB to ROAC dated September 27, 2024 is attached (Appendix 1).

Update of the By-law.

Building on the recent CALA name change and in response to CCUSA's earlier request to revise Article 6.2 regarding the joint nominee on the Board, the CACB has prepared proposed updates to the By-laws, which were last revised on October 31, 2016. These updates were submitted for the Members' review on July 22, 2024, along with an executive summary outlining the proposed changes, with a deadline for feedback of October 31, 2024.

Communication Plan ROAC Standing Committee and CACB Engagement

The CACB is developing a communication plan to enhance collaboration and improve communication with the ROAC Standing Committee. The objective is to streamline decision-making and consultation with the ROAC while ensuring transparency and efficiency. The plan will be submitted for approval by both parties following the CACB's November Board meeting.

ROAC Concerns about RAIC Syllabus Program

In a letter dated September 13, 2024, ROAC reached out to the CACB, expressing concerns about the RAIC Syllabus Diploma in Architecture and requesting a review of the program's compliance with the profession's quality standards.

In its response provided September 17, 2024, the CACB emphasized the importance of ensuring that educational programs meet current standards and requirements. However, the CACB clarified that it is not mandated to assess the RAIC Syllabus Program, as it is not an accredited program. A response from the CACB to ROAC dated September 17, 2024 is attached (Appendix 2).

Call for Nominations Team Members

A call for nominations for visiting team members for the Accreditation Program was issued to the Members on June 11, 2024, seeking at least 10 Educators, 2 Practitioners, and 2 Interns. The deadline for submissions is October 31, 2024. To date, only one nomination has been received from CCUSA and one from ROAC.

CACB 2025 Budget Approval

The CACB forwarded the proposed 2025 budget to its Members, on July 29, 2024, via the Chair of the CCUSA and the Chair of the ROAC Standing Committee. The CACB has responded to a round of questions from ROAC and expects to receive its Members' approval by October 31, 2024.

Accreditation Program Funding Agreement Renewal

The current funding agreement between the Members for the Accreditation Program will expire on December 31, 2024. On August 13, 2024, CCUSA and the Standing Committee met virtually to discuss the best options to sustain the Accreditation Program while preparing for the renewal of the funding agreement. Discussions between the two parties are ongoing, and a note was sent to them on September 12, 2024, warning of the potential impacts that the absence of an agreement would have on the budget approval timeline and operations, particularly on the Accreditation Program.

As a reminder, **the Certification Programs (Academic and BEFA)** are self-funded (through applicant fees), whereas **the Accreditation Program** is funded by Member grants through a five-year renewable Funding Agreement. The current funding formula is a 50% contribution from ROAC and 50% from CCUSA, factoring the costs CCUSA pays directly to prepare for accreditation visits.

Without an approved budget, the Certification Programs (Academic and BEFA) can operate on reserve funds for up to 12 months. However, the Accreditation Program would be forced to shut down due to a lack of reserve funds, leading to the following consequences:

- Layoffs, including the Accreditation Coordinator, and reduced hours for the Executive Director and the Office & HR Manager.
- Cancellation of the scheduled 2025 and 2026 Maintenance Accreditation Visits.
- Expired accreditation status by June 30, 2025, for McGill University, the University of Manitoba, and the University of British Columbia.
- Uncertainty regarding the accreditation status of 12 additional programs.
- Graduates of Canadian programs would no longer be recognized by NAAB and NCARB for their EESA evaluations.
- CACB-CCCA would be required to withdraw from the Canberra Accord.

PROGRAMS OPERATION

ACCREDITATION PROGRAM

Accreditation Visits

- **2024 Cycle:**

Four Maintenance Visits were conducted under the hybrid model for the M. Arch programs at the following universities, resulting in the following accreditation decisions:

- University of Calgary: Six years term, effective July 1, 2024, and will end June 30, 2030, with a Focused Evaluation at the end of three years on Condition 6: Space and Technology Resources, SPC A5: Site Context and Design, SPC A6: Urban Design, and SPC B5: Ecological Systems. The Focused Evaluation will be carried out in 2027.

- Carleton University: Six years term, effective July 1, 2024, and will end June 30, 2030

- Laurentian University: Six years term, effective July 1, 2024, and will end June 30, 2030, with a Focused Evaluation at the end of three years on Condition 5: Faculty and Staff Resources and PPC 6: Breath of Education

- University of Waterloo: Six years term, effective July 1, 2024, and will end June 30, 2030

PPC= Program Performance Criteria. SPC= Student Performance Criteria

- **2025 Cycle:**

Instead of the originally planned three Maintenance Visits, only two will be scheduled for the M. Arch Programs at the University of British Columbia and the University of Manitoba.

Two-Year Probationary Term for McGill M.Arch Program

The McGill University visit has been postponed to 2026 due to the program's failure to submit its Architecture Program Report (APR) and placed under a two-year Probationary Term, effective September 16, 2024, in compliance with Article 2.2.3.5 of the CACB-CCCA 2017 Procedures for Accreditation.

Members were notified of McGill's Probationary Status by email on October 1, 2024, and the public interface of our website was updated. The program is required to inform students of this decision and update their own website.

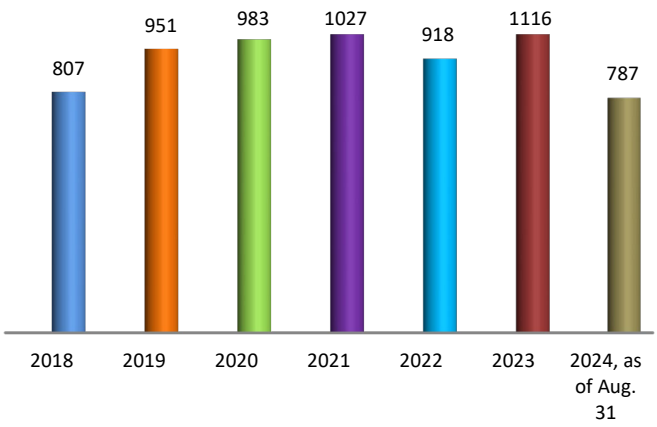
.

ACADEMIC CERTIFICATION PROGRAM

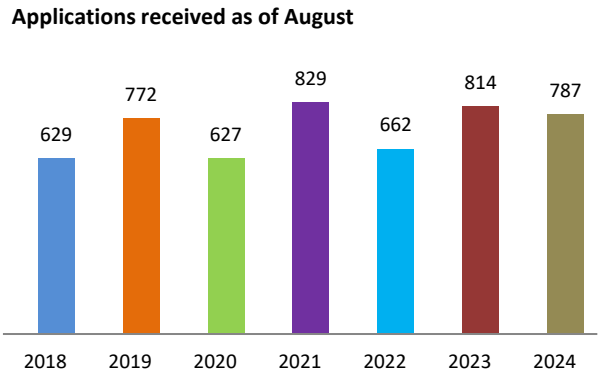
1-Statistic Highlights

Applications Received

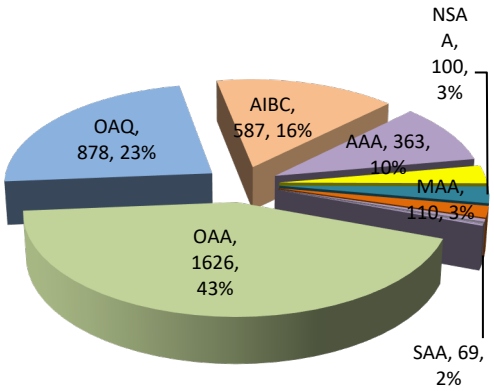
An average total number of 904 applications were received each year between 2018 and 2023 for all modes of Academic Certification



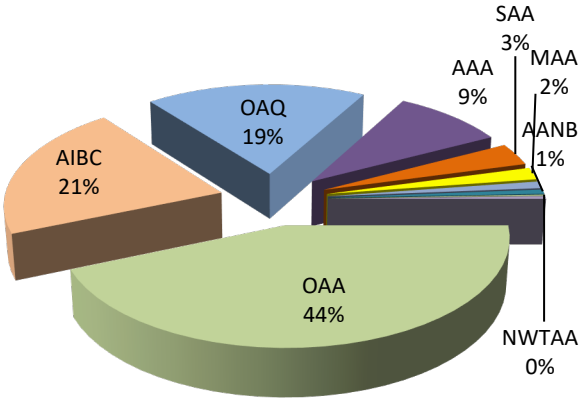
According to the end-of-August figures presented in the table opposite, we anticipate that the 2024 year-end numbers will be similar to those for 2023.



Applications Received by Jurisdiction



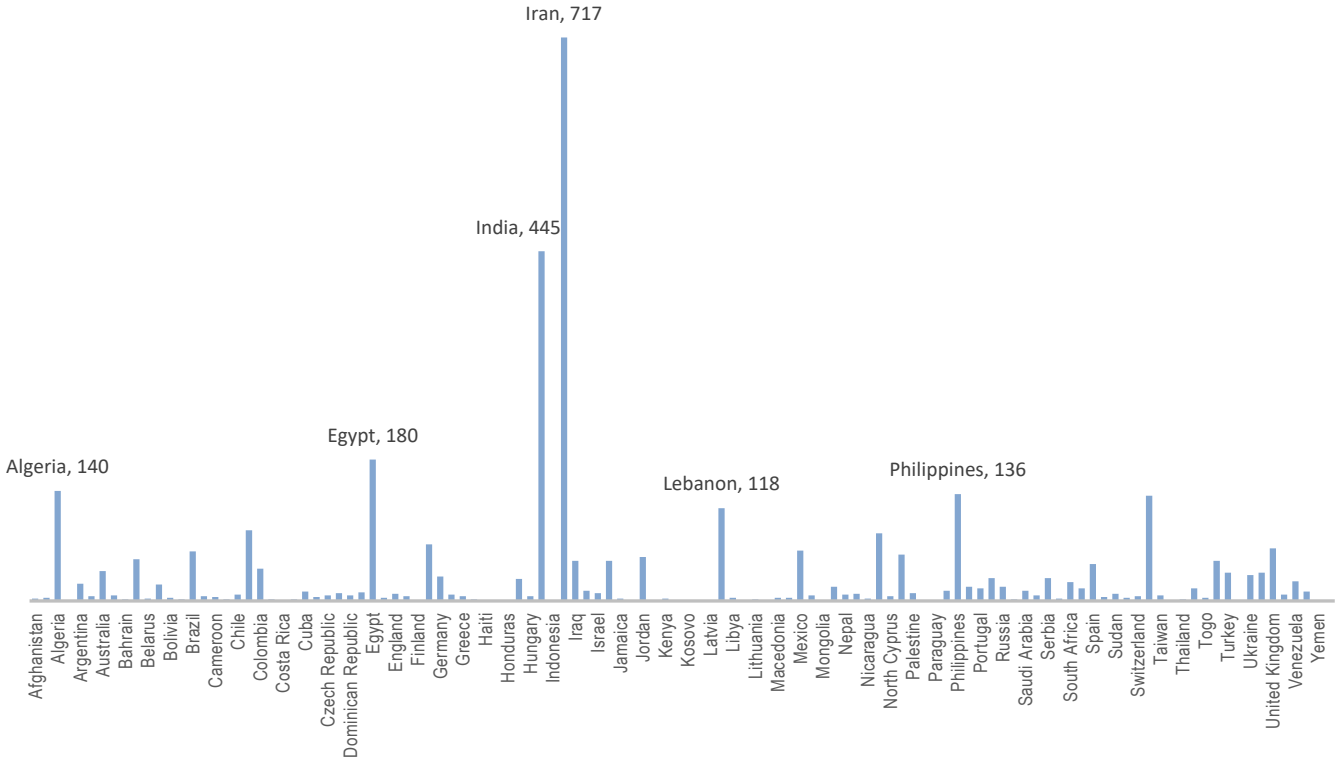
All applicants



International applicants

Country of Origin of Foreign Graduate Applicants

Iran, India, and Egypt are the Top 3 countries of origin. Algeria is the first francophone country of origin



2- ECA Applications

Effective May 20, 2024, the CACB is recognized by IRCC as the professional body to issue educational credential assessments (ECAs) for architects interested in immigrating to Canada for those whose architecture is their primary occupation.

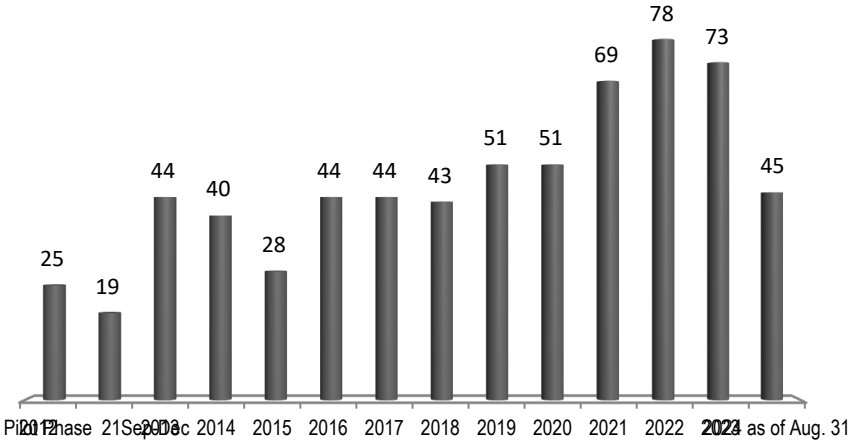
ECAs Reports issued by the CACB will determine how foreign educational credentials compare to Canadian credentials required to practice architecture and will also confirm eligibility for the Academic Certification Program.
As of August 31, 2024, the CACB has received **98 ECA** Application and has issued **65** ECA Reports.

BROADLY EXPERIENCED FOREIGN ARCHITECTS (BEFA) CERTIFICATION PROGRAM

Statistic Highlights

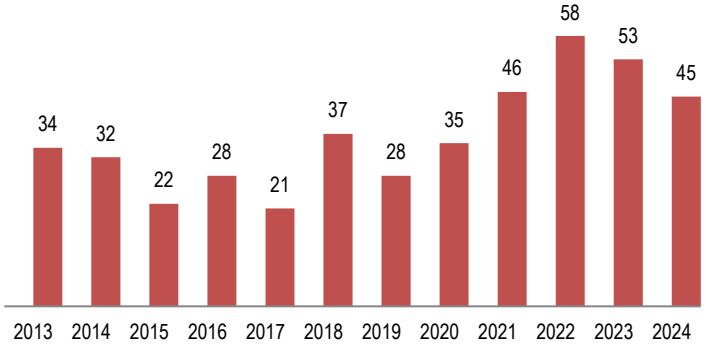
Applications Received

As of August 31, 2024, a Grand Total of 654 applications has been received since the official launch of the BEFA Program on September 21, 2012. Since 2021 the total of new applications received is higher than 65.



Applications received per year

End of August figures suggest that by the end of 2024, we will likely receive similar number than in 2023.



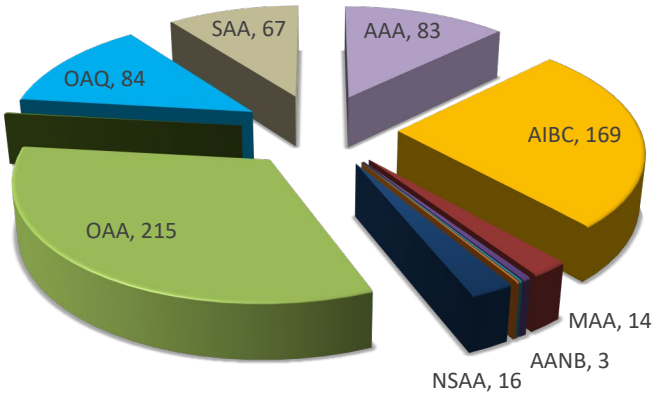
Applications received on end of August of each year

Desired Jurisdiction for Registration

The BEFA applicants expressed interest in registration with the following Jurisdictions distribution:

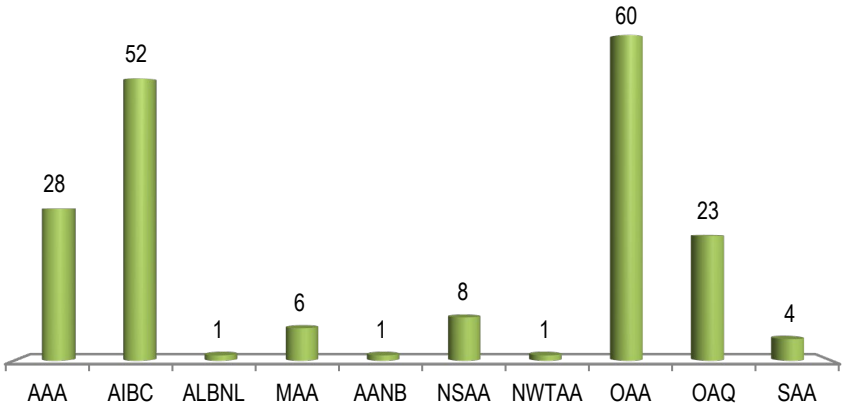
Ontario: 215;

- British Columbia: 169;
- Alberta: 83;
- Québec :84;
- Saskatechewan:67
- Nova Scotia: 16;
- Manitoba: 14;
- New Brunswick: 3
- Northwest Territories: 1;
- Newfoundland and Labrador: 1;and
- Prince Edward Island: 1



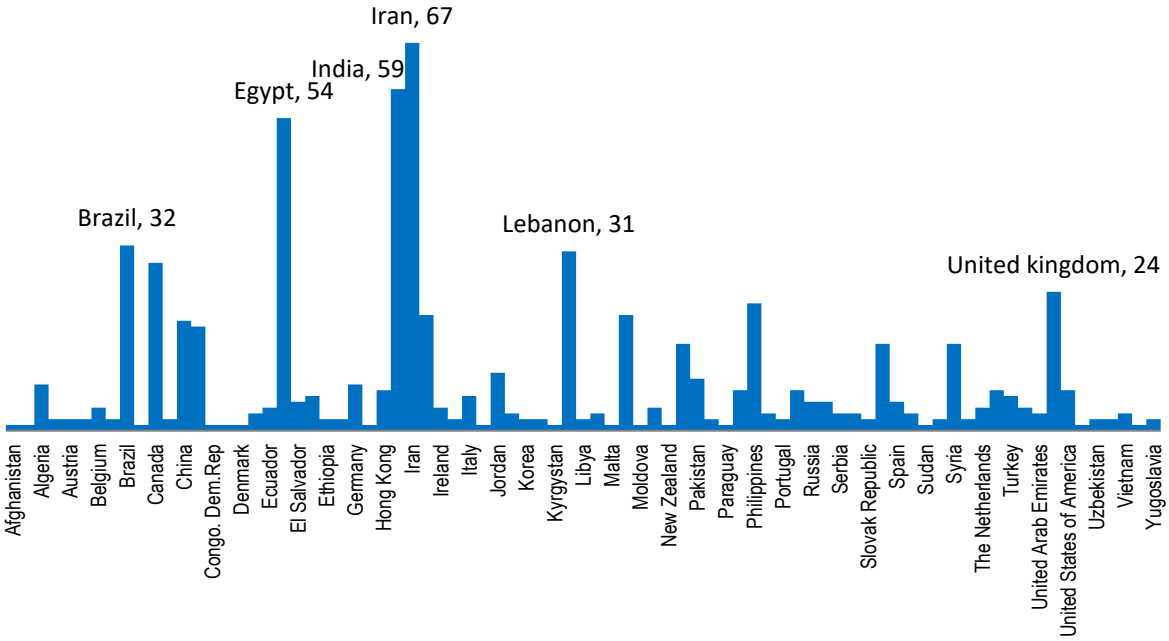
Certification

A total of 184 applicants have been granted BEFA Certification as of August 31, 2024, with the Jurisdictions distribution below



Country of Origin of BEFA Applicants

Egypt, Iran, and India, are the Top 3 countries of origin.



Interviews: 2024 Cycle

- Spring: 11 in-person and 3 remote interviews are being scheduled:
  - 4 in-person interviews on May 25, in Vancouver (BC); and
  - 7, on June 1, in Toronto (ON) 2024

- Fall: Dates and location are November 23, in Montréal (QC) and November 30, in Vancouver (BC). The Number of interviews depends on the number of applicants deemed eligible to an interview by the Assessment Panel.

Training for new Assessors:

A total of six new assessors are scheduled for training starting in October 2024: 1 from AIBC, 1 from AAA/OAQ, 1 from SAA, 2 from OAA, and 1 from NSAA.
Three training sessions are planned to ensure the assessors are fully prepared to receive applicants' files:

- Phase 1 and 2: October 12 and 19
- Phase 3 : October 30
- Phase 4: observership: in conjunction with the scheduled Interview sessions:

BEFA Mentorship Program (Pilot Phase)

The CACB is currently testing the BEFA Mentorship Program, developed by the ROAC Standing Committee with funding from ESDC (Employment and Social Development Canada). The ROAC Standing Committee has also developed instructional videos for mentors and mentees as part of the same initiative. https://befa-aeve.ca/resources/

The Pilot Phase objectives is to prepare for the implementation of the program in 2025, in accordance with the impact assessment requirements developed by the CACB.

Currently, there are 7 applicants enrolled in the Pilot Program. These applicants, required by their respective Assessment Panels to resubmit their Demonstration of Competency (DOC) evidence, are assigned to 5 Mentors with a timeline of 1 year.

Mentees Status September 26th, 2024:

- 1 mentee currently working on remedial work
- 1 mentee is back with panel for review
- 1 mentee waiting panel assignment
- 1 mentee is Back with Chair for preliminary review
- 1 mentee is working with new mentor
- 2 mentees scheduled for November interview session in Montreal

2-INTERNATIONAL INVOLVEMENT

THE CANBERRA ACCORD

The CACB-CCCA is one of the ten (10) signatories of the Canberra Accord. The latter consists of accrediting organizations that have substantial equivalent established accreditation systems for architectural education.

The General Interim Meeting

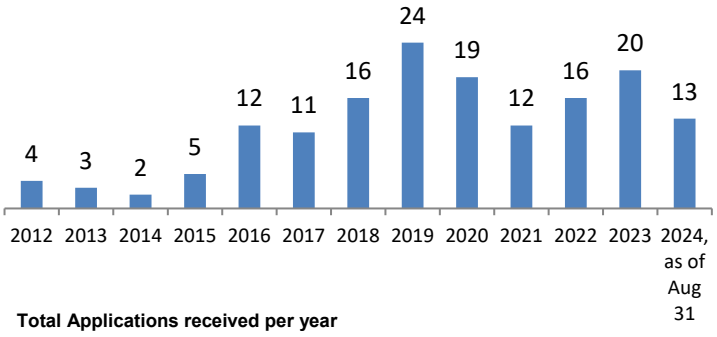
The CACB attended the 2024 Interim meeting of the Accord on June 27-28, 2024

Canberra Accord Periodic Review

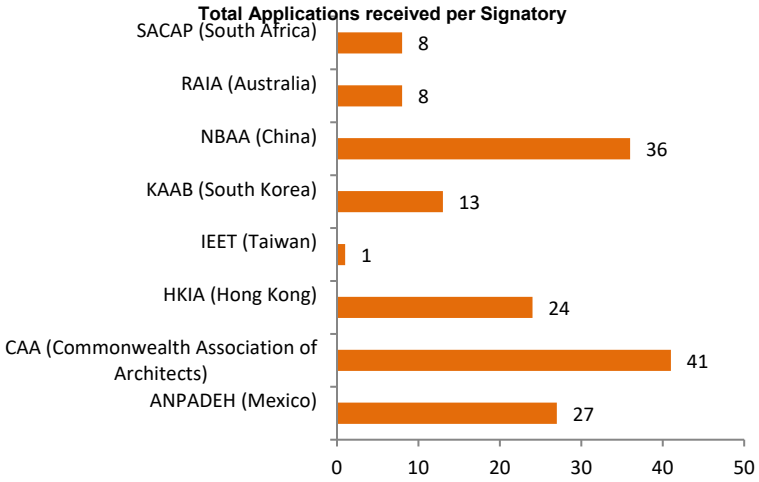
The CACB hosted successfully its 3rd Periodic review from March 1-6, 2024. The CACB received a full six-year term and the next visit will take place in 2030

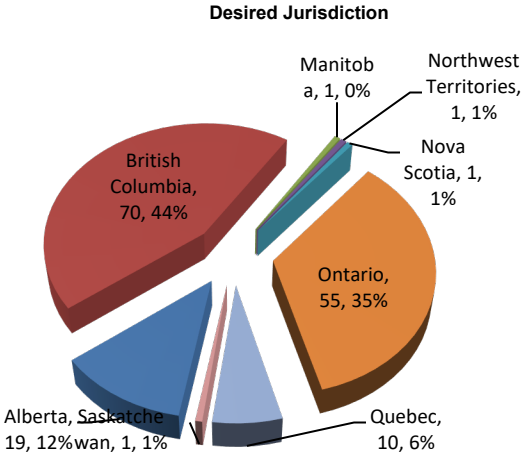
International mobility of graduates and the portability of their educational credentials.

The CACB-CCCA has developed its implementation process through a specific assessment stream for Canberra Graduates since 2012.
As of August 31, 2024, **158** applications were received.



The applications were received with the following signatories and Jurisdictions distribution:





APPENDIX

CACB CCCA
CANADIAN ARCHITECTURAL CERTIFICATION BOARD
CONSEIL CANADIEN DE CERTIFICATION EN ARCHITECTURE

1 rue Nicholas Street, Suite 710
Ottawa, Ontario
K1N 7B7
613-241-8399
www.cacb-ccca.ca

Ottawa, September 27, 2024

Don Sterritt AANB
Chair of ROAC Standing Committee for CACB

Re. CACB Conditions and Terms for Accreditation and CES

Don,

I am reaching out with respect to the Canadian Education Standard (CES), recent remarks made by the ROAC Standing Committee on the recommendations of the Accreditation Writing Committee, and a way forward to clarify the relation of CES and the Conditions and Terms for Accreditation which respectively govern CACB's Academic Certification Program and CACB's Accreditation Program.

1. Canadian Education Standard (CES) and Conditions and Terms for Accreditation

Specifically, I am writing to address a claim made by the ROAC Standing Committee regarding CACB governing documents during the June 7, 2024, Board Meeting in Ottawa, and reiterated by the ROAC Standing Committee in comments provided to the CACB Writing Committee received July 8, 2024. The Standing Committee's claim suggests that the Canadian Education Standard (CES) governs the Conditions and Terms for Accreditation and that any updates to the Accreditation documents must be based on the CES. As was mentioned at the June Board meeting, this claim is not substantiated by past practice and it is not articulated in the agreed-upon terms of reference for the Accreditation Conditions Writing Committee.

The 2020 CES indicates that, "It establishes Student Performance Criteria and Program Performance Criteria for Canadian university schools of architecture" (introduction, paragraph 3). Yet, it also states that requirements for accredited professional degrees "are described in the CACB documents Conditions and Terms for Accreditation" (3.1). The 2017 Conditions and Terms for Accreditation do not indicate the CES as a governing document. Over 18 months of the Accreditation Conditions Writing Committee work (from fall 2022 to spring 2024), no one brought forward the issue of the CES as a governing document for Accreditation, including the appointed ROAC representative (who is also a member of the ROAC Standing Committee).

The assertion made by the ROAC Standing Committee in June 2024 about CES governing Accreditation conditions does not align with past practice nor with processes mutually agreed upon by the CACB members.

1 rue Nicholas Street, Suite 710
Ottawa, Ontario
K1N 7B7
613-241-8399
www.cacb-ccca.ca

2. ROAC Standing Committee on recommendations of the Accreditation Writing Committee

I would also like to point out that some comments made by the ROAC Standing Committee on the Writing Committee's recommendations appear mistaken or out of line. For instance, on condition 3.1 ROAC remarks: "EDI is a new addition… not included in the CES… [and] should be removed." However, EDI is not a "new addition" as it has been part of the CACB Conditions and Terms for Accreditation since at least 2012, and enhancing EDI criteria was an important take-away of our 2022 conference, which the writing committee's work is expressly based upon. Several other ROAC Standing Committee comments (particularly for sections 3.3, 3.4, PPC4, PPC7, SPC A5, B1, B2, C2, C4, and D2) indicate that certain language, particularly around issues of cultural diversity and social justice, should be removed as these are not in the CES. As you may recall, one of the conference themes in 2022 was "Social Justice and Wellness." Take-aways from these conference discussions have been guiding the CACB Writing Committee recommendations, as per member agreements.

3. Moving forward toward CES and Accreditation Conditions and Terms alignment

The CACB agrees that the CES and the Conditions and Terms for Accreditation should be in alignment, as both documents aim to maintain high quality standards for architecture graduates, entry into internship and the practice of architecture in Canada.

The 2020 CES indicates: "The CES has been developed in accordance with both the core principles of the UNESCO/UIA Charter for Architectural Education and the relevant sections of the UIA Accord on Recommended International Standards on Professionalism in Architectural Practice" (introduction, paragraph 5). Since the publication of the 2020 CES, the UNESCO/UIA Charter for Architectural Education has been updated twice, in 2021 and 2023. Therefore, it appears the 2020 CES is out of date and not in sync with its UNESCO/UIA governing documents. For instance, the 2023 Charter clearly states "a commitment to equity, diversity, and inclusivity in both the content and the context of architectural instruction" (3.12).

We are pleased to have this opportunity to be reminded of the importance and relevance of the UNESCO/UIA Charter for Architectural Education and UIA Accord as guiding documents for CES. To help ensure strong relevance and mutual compatibility of the CACB Accreditation Conditions and CES, I am asking the Writing Committee to review its 2024 recommendations, together with the recently collected member feedback, in view of these international documents. I recommend that ROAC also review the 2020 CES for alignment with current international standards. The CACB would be pleased to assist with this review and to work with members to develop processes that, going forward, concurrently review CES and Accreditation conditions in accordance with relevant UNESCO/UIA documents.

Next Steps

I look forward to continuing to work together to help ensure that both Canadian and internationally-trained architecture graduates are meeting high standards consistent with international norms and CACB's established criteria and procedures. I am cc'ing the Chair of CCUSA and Chair of ROAC so they are aware of these issues, which

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are delaying the Writing Committee's work, while at the same time helping to ensure consistent and high quality standards for the CACB Accreditation and Academic Certification programs.

To support mutual understanding of the review and update sequence of these governing documents, and to address any questions and clarifications, we are prepared to facilitate meetings of the Members (ROAC and CCCUSA) this fall. We welcome your suggestion for dates. We look forward to hearing from you on these important matters.

Respectfully submitted,

Lisa Landrum (she/her) PhD, MArch2, BArch, FRAIC, OAA, MAA, AIA
President/Présidente, CACB/CCCA
Canadian Architectural Certification Board / Conseil Canadien de Certification de Architecture

Cc. Izabel Amaral, CCUSA Chair and liaison to the CACB Writing Committee
Ian McDonald, Chair, ROAC
CACB Writing Committee: P. Osborne (chair), F. Hamilton, T. Gaber, G. Cotaras, I.Amaral, T. LeBlanc

The CACB offices are located on the traditional unceded territory of the Anishinabe Algonquin Nation. The CACB represents partners across Turtle Island and honours all First Nations, Inuit and Métis peoples. We honour the National Day for Truth and Reconciliation and support the United Nations Declaration on the Rights of Indigenous Peoples.

Memorandum

To: **Council**

Settimo Vilardi
J. William Birdsell
Kimberly Fawcett-Smith
Natasha Krickhan
Michelle Longlade
Elaine Mintz
Anna Richter
Susan Speigel
William (Ted) Wilson
Marek Zawadzki
Loloa Alkasawat
Jim Butticci
Christina Karney
Jenny Lafrance
Lara McKendrick
Greg Redden
Kristiana Schuhmann
Edward (Ted) Watson
Thomas Yeung

FOR COUNCIL MEETING
December 6, 2024
(open)
ITEM: 7.3

From: Kristiana Schuhmann, Vice President and Chair PRC

Date: November 27, 2024

Subject: OAA Document Maintenance - Practice Tips Impacted by OBC 2024

Objective: To provide overview of the OBC impacted Practice Tips and updates on PT.03 and PT.35 in response to OBC 2024

Background

The Ministry of Municipal Affairs and Housing (MMAH) has issued the 2024 edition of Ontario's Building Code which comes into effect on January 1, 2025, with a three-month transition period until March 31, 2025 for applications for which the working drawings were substantially complete before 2025. Then, from April 1, 2025, all permit applications must use the 2024 Ontario Building Code.

The new Ontario Building Code 2024 (O. Reg. 163/24) references the 2020 National Building Code of Canada (NBC) for the harmonized parts of the code and the Ontario amendments document for the differences in the province. This change in legislation results in the need to update multiple OAA resources, including the OBC Data Matrices.

At the onset of the announcement, a short list of Practices Tips were identified and prioritized for updates by Practice Advisory Services (PAS) staff, review by Practice Resource Committee (PRC), and other internal/external support as required. This memo provides a status of these resources and outlines the next steps.

It should be noted that PAS is currently assessing the impact of the OBC 2024 Amendment #1 released on November 5, 2024 (CodeNews 364) by MMAH. This may result in minor updates to the documents being reviewed by Council in this memo. Staff continue to monitor for additional changes to the new code and will advise members accordingly.

Updates to Practice Tips Impacted by Release of OBC 2024

With the assistance of PRC, the following Practice Tips have been updated to reflect the new OBC and will be issued in January 2025. The redlined versions are attached for each. Some additional editing may be required before they are issued:

- PT.03 Building Code Data Matrix
- PT.35 Importance Category and Seismic Restraint

Preliminary work has also begun on the following resources:

- PT.08 Applications for Building, Demolition or Conditional Permits – Architect's Participation in the Permit Process
- PT.11 Definitions: "Design" v "Design" v "Design Activities"
- PT.19 ANSI / ASHRAE / IES 90.1 – 2013 – An Overview
- PT.36 Building Energy Performance Practice Tip Series
- PT.38 OBC Part 5, Environmental Separation – Durability, PT.04 2006 Building Code – Project Code Review

Next steps

- Finalise the edits to PT.03 and PT.35, including the update to OAA Building Code Data Matrix Tools for OAA Members (Excel Workbook – Member side)
- Update PT.00 Index to Practice Tips and OAA website landing pages to house the 2012 and 2024 versions until April 1st, 2025 (end of the transition period)
- Continue to assess impact on other OAA Programs/ Service Areas (i.e. OAA Admission Course, CSA Access Program).
- Work with Communications to update the membership.

Action

For Information Only.

Attachments

- Appendix 0: Summary Main Technical and Editorial Changes to PT.03 and PT.35
- Appendix 1: REDLINE - PT.03 Building Code Data Matrix (version 4.3)
- Appendix 2: PT.03 Building Code Data Matrices (version 5.0)
- Appendix 3: REDLINE - PT.35 Importance Category and Seismic Restraint (version 1.2)
- Appendix 4: PT.35 Building Code - Importance Category and Seismic Restraint (version 2.0)

Appendix 0: OBC 2024 Transition - Executive Summary of Key Technical and Editorial Changes for transition between 2012 and 2024

The OBC data matrices (including PT.03 and PT.35) were last issued following the December Council Meeting in 2023 at which Council endorsed revised OBC data matrices. PRC and PAS staff completed a maintenance cycle to address the 2012 OBC code updates that involved encapsulated mass timber construction (EMT), etc.

So with the announcement from MMAH earlier in 2024, OAA staff started assessing this next phase of technical updates, in particular the introduction of the new Part 2 Farm Buildings and Agricultural Occupancy Group G, and the consequential amendments to the *Architects Act*.

Note: At the time of writing this summary, PAS is working on assessing the impact of latest changes issued by MMAH entitled Amendment #1 (issued in November 2024).

Practice Tip PT.03 Building Code Data Matrices (and Attachments)

Title and General Updates:

- Adjustment to the title of the PT to align with other resources associated with the building code.
- Code references were updated to reflect the new 2024 OBC
- Other editorial edits were also applied throughout
- New content to reflect the introduction of the new Group G Farm Buildings, including a new OBC Code Matrix for Part 2.

Summary Section

- Minor editorial changes

Background Section

- New paragraph to highlight the introduction of Group G Farm Buildings and the impact on Practice Tip PT.03

Recent Revisions

- Update section title
- Key OBC 2024 changes highlighted along with the impact on practice tips and attachments

Suggested Procedures Section

- Update section title & Minor editorial changes

References Section

- No changes proposed

Documents Section

- Addition of new OBC issue date of “2024” as part of the attachments 2 to 5
- New Attachment 6 – 2024 OBC Data Matrix Part 2 – Farm Buildings

Updates to Attachments to Practice Tip PT.03

Guide to the Completion of the OAA Building Code Data Matrices

- New section to address the new Part 2 Data Matrix as well as new references in key areas of the guide
- Minor edits in “Summary” section as it pertains to differences in software
- New “Guides” section to explain how it is intended to be used.
- Minor edits were applied to Part 3 section, with more substantive edits to:
    - subsection 3.16 and 3.17 as is relates to new OBC 2024 content and terminology around seismic category
    - Addition of section 3.26 on Alternative Solutions (which resulted in re-numbering for subsequent Part 3 item)
- A new section entitled 9.23 Bracing to Resist Lateral Loads Due to Wind and Earthquake was added in section addressing Part 9
- No major edits to Part 10 or Part 11 were necessary

Data Matrix Part 3 Fire Protection, Occupant Safety and Accessibility

- Localised Building Code references were updated. Note this doesn’t yet include the latest amendments sent out by MMAH during the week of Nov 4
- Section 3.17 Seismic Hazard Index has been renamed “3.17 Seismic Category” to reflect OBC 2024. – Refer to DRAFT of Practice Tip PT. 35 for additional context.
- Introduction of a new section 3.26 Alternative Solution was added

Data Matrix Part 9 Housing and Small Buildings

- The most significant change to the matrix was the addition of a new section named “9.23 Bracing to Resist Lateral Loads Due to Wind and Earthquake” , in addition to updates to building code references.
- The MMAH Technical Bulletins highlight several minor items that are not referenced in the matrix, but do impact design or require review of standard details. Some examples include: use of nominal dimensions for wood frame construction, adding “secondary suite” as a new defined term, dimensions related to design of areas, spaces and doorways, design of stairs, guards and railings, etc.

Data Matrix Part 10 Change of Use

- No significant changes to Part 10 Data Matrix. The majority of changes address requirements for the new Group G major occupancy and add applicable references to clauses in Part 2:
    - clarifications to when a change to a farm building is deemed a change in major occupancy
    - added clause to permit the calculation of the construction and hazard index for Group G major occupancy to be based on Group F, Div. 2, for the purpose of Parts 10 and 11
    - added clause to permit the performance level of a farm building (where permit has been applied for before Jan 1, 2025) to be evaluated based on applicable requirements of OBC 2012

Ontario Association of Architects

111 Moatfield Drive
Toronto, ON M3B 3L6
Canada

416-449-6898
oaamail@oaa.on.ca
oaa.on.ca

- added reference to Part 2 requirements for Early Warning and Evacuation in the case of farm buildings
- added HVAC systems requirements where a major occupancy is changed to a Group B, Div. 2
- added VAC and filtration systems requirements where a major occupancy is changed to a Group B, Div. 3

Data Matrix Part 11 Renovations

- No significant changes to Part 11 Data Matrix. The majority of changes address requirements for the new Group G major occupancy and add applicable references to clauses in Part 2:
  - clarifications to when a change to a farm building is deemed a change in major occupancy
  - added clause to permit the calculation of the construction and hazard index for Group G major occupancy to be based on Group F, Div. 2, for the purpose of Part 11
  - added clause to permit the performance level of a farm building (where permit has been applied for before Jan 1, 2025) to be evaluated based on applicable requirements of OBC 2012
  - added HVAC systems requirements where a major occupancy is changed to a Group B, Division 2
  - added VAC and filtration systems requirements where a major occupancy is changed to a Group B, Div. 3
  - updates & additions to Compliance Alternative Tables

NEW Data Matrix Part 2 Farm Buildings

- This is a new OBC Matrix to address the Group G Occupancy
- PAS based the new matrix on the Part 3 Matrix template.
- Other General observations
  - While large farm buildings are now part of the building code, they are not integrated into the code, but are separate from the other Parts of the building code.
  - Part 2 does not address:
    - superimposed occupancies, high buildings, standpipe systems, water supply for fire fighting, barrier-free, storeys below ground, basements, spatial separation, plumbing fixtures, washrooms, energy efficiency, or sound transmission design which are addressed in Part 3
    - As such, the OBC Matrix for Part 2 has all of those sections as “reserved” in the template at this point in anticipation that they may be included in future code changes..

<u>Update to the OAA Building Code Data Matrix Tools for OAA Members (Login required on OAA website)</u>

- Updates and amendments to Excel Workbook will be completed in early 2025.

Ontario Association of Architects

111 Moatfield Drive
Toronto, ON M3B 3L6
Canada

416-449-6898
oaamail@oaa.on.ca
oaa.on.ca

Practice Tip PT.35 Importance Category and Seismic Restraint

Title and General Updates:

- Adjustment to the title of the PT to align with other resources associated with building code.
- Code references were updated to reflect the updates between 2012 and 2024 OBC
- Other editorial edits were also applied throughout.

Summary Section

- New paragraph highlighting the key changes related to seismic design in the 2024 Ontario Building Code

Background Section

- To align with terminology in the National Building Code 2020, the concept of "Seismic Category" replaces the "Seismic Hazard Index" calculation throughout the Practice Tip.
- Addition of more building uses under the "post-disaster" subsection
- the Site Class subsection code reference has changed
- Significant updates were applied to the "Seismic Hazard Index" subsection of the practice tip to reflect the change in parameters between the OBC 2012 and OBC 2024, such as:
    - Revised title to align with new parameters and terminology
    - Removal of the chart of requirements under different seismic hazard index values to ease maintenance and reduce the length of the practice tip.
    - Revised statement about how seismic category relates to seismic restraint (discussed in revised PT.35)
- New paragraph was added to address lateral load bracing requirements for wind and earthquake are shown in a Table in Appendix A.
- Updated technical references for compliance alternatives (refer to Renovation subsection)

Suggested Procedures Section

- Updates to terminology such as "seismic hazard index" to "seismic category" to reflect new code parameters and language

References Section:

- Changed code references to more general section numbers

Changes to the Attachments

- The existing version of PT.35 (version 1.2) has two attachments:
  Attachment 1 - Seismic Hazard Index Calculations Examples, and
  Attachment 1a - Seismic Hazard Index Calculations Samples
- With the arrival of the new 2024 OBC and changes, the attachments were reviewed and discussed at PRC. They are outdated and the sample calculations, for real locations in Ontario, could be mistaken them for true calculations. To ease maintenance on the resource, they have been omitted.

Ontario Association of Architects

111 Moatfield Drive
Toronto, ON M3B 3L6
Canada

416-449-6898
oaamail@oaa.on.ca
oaa.on.ca

Appendix 1: REDLINE - PT.03 Building Code Data Matrix (version 4.3)

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Practice Tip – PT.03
Version ~~4.3~~ 5.0
~~December~~ xx~~08~~, 202X~~3~~

Building Code Data ~~Matrix~~Matrices

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Summary

Practice Tip PT.03 describes tools for use by members in compiling a building code data matrix and includes information on some improvements to the matrices.

Regulation 27 of the *Architects Act* requires that members must include building code compliance data in an application for building permit in accordance with original Practice Bulletin A.9 2004. PT.03 is an update of the original Practice Bulletin A.9 as a result of changes to the building code and current practice. Appropriate practice in regard to communication of code related data when applying for a building permit includes a systematic approach to compilation and presentation of a summary of the project's key building code compliance data.

Background

This Practice Tip provides a suggested means of organizing, summarizing, and presenting critical building code compliance data that forms the basis for the design of the building.

The summary is not intended to 1) be a comprehensive listing of all items in a building code review or analysis, but rather identifies key building code requirements to which the design complies, nor 2) a guide to how to conduct a building code analysis.

Locating this summary information in a conspicuous place on one of the first sheets of the drawing set not only expedites the building official's review of the application, but also informs others involved with the project (e.g. contractors, trades, consultants, etc.) about applicable code related issues. Although the information specifically refers to the ~~Ontario~~ Building Code in effect in Ontario, similar procedures can be used for projects governed by the National Building Code of Canada or any of the other provincial building codes.

Until the introduction of Group G Farm Buildings, it was typically only necessary to include a single data matrix for a building. If you have a building with Group G and other occupancies in combination, include both a Part 2 matrix and the appropriate matrix for the other occupancy. This is necessitated because Group G is neither a Part 3 nor a Part 9 occupancy.

~~Recent~~ Current Revisions

As required by the adoption of OBC 2024, the code references for all the matrices have been reviewed and revised as needed.

A new Part 2 – Farm Buildings matrix has been created for Group G occupancies.

The Part 3 matrix ~~now allows selection of encapsulated mass timber alone or in combination as per subsection 3.2.2~~reflects the change from seismic hazard index to seismic category as a building code parameter. 3.26 was added to highlight any alternative solutions used. Notes was renumbered as 3.27

The Part 9 matrix was revised to include bracing to resist lateral loads due to wind and earthquake as section 9.22. This refers to bracing of non-structural elements. For consistency with the Part 3 matrix 9.23 Alternative Solutions was added and Notes was renumbered as 9.24.

The Part 10 and 11 matrices were updated to include references to Part 2 – Farm Buildings.

~~The Seismic Supplement in the workbook permits the indication both Sa(0.2) and Sa(2.0) values as well as the use of seismic isolation and supplemental energy dissipation systems.~~

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The Excel matrix tool for member use makes extensive use of drop-down lists to speed data entry and to make input more convenient and consistent.

The Microsoft Word based version of the matrices remains and has been updated for those who prefer to use that option.

The templates are separated into ~~four~~ five individual matrices. One each for: ~~Part 2,~~ Part 3, Part 9, Part 10, ~~and~~ Part 11 and Part 2.

In the Excel templates there is a Read Me First tab containing information about using the workbook. In the workbook there is additional information on supporting tabs to assist in interpolating ~~the~~ limiting distances, determining the requirement for seismic restraint and determining the requirement for bracing due to earthquake and wind loads in Part 9 buildings~~seismic hazard index~~.

Suggested Procedure – Analyse, Document, Verify and Confirm

1. Code analysis is done in the early design stages and refined through the design development and construction documents stages. Establish in your practice a system that documents the initial code analysis, confirms it during subsequent phases, and that facilitates the inclusion of the selected elements for the building code data that is ultimately submitted with a permit application. Consider including the data matrix as a record of the decisions made in any design briefs developed during the project.
2. Prepare the preliminary data matrix early in the project to establish the overall framework to which the design must comply. This helps to determine which specialist consultants may be required and reduces surprises in later project stages (such as determining an exterior wall is required to be non-combustible due to spatial separation).
3. Use the code data matrix templates to develop a standard for your practice adapted as needed to meet the specific requirements of each project. Establish a location for code data on the drawings (one of the top sheets is considered best) and make this your office standard. Locating the information in a conspicuous place on the drawings not only expedites the building official's review of the permit application, but also informs others involved with the project (e.g. contractors, trades, consultants, etc.) about applicable code related issues.
4. If the data matrix is ~~not to be~~ located other than on the drawings (e.g. in a project booklet) ensure that the building name and address as well as your project number and date of issuance are inserted at the top of the matrix. If the matrix is submitted as a stand-alone document, affix your seal in accordance with Regulatory Notice RN.01.
5. Coordinate with subconsultants and the client's other consultants and share with them the data based on your code analysis. Incorporate information provided by others, such as adequate water supply, soil class, etc. Request that they similarly include on their drawings building code related data relevant to their disciplines, in accordance with the standards of their profession.
6. Pertinent building code references are included in the templates to assist in checking the requirements. You may prefer to omit these references or refer to only those specific sections that apply to your project. Customize the matrix to suit the project's specific needs. Check the reference numbers and code related values every time there is a new issuance of or amendment to the applicable code.
7. It may be necessary to provide more than one matrix chart for complex projects in order to provide the required information with clarity. (e.g. underground parking garage Part 3 and townhouse Part 9 on same site, ~~or~~ multi-use buildings with Part 2 and Part 3 occupancies, or extensive renovations, ~~or~~ additions ~~and~~or renovations: Part 11 and Part 3 or Part 9). Adapt the ~~matrix~~ matrices to clearly describe the project.
8. Add exit capacity calculations either on the same drawing sheet as the matrix or separately, confirming that the exit capacity exceeds the occupant load.
9. As required, provide supporting graphical information such as:

   a) plans illustrating travel distance, suite fire separations, suite/building/gross floor areas, exit widths, limiting distances, fire/party walls

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b) elevations illustrating fire compartments for spatial separation, grade height, building height, access panels

c) sections illustrating horizontal fire separations, projections, grade/first storey height, upper ceiling height.

10. Enter other information that, in your professional judgment, will assist in expediting issuance of the building permit.
11. Refer to ~~attachment~~ Attachment 1 to this Practice Tip, the Guide to the Completion of the OAA Building Code Data Matrices for information on completing the provided sample matrices templates.

References

OAA Building Code Data Matrix Tools for Licensees (Log-in required)

Documents

Attachment 1 – Guide to the Completion of the OAA Building Code Data Matrices

MS Word Templates

Attachment 2 – 2024 OBC Data Matrix Part 3

Attachment 3 – 2024 OBC Data Matrix Part 9

Attachment 4 – 2024 OBC Data Matrix Part 10 - Change of Use

Attachment 5 – 2024 OBC Data Matrix Part 11 - Renovations

Attachment 6 – 2024 OBC Data Matrix Part 2 – Farm Buildings

Original OAA Practice Bulletin A.9, 2004

The OAA does not provide legal, insurance, or accounting advice. Readers are advised to consult their own legal, accounting, or insurance representatives to obtain suitable professional advice in those regards.

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Guide to the Completion of the OAA Building Code Data Matrices

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Summary

A building code data matrix presents pertinent selected elements from a detailed code analysis to provide an overview of the key code factors of the building design to municipal building officials and others. The data matrices developed by the OAA are templates that are intended to be modified as needed to adequately present the key building code decisions made in the design of a building.

Following is guidance for completing information for each type of matrix for Parts 2, 3, 9, 10 or 11. Refer also to general information regarding Procedures in Practice Tip PT.03.

If there is insufficient space in a matrix for any information, insert additional rows or list the information in a separate table identifying which item it relates to, and cross-reference to the additional information. Where more space is provided than is needed, hide or delete the unnecessary rows.

Where using the MS Excel templates (which are available only to OAA members), refer to additional information in the "Read Me First" tab of the Excel workbook. Where using the MS Word template versions with MS Word for the Mac, the functional check-boxes may not appear, or may not function properly due to ~~updates in MS Word software that has not currently been updated in Word for Mac software~~differences in the software implementation on the two platforms.

Guides

The sections of the guide are organized by OBC Part. Part 3 is presented first. It contains an explanation for each Part 3 item. This is followed by Part 9, Part 10, Part 11, and Part 2. These sections of the guide include only information on items that differ from the Part 3 matrix template. For any items not described in these subsequent individual sections, refer to the information for the completion of a Part 3 matrix. These abbreviated sections were created to avoid unnecessary duplication. The sections are set in order of expected frequency of use.

References

Practice Tip PT.03 Building Code Data Matrices~~x~~

Practice Tip PT.35 OBC Importance Category and Seismic Restraint

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Part 3:

General Information

Enter the name of the practice, office address and contact person.

Enter the name of the project with a brief identifying description (e.g. Lester Pearson Elementary School) and the official address/location of the project.

Enter the date the information entered in the form was last updated.

3.00 Building Code Version

Confirm the building code and version to which the project is designed by noting the regulation for the issued building code and the last code amendment regulation.

3.01 Project Type

Identify the Project type as either New Construction, Addition, Renovation, Addition and Renovation, or Change of Use. Provide a brief description of the project: (e.g. construction of two-storey addition to the east face)

3.02 Major Occupancy Classification

Identify each of the major occupancy group in the building and describe their use. (e.g. D - Business and Personal Services / Medical Clinic). Refer to OBC 3.1.2. and to Appendix A to the building code for multiple major occupancies. Refer also to Hazard Index tables 11.2.1.1.B – 11.2.1.1.N in Part 11 of the building code and A-3.1.2.1 (1) of Appendix A to the building code for assistance in determining or classifying major occupancies.

3.03 Superimposed Major Occupancies

Indicate if the building is designed with superimposed major occupancies. If Yes, provide a brief description. (e.g. Three stories of Group C – Residential, superimposed over one storey of Group E - Retail).

3.04 Building Area

Indicate the building area for existing and new portions of the building and provide a total. Provide a simple description of the areas (e.g. existing building, east addition). If a portion of the building is to be demolished, enter in the Existing column only that portion which is to remain, such that the total of the new and existing is the area of the final project. Refer to ~~OBC~~ building code definitions for building area and gross floor area.

3.05 Gross Floor Area

Indicate the gross floor area for existing and new portions of the building and provide a total. Provide a simple description of the areas (e.g. existing building, east addition). If a portion of the building is to be demolished, enter in the Existing column only that portion which is to remain, such that the total of the new and existing is the gross floor area of the final project. Refer to OBC definitions for building area and gross floor area.

3.06 Mezzanine Area

Note whether there are mezzanines, how many, where and their areas. Provide a simple description of the areas (e.g. existing building, east addition). If a portion of a mezzanine is to be demolished, enter in the Existing column only that portion which is to remain, such that the total of the new and existing is the area of the final mezzanine. Refer to OBC definitions for mezzanine. If there are no mezzanines, enter N/A.

3.07 Building Height

Enter the number of storeys above and below grade, and the building height as defined.

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3.08 High Building

Check the appropriate “Yes” or “No” box in regard to whether the building is a high building as defined.

3.09 Number of Streets / Firefighter Access.

Enter number of streets and fire access routes.

3.10 Building Classification

Identify the classification of the building according to 3.2.2. Building Size and Construction Relative to Occupancy. A building may have different major occupancies but it is generally given one classification with the most restrictive occupancy governing. However, superimposed occupancies may be separately classified. List occupancies in the same order as in 3.02.

3.11 Sprinkler System, 3.12 Standpipe System, 3.13 Fire Alarm Systems and 3.14 Water Service/Supply

Obtain information from engineers and check the appropriate boxes.

3.15 Construction Type

Identify the project construction restrictions (“combustible permitted”, “non-combustible required”, “encapsulated mass timber”) (refer to Building Classification).

Indicate the actual construction (“combustible”, “non-combustible”, “combustible & non-combustible in combination”, “encapsulated mass timber”, “encapsulated mass timber & non-combustible in combination”) and whether heavy timber construction is used.

3.16 Importance Category

Check the appropriate box for Importance Category and refer to PT.35 Importance Category and Seismic Restraint for completion of this section of the building code data matrix. Obtain information as required from a structural and geotechnical engineer.

~~Provide the seismic hazard index, calculated in accordance with Part 4. In order to calculate the seismic hazard index, obtain information on the importance category, site class, 5% spectral response acceleration, earthquake importance factor, and acceleration-based coefficient. Obtain site class information from the owner. This information is typically provided in a geotechnical investigation report.~~

3.17 Seismic ~~Hazard Index~~Category

Provide the seismic ~~hazard index~~category, calculated in accordance with Part 4. In order to ~~calculate~~ establish the seismic ~~hazard index~~category, obtain information on the importance factor for earthquake loads and effects ~~importance category~~(based on the importance category)~~,~~ ~~site class,~~ and the 5% spectral response acceleration values for the relevant periods~~, earthquake importance factor, peak ground acceleration (PGA), PGA factor, PGA reference, and site coefficient~~. ~~Obtain site class information from the owner. This information is typically provided in a geotechnical investigation report.~~ Identify the use of seismic isolation and supplemental energy dissipation systems. Identify if seismic design is required for elements of structures, non-structural components and equipment.

If using the workbook, take advantage of the Seismic Supplement tab.

3.18 Occupant Load

Provide design information as to the occupancy and occupant load per floor area and the method of calculation. Note whether the design requires a posted occupant load limit.

3.19 Barrier-free Design

Identify if the building requires barrier-free design, and if not, state the reason for the exception. State the number of barrier-free entrances and provide an explanation if needed.

3.20 Hazardous Substances

Check appropriate box in regard to hazardous substances to be found in connection with any of the occupancies in the project.

3.21 Required Fire Resistance Ratings

Enter in the spaces provided, the fire resistance rating required for horizontal assemblies (e.g. floors, roofs and mezzanines), as well as the supporting members for these.

Indicate where non-combustible construction is used in lieu of ratings (where permitted). Note that the fire resistance ratings required may change for different major occupancies.

If the table in the matrix will not accommodate all the information, prepare a separate table and/or schematic plan and cross reference accordingly.

Indicate the listed design numbers (e.g. ULC, cUL, MMAH SB-2) for the horizontal assemblies and their supporting members in an appropriate location in the construction documents, such as a building assemblies schedule where the designations can be more readily associated with a location or construction type.

3.22 Spatial Separation

Provide the spatial separation information in the appropriate columns for each building face/compartment as applicable. Provide a description of the exposing building face (e.g. “West Elevation”, “North Wall, Fire Compartment 1”) and identify them on the drawings using the same terminology.

Provide the area of unprotected openings, required fire resistance rating, construction type (“combustible permitted”, “non-combustible required”, “encapsulated mass timber”) and cladding type (“combustible permitted”, “non-combustible required”).

3.23 Plumbing Fixture Requirements

Provide design information as to the occupancy, occupant load male/female ratio, and water closets required and provided.

Add plumbing fixture calculations either on the same drawing sheet as the matrix or separately, confirming that the number of plumbing fixtures provided is not less than required by the occupant loads for the various occupancies. It may be necessary to provide a breakdown of the various occupancies in order to provide the required information with clarity. Adapt the matrix to clearly describe the project.

Where there is an occupancy change under Part 11, Section 3.7 applies and may require an adjustment of the required number of plumbing fixtures due to the change in occupancy or specific use within an occupancy.

Account appropriately for any barrier-free requirements and unisex or universal washrooms.

3.24 Energy Efficiency

State the Compliance Path utilized in the design and indicate both the Climatic Zone ~~Zone~~ and design degree days below 18 C.

3.25 Sound Transmission Design

Indicate whether there is more than 1 dwelling unit in the building, and if so, which compliance option was chosen.

3.26 Alternative Solutions

Identify any alternative solutions relied on for the design, and enter other related information including references to reports or studies that, in your professional judgment, will assist in acceptance of the alternative solution.

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3.~~26~~27 Notes

Identify any ~~alternative solutions relied on for the design, and enter~~ other information that, in your professional judgment, will assist in expediting issuance of the building permit.

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Part 9 – Housing and Small Buildings:

This section of the Guide includes only information that differs from a Part 3 matrix. For any items in this matrix not described below refer to the information for completion of a Part 3 matrix.

9.13 Post-disaster Building

Indicate if the building is a Post-disaster building. If Yes, refer to Practice Tip PT 35.

9.20 Energy Efficiency

Indicate "Residential" or "Non-Residential" as the Energy Efficiency category.

Indicate the appropriate compliance option for "Residential" or "Non-residential" categories.

The Project Design Conditions section is used to indicate Climatic Zone, Fenestration, Skylights, Space Heating Fuel, Heating Equipment Efficiency, Other Conditions and Compliance Package selected.

Provide supporting information/documentation to support compliance path as required.

9.23 Bracing to Resist Lateral Loads Due to Wind and Earthquake

Indicate the relevant value for the hourly wind pressure at the project location. Indicate the relevant value for the seismic spectral acceleration value at the project location. Indicate "Yes" for the applicable requirements based on an assessment of Table A-9.23.13; either the prescriptive design/bracing requirements in Part 9, design in accordance with Part 4, or good engineering practice in CWC 2014.

If the design, or portions thereof, do not conform to the prescriptive design requirements in Part 9, then confirm which design requirements are applicable, whether in accordance with Part 4 (e.g. design sealed by a qualified structural engineer) or within the good engineering practice provided in the CWC 2014 guide.

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Part 10 – Change of Use:

This section includes only information that differs from a Part 3 matrix. For any items in this matrix not described below, refer to the information for completion of a Part 3 matrix.

10.06 Building Size

Indicate the size of the building as Small, Medium, Large, or >Large. Refer to the notes at the end of the hazard index tables 11.2.1.1.B-N. Note that building size definition varies for different occupancies.

10.07 Existing Building Classification

Indicate if there is a change in the major occupancy of the building or portion thereof being renovated.

If there is a change in the major occupancy, then classify the building according to its construction index [1-8] and hazard index [1-7].

As required, indicate the construction index of the building based on its type of construction and fire-resistance ratings.

As required, indicate the hazard index of the building based on its occupancy and size. Building height is required in order to classify the “size” of the building and consequently determine its hazard index.

Indicate the importance category of the building [“Low”, “Normal”, “High”, “Post-Disaster”]. For “Low” and “High” categories, provide further explanation for their classification (e.g. “low human occupancy” or “explosive substances”).

10.09 Reduction in Performance Level

Identify if there is any reduction in performance level of any system or portion of the building. Obtain necessary information regarding structural, plumbing, and sewage systems from the relevant consultants.

If there is a reduction, provide a brief explanation in the subsequent rows. E.g. “Increase in occupant load of >15% [OBC 11.4.2.2.(1)]”.

10.10 Compliance Alternatives Proposed

Identify if any compliance alternatives are proposed.

If Yes, identify the numbers from the appropriate compliance alternative tables [OBC T11.5.1.1.A-F] and provide a brief description.

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Part 11 – Renovation:

This section includes only information that differs from a Part 3 matrix. For any items in this matrix not described below refer to the information for completion of a Part 3 matrix.

11.07 Building Size

Indicate the size of the building as Small, Medium, Large, >Large. Refer to the notes at the end of the hazard index tables 11.2.1.1.B-N. Note that building size definition varies for different occupancies.

11.08 Existing Building Classification

Indicate if there is a change in the major occupancy of the building or portion thereof being renovated.

If there is a change in the major occupancy, then classify the building according to its construction index [1-8] and hazard index [1-7].

As required, indicate the construction index of the building based on its type of construction and fire-resistance ratings.

As required, indicate the hazard index of the building based on its occupancy and size. Building height is required in order to classify the “size” of the building and consequently determine its hazard index.

Indicate the importance category of the building [“Low”, “Normal”, “High”, “Post-Disaster”]. For “Low” and “High” categories, provide further explanation for their classification (e.g. “low human occupancy” or “explosive substances”).

11.09 Renovation Type

Indicate the renovation type of the project [Basic Renovation, Extensive Renovation].

11.13 Reduction in Performance Level

Identify if there is any reduction in performance level of any system or portion of the building. Obtain necessary information regarding structural, plumbing, and sewage system from the relevant engineers.

If there is a reduction, provide a brief explanation in the subsequent rows. E.g. “Increase in occupant load of >15% [OBC 11.4.2.2.(1)]”.

11.14 Compensating Construction

Identify if compensating construction is required [Yes, No, N/A]. If Yes, provide a brief explanation in the subsequent rows. E.g. “Early warning and evacuation system to be upgraded as indicated [OBC 11.4.3.3.(1)]”.

11.15 Compliance Alternatives Proposed

Identify if any compliance alternatives are proposed [Yes, No, N/A].

If Yes, identify the numbers from the appropriate compliance alternative tables [OBC T11.5.1.1.A-F] and provide a brief description.

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Part 2:

This section of the Guide includes only information that differs from a Part 3 matrix. For any items in this matrix not described below refer to the information for completion of a Part 3 matrix.

2.00 Applicable Code

In addition to the building code version used, identify whether OBC Part 2 or the National Farm Building Code of Canada applies to the project. The OAA has not developed a data matrix for the National Farm Building Code.

2.01 Project Type

Space has been added for a description of the project type. Identify which of the listed parameters are included in the project: housing of livestock, liquid manure below-floor storage, structural design to SB-11, hazardous extraction operation involving cannabis, and controlled atmosphere storage areas. These parameters determine which portions of Part 2 apply to the project.

2.02 Major Occupancy Classification

How occupancies other than Group G are accounted for is determined by their aggregate area. There is a check box to declare whether the aggregate area is 10% or less.

2.17 Seismic Category

Review the exception for determining the seismic category in Part 2, otherwise determine the seismic category in accordance with Part 4. Review the application of the exception in Part 2 to assign a Site Class without a geotechnical investigation report. Identify the use of seismic isolation and supplemental energy dissipation systems.

If using the workbook, take advantage of the Seismic Supplement tab.

Some items listed in Part 2 are required in Part 3, but not currently in Part 2. These items are noted as "Reserved". The numbering of the items is retained to maintain consistency with the Part 3 numbering. This will facilitate integrating the Part 2 matrix with the Part 3 matrix should there be multiple occupancies or if the "Reserved" items are added to Part 2 in the future.

The OAA does not provide legal, insurance, or accounting advice. Readers are advised to consult their own legal, accounting, or insurance representatives to obtain suitable professional advice in those regards.

practice tip; pt; pt.03; attachment 1; guide, data; matrix; matrices; OBC; building code

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Name of Practice:
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contact information here.

Name of Project:
Enter name here.

Location:
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Date:
Enter date here.

	2024 Ontario Building Code Data Matrix **Part 3 – Fire Protection, Occupant Safety and Accessibility**		**Building Code Reference[1]**
3.00	Building Code Version:	O. Reg. 163/24 Last Amendment O. Reg. 447/24	
3.01	Project Type:	☐ New Construction ☐ Addition ☐ Renovation ☐ Change of use ☐ Addition and renovation Description:	[A] 1.3.3.2.
3.02	Major Occupancy Classification:	Occupancy / Use	3.1.2.
3.03	Superimposed Major Occupancies:	☐ No ☐ Yes Description:	3.2.2.7.
3.04	Building Area (m^2) *Insert additional lines as needed*	Description: / Existing / New / Total 0 / 0 / 0 0 / 0 / 0 0 / 0 / 0 0 / 0 / 0 Total 0 / 0 / 0	[A] 1.4.1.2.

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3.05	Gross Area (m^2) *Insert additional lines as needed*	Description: Existing New Total _____ 0 0 0 _____ 0 0 0 _____ 0 0 0 _____ 0 0 0 Total 0 0 0	[A] 1.4.1.2.
3.06	Mezzanine Area (m^2) *Insert additional lines as needed*	Description: Existing New Total _____ 0 0 0 _____ 0 0 0 _____ 0 0 0 _____ 0 0 0 Total 0 0 0	3.2.1.1.
3.07	Building Height	0 Storeys above grade 0 (m) Above grade 0 Storeys below grade	[A] 1.4.1.2. & 3.2.1.1.
3.08	High Building	☐ No ☐ Yes	3.2.6.
3.09	Number of Streets/ Firefighter access	0 street(s)	3.2.2.10. & 3.2.5.
3.10	Building Classification: (Size & Construction Relative to Occupancy)	3.2.2. Group/Div _____	3.2.2.20 - 93~~2~~.
3.11	Sprinkler System	☐ Required ☐ Not Required Provided: ☐ entire building ☐ selected compartments ☐ selected floor areas ☐ basement ☐ in lieu of roof rating ☐ none Description: _____	3.2.1.5. & ~~3.2.2.17.,~~ 3.2.2.18., .21., .22., .29., 3.2.4.17., ~~to~~ 3.2.4.9., 3.2.4.15., and 3.2.5.12. to .14.
3.12	Standpipe System	☐ Not required ☐ Required	3.2.5.8 - 11.
3.13	Fire Alarm System	☐ Required ☐ Not required Type Provided: ☐ Single stage ☐ Two stage ☐ None	3.2.4.
3.14	Water Service / Supply is Adequate	☐ No ☐ Yes	3.2.5.7.

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3.15	Construction Type:	Restriction: ☐ Combustible permitted ☐ Non-combustible required ☐ Encapsulated mass timber permitted Actual: ☐ Combustible ☐ Non-combustible ☐ Combination of combustible and non-combustible ☐ Encapsulated mass timber ☐ Combination of encapsulated mass timber and non-combustible Heavy Timber Construction: ☐ No ☐ Yes	3.2.2.20.- 93~~2~~. & 3.1.6 3.1.4.6., 7., 3.2.2.16.~~1.4.~~
3.16	Importance Category:	☐ Low ☐ Low human occupancy ☐ Post-disaster shelter ☐ Normal ☐ High ☐ Minor storage building ☐ Explosive or hazardous substances ☐ Post-disaster	4.1.2.1.(3) & T4.1.2.1.
3.17	Seismic ~~Hazard Index~~Category:	I_E ~~Fa~~ S(0.2) = 0 I_E S(1.0) = 0 Seismic Category: _____ Is the building seismically isolated? ☐ No ☐ Yes Is a supplemental energy dissipation system used? ☐ No ☐ Yes Seismic design required for Table 4.1.8.18. items 6 to ~~21~~22: ~~((I_E Fa S_a(0.2)) ≥ 0.35 or Post-disaster)~~ ☐ No ☐ Yes	4.1.8.4.(1) T-4.1.8.5.-B 4.1.8.18
3.18	Occupant Load *Insert additional lines as needed*	Floor Level/Area / Occupancy Type / Based On / Occupant Load (Persons) / Posted Limit Required _____ _____ _____ 0 _____ _____ _____ _____ 0 _____ _____ _____ _____ 0 _____ _____ _____ _____ 0 _____	3.1.17. ~~and 3.1.17.1.(2)~~
3.19	Barrier-free Design: Barrier-free Entrances:	☐ Yes ☐ No Explanation _____ Number ___ Explanation _____	3.8. 3.8.1.~~8.~~2.
3.20	Hazardous Substances:	☐ Yes Explanation _____ ☐ No	3.3.1.2., ~~3.3.1.8., & 3.3.1.19.~~

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3.21	Required Fire Resistance Ratings	Horizontal Assembly	Rating (H)	Supporting Assembly (H)	Noncombustible in lieu of rating?	3.2.2.20 - 9~~2~~.3, 3.2.1.2, 3.2.1.4., 3.2.2.15., 3.3.2.1.
		Storeys below grade	0	0	☐ No ☐ Yes ☐ N/A	
		Floors over basement	0	0	☐ No ☐ Yes ☐ N/A	
		Floors	0	0	☐ No ☐ Yes ☐ N/A	
		Mezzanine	0	0	☐ No ☐ Yes ☐ N/A	
		Roof	0	0	☐ No ☐ Yes ☐ N/A	

3.22a	Spatial Separation	Exposing Building Face	EBF Area (m^2)	L.D. (m)	L/H or H/L	Required FRR (H)	% Unprotected Openings Permitted	% Unprotected Openings Provided	3.2.3.
			0	0	0	0			
			0	0	0	0			
			0	0	0	0			
	Insert additional lines as needed		0	0	0	0			

3.22b	Spatial Separation Continued	EBF (repeated)	Construction Type	Cladding Type	3.2.3.
				☐ Noncombustible	
				☐ Noncombustible	
	Insert additional lines as needed			☐ Noncombustible	
				☐ Noncombustible	

3.23a	Plumbing Fixture Requirements"	Ratio:	Male:Female = 50:50 Except as noted otherwise				3.7.4., 3.8.2.3.
		Floor Level/Area	Occupant Load	OBC Reference	WCs Required	WCs Provided	
			0		0	0	
			0		0	0	
	Insert additional lines as needed		0		0	0	
			0		0	0	

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3.23b	Plumbing Fixture Requirements continued:	Floor Level/Area (repeated)	Barrier-free WCs Required	Barrier-free WCs Provided	Universal Washrooms Required	Universal Washrooms Provided	Tables 3.8.2.3.A and 3.8.2.3.B
		_____	0	0	0	0	
		_____	0	0	0	0	
		_____	0	0	0	0	
	Insert additional lines as needed	_____	0	0	0	0	
3.24	Energy Efficiency:	Compliance Path: _____					12.2.1.2
		Climate Zone: _____					
		Degree Days Below 18 C: _____					SB-1 Table 2
3.25	Sound Transmission Design:	Is there more than 1 dwelling unit per building?: ☐ Yes ☐ No					SB-3, 5.8.1.2.(2), 5.8.1.4., & 5.8.1.5.
		Option Implemented: _____					
		Notes: _____					
3.26	Alternative Solution	_____					
		_____					
		_____					
3.~~25~~27	Notes:	_____					
		_____					
	Insert additional lines as needed	_____					

1 *All references are to Division B of the OBC, unless preceded by [A] for Division A and [C] for Division C.*

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Location:
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Date:
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	2024 Ontario Building Code Data Matrix **Part 9 – Housing and Small Buildings**		**Building Code Reference[1]**
9.00	Building Code Version:	O. Reg. 163/24 Last Amendment O. Reg. ~~163~~447/24	
9.01	Project Type:	☐ New Construction ☐ Addition ☐ Renovation ☐ Change of use ☐ Addition and renovation Description:	[A] ~~1.1.2..4.~~1.3.3.3.
9.02	Major Occupancy Classification:	Occupancy Use	9.10.2.
9.03	Superimposed Major Occupancies:	☐ No ☐ Yes ☐ N/A Description:	9.10.2.3.
9.04	Building Area (m^2) *Insert additional lines as needed*	Description: Existing New Total 0 0 0 0 0 0 0 0 0 0 0 0 Total 0 0 0	[A] 1.4.1.2.

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9.05	Gross Area (m^2) *Insert additional lines as needed*	Description:	Existing	New	Total	[A] 1.4.1.2.
		_____	0	0	0	
		_____	0	0	0	
		_____	0	0	0	
		_____	0	0	0	
		Total	0	0	0	
9.06	Mezzanine Area (m^2) *Insert additional lines as needed*	Description:	Existing	New	Total	9.10.4.1.
		_____	0	0	0	
		_____	0	0	0	
		_____	0	0	0	
		_____	0	0	0	
		Total	0	0	0	
9.07	Building Height	0 Storeys above grade	0	(m) Above grade		[A] 1.4.1.2. & 9.10.4.
		0 Storeys below grade				
9.08	Number of Streets/ Firefighter access	0 street(s)				9.10.20.
9.09	Sprinkler System	☐ Required ☐ Not Required Provided: ☐ entire building ☐ selected compartments ☐ selected floor areas ☐ basement ☐ in lieu of roof rating ☐ none Description: _____				9.10.8.2.-4., and ~~3.2.4.8.(4)~~3.2.4.7.(4)
9.10	Fire Alarm System	☐ Required ☐ Not required Proposed: ☐ Single stage ☐ Two stage ☐ None				9.10.18.
9.11	Water Service/ Supply is Adequate	☐ No ☐ Yes				9.31.3.
9.12	Construction Type:	Restriction: ☐ Combustible permitted ☐ Non-combustible required ☐ Encapsulated mass timber Actual: ☐ Combustible ☐ Non-combustible ☐ Combination of combustible and non-combustible ☐ Encapsulated mass timber ☐ Combination of encapsulated mass timber and non-combustible Heavy Timber Construction: ☐ No ☐ Yes				9.10.6., 3.1.5., and 3.1.4.7.

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9.13	Post-disaster Building	☐ No ☐ Yes	[A] ~~1.1.2.2.(2)~~1.3.3.2. and Part 4
9.14	Occupant Load	Floor Level/Area / Occupancy Type / Based On / Occupant Load (Persons) / Posted Limit Required _____ _____ _____ 0 _____ _____ _____ _____ 0 _____ _____ _____ _____ 0 _____ _____ _____ _____ 0 _____ *Insert additional lines as needed* Total: _____	9.9.1.3. Table 3.1.17.1.
9.15	Barrier-free Design:	☐ Yes Explanation _____ ☐ No	9.5.2. & 3.8
9.16	Hazardous Substances:	☐ Yes Explanation _____ ☐ No	9.10.1.3.
9.17	Required Fire Resistance Ratings	Horizontal Assembly / Fire Resistance Rating (H) / Supporting Assembly(H) / Non-combustible in lieu of rating? Floors over basement: 0 / 0 / ☐ No ☐ Yes ☐ N/A Floors: 0 / 0 / ☐ No ☐ Yes ☐ N/A Mezzanine: 0 / 0 / ☐ No ☐ Yes ☐ N/A Roof: 0 / 0 / ☐ No ☐ Yes ☐ N/A	9.10.8. and 9.10.11.
9.18a	Spatial Separation	Wall / EBF Area (m^2) / L.D. (m) / L/H or H/L / Required FRR (H) / % Unprotected Openings Permitted / % Unprotected Openings Provided _____ 0 0 0 0 _____ _____ _____ 0 0 0 0 _____ _____ _____ 0 0 0 0 _____ _____ _____ 0 0 0 0 _____ _____ *Insert additional lines as needed*	9.10.14., 9.10.15.

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9.18b	Spatial Separation Continued *Insert additional lines as needed*	Wall (repeated) / Construction Type / Cladding Type _____ _____ ☐ Non-combustible _____ _____ ☐ Non-combustible _____ _____ ☐ Non-combustible _____ _____ ☐ Non-combustible	9.10.14., 9.10.15.
9.19a	Plumbing Fixture Requirements *Insert additional lines as needed*	Ratio: Male:Female = 50:50 Except as noted otherwise Floor Level/Area / Occupant Load / OBC Sentence / WCs Required / WCs Provided _____ 0 _____ 0 0 _____ 0 _____ 0 0 _____ 0 _____ 0 0 _____ 0 _____ 0 0 _____	9.31. & 3.7.4.
9.19b	*Insert additional lines as needed*	Floor Level/Area (repeated) / Barrier-free WCs Required / Barrier-free WCs Provided / Universal Washrooms Required / Universal Washrooms Provided _____ 0 _____ 0 0 _____ 0 _____ 0 0 _____ 0 _____ 0 0 _____ 0 _____ 0 0	
9.20	Energy Efficiency:	Category: Non-residential Compliance Option: ☐ SB-10 Prescriptive (Div.4) ☐ SB-10 Performance (Div.2) ☐ SB-10 Prescriptive (Div.2) Residential Compliance Option: ☐ SB-12 Prescriptive Compliance Packages ☐ SB-12 Performance Compliance ☐ SB-12 Other: Energy Star for New Homes ☐ EnerGuide for New Houses **Project Design Conditions:** Climatic Zone: _____	12.2.~~1.~~

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		Fenestration	Gross Above Grade Wall or Roof Area (m^2)	Gross Fenestration Area (m^2)	Fenestration Ratio	
		Vertical (W+D)	0	0	0%	
		Skylights	0	0	0%	
		Space Heating Fuel	☐ Natural Gas ☐ Propane	☐ Oil ☐ Solid fuel	☐ Electricity ☐ Earth energy	
		Heating Equipment Efficiency	☐ ≥92% AFUE		☐ ≥84% - <92% AFUE	
		Other Conditions	☐ ICF Basement ☐ Walk-out Basement ☐ Log/Post & Beam ☐ Spray-applied Foam Insulation Above Grade Wall		☐ ICF Above Grade ☐ Slab-on-Ground ☐ Blown-in Insulation Above Grade Wall ☐ Drain Water Heat Recovery Unit Provided	
		Compliance Package	_____			SB-12 T3.1.1.2.A-C T3.1.1.3.A-C
9.21	Sound Transmission Design:	Is there more than 1 dwelling unit in the building?			☐ Yes ☐ No	5.8.1.2., 5.8.1.4,, & 9.11.1.4.
		Option Implemented:	Min STC rating of _____			
		Notes:	_____			
9.23~~2~~	Bracing to Resist Lateral Loads Due to Wind and Earthquake	1-in-50 hourly wind pressure (HWP) (kPa)			_____	SB-1, Table 2
		5% Seismic Spectral Acceleration, $S_a(0.2)$			_____	SB-1, Table 3
		Applicable Requirements:				Table A-9.23.13
		Prescriptive design requirements			☐ Yes ☐ No	
		Prescriptive bracing requirements			☐ Yes ☐ No	
		Notes:	_____			
		Design in accordance with Part 4				
		Notes:	_____		☐ Yes ☐ No	Part 4

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		Design with good engineering practice provided in the CWC 2014, "Engineering Guide to Wood Frame Construction" Notes: _____ ☐ Yes ☐ No	Canadian Wood Council
9.23	Alternative Solutions *Insert additional lines as needed*	Is an alternative solution used? ☐ Yes ☐ No _____ _____ _____	
9.~~22~~2 4	Notes: *Insert additional lines as needed*	~~Is an alternative solution used?~~ ~~☐ Yes~~ ~~☐ No~~ _____ _____ _____	

1 *All references are to Division B of the OBC, unless preceded by [A] for Division A and [C] for Division C.*

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Name of Project:
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Location:
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Date:
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2024 Ontario Building Code Data Matrix Part 10 – Change of Use			**Building Code Reference [1]**
10.00	Building Code Version:	O. Reg. 163/24 Last Amendment O. Reg. ~~163~~447/24	
10.01	Project Type:	☒ Change of use Description:	[A] ~~1.1.2.5.~~1.3.3.3A. and [C] 1.3.1.4.
10.02	Major Occupancy Classification:	Occupancy / Use	3.1.2.1.(1), 2.1.4.1.(1), ~~10.1.12~~10.1.1.2., ~~and~~ 10.2., and 11.2.1.
10.03	Superimposed Major Occupancies:	☐ No ☐ Yes Description:	3.2.2.7. and~~10.3~~ 2.2.1.
10.04	Building Height	0 Storeys above grade 0 (m) Above grade 0 Storeys below grade	[A] 1.4.1.2., ~~&~~ 3.2.1.1., and 2.2.2.2. ~~and~~ ~~10.3~~
10.05	Number of Streets/ Firefighter access	0	3.2.2.10., 3.2.5., and 2.2.4.1.~~and 10.3~~
10.06	Building Size	☐ Small ☐ Medium ☐ Large ☐ > Large	T 11.2.1.1.-B-N, 11.2.1.1.(4), 10.2.1.2., ~~10.3~~ and 11.2.
10.07	Existing Building Classification:	Change in Major Occupancy: ☐ Yes ☐ Not Applicable (no change of major occupancy) Construction Index: 0 Hazard Index: 0 Importance Category : ☐ Low ☐ Normal ☐ High ☐ Post-disaster	10.1.1.2. and 11.2.1.1.~~(1)~~ 10.2.1.2. and 11.2.1.1.,~~(1)~~ ~~10.2.1.3.,~~ 11.2.1.2. and 11.2.1.3. 4.1.2.1.(3), 2.3.1., and 5.2.2.1.(2)

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10.08	Occupant Load	Floor Level/Area	Occupancy Type	Based On	Occupant Load (Persons)	3.1.17. and 2.1.2.2.
		_____	_____	_____	0	
		_____	_____	_____	0	
		_____	_____	_____	0	
		_____	_____	_____	0	
	Insert additional lines as needed			Total:	0	
10.09	Reduction in Performance Level:	Structural roof framing system:	☐ No	☐ Yes		10.3.2.2.(1)
		Structural floor framing system:	☐ No	☐ Yes		10.3.2.2.(1)
		Early warning and evacuation system:	☐ No	☐ Yes		10.3.2.2.(3)
		Change in use/major occupancy:	☐ No	☐ Yes		10.3.2.2.(4)
		Hazard Index : Construction Index:	☐ No	☐ Yes		10.3.2.2.(5)
		Change to residential occupancy:	☐ No	☐ Yes		10.3.2.2.(7)
		Multiple occupancy fire separations:	☐ No	☐ Yes		10.3.2.2.(9)
		Non-compliance with 2.2.1.2, 3.1.3.2. or 9.10.9.~~12~~14.	☐ No	☐ Yes		10.3.2.2.(10)
		Change to sanitary flow/discharge	☐ No	☐ Yes		10.3.2.2.(11)
		Use changed to retirement home	☐ No	☐ Yes		10.3.2.2.(12)
		Other _____:	☐ No	☐ Yes		_____
10.10	Compliance Alternatives Proposed:	☐ No ☐ Yes (list numbers and describe) _____				10.4.1.1. and T 11.5.1.1.-A to F
		(list numbers and describe) _____				
		(list numbers and describe) _____				
10.11	Notes:	Is an alternative solution used?		☐ Yes	☐ No	[A] 1.2.1.1. and [C] 2.1.
		_____				
	Insert additional lines as needed	_____				
		_____				

1 *All references are to Division B of the OBC, unless preceded by [A] for Division A and [C] for Division C.*

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Name of Practice:
Enter address and
contact information here.

Name of Project:
Enter name here.

Location:
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Date:
Enter name here.

2024 Ontario Building Code Data Matrix Part 11 – Renovation			Building Code Reference [1]
11.00	Building Code Version:	O. Reg. 163/24 Last Amendment O. Reg. ~~163~~447/24	
11.01	Project Type:	☐ Addition ☐ Renovation ☐ Addition and renovation ☐ Change of use Description:	[A] ~~1.1.2.6.~~1.3.3.3B.
11.02	Major Occupancy Classification:	Occupancy Use	3.1.2.1.(1), 2.1.4.1.(1), and 11.2.1.
11.03	Superimposed Major Occupancies:	☐ No ☐ Yes Description:	11.2 ~~and~~, 3.2.2.5.-3.2.2.8., and 2.2.1.
11.04	Building Area (m^2) *Insert additional lines as needed*	Description: Existing New Total 0 0 0 0 0 0 0 0 0 0 0 0 Total 0 0 0	[A] 1.4.1.2., 11.2., and 11.3.
11.05	Building Height	0 Storeys above grade 0 (m) Above grade 0 Storeys below grade	[A] 1.4.1.2.~~ &~~, 3.2.1.1., 2.2.2.2., and 11.3.
11.06	Number of Streets/ Firefighter A~~a~~ccess	0 street(s)	3.2.2.10., 3.2.5., 2.2.4.1., and 11.3.
11.07	Building Size	☐ Small ☐ Medium ☐ Large ☐ > Large	11.2.1.1. and T 11.2.1.1.B to N

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11.08	Existing Building Classification:	Change in Major Occupancy: ☐ Yes ☐ Not Applicable (no change of major occupancy) Construction Index: 0 Hazard Index: 0 Importance Category : ☐ Low ☐ Normal ☐ High ☐ Post-disaster	10.1.1.2. and 11.2.1.1. T 11.2.1.1.A T 11.2.1.1.B to N 4.1.2.1.(3), 2.3.1., and 5.2.2.1.(2)
11.09	Renovation Type:	☐ Basic Renovation ☐ Extensive Renovation	11.3.3.1. and 11.3.3.2.
11.10	Occupant Load *Insert additional lines as needed*	Floor Level/Area / Occupancy Type / Based On / Occupant Load (Persons) _____ _____ _____ 0 _____ _____ _____ 0 _____ _____ _____ 0 _____ _____ _____ 0	3.1.17., 2.1.2.2., and 11.4.2.2.
11.11 a	Plumbing Fixture Requirements *Insert additional lines as needed*	Ratio: M:F = 50:50 Except as otherwise noted Floor Level/Area / Occupant Load / OBC Reference / WCs Required / WCs Provided _____ 0 _____ 0 0 _____ 0 _____ 0 0 _____ 0 _____ 0 0 _____ 0 _____ 0 0	3.7.4., 11.3.4., 11.3.5., 11.4.2.4., and 11.4.2.5.
11.11 b	Plumbing Fixture Requirements continued: *Insert additional lines as needed*	Floor Level/Area (repeated) / Barrier-free WCs Required / Barrier-free WCs Provided / Universal Washrooms Required / Universal Washrooms Provided _____ 0 _____ 0 0 _____ 0 _____ 0 0 _____ 0 _____ 0 0 _____ 0 _____ 0 0	3.8.2.3., T 3.8.2.3.-A and T 3.8.2.3.-B
11.12	Barrier-free Design: Barrier-free Entrances:	☐ Yes ☐ No Explanation _____ Number _____ Explanation _____	11.3.1.2., 11.3.2., and 11.3.3.2. ~~(2)~~

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11.13	Reduction in Performance Level:	Structural: ☐ No ☐ Yes By Increase in occupant load: ☐ No ☐ Yes By change of major occupancy: ☐ No ☐ Yes Plumbing: ☐ No ☐ Yes Sewage-systems: ☐ No ☐ Yes Extension of buildings of combustible construction: ☐ No ☐ Yes	11.4.2.1. 11.4.2.2. 11.4.2.3. 11.4.2.4. 11.4.2.5. 11.4.2.6.
11.14	Compensating Construction:	☐ No ☐ Yes _____ Structural: ☐ No ☐ Yes (Describe) _____ Increase in occupant load: ☐ No ☐ Yes (Describe) _____ Change of major occupancy: ☐ No ☐ Yes (Describe) _____ Plumbing: ☐ No ☐ Yes (Describe) _____ Sewage systems: ☐ No ☐ Yes (Describe) _____ Extension of buildings of combustible construction: ☐ No ☐ Yes (Describe) _____	11.4.3.1~~,~~. 11.4.3.2~~,~~. 11.4.3.3~~,~~. 11.4.3.4~~,~~. 11.4.3.5~~,~~. 11.4.3.6~~,~~. 11.4.3.7.
11.15	Compliance Alternatives Proposed: *Insert additional lines as needed*	☐ No ☐ Yes (list numbers and describe) _____ (list numbers and describe) _____ (list numbers and describe) _____	11.5.1. and T 11.5.1.1.-A to F
11.16	Notes: *Insert additional lines as needed*	Is an alternative solution used? ☐ Yes ☐ No _____ _____ _____	~~11.5.1.~~[A] 1.2.1.1. and [C] 2.1.

1 *All references are to Division B of the OBC, unless preceded by [A] for Division A and [C] for Division C.*

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- Appendix 2: PT.03 Building Code Data Matrices (version 5.0)

Ontario Association of Architects

Practice Tip – PT.03
Version 5.0
xx, 202X

Building Code Data Matrices

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Summary

Practice Tip PT.03 describes tools for use by members in compiling a building code data matrix and includes information on some improvements to the matrices.

Regulation 27 of the *Architects Act* requires that members must include building code compliance data in an application for building permit in accordance with original Practice Bulletin A.9 2004. PT.03 is an update of the original Practice Bulletin A.9 as a result of changes to the building code and current practice. Appropriate practice in regard to communication of code related data when applying for a building permit includes a systematic approach to compilation and presentation of a summary of the project's key building code compliance data.

Background

This Practice Tip provides a suggested means of organizing, summarizing, and presenting critical building code compliance data that forms the basis for the design of the building.

The summary is not intended to 1) be a comprehensive listing of all items in a building code review or analysis, but rather identifies key building code requirements to which the design complies, nor 2) a guide to how to conduct a building code analysis.

Locating this summary information in a conspicuous place on one of the first sheets of the drawing set not only expedites the building official's review of the application, but also informs others involved with the project (e.g. contractors, trades, consultants, etc.) about applicable code related issues. Although the information specifically refers to the Building Code in effect in Ontario, similar procedures can be used for projects governed by the National Building Code of Canada or any of the other provincial building codes.

Until the introduction of Group G Farm Buildings, it was typically only necessary to include a single data matrix for a building. If you have a building with Group G and other occupancies in combination, include both a Part 2 matrix and the appropriate matrix for the other occupancy. This is necessitated because Group G is neither a Part 3 nor a Part 9 occupancy.

Current Revisions

As required by the adoption of OBC 2024, the code references for all the matrices have been reviewed and revised as needed.

A new Part 2 – Farm Buildings matrix has been created for Group G occupancies.

The Part 3 matrix reflects the change from seismic hazard index to seismic category as a building code parameter. 3.26 was added to highlight any alternative solutions used. Notes was renumbered as 3.27

The Part 9 matrix was revised to include bracing to resist lateral loads due to wind and earthquake as section 9.22. This refers to bracing of non-structural elements. For consistency with the Part 3 matrix 9.23 Alternative Solutions was added and Notes was renumbered as 9.24.

The Part 10 and 11 matrices were updated to include references to Part 2 – Farm Buildings.

The Excel matrix tool for member use makes extensive use of drop-down lists to speed data entry and to make input more convenient and consistent.

The Microsoft Word based version of the matrices remains and has been updated for those who prefer to use that option.

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The templates are separated into five individual matrices. One each for: Part 3, Part 9, Part 10, Part 11 and Part 2.

In the Excel templates there is a Read Me First tab containing information about using the workbook. In the workbook there is additional information on supporting tabs to assist in interpolating limiting distances, determining the requirement for seismic restraint and determining the requirement for bracing due to earthquake and wind loads in Part 9 buildings.

Suggested Procedure – Analyse, Document, Verify and Confirm

1. Code analysis is done in the early design stages and refined through the design development and construction documents stages. Establish in your practice a system that documents the initial code analysis, confirms it during subsequent phases, and that facilitates the inclusion of the selected elements for the building code data that is ultimately submitted with a permit application. Consider including the data matrix as a record of the decisions made in any design briefs developed during the project.
2. Prepare the preliminary data matrix early in the project to establish the overall framework to which the design must comply. This helps to determine which specialist consultants may be required and reduces surprises in later project stages (such as determining an exterior wall is required to be non-combustible due to spatial separation).
3. Use the code data matrix templates to develop a standard for your practice adapted as needed to meet the specific requirements of each project. Establish a location for code data on the drawings (one of the top sheets is considered best) and make this your office standard. Locating the information in a conspicuous place on the drawings not only expedites the building official's review of the permit application, but also informs others involved with the project (e.g. contractors, trades, consultants, etc.) about applicable code related issues.
4. If the data matrix is located other than on the drawings (e.g. in a project booklet) ensure that the building name and address as well as your project number and date of issuance are inserted at the top of the matrix. If the matrix is submitted as a stand-alone document, affix your seal in accordance with Regulatory Notice RN.01.
5. Coordinate with subconsultants and the client's other consultants and share with them the data based on your code analysis. Incorporate information provided by others, such as adequate water supply, soil class, etc. Request that they similarly include on their drawings building code related data relevant to their disciplines, in accordance with the standards of their profession.
6. Pertinent building code references are included in the templates to assist in checking the requirements. You may prefer to omit these references or refer to only those specific sections that apply to your project. Customize the matrix to suit the project's specific needs. Check the reference numbers and code related values every time there is a new issuance of or amendment to the applicable code.
7. It may be necessary to provide more than one matrix chart for complex projects in order to provide the required information with clarity. (e.g. underground parking garage Part 3 and townhouse Part 9 on same site, multi-use buildings with Part 2 and Part 3 occupancies, or extensive renovations, additions or renovations: Part 11 and Part 3 or Part 9). Adapt the matrices to clearly describe the project.
8. Add exit capacity calculations either on the same drawing sheet as the matrix or separately, confirming that the exit capacity exceeds the occupant load.
9. As required, provide supporting graphical information such as:
   - **a)** plans illustrating travel distance, suite fire separations, suite/building/gross floor areas, exit widths, limiting distances, fire/party walls
   - **b)** elevations illustrating fire compartments for spatial separation, grade height, building height, access panels
   - **c)** sections illustrating horizontal fire separations, projections, grade/first storey height, upper ceiling height.

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10. Enter other information that, in your professional judgment, will assist in expediting issuance of the building permit.
11. Refer to Attachment 1 to this Practice Tip, the Guide to the Completion of the OAA Building Code Data Matrices for information on completing the provided sample matrices templates.

References

OAA Building Code Data Matrix Tools for Licensees (Log-in required)

Documents

Attachment 1 – Guide to the Completion of the OAA Building Code Data Matrices

MS Word Templates

Attachment 2 – 2024 OBC Data Matrix Part 3

Attachment 3 – 2024 OBC Data Matrix Part 9

Attachment 4 – 2024 OBC Data Matrix Part 10 - Change of Use

Attachment 5 – 2024 OBC Data Matrix Part 11 - Renovations

Attachment 6 – 2024 OBC Data Matrix Part 2 – Farm Buildings

Original OAA Practice Bulletin A.9, 2004

The OAA does not provide legal, insurance, or accounting advice. Readers are advised to consult their own legal, accounting, or insurance representatives to obtain suitable professional advice in those regards.

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Guide to the Completion of the OAA Building Code Data Matrices

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Summary

A building code data matrix presents pertinent selected elements from a detailed code analysis to provide an overview of the key code factors of the building design to municipal building officials and others. The data matrices developed by the OAA are templates that are intended to be modified as needed to adequately present the key building code decisions made in the design of a building.

Following is guidance for completing information for each type of matrix for Parts 2, 3, 9, 10 or 11. Refer also to general information regarding Procedures in Practice Tip PT.03.

If there is insufficient space in a matrix for any information, insert additional rows or list the information in a separate table identifying which item it relates to, and cross-reference to the additional information. Where more space is provided than is needed, hide or delete the unnecessary rows.

Where using the MS Excel templates (which are available only to OAA members), refer to additional information in the “Read Me First” tab of the Excel workbook. Where using the MS Word template versions with MS Word for the Mac, the functional check-boxes may not appear, or may not function properly due to differences in the software implementation on the two platforms.

Guides

The sections of the guide are organized by OBC Part. Part 3 is presented first. It contains an explanation for each Part 3 item. This is followed by Part 9, Part 10, Part 11, and Part 2. These sections of the guide include only information on items that differ from the Part 3 matrix template. For any items not described in these subsequent individual sections, refer to the information for the completion of a Part 3 matrix. These abbreviated sections were created to avoid unnecessary duplication. The sections are set in order of expected frequency of use.

References

Practice Tip PT.03 Building Code Data Matrices

Practice Tip PT.35 OBC Importance Category and Seismic Restraint

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Part 3:

General Information

Enter the name of the practice, office address and contact person.

Enter the name of the project with a brief identifying description (e.g. Lester Pearson Elementary School) and the official address/location of the project.

Enter the date the information entered in the form was last updated.

3.00 Building Code Version

Confirm the building code and version to which the project is designed by noting the regulation for the issued building code and the last code amendment regulation.

3.01 Project Type

Identify the Project type as either New Construction, Addition, Renovation, Addition and Renovation, or Change of Use. Provide a brief description of the project: (e.g. construction of two-storey addition to the east face)

3.02 Major Occupancy Classification

Identify each of the major occupancy group in the building and describe their use. (e.g. D - Business and Personal Services / Medical Clinic). Refer to OBC 3.1.2. and to Appendix A to the building code for multiple major occupancies. Refer also to Hazard Index tables 11.2.1.1.B – 11.2.1.1.N in Part 11 of the building code and A-3.1.2.1 (1) of Appendix A to the building code for assistance in determining or classifying major occupancies.

3.03 Superimposed Major Occupancies

Indicate if the building is designed with superimposed major occupancies. If Yes, provide a brief description. (e.g. Three stories of Group C – Residential, superimposed over one storey of Group E - Retail).

3.04 Building Area

Indicate the building area for existing and new portions of the building and provide a total. Provide a simple description of the areas (e.g. existing building, east addition). If a portion of the building is to be demolished, enter in the Existing column only that portion which is to remain, such that the total of the new and existing is the area of the final project. Refer to building code definitions for building area and gross floor area.

3.05 Gross Floor Area

Indicate the gross floor area for existing and new portions of the building and provide a total. Provide a simple description of the areas (e.g. existing building, east addition). If a portion of the building is to be demolished, enter in the Existing column only that portion which is to remain, such that the total of the new and existing is the gross floor area of the final project. Refer to OBC definitions for building area and gross floor area.

3.06 Mezzanine Area

Note whether there are mezzanines, how many, where and their areas. Provide a simple description of the areas (e.g. existing building, east addition). If a portion of a mezzanine is to be demolished, enter in the Existing column only that portion which is to remain, such that the total of the new and existing is the area of the final mezzanine. Refer to OBC definitions for mezzanine. If there are no mezzanines, enter N/A.

3.07 Building Height

Enter the number of storeys above and below grade, and the building height as defined.

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3.08 High Building

Check the appropriate “Yes” or “No” box in regard to whether the building is a high building as defined.

3.09 Number of Streets / Firefighter Access.

Enter number of streets and fire access routes.

3.10 Building Classification

Identify the classification of the building according to 3.2.2. Building Size and Construction Relative to Occupancy. A building may have different major occupancies but it is generally given one classification with the most restrictive occupancy governing. However, superimposed occupancies may be separately classified. List occupancies in the same order as in 3.02.

3.11 Sprinkler System, 3.12 Standpipe System, 3.13 Fire Alarm Systems and 3.14 Water Service/Supply

Obtain information from engineers and check the appropriate boxes.

3.15 Construction Type

Identify the project construction restrictions (“combustible permitted”, “non-combustible required”, “encapsulated mass timber”) (refer to Building Classification).

Indicate the actual construction (“combustible”, “non-combustible”, “combustible & non-combustible in combination”, “encapsulated mass timber”, “encapsulated mass timber & non-combustible in combination”) and whether heavy timber construction is used.

3.16 Importance Category

Check the appropriate box for Importance Category and refer to PT.35 Importance Category and Seismic Restraint for completion of this section of the building code data matrix. Obtain information as required from a structural and geotechnical engineer.

3.17 Seismic Category

Provide the seismic category, calculated in accordance with Part 4. In order to establish the seismic category, obtain information on the importance factor for earthquake loads and effects (based on the importance category) and the 5% spectral response acceleration values for the relevant periods. Identify the use of seismic isolation and supplemental energy dissipation systems. Identify if seismic design is required for elements of structures, non-structural components and equipment.

If using the workbook, take advantage of the Seismic Supplement tab.

3.18 Occupant Load

Provide design information as to the occupancy and occupant load per floor area and the method of calculation. Note whether the design requires a posted occupant load limit.

3.19 Barrier-free Design

Identify if the building requires barrier-free design, and if not, state the reason for the exception. State the number of barrier-free entrances and provide an explanation if needed.

3.20 Hazardous Substances

Check appropriate box in regard to hazardous substances to be found in connection with any of the occupancies in the project.

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3.21 Required Fire Resistance Ratings

Enter in the spaces provided, the fire resistance rating required for horizontal assemblies (e.g. floors, roofs and mezzanines), as well as the supporting members for these.

Indicate where non-combustible construction is used in lieu of ratings (where permitted). Note that the fire resistance ratings required may change for different major occupancies.

If the table in the matrix will not accommodate all the information, prepare a separate table and/or schematic plan and cross reference accordingly.

Indicate the listed design numbers (e.g. ULC, cUL, MMAH SB-2) for the horizontal assemblies and their supporting members in an appropriate location in the construction documents, such as a building assemblies schedule where the designations can be more readily associated with a location or construction type.

3.22 Spatial Separation

Provide the spatial separation information in the appropriate columns for each building face/compartment as applicable. Provide a description of the exposing building face (e.g. “West Elevation”, “North Wall, Fire Compartment 1”) and identify them on the drawings using the same terminology.

Provide the area of unprotected openings, required fire resistance rating, construction type (“combustible permitted”, “non-combustible required”, “encapsulated mass timber”) and cladding type (“combustible permitted”, “non-combustible required”).

3.23 Plumbing Fixture Requirements

Provide design information as to the occupancy, occupant load male/female ratio, and water closets required and provided.

Add plumbing fixture calculations either on the same drawing sheet as the matrix or separately, confirming that the number of plumbing fixtures provided is not less than required by the occupant loads for the various occupancies. It may be necessary to provide a breakdown of the various occupancies in order to provide the required information with clarity. Adapt the matrix to clearly describe the project.

Where there is an occupancy change under Part 11, Section 3.7 applies and may require an adjustment of the required number of plumbing fixtures due to the change in occupancy or specific use within an occupancy.

Account appropriately for any barrier-free requirements and unisex or universal washrooms.

3.24 Energy Efficiency

State the Compliance Path utilized in the design and indicate both the Climatic Zone and design degree days below 18 C.

3.25 Sound Transmission Design

Indicate whether there is more than 1 dwelling unit in the building, and if so, which compliance option was chosen.

3.26 Alternative Solutions

Identify any alternative solutions relied on for the design, and enter other related information including references to reports or studies that, in your professional judgment, will assist in acceptance of the alternative solution.

3.27 Notes

Identify any other information that, in your professional judgment, will assist in expediting issuance of the building permit.

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Part 9 – Housing and Small Buildings:

This section of the Guide includes only information that differs from a Part 3 matrix. For any items in this matrix not described below refer to the information for completion of a Part 3 matrix.

9.13 Post-disaster Building

Indicate if the building is a Post-disaster building. If Yes, refer to Practice Tip PT 35.

9.20 Energy Efficiency

Indicate “Residential” or “Non-Residential” as the Energy Efficiency category.

Indicate the appropriate compliance option for “Residential” or “Non-residential” categories.

The Project Design Conditions section is used to indicate Climatic Zone, Fenestration, Skylights, Space Heating Fuel, Heating Equipment Efficiency, Other Conditions and Compliance Package selected.

Provide supporting information/documentation to support compliance path as required.

9.23 Bracing to Resist Lateral Loads Due to Wind and Earthquake

Indicate the relevant value for the hourly wind pressure at the project location. Indicate the relevant value for the seismic spectral acceleration value at the project location. Indicate “Yes” for the applicable requirements based on an assessment of Table A-9.23.13; either the prescriptive design/bracing requirements in Part 9, design in accordance with Part 4, or good engineering practice in CWC 2014.

If the design, or portions thereof, do not conform to the prescriptive design requirements in Part 9, then confirm which design requirements are applicable, whether in accordance with Part 4 (e.g. design sealed by a qualified structural engineer) or within the good engineering practice provided in the CWC 2014 guide.

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Part 10 – Change of Use:

This section includes only information that differs from a Part 3 matrix. For any items in this matrix not described below, refer to the information for completion of a Part 3 matrix.

10.06 Building Size

Indicate the size of the building as Small, Medium, Large, or >Large. Refer to the notes at the end of the hazard index tables 11.2.1.1.B-N. Note that building size definition varies for different occupancies.

10.07 Existing Building Classification

Indicate if there is a change in the major occupancy of the building or portion thereof being renovated.

If there is a change in the major occupancy, then classify the building according to its construction index [1-8] and hazard index [1-7].

As required, indicate the construction index of the building based on its type of construction and fire-resistance ratings.

As required, indicate the hazard index of the building based on its occupancy and size. Building height is required in order to classify the “size” of the building and consequently determine its hazard index.

Indicate the importance category of the building [“Low”, “Normal”, “High”, “Post-Disaster”]. For “Low” and “High” categories, provide further explanation for their classification (e.g. “low human occupancy” or “explosive substances”).

10.09 Reduction in Performance Level

Identify if there is any reduction in performance level of any system or portion of the building. Obtain necessary information regarding structural, plumbing, and sewage systems from the relevant consultants.

If there is a reduction, provide a brief explanation in the subsequent rows. E.g. “Increase in occupant load of >15% [OBC 11.4.2.2.(1)]”.

10.10 Compliance Alternatives Proposed

Identify if any compliance alternatives are proposed.

If Yes, identify the numbers from the appropriate compliance alternative tables [OBC T11.5.1.1.A-F] and provide a brief description.

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Part 11 – Renovation:

This section includes only information that differs from a Part 3 matrix. For any items in this matrix not described below refer to the information for completion of a Part 3 matrix.

11.07 Building Size

Indicate the size of the building as Small, Medium, Large, >Large. Refer to the notes at the end of the hazard index tables 11.2.1.1.B-N. Note that building size definition varies for different occupancies.

11.08 Existing Building Classification

Indicate if there is a change in the major occupancy of the building or portion thereof being renovated.

If there is a change in the major occupancy, then classify the building according to its construction index [1-8] and hazard index [1-7].

As required, indicate the construction index of the building based on its type of construction and fire-resistance ratings.

As required, indicate the hazard index of the building based on its occupancy and size. Building height is required in order to classify the "size" of the building and consequently determine its hazard index.

Indicate the importance category of the building ["Low", "Normal", "High", "Post-Disaster"]. For "Low" and "High" categories, provide further explanation for their classification (e.g. "low human occupancy" or "explosive substances").

11.09 Renovation Type

Indicate the renovation type of the project [Basic Renovation, Extensive Renovation].

11.13 Reduction in Performance Level

Identify if there is any reduction in performance level of any system or portion of the building. Obtain necessary information regarding structural, plumbing, and sewage system from the relevant engineers.

If there is a reduction, provide a brief explanation in the subsequent rows. E.g. "Increase in occupant load of >15% [OBC 11.4.2.2.(1)]".

11.14 Compensating Construction

Identify if compensating construction is required [Yes, No, N/A]. If Yes, provide a brief explanation in the subsequent rows. E.g. "Early warning and evacuation system to be upgraded as indicated [OBC 11.4.3.3.(1)]".

11.15 Compliance Alternatives Proposed

Identify if any compliance alternatives are proposed [Yes, No, N/A].

If Yes, identify the numbers from the appropriate compliance alternative tables [OBC T11.5.1.1.A-F] and provide a brief description.

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Part 2:

This section of the Guide includes only information that differs from a Part 3 matrix. For any items in this matrix not described below refer to the information for completion of a Part 3 matrix.

2.00 Applicable Code

In addition to the building code version used, identify whether OBC Part 2 or the National Farm Building Code of Canada applies to the project. The OAA has not developed a data matrix for the National Farm Building Code.

2.01 Project Type

Space has been added for a description of the project type. Identify which of the listed parameters are included in the project: housing of livestock, liquid manure below-floor storage, structural design to SB-11, hazardous extraction operation involving cannabis, and controlled atmosphere storage areas. These parameters determine which portions of Part 2 apply to the project.

2.02 Major Occupancy Classification

How occupancies other than Group G are accounted for is determined by their aggregate area. There is a check box to declare whether the aggregate area is 10% or less.

2.17 Seismic Category

Review the exception for determining the seismic category in Part 2, otherwise determine the seismic category in accordance with Part 4. Review the application of the exception in Part 2 to assign a Site Class without a geotechnical investigation report. Identify the use of seismic isolation and supplemental energy dissipation systems.

If using the workbook, take advantage of the Seismic Supplement tab.

Some items listed in Part 2 are required in Part 3, but not currently in Part 2. These items are noted as “Reserved”. The numbering of the items is retained to maintain consistency with the Part 3 numbering. This will facilitate integrating the Part 2 matrix with the Part 3 matrix should there be multiple occupancies or if the “Reserved” items are added to Part 2 in the future.

The OAA does not provide legal, insurance, or accounting advice. Readers are advised to consult their own legal, accounting, or insurance representatives to obtain suitable professional advice in those regards.

practice tip; pt; pt.03; attachment 1; guide, data; matrix; matrices; OBC; building code

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Name of Practice:
Enter address and
contact information here.

Name of Project:
Enter name here.

Location:
Enter address here.

Date:
Enter date here.

	2024 Ontario Building Code Data Matrix **Part 3 – Fire Protection, Occupant Safety and Accessibility**		**Building Code Reference[1]**
3.00	Building Code Version:	O. Reg. 163/24 Last Amendment O. Reg. 447/24	
3.01	Project Type:	☐ New Construction ☐ Addition ☐ Renovation ☐ Change of use ☐ Addition and renovation Description:	[A] 1.3.3.2.
3.02	Major Occupancy Classification:	Occupancy / Use	3.1.2.
3.03	Superimposed Major Occupancies:	☐ No ☐ Yes Description:	3.2.2.7.
3.04	Building Area (m^2) *Insert additional lines as needed*	Description: / Existing / New / Total 0 / 0 / 0 0 / 0 / 0 0 / 0 / 0 0 / 0 / 0 Total 0 / 0 / 0	[A] 1.4.1.2.

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3.05	Gross Area (m^2) *Insert additional lines as needed*	Description: Existing New Total _____ 0 0 0 _____ 0 0 0 _____ 0 0 0 _____ 0 0 0 Total 0 0 0	[A] 1.4.1.2.
3.06	Mezzanine Area (m^2) *Insert additional lines as needed*	Description: Existing New Total _____ 0 0 0 _____ 0 0 0 _____ 0 0 0 _____ 0 0 0 Total 0 0 0	3.2.1.1.
3.07	Building Height	0 Storeys above grade 0 (m) Above grade 0 Storeys below grade	[A] 1.4.1.2. & 3.2.1.1.
3.08	High Building	☐ No ☐ Yes	3.2.6.
3.09	Number of Streets/ Firefighter access	0 street(s)	3.2.2.10. & 3.2.5.
3.10	Building Classification: (Size & Construction Relative to Occupancy)	3.2.2. _____ Group/Div _____	3.2.2.20 - 93.
3.11	Sprinkler System	☐ Required ☐ Not Required Provided: ☐ entire building ☐ selected compartments ☐ selected floor areas ☐ basement ☐ in lieu of roof rating ☐ none Description: _____	3.2.1.5. & 3.2.2.18., .21., .22., .29., 3.2.4.1., 3.2.4.9., 3.2.4.15., and 3.2.5.12. to .14.
3.12	Standpipe System	☐ Not required ☐ Required	3.2.5.8 - 11.
3.13	Fire Alarm System	☐ Required ☐ Not required Type Provided: ☐ Single stage ☐ Two stage ☐ None	3.2.4.
3.14	Water Service / Supply is Adequate	☐ No ☐ Yes	3.2.5.7.

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3.15	Construction Type:	Restriction: ☐ Combustible permitted ☐ Non-combustible required ☐ Encapsulated mass timber permitted Actual: ☐ Combustible ☐ Non-combustible ☐ Combination of combustible and non-combustible ☐ Encapsulated mass timber ☐ Combination of encapsulated mass timber and non-combustible Heavy Timber Construction: ☐ No ☐ Yes	3.2.2.20.- 93. & 3.1.6 3.1.4.6., 7., 3.2.2.16.
3.16	Importance Category:	☐ Low ☐ Low human occupancy ☐ Post-disaster shelter ☐ Normal ☐ High ☐ Minor storage building ☐ Explosive or hazardous substances ☐ Post-disaster	4.1.2.1.(3) & T4.1.2.1.
3.17	Seismic Category:	I_E S(0.2) = 0 I_E S(1.0) = 0 Seismic Category: _____ Is the building seismically isolated? ☐ No ☐ Yes Is a supplemental energy dissipation system used? ☐ No ☐ Yes Seismic design required for Table 4.1.8.18. items 6 to 22: ☐ No ☐ Yes	4.1.8.4.(1) T-4.1.8.5.-B 4.1.8.18
3.18	Occupant Load *Insert additional lines as needed*	Floor Level/Area / Occupancy Type / Based On / Occupant Load (Persons) / Posted Limit Required _____ _____ _____ 0 _____ _____ _____ _____ 0 _____ _____ _____ _____ 0 _____ _____ _____ _____ 0 _____	3.1.17.
3.19	Barrier-free Design: Barrier-free Entrances:	☐ Yes ☐ No Explanation _____ Number ____ Explanation _____	3.8. 3.8.1.2.
3.20	Hazardous Substances:	☐ Yes Explanation _____ ☐ No	3.3.1.2.,

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3.21	Required Fire Resistance Ratings	Horizontal Assembly	Rating (H)	Supporting Assembly (H)	Noncombustible in lieu of rating?				3.2.2.20 - 93, 3.2.1.2, 3.2.1.4., 3.2.2.15., 3.3.2.1.
		Storeys below grade	0	0	☐ No	☐ Yes	☐ N/A		
		Floors over basement	0	0	☐ No	☐ Yes	☐ N/A		
		Floors	0	0	☐ No	☐ Yes	☐ N/A		
		Mezzanine	0	0	☐ No	☐ Yes	☐ N/A		
		Roof	0	0	☐ No	☐ Yes	☐ N/A		
3.22a	Spatial Separation	Exposing Building Face	EBF Area (m^2)	L.D. (m)	L/H or H/L	Required FRR (H)	% Unprotected Openings Permitted	% Unprotected Openings Provided	3.2.3.
			0	0	0	0			
			0	0	0	0			
			0	0	0	0			
	Insert additional lines as needed		0	0	0	0			
3.22b	Spatial Separation Continued	EBF (repeated)		Construction Type		Cladding Type			3.2.3.
						☐ Noncombustible			
						☐ Noncombustible			
	Insert additional lines as needed					☐ Noncombustible			
						☐ Noncombustible			
3.23a	Plumbing Fixture Requirements”	Ratio: Male:Female = 50:50 Except as noted otherwise							3.7.4., 3.8.2.3.
		Floor Level/Area	Occupant Load	OBC Reference	WCs Required	WCs Provided			
			0		0	0			
			0		0	0			
	Insert additional lines as needed		0		0	0			
			0		0	0			

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3.23b	Plumbing Fixture Requirements continued:	Floor Level/Area (repeated)	Barrier-free WCs Required	Barrier-free WCs Provided	Universal Washrooms Required	Universal Washrooms Provided	Tables 3.8.2.3.A and 3.8.2.3.B
		_____	0	0	0	0	
		_____	0	0	0	0	
		_____	0	0	0	0	
	Insert additional lines as needed	_____	0	0	0	0	
3.24	Energy Efficiency:	Compliance Path: _____					12.2.1.2
		Climate Zone: _____					
		Degree Days Below 18 C: _____					SB-1 Table 2
3.25	Sound Transmission Design:	Is there more than 1 dwelling unit per building?: ☐ Yes ☐ No					SB-3, 5.8.1.2.(2), 5.8.1.4., & 5.8.1.5.
		Option Implemented: _____					
		Notes: _____					
3.26	Alternative Solution	_____					
		_____					
		_____					
3.27	Notes:	_____					
		_____					
	Insert additional lines as needed	_____					

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	2024 Ontario Building Code Data Matrix Part 9 – Housing and Small Buildings		**Building Code Reference[1]**
9.00	Building Code Version:	O. Reg. 163/24 Last Amendment O. Reg. 447/24	
9.01	Project Type:	☐ New Construction ☐ Addition ☐ Renovation ☐ Change of use ☐ Addition and renovation Description:	[A] 1.3.3.3.
9.02	Major Occupancy Classification:	Occupancy / Use	9.10.2.
9.03	Superimposed Major Occupancies:	☐ No ☐ Yes ☐ N/A Description:	9.10.2.3.
9.04	Building Area (m^2) *Insert additional lines as needed*	Description: / Existing / New / Total 0 / 0 / 0 0 / 0 / 0 0 / 0 / 0 0 / 0 / 0 Total 0 / 0 / 0	[A] 1.4.1.2.

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9.05	Gross Area (m^2)	Description:	Existing	New	Total	[A] 1.4.1.2.
		_____	0	0	0	
		_____	0	0	0	
		_____	0	0	0	
	Insert additional lines as needed	_____	0	0	0	
		Total	0	0	0	
9.06	Mezzanine Area (m^2)	Description:	Existing	New	Total	9.10.4.1.
		_____	0	0	0	
		_____	0	0	0	
		_____	0	0	0	
	Insert additional lines as needed	_____	0	0	0	
		Total	0	0	0	
9.07	Building Height	0 Storeys above grade	0 (m) Above grade			[A] 1.4.1.2. & 9.10.4.
		0 Storeys below grade				
9.08	Number of Streets/ Firefighter access	0 street(s)				9.10.20.
9.09	Sprinkler System	☐ Required ☐ Not Required				9.10.8.2.-4., and 3.2.4.7.(4)
		Provided:	☐ entire building	☐ selected compartments		
			☐ selected floor areas	☐ basement		
			☐ in lieu of roof rating	☐ none		
		Description: _____				
9.10	Fire Alarm System	☐ Required ☐ Not required				9.10.18.
		Proposed:	☐ Single stage	☐ Two stage	☐ None	
9.11	Water Service/ Supply is Adequate	☐ No ☐ Yes				9.31.3.
9.12	Construction Type:	Restriction:	☐ Combustible permitted	☐ Non-combustible required		9.10.6., 3.1.5., and 3.1.4.7.
				☐ Encapsulated mass timber		
		Actual:	☐ Combustible	☐ Non-combustible		
			☐ Combination of combustible and non-combustible			
			☐ Encapsulated mass timber			
			☐ Combination of encapsulated mass timber and non-combustible			
		Heavy Timber Construction:	☐ No	☐ Yes		

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9.13	Post-disaster Building	☐ No ☐ Yes	[A] 1.3.3.2. and Part 4
9.14	Occupant Load *Insert additional lines as needed*	Floor Level/Area / Occupancy Type / Based On / Occupant Load (Persons) / Posted Limit Required ____ / ____ / ____ / 0 / ____ ____ / ____ / ____ / 0 / ____ ____ / ____ / ____ / 0 / ____ ____ / ____ / ____ / 0 / ____ Total: ____	9.9.1.3. Table 3.1.17.1.
9.15	Barrier-free Design:	☐ Yes Explanation ____ ☐ No	9.5.2. & 3.8
9.16	Hazardous Substances:	☐ Yes Explanation ____ ☐ No	9.10.1.3.
9.17	Required Fire Resistance Ratings	Horizontal Assembly / Fire Resistance Rating (H) / Supporting Assembly(H) / Non-combustible in lieu of rating? Floors over basement: 0 / 0 / ☐ No ☐ Yes ☐ N/A Floors: 0 / 0 / ☐ No ☐ Yes ☐ N/A Mezzanine: 0 / 0 / ☐ No ☐ Yes ☐ N/A Roof: 0 / 0 / ☐ No ☐ Yes ☐ N/A	9.10.8. and 9.10.11.
9.18a	Spatial Separation *Insert additional lines as needed*	Wall / EBF Area (m^2) / L.D. (m) / L/H or H/L / Required FRR (H) / % Unprotected Openings Permitted / % Unprotected Openings Provided ____ / 0 / 0 / 0 / 0 / ____ / ____ ____ / 0 / 0 / 0 / 0 / ____ / ____ ____ / 0 / 0 / 0 / 0 / ____ / ____ ____ / 0 / 0 / 0 / 0 / ____ / ____	9.10.14., 9.10.15.

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9.18b	Spatial Separation Continued *Insert additional lines as needed*	Wall (repeated)	Construction Type	Cladding Type	9.10.14., 9.10.15.
		_____	_____	☐ Non-combustible	
		_____	_____	☐ Non-combustible	
		_____	_____	☐ Non-combustible	
		_____	_____	☐ Non-combustible	

9.19a	Plumbing Fixture Requirements *Insert additional lines as needed*	Ratio: Male:Female = 50:50 Except as noted otherwise				9.31. & 3.7.4.
		Floor Level/Area	Occupant Load	OBC Sentence	WCs Required	WCs Provided
		_____	0	_____	0	0
		_____	0	_____	0	0
		_____	0	_____	0	0
		_____	0	_____	0	0
		_____				

9.19b	*Insert additional lines as needed*	Floor Level/Area (repeated)	Barrier-free WCs Required	Barrier-free WCs Provided	Universal Washrooms Required	Universal Washrooms Provided
		_____	0	_____	0	0
		_____	0	_____	0	0
		_____	0	_____	0	0
		_____	0	_____	0	0

9.20	Energy Efficiency:	Category: Non-residential Compliance Option: Residential Compliance Option: Climatic Zone:	☐ SB-10 Prescriptive (Div.4) ☐ SB-10 Performance (Div.2) ☐ SB-10 Prescriptive (Div.2) ☐ SB-12 Prescriptive Compliance Packages ☐ SB-12 Performance Compliance ☐ SB-12 Other: Energy Star for New Homes ☐ EnerGuide for New Houses **Project Design Conditions:** _____	12.2.

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		Fenestration	Gross Above Grade Wall or Roof Area (m^2)	Gross Fenestration Area (m^2)	Fenestration Ratio	
		Vertical (W+D)	0	0	0%	
		Skylights	0	0	0%	
		Space Heating Fuel	☐ Natural Gas ☐ Propane	☐ Oil ☐ Solid fuel	☐ Electricity ☐ Earth energy	
		Heating Equipment Efficiency	☐ ≥92% AFUE		☐ ≥84% - <92% AFUE	
		Other Conditions	☐ ICF Basement ☐ Walk-out Basement ☐ Log/Post & Beam ☐ Spray-applied Foam Insulation Above Grade Wall		☐ ICF Above Grade ☐ Slab-on-Ground ☐ Blown-in Insulation Above Grade Wall ☐ Drain Water Heat Recovery Unit Provided	
		Compliance Package	_____			SB-12 T3.1.1.2.A-C T3.1.1.3.A-C
9.21	Sound Transmission Design:	Is there more than 1 dwelling unit in the building?			☐ Yes ☐ No	5.8.1.2., 5.8.1.4,, & 9.11.1.4.
		Option Implemented:	Min STC rating of _____			
		Notes:	_____			
9.22	Bracing to Resist Lateral Loads Due to Wind and Earthquake	1-in-50 hourly wind pressure (HWP) (kPa)			_____	SB-1, Table 2
		5% Seismic Spectral Acceleration, $S_a(0.2)$			_____	SB-1, Table 3
		Applicable Requirements:				Table A-9.23.13
		Prescriptive design requirements			☐ Yes ☐ No	
		Prescriptive bracing requirements			☐ Yes ☐ No	
		Notes:	_____			
		Design in accordance with Part 4				
		Notes:	_____		☐ Yes ☐ No	Part 4

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		Design with good engineering practice provided in the CWC 2014, "Engineering Guide to Wood Frame Construction" Notes: _____	☐ Yes ☐ No	Canadian Wood Council
9.23	Alternative Solutions *Insert additional lines as needed*	Is an alternative solution used? _____ _____ _____	☐ Yes ☐ No	
9.24	Notes: *Insert additional lines as needed*	_____ _____ _____		

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2024 Ontario Building Code Data Matrix Part 10 – Change of Use			Building Code Reference [1]
10.00	Building Code Version:	O. Reg. 163/24 Last Amendment O. Reg. 447/24	
10.01	Project Type:	☒ Change of use Description:	[A] 1.3.3.3A. and [C] 1.3.1.4.
10.02	Major Occupancy Classification:	Occupancy / Use ____ / ____ ____ / ____ ____ / ____	3.1.2.1.(1), 2.1.4.1.(1), 10.1.1.2., 10.2., and 11.2.1.
10.03	Superimposed Major Occupancies:	☐ No ☐ Yes Description:	3.2.2.7. and 2.2.1.
10.04	Building Height	0 Storeys above grade 0 (m) Above grade 0 Storeys below grade	[A] 1.4.1.2., 3.2.1.1., and 2.2.2.2.
10.05	Number of Streets/ Firefighter access	0	3.2.2.10., 3.2.5., and 2.2.4.1.
10.06	Building Size	☐ Small ☐ Medium ☐ Large ☐ > Large	T 11.2.1.1.-B-N, 11.2.1.1.(4), 10.2.1.2., and 11.2.
10.07	Existing Building Classification:	Change in Major Occupancy: ☐ Yes ☐ Not Applicable (no change of major occupancy) Construction Index: 0 Hazard Index: 0 Importance Category : ☐ Low ☐ Normal ☐ High ☐ Post-disaster	10.1.1.2. and 11.2.1.1. 10.2.1.2. and 11.2.1.1., 11.2.1.2. and 11.2.1.3. 4.1.2.1.(3), 2.3.1., and 5.2.2.1.(2)

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10.08	Occupant Load	Floor Level/Area	Occupancy Type	Based On	Occupant Load (Persons)	3.1.17. and 2.1.2.2.
		_____	_____	_____	0	
		_____	_____	_____	0	
		_____	_____	_____	0	
		_____	_____	_____	0	
	Insert additional lines as needed			Total:	0	
10.09	Reduction in Performance Level:	Structural roof framing system:	☐ No	☐ Yes		10.3.2.2.(1)
		Structural floor framing system:	☐ No	☐ Yes		10.3.2.2.(1)
		Early warning and evacuation system:	☐ No	☐ Yes		10.3.2.2.(3)
		Change in use/major occupancy:	☐ No	☐ Yes		10.3.2.2.(4)
		Hazard Index : Construction Index:	☐ No	☐ Yes		10.3.2.2.(5)
		Change to residential occupancy:	☐ No	☐ Yes		10.3.2.2.(7)
		Multiple occupancy fire separations:	☐ No	☐ Yes		10.3.2.2.(9)
		Non-compliance with 2.2.1.2, 3.1.3.2. or 9.10.9.14.	☐ No	☐ Yes		10.3.2.2.(10)
		Change to sanitary flow/discharge	☐ No	☐ Yes		10.3.2.2.(11)
		Use changed to retirement home	☐ No	☐ Yes		10.3.2.2.(12)
		Other _____:	☐ No	☐ Yes		_____
10.10	Compliance Alternatives Proposed:	☐ No ☐ Yes (list numbers and describe) _____				10.4.1.1. and T 11.5.1.1.-A to F
		(list numbers and describe) _____				
		(list numbers and describe) _____				
10.11	Notes:	Is an alternative solution used?		☐ Yes	☐ No	[A] 1.2.1.1. and [C] 2.1.
	Insert additional lines as needed	_____				
		_____				
		_____				

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2024 Ontario Building Code Data Matrix Part 11 – Renovation			Building Code Reference [1]
11.00	Building Code Version:	O. Reg. 163/24 Last Amendment O. Reg. 447/24	
11.01	Project Type:	☐ Addition ☐ Renovation ☐ Addition and renovation ☐ Change of use Description:	[A] 1.3.3.3B.
11.02	Major Occupancy Classification:	Occupancy Use	3.1.2.1.(1), 2.1.4.1.(1), and 11.2.1.
11.03	Superimposed Major Occupancies:	☐ No ☐ Yes Description:	11.2 , 3.2.2.5.-3.2.2.8., and 2.2.1.
11.04	Building Area (m^2) *Insert additional lines as needed*	Description: Existing New Total 0 0 0 0 0 0 0 0 0 0 0 0 Total 0 0 0	[A] 1.4.1.2., 11.2., and 11.3.
11.05	Building Height	0 Storeys above grade 0 (m) Above grade 0 Storeys below grade	[A] 1.4.1.2., 3.2.1.1., 2.2.2.2., and 11.3.
11.06	Number of Streets/ Firefighter Access	0 street(s)	3.2.2.10., 3.2.5., 2.2.4.1., and 11.3.
11.07	Building Size	☐ Small ☐ Medium ☐ Large ☐ > Large	11.2.1.1. and T 11.2.1.1.B to N

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11.08	Existing Building Classification:	Change in Major Occupancy: ☐ Yes ☐ Not Applicable (no change of major occupancy) Construction Index: 0 Hazard Index: 0 Importance Category : ☐ Low ☐ Normal ☐ High ☐ Post-disaster	10.1.1.2. and 11.2.1.1. T 11.2.1.1.A T 11.2.1.1.B to N 4.1.2.1.(3), 2.3.1., and 5.2.2.1.(2)
11.09	Renovation Type:	☐ Basic Renovation ☐ Extensive Renovation	11.3.3.1. and 11.3.3.2.
11.10	Occupant Load *Insert additional lines as needed*	Floor Level/Area / Occupancy Type / Based On / Occupant Load (Persons) 0 0 0 0	3.1.17., 2.1.2.2., and 11.4.2.2.
11.11 a	Plumbing Fixture Requirements *Insert additional lines as needed*	Ratio: M:F = 50:50 Except as otherwise noted Floor Level/Area / Occupant Load / OBC Reference / WCs Required / WCs Provided 0 / 0 / 0 0 / 0 / 0 0 / 0 / 0 0 / 0 / 0	3.7.4., 11.3.4., 11.3.5., 11.4.2.4., and 11.4.2.5.
11.11 b	Plumbing Fixture Requirements continued: *Insert additional lines as needed*	Floor Level/Area (repeated) / Barrier-free WCs Required / Barrier-free WCs Provided / Universal Washrooms Required / Universal Washrooms Provided 0 / 0 / 0 / 0 0 / 0 / 0 / 0 0 / 0 / 0 / 0 0 / 0 / 0 / 0	3.8.2.3., T 3.8.2.3.-A and T 3.8.2.3.-B
11.12	Barrier-free Design: Barrier-free Entrances:	☐ Yes ☐ No Explanation Number _____ Explanation	11.3.1.2., 11.3.2., and 11.3.3.2.

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11.13	Reduction in Performance Level:	Structural: ☐ No ☐ Yes By Increase in occupant load: ☐ No ☐ Yes By change of major occupancy: ☐ No ☐ Yes Plumbing: ☐ No ☐ Yes Sewage-systems: ☐ No ☐ Yes Extension of buildings of combustible construction: ☐ No ☐ Yes	11.4.2.1. 11.4.2.2. 11.4.2.3. 11.4.2.4. 11.4.2.5. 11.4.2.6.
11.14	Compensating Construction:	☐ No ☐ Yes _____ Structural: ☐ No ☐ Yes (Describe) _____ Increase in occupant load: ☐ No ☐ Yes (Describe) _____ Change of major occupancy: ☐ No ☐ Yes (Describe) _____ Plumbing: ☐ No ☐ Yes (Describe) _____ Sewage systems: ☐ No ☐ Yes (Describe) _____ Extension of buildings of combustible construction: ☐ No ☐ Yes (Describe) _____	11.4.3.1. 11.4.3.2. 11.4.3.3. 11.4.3.4. 11.4.3.5. 11.4.3.6. 11.4.3.7.
11.15	Compliance Alternatives Proposed: *Insert additional lines as needed*	☐ No ☐ Yes (list numbers and describe) _____ (list numbers and describe) _____ (list numbers and describe) _____	11.5.1. and T 11.5.1.1.-A to F
11.16	Notes: *Insert additional lines as needed*	Is an alternative solution used? ☐ Yes ☐ No _____ _____ _____	[A] 1.2.1.1. and [C] 2.1.

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2024 Ontario Building Code Data Matrix Part 2 – Farm Buildings			**Building Code Reference[1]**
2.00	Building Code Version: Applicable Code	O. Reg. 163/24 Last Amendment O. Reg. 447/24 ☐ OBC 2024, Part 2 ☐ National Farm Building Code of Canada	
2.01	Project Type:	☐ New Construction ☐ Addition ☐ Renovation ☐ Change of use ☐ Addition and renovation Description: _____ ☐ Includes housing of livestock ☐ Includes liquid manure below-floor storage ☐ Structural design to SB-11 ☐ Includes hazardous extraction operation involving cannabis ☐ Includes controlled atmosphere storage areas	[A] 1.1.2.1. 2,1,2,3,(5) 2.1.2.3.(6) 2.4.2.3.
2.02	Major Occupancy Classification:	Occupancy Use _____ _____ _____ _____ _____ _____ ☐ Aggregate area of all major occupancies by Group or Division is less than or equal to 10%	2.1.2.2. 2.1.4., T3.1.2.1. A-3.1.2. A-1.4.1.2.(1)
2.03	Superimposed Major Occupancies:	Reserved	

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2.04	Building Area (m^2)	Description:	Existing	New	Total	2.1.2.1. [A] 1.4.1.2.
			0	0	0	
			0	0	0	
			0	0	0	
	Insert additional lines as needed		0	0	0	
		Total	0	0	0	
2.05	Gross Area (m^2)	Description:	Existing	New	Total	[A] 1.4.1.2.
			0	0	0	
			0	0	0	
			0	0	0	
	Insert additional lines as needed		0	0	0	
		Total	0	0	0	
2.06	Mezzanine Area (m^2)	Description:	Existing	New	Total	2.2.2.2., 3.2.1.1.
			0	0	0	
			0	0	0	
			0	0	0	
	Insert additional lines as needed		0	0	0	
		Total	0	0	0	
2.07	Building Height	0 Storeys above grade 0 Storeys below grade		0 (m) Above grade		[A] 1.4.1.2. & 2.1.2.1. 2.2.2.2..
2.08	High Building	Reserved				
2.09	Number of Streets/ Firefighter access	0 street(s)				2.2.4.1.
2.10	Building Classification: (Size & Construction Relative to Occupancy)	2.2.2. Group/Div				2.2.2.3.- 8.
2.11	Sprinkler System	☐ Required ☐ Not Required Provided: ☐ entire building ☐ selected floor areas ☐ selected compartments ☐ basement ☐ none Description:				2.2.4.2., 2.2.3.6.

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2.12	Standpipe System	Reserved	
2.13	Fire Alarm System	☐ Required ☐ Not required Type Provided: ☐ Single stage ☐ Two stage ☐ None	2.2.3.1. 2.2.3.2
2.14	Water Service / Supply is Adequate	Reserved	
2.15	Construction Type:	Restriction: ☐ Combustible permitted ☐ Non-combustible required Actual: ☐ Combustible ☐ Non-combustible ☐ Combination of combustible and non-combustible	2.2.2.3. - 8. &
2.16	Importance Category:	☐ Low ☐ Low human occupancy ☐ Normal ☐ Liquid Manure storage tanks ☐ Minor storage building ☐ Explosive or hazardous substances	2.3.1.1., 4.1.2.1.(3) & T4.1.2.1.
2.17	Seismic Category:	I_E S(0.2) = 0 Seismic Category: _____ Is the building seismically isolated? ☐ No ☐ Yes Is a supplemental energy dissipation system used? ☐ No ☐ Yes Seismic design required for Table 4.1.8.18. items 6 to 22: ☐ No ☐ Yes	4.1.8.4.(1) T-4.1.8.5.-B 4.1.8.18
2.18	Occupant Load *Insert additional lines as needed*	Floor Level/Area / Occupancy Type / Based On / Occupant Load (Persons) / Posted Limit Required _____ _____ _____ 0 _____ _____ _____ _____ 0 _____ _____ _____ _____ 0 _____ _____ _____ _____ 0 _____	2.1.2.2., 2.2.1.17.
2.19	Barrier-free Design:	Reserved	
2.20	Hazardous Substances or Dangerous Goods:	☐ Yes Explanation _____ ☐ No	2.2.8.

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2.21	Required Fire Resistance Ratings	Horizontal Assembly	Rating (H)	Supporting Assembly (H)	Noncombustible in lieu of rating?	2.2.2.3 – 8, 2.2.2.3.
		Floors over basement	0	0	☐ No☐ Yes☐ N/A	
		Floors	0	0	☐ No ☐ Yes☐ N/A	
		Mezzanine	0	0	☐ No ☐ Yes☐ N/A	
		Roof	0	0	☐ No ☐ Yes☐ N/A	
2.22a	Spatial Separation	Reserved				
2.22b	Spatial Separation Continued	Reserved				
2.23a	Plumbing Fixture Requirements”	Reserved				
2.23b	Plumbing Fixture Requirements continued:	Reserved				
2.24	Energy Efficiency:	Reserved				
2.25	Sound Transmission Design:	Reserved				
2.26	Alternative Solutions *Insert additional lines as needed*	_____ _____ _____				
2.27	Notes: *Insert additional lines as needed*	_____ _____ _____				

1 *All references are to Division B of the OBC, unless preceded by [A] for Division A and [C] for Division C.*

2 *Items indicated as “Reserved” are to maintain consistency of numbering with the Part 3 matrix.*

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- Appendix 3: REDLINE - PT.35 Importance Category and Seismic Restraint (version 1.2)

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Practice Tip – PT.35
Version 2.0~~1.2~~
~~December 8, 2023~~[add date], 2024

OBC - Importance Category and Seismic Restraint

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Summary

The Ontario Building Code (OBC) requires all buildings be assigned an Importance Category of 'Low', 'Normal', 'High' or 'Post-disaster'. The Importance Category is necessary for seismic design, but can at times be overlooked because, by default, all buildings are considered 'Normal' unless designated otherwise. The Importance Category should be included as part of the c~~C~~ode d~~D~~ata ~~M~~matrix in building permit application submissions.

This Practice Tip describes aspects of seismic restraint and the Importance Category that must be taken into account in the design of buildings. ~~-~~The design requirements are mostly structural, but there are architectural, mechanical, and electrical requirements and implications to appropriately incorporate into the design.

If the Importance Category and the provisions for seismic design and restraint are not taken into account at the early design stages, then the revisions needed to comply with the code requirements can be difficult and costly.

Understanding the changes to seismic design in the 2024 Ontario Building Code should include a review of terminology (e.g. seismic hazard index is replaced by seismic category), consideration of the accuracy and detail of site information provided by the owner, and considerations for non-structural components. Site properties are now obtained through the online 2020 National Building Code of Canada Seismic Hazard Tool. OBC Supplementary Standard SB-1 now only provides seismic data for the prescriptive requirements of Part 9. ~~-~~For Part 9 buildings, a new section addresses lateral resistance to wind and earthquake loads, assessment of the site conditions, and the permitted design paths for code compliant structural design.

Background

Seismic design ~~has~~ is a critical ~~role~~ factor ~~in~~ for buildings designated ~~in order to avoid casualties during earthquake events as well as for the buildings~~ to be available after an earthquake for emergency responders, treat~~ment~~ting victims, communications, and housing the displaced. Some areas of Ontario~~,~~; ~~(e.g.~~the Ottawa and St. Lawrence valleys~~)~~ for example, are among the highest seismically sensitive areas in North America.

Three things ~~Certificate~~ certificate of ~~Practice~~ practice holders should be aware of related to seismic design are:

1) the ~~seismic~~ ~~hazard index formulae calculation (this index determines the method of seismic analysis and the extent of the requirements for non-structural components)~~ Importance Category and the correlated earthquake importance factor of the structure (I_E);
2) the Site Class (assigned by a geotechnical engineer following soil tests) ~~Importance Factor (I_E, earthquake importance factor)~~; and
3) the Seismic Category, which indicates the severity and risk of seismic hazard~~Site Classification (assigned by a geotechnical engineer following soil tests)~~. ~~The formulae use both the Importance Category and the Site Classification as factors.~~

Importance Categories

The OBC requires all buildings be assigned an Importance Category of 'Low', 'Normal', 'High' or Post-disaster. The 'Post-disaster' category applies to buildings such as hospitals, police facilities, and telephone

exchanges that need to remain operational following a disaster. The 'High' category is for buildings that are likely to become a shelter or collecting point, such as schools.

Although the requirement for the Importance Category resides in "Part 4 – Structural Design" of the OBC, the determination of Importance Category relates to the use and occupancy of the building. This has traditionally under the purview of the holder and owner, rather than the structural engineer. To appropriately assign the Importance Category, professional judgment should be used and discussions with the owner, structural engineer, and authorities having jurisdiction (AHJs) may be needed.

The following descriptions of the Importance Categories are in reference to OBC Table 4.1.2.1.B

Low

Possible examples of the 'Low' Importance Category are *low human occupancy* buildings (i.e. farm buildings), with 1 person or less per 40 m^2 of floor area, and '*low*' *hazard industrial occupancy* (i.e. Group F, Division 3) warehouses), where structural failure causing damage to materials or equipment does not present a direct threat to human life.

It is important for the authorities having jurisdiction to be aware of when the 'Low' Importance Category is being assigned, since it enables relaxations of some code requirements. In some cases, this relaxation is inappropriate. For example, an equestrian riding facility, that also has provision for permanent or temporary grandstands, is an Assembly Occupancy use and should not be categorized as a 'Low' Importance Category.

Normal

All buildings, unless the building meets the criteria for 'Low', 'High' or 'Post-disaster'.

High

The 'High' Importance Category applies to schools, community centers, and industrial or storage facilities having hazardous or toxic materials. This category is not limited to the specific facilities noted., butIt might also apply to a college, sports facility, arena, or large place of worship. The OBC uses the term phrase "likely to be used as 'Post-Disaster' sheltersa building that provides a greater degree of safety to human life". It should be noted that this is not the OBC defined term '*Post-disaster' building,* but a lower category of Importance Category, which requires professional judgment in order to assign a category.

Post-disaster

A *Post-disaster building* is defined in the OBC and means a building essential to "necessary for the provision of essential services to the general public in the event of a disaster", and includes:

- hospitals, emergency treatment facilities, and blood banks;
- telephone exchanges;
- power generating stations and electrical substations;
- control centres for natural gas distribution;
- control centres for air, land, and marine transportation;
- public water treatment and storage facilities;
- water and sewage pumping stations;
- sewage treatment facilities;
- emergency response facilities;
- fire, rescue and police stations;
- storage facilities for vehicles or boats used for fire, rescue, and police purposes; and
- communications facilities, including radio and television stations.

The list covers a broad range of buildings. Questions may arise for some facilities that are not specifically listed, such as: wind turbines, private versus public bus terminal or airport, a private clinic, or a non-emergency treatment facility – places not likely considered essential to provision of services to the public in a

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disaster. Discussion with the owner, structural engineer, and AHJs may be required in order to appropriately assign the Importance Category for such uses.

Site Class (Table 4.1.8.4.~~A~~B)

A Site Class (designated by the letters A to F), relative to substrate type (e.g. rock, hard, or soft soil), is ~~one of three factors required for the calculation of the seismic hazard index. The Site Class~~not one of the factors needed for calculating the Seismic Category. It is assigned by a geotechnical engineer following soil tests. A ~~Shear~~ shear ~~Wave~~ wave ~~Velocity~~ velocity ~~Test~~ test may be required by the geotechnical engineers to assign a Site Class more accurately than can be ascertained without the test. ~~-~~The shear wave test would be an additional cost over simple borehole analysis, but may save the project considerable construction cost (i.e. due to test result values, the engineer may be able to assign a Site Class ~~of higher shear wave velocity~~with less stringent requirements). ~~-~~Additionally, site stability should be evaluated based on site-specific soil properties to account for the potential of slope displacement in the design of the structure and its foundations.

Without an understanding of the underlying geologic structure, the Site Class of adjacent properties cannot be used as a guide to the S~~s~~ite C~~c~~lass of any other property. Similarly, one portion of a site may be different from another portion. As with bore holes, the number and location of shear wave velocity tests is a matter of professional judgement ~~typically by the architect or structural engineer~~.

The Seismic ~~Hazard Index~~Category

While the structural design of the building involves complex seismic restraint calculations, a reasonably simple ~~formula~~ selection process is used to determine the seismic ~~hazard index~~category.

The seismic ~~hazard index~~category is selected after calculating the values for ~~formula is:~~ I_E S_{a}(~~0.2~~T) where:

I_E ~~Earthquake~~ importance factor for earthquake loads and effects~~for the structure~~ (refer to OBC Table 4.1.8.5.-A);

S_{a} (~~0.2~~T) 5% damped spectral response acceleration, for periods T=0.2 and T=1.0,

(refer to NBCC Seismic Hazard Tool results for ~~your~~any specific site).

With these calculated values, the Seismic Category is selected based on where they fit within the range of values for each category (refer to OBC Table 4.1.8.5.-B).

If the ~~value of the seismic hazard index is equal or greater than 0.35, this triggers the need~~seismic category is determined to be SC1 or SC2, the building is not a *post-disaster building*, it is not seismically isolated and does not have supplemental energy dissipation system, there is no requirement to restrain architectural elements like suspended ceilings, parapets, ornamentations, masonry veneer connectors, etc., ~~as well as restraint for~~nor to restrain mechanical and electrical systems and equipment for that building (refer to ~~OBC 4.1.8.6.(3) and~~ OBC 4.1.8.18~~.(2)~~).

~~The chart below shows some of the requirements for various seismic hazard index values which affect architectural and engineered parts of buildings.~~

~~Value of seismic hazard index~~	~~Requirements~~	~~Reference~~
~~≥ 0.2~~	~~Buildings are not permitted to have a 'weak storey' (e.g. where an open floor area, such as a parking garage, is on a level below a level having numerous shear walls). A formal definition of what constitutes this condition is given in the OBC.~~	~~OBC 4.1.8.10 (1)~~
~~≥ 0.35~~	~~Elements of structures and non-structural components and equipment (categories 6 through 22 of Table 4.1.8.18) must be seismically restrained.~~	~~OBC 4.1.8.18 (2)~~

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	~~This includes suspended ceilings, light fixtures, masonry veneer ties, access floors, machinery, fixtures, ducts, pipes, cable trays, and tanks, along with similar items noted in the OBC.~~	
~~≥ 0.35~~	~~Basement walls must be designed to resist earthquake lateral pressures from backfill or natural ground.~~	~~OBC 4.1.8.16 (7)~~
~~≥ 0.35~~	~~The prescriptive masonry veneer tie spacing given in CSA Standard A370, cannot be used. The ties must be engineered.~~	~~CSA A370 10.2.2~~
~~≥ 0.35~~	~~Unreinforced masonry is not permitted.~~	~~CSA S304.1 4.5.1~~
~~≥ 0.35~~	~~Minimum amounts of reinforcement are required for all loadbearing and lateral load-resisting masonry, masonry used around stairwells and elevators and exterior cladding (excluding veneer), and certain partitions.~~	~~CSA S304.1 4.6.1, 10.15.2.2, 10.15.2.4~~
~~≥ 0.75~~	~~All partitions must be reinforced.~~	~~CSA S304.1 4.6.1, 10.15.2.3~~
~~≥ 0.35~~	~~Composite and multi-wythe solid walls must have grouted collar joists and ties.~~	~~CSA S304.1 10.7.1.3~~
~~≥ 0.75~~	~~Ties for masonry must be placed in grout, not in the horizontal mortar joints.~~	~~CSA S304.1 12.2.5~~
~~≥ 0.35~~	~~The empirical design method for masonry cannot be used – all masonry must be engineered.~~	~~CSA S304.1 F.1.1(f)~~
~~≥ 0.35~~	~~Wood framed structures must include special requirements for shear walls and diaphragms.~~	~~CSA O86 9.8.1~~

Part 9 Buildings

Schools, community centres, other assembly occupancies, and 'F1' group high hazard industrial (i.e. all 'High' Importance Category buildings) are excluded from design under OBC Part 9, but some '*Post-disaster' buildings* can fall within the acceptable application of Part 9. All buildings that fall under the definition of *'Post-disaster' building* must be designed to OBC Part 4 (refer to OBC Div. A, 1.1.2.2.(2)).

Part 9 also has some individual sections and clauses related to seismic design and restraint, such as masonry reinforcement or the restraint of water heaters, based on seismic spectral response acceleration for the location of the building (refer to OBC 9.20.1.2 ~~& 9.31.6.2 (3)~~ and 9.20.15).

Bracing for earthquake and wind loads must be evaluated for Part 9 buildings (refer to OBC 9.23.13 and Table A-9.23.13). Low to moderate, high, and extreme wind and seismic forces have prescriptive design and construction requirements. -Otherwise, Part 4 design or good engineering practice, such as that provided in CWC 2014 "Engineering Guide for Wood Frame Construction", is required for the design of bracing for earthquake and wind loads.

Renovations

For renovation projects, a soils report and determination of Site Class by a geotechnical engineer may not be available. With some exceptions, OBC seismic design requirements are not applicable for renovation projects.

OBC, Div. B, Section 11.5 deals with *compliance alternatives (C.A.)*, a term defined as "a substitute for a requirement in another Part of Division B that is listed in Part 10 or 11 of Division B and "*C.A."* has a corresponding meaning.", (refer to OBC Div. A, 1.4.1.2.(1)(c)).

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Various *C.A.'s* are listed in Tables 11.5.1.1.A. to 11.5.1.1.F, corresponding to occupancies A, B, C, D, ~~/~~E, and F respectively. *C.A.'s* No. ~~A77~~A83, ~~B78~~B85, ~~C88~~C94, ~~DE81~~DE84, and ~~F82~~ F85 all state that the requirements under Div. B, 4.1.8. Earthquake Loads and Effects~~,~~ do not apply, ~~(~~i.e., the seismic design requirements of the OBC do not apply to renovations~~)~~.

Having said this, since seismic requirements are in Div. B, Part 4 of the Code, the application of the *C.A.* is somewhat restricted because Div. B, 11.5.1.1.(1) allows *C.A.'s* to be substituted for requirements found in Parts 3, 4, 6, or 8 only if the Chief Building Official's (CBO's) approval is obtained. Note that Div. B, 11.5.1.1.(2) allows *C.A.'s* to be substituted for Part 9 and 12 requirements without having to seek the CBO's approval.

It is expected that building officials would generally accept that seismic design requirements for a renovation would not apply, but anticipate that a code ~~-~~based explanation may be requested by building officials.

Building Code Data Matrix (Refer to PT. 03)

The OAA template for the 2024 Building Code Data Matrix includes a section for recording the assigned Importance Category and the seismic hazard ~~index~~ category calculation results. This information should be included as part of building permit applications. If the Importance Category is not identified on the drawings, the determination and designation of a classification may not be clear because in accordance with the OBC, the 'Normal' category applies, unless another category has been explicitly assigned.

Suggested Procedures

1. Become familiar with Importance Categories, seismic design requirements, non-structural component requirements, and alternative seismic design options (such as seismic isolation and supplemental energy dissipation).
2. In the building code review process, determine if the Importance Category of the building is 'Low', 'Normal', 'High', or 'Post-disaster'. Discuss with the client, then confirm~~,~~ and document.
3. In cases where the classification is not clear, discuss with the ~~B~~building ~~D~~department. ~~and~~ ~~D~~document the discussions and, most importantly, any decisions and agreements.
4. A geotechnical report should be provided by the owner. The report should include the Site Class and the factors for the seismic ~~hazard index~~category calculations. This information should appear on structural engineering drawings.
5. Determine if the seismic ~~hazard index~~category meets the thresholds discussed above and what set of seismic restraints for non-structural elements are required.
6. Include the Importance Category and seismic ~~hazard index~~category information in a~~the~~ b~~B~~uilding c~~C~~ode d~~D~~ata m~~M~~atrix on the drawings.
7. When responsible for the coordination of consultants, distribute the information to all consultants so that they can interpret the applicable OBC requirements and provide appropriate seismic design and restraints where required.
8. Become familiar with the types of ~~S~~structural ~~I~~irregularities described in OBC Table 4.1.8.6., and when applicable, consider the architectural form and interior spaces in relation to the ~~S~~structural ~~I~~irregularities.

References

Practice Tip PT.03 – Building Code Data Matrix

2024 Building Code, Part 4 – Structural Design

2024 Building Code, Part 9 – Housing and Small Buildings

NBCC Seismic Hazard Tool

~~OBC 4.1.2 – Specified Loads and Effects~~

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~~OBC 4.1.8 – Earthquake Loads and Effects~~

~~OBC 9.4.1 – Structural Design Requirements and Application Limitations~~

~~MMAH Supplementary Standard SB-1 – Climate and Seismic Data, Table 3~~

~~2015 Structural Commentaries (User's Guide – NBC 2015: Part 4 of Div. B)~~

~~Practice Tip PT.30 Retention of Specialist Consultants~~

~~Attachments~~

~~1 – Seismic Hazard Index Calculation Examples~~

The OAA does not provide legal, insurance, or accounting advice. Readers are advised to consult their own legal, accounting, or insurance representatives to obtain suitable professional advice in those regards.

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~~Seismic Hazard Index Calculations - Examples~~

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~~Summary~~

~~A building code data matrix presents pertinent selected elements from a detailed code analysis to provide an overview of the key code factors of the design to municipal building officials and others. The data matrices developed by the OAA are templates that are intended to be modified as needed to adequately present the key building code decisions made in the design of a building.~~

~~If there is insufficient space in a matrix for any information, insert additional rows or list the information in a separate table identifying which item it relates, and cross reference to the additional information. Where more space is provided than is needed, hide or delete the unnecessary rows.~~

~~When using the MS Excel templates (available only to OAA members), refer to additional information in the "Read Me First" tab of the Excel workbook. When using the MS Word template versions with MS Word for the Mac, the functional check-boxes may not appear or function due to updates in MS Word software that has not currently been updated in Word for Mac software.~~

~~Background~~

~~The examples that follow are representative samples only used to show how the various parameters may be used to complete this portion of a data matrix. Some of the data in the examples are fictitious. Users of the data matrices must obtain real data for the place of the work.~~

~~As noted after Example 4, the result obtained from using the same data as in the previous version of this Practice Tip is different than before due to changes in the calculations. If you are working on a subsequent phase of a project or an addition to an existing building, do not rely on previous calculations; rather, complete a new seismic analysis.~~

~~For guidance in completing each type of matrix (for Parts 3, 9, 10 or 11), refer to Practice Tip PT.03 Attachment 1 – Guide to the Completion of the OAA Building Code Data Matrices.~~

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~~Example 1: Elementary School in Toronto~~

~~SEISMIC DESIGN REQUIREMENTS FOR NON-STRUCTURAL ELEMENTS (CATEGORIES 6 TO 22 TABLE 4.1.8.18)~~					~~OBC REFERENCE~~
~~01~~	~~IMPORTANCE CATEGORY~~		~~High~~		~~4.1.2.1.(3), 5.2.2.1.(2)~~
~~02~~	~~SITE CLASS~~		~~D~~		~~4.1.8.4, T.4.1.8.4.A~~
-					
~~03~~	~~5% SPECTRAL RESPONSE ACCELERATION $S_a(0.2)$~~		~~0.249~~		~~4.1.8.4.(1), SB-1, T.3.~~
~~03~~	~~5% SPECTRAL RESPONSE ACCELERATION $S_a(2.0)$~~		~~0.029~~		~~4.1.8.4.(1), SB-1, T.3.~~
~~04~~	~~EARTHQUAKE IMPORTANCE FACTOR (I_E ULS)~~		~~1.3~~		~~T.4.1.8.5.~~
~~05~~	~~PEAK GROUND ACCELERATION (PGA)~~		~~0.160~~		~~4.1.8.4.(1), SB-1 T.3.~~
~~06~~	~~PGA FACTOR~~		~~0.8~~		~~4.1.8.4.(4)(a)(b)~~
~~07~~	~~PGA REFERENCE (PGA ref)~~		~~0.128~~		~~4.1.8.4.(4)~~
~~08~~	~~SITE COEFFICIENT (F_a = F(0.2))~~		~~1.09~~		~~4.1.8.4.(7), T.4.1.8.4.B~~
~~09~~	~~SEISMIC HAZARD INDEX $I_E F_a S_a(0.2)$ =~~	~~0.35~~	~~LESS THAN 0.35?~~	~~NO~~	~~4.1.8.18.(2)~~
~~10~~	~~SEISMIC ISOLATION~~				~~4.1.8.19.~~
	~~IS THE BUILDING SEISMICLY ISOLATED?~~		~~N/A~~		
~~11~~	~~SUPPLEMENTAL ENERGY DISSIPATION~~				~~4.1.8.21.~~
	~~IS A SUPPLEMENTAL ENERGY DISSIPATION SYSTEM USED?~~		~~N/A~~		
~~12~~	~~IS SEISMIC DESIGN REQUIRED FOR CATEGORIES 6 TO 22, TABLE 4.1.8.18.?~~		~~REQUIRED~~		~~4.1.8.18.(2)~~
	~~REASONING FOR REQUIREMENT:~~	~~SEISMIC HAZARD INDEX IS 0.35 OR MORE~~			

~~An elementary school is a High Importance Category. This example in Toronto has typical soil (Stiff: D). The Seismic Hazard Index calculation result is just at the threshold of 0.35, thus seismic design for non-structural elements **is required**.~~

~~Example 2: Office Building in Toronto~~

~~SEISMIC DESIGN REQUIREMENTS FOR NON-STRUCTURAL ELEMENTS (CATEGORIES 6 TO 22 TABLE 4.1.8.18)~~					~~OBC REFERENCE~~
~~01~~	~~IMPORTANCE CATEGORY~~		~~Normal~~		~~4.1.2.1.(3), 5.2.2.1.(2)~~
~~02~~	~~SITE CLASS~~		~~D~~		~~4.1.8.4, T.4.1.8.4.A~~
-					
~~03~~	~~5% SPECTRAL RESPONSE ACCELERATION $S_a(0.2)$~~		~~0.249~~		~~4.1.8.4.(1), SB-1, T.3.~~
~~03~~	~~5% SPECTRAL RESPONSE ACCELERATION $S_a(2.0)$~~		~~0.029~~		~~4.1.8.4.(1), SB-1, T.3.~~
~~04~~	~~EARTHQUAKE IMPORTANCE FACTOR (I_E ULS)~~		~~1.0~~		~~T.4.1.8.5.~~
~~05~~	~~PEAK GROUND ACCELERATION (PGA)~~		~~0.160~~		~~4.1.8.4.(1), SB-1 T.3.~~
~~06~~	~~PGA FACTOR~~		~~0.8~~		~~4.1.8.4.(4)(a)(b)~~
~~07~~	~~PGA REFERENCE (PGA ref)~~		~~0.128~~		~~4.1.8.4.(4)~~
~~08~~	~~SITE COEFFICIENT (F_a = F(0.2))~~		~~1.09~~		~~4.1.8.4.(7), T.4.1.8.4.B~~
~~09~~	~~SEISMIC HAZARD INDEX $I_E F_a S_a(0.2)$ =~~	~~0.27~~	~~LESS THAN 0.35?~~	~~YES~~	~~4.1.8.18.(2)~~
~~10~~	~~SEISMIC ISOLATION~~				~~4.1.8.19.~~
	~~IS THE BUILDING SEISMICLY ISOLATED?~~		~~N/A~~		
~~11~~	~~SUPPLEMENTAL ENERGY DISSIPATION~~				~~4.1.8.21.~~
	~~IS A SUPPLEMENTAL ENERGY DISSIPATION SYSTEM USED?~~		~~N/A~~		
~~12~~	~~IS SEISMIC DESIGN REQUIRED FOR CATEGORIES 6 TO 22, TABLE 4.1.8.18.?~~		~~NOT REQUIRED~~		~~4.1.8.18.(2)~~
	~~REASONING FOR REQUIREMENT:~~	~~CATEGORIES 6 TO 22 EXEMPTED DUE TO SEISMIC HAZARD INDEX LESS THAN 0.35~~			

~~An office building is Normal Importance Category. An area in Toronto with typical soil (Stiff: D). The calculations result in a Seismic Hazard Index below the threshold of 0.35, thus seismic design for non-structural elements **is not required**.~~

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~~Example 3: Office Building in Ottawa~~

~~SEISMIC DESIGN REQUIREMENTS FOR NON-STRUCTURAL ELEMENTS (CATEGORIES 6 TO 22 TABLE 4.1.8.18)~~					~~OBC REFERENCE~~
~~01~~	~~IMPORTANCE CATEGORY~~		~~Normal~~		~~4.1.2.1.(3), 5.2.2.1.(2)~~
~~02~~	~~SITE CLASS~~		~~D~~		~~4.1.8.4, T.4.1.8.4.A~~
~~-~~					
~~03~~	~~5% SPECTRAL RESPONSE ACCELERATION $S_a(0.2)$~~		~~0.439~~		~~4.1.8.4.(1), SB-1, T.3.~~
~~03~~	~~5% SPECTRAL RESPONSE ACCELERATION $S_a(2.0)$~~		~~0.056~~		~~4.1.8.4.(1), SB-1, T.3.~~
~~04~~	~~EARTHQUAKE IMPORTANCE FACTOR (I_E ULS)~~		~~1.0~~		~~T.4.1.8.5.~~
~~05~~	~~PEAK GROUND ACCELERATION (PGA)~~		~~0.281~~		~~4.1.8.4.(1), SB-1 T.3.~~
~~06~~	~~PGA FACTOR~~		~~0.8~~		~~4.1.8.4.(4)(a)(b)~~
~~07~~	~~PGA REFERENCE (PGA ref)~~		~~0.2248~~		~~4.1.8.4.(4)~~
~~08~~	~~SITE COEFFICIENT (F_a = F(0.2))~~		~~1.0~~		~~4.1.8.4.(7), T.4.1.8.4.B~~
~~09~~	~~SEISMIC HAZARD INDEX $I_E F_a S_a(0.2)$ =~~	~~0.44~~	~~LESS THAN 0.35?~~	~~NO~~	~~4.1.8.18.(2)~~
~~10~~	~~SEISMIC ISOLATION~~				~~4.1.8.19.~~
	~~IS THE BUILDING SEISMICLY ISOLATED?~~		~~N/A~~		
~~11~~	~~SUPPLEMENTAL ENERGY DISSIPATION~~				~~4.1.8.21.~~
	~~IS A SUPPLEMENTAL ENERGY DISSIPATION SYSTEM USED?~~		~~N/A~~		
~~12~~	~~IS SEISMIC DESIGN REQUIRED FOR CATEGORIES 6 TO 22, TABLE 4.1.8.18.?~~		~~REQUIRED~~		~~4.1.8.18.(2)~~
	~~REASONING FOR REQUIREMENT:~~	~~SEISMIC HAZARD INDEX IS 0.35 OR MORE~~			

~~An office building in Ottawa with the same soil (Stiff: D). The Sa(0.2) is almost double that of Toronto and the calculation for Seismic Hazard Index is above 0.35; seismic design for non-structural elements **is required.**~~

~~Example 4: Warehouse in Ottawa~~

~~SEISMIC DESIGN REQUIREMENTS FOR NON-STRUCTURAL ELEMENTS (CATEGORIES 6 TO 22 TABLE 4.1.8.18)~~					~~OBC REFERENCE~~
~~01~~	~~IMPORTANCE CATEGORY~~		~~Low~~		~~4.1.2.1.(3), 5.2.2.1.(2)~~
~~02~~	~~SITE CLASS~~		~~D~~		~~4.1.8.4, T.4.1.8.4.A~~
~~-~~					
~~03~~	~~5% SPECTRAL RESPONSE ACCELERATION $S_a(0.2)$~~		~~0.439~~		~~4.1.8.4.(1), SB-1, T.3.~~
~~03~~	~~5% SPECTRAL RESPONSE ACCELERATION $S_a(2.0)$~~		~~0.056~~		~~4.1.8.4.(1), SB-1, T.3.~~
~~04~~	~~EARTHQUAKE IMPORTANCE FACTOR (I_E ULS)~~		~~0.80~~		~~T.4.1.8.5.~~
~~05~~	~~PEAK GROUND ACCELERATION (PGA)~~		~~0.281~~		~~4.1.8.4.(1), SB-1 T.3.~~
~~06~~	~~PGA FACTOR~~		~~0.8~~		~~4.1.8.4.(4)(a)(b)~~
~~07~~	~~PGA REFERENCE (PGA ref)~~		~~0.2248~~		~~4.1.8.4.(4)~~
~~08~~	~~SITE COEFFICIENT (F_a = F(0.2))~~		~~1.0~~		~~4.1.8.4.(7), T.4.1.8.4.B~~
~~09~~	~~SEISMIC HAZARD INDEX $I_E F_a S_a(0.2)$ =~~	~~0.35~~	~~LESS THAN 0.35?~~	~~NO~~	~~4.1.8.18.(2)~~
~~10~~	~~SEISMIC ISOLATION~~				~~4.1.8.19.~~
	~~IS THE BUILDING SEISMICLY ISOLATED?~~		~~N/A~~		
~~11~~	~~SUPPLEMENTAL ENERGY DISSIPATION~~				~~4.1.8.21.~~
	~~IS A SUPPLEMENTAL ENERGY DISSIPATION SYSTEM USED?~~		~~N/A~~		
~~12~~	~~IS SEISMIC DESIGN REQUIRED FOR CATEGORIES 6 TO 22, TABLE 4.1.8.18.?~~		~~REQUIRED~~		~~4.1.8.18.(2)~~
	~~REASONING FOR REQUIREMENT:~~	~~SEISMIC HAZARD INDEX IS 0.35 OR MORE~~			

~~Even a Low Importance Category warehouse has a Seismic Hazard Index value just at the threshold of 0.35; seismic design for non-structural elements **is required**.~~

~~Note that in the previous version of this calculation, the seismic hazard index value was below the threshold. If a design for this building was completed a few years ago, the seismic design for non-structural elements may not have been required, but may be for the same building designed today.~~

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References

Practice Tip PT.03 Building Code Data Matrices

Practice Tip PT.35 Importance Category and Seismic Restraint

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Version 1.2
Attachment 1a

Seismic Hazard Index Calculation – Examples

These are representatve samples only, provided for comparison purposes.

Elementary School in Toronto					OBC REFERENCE
Importance Category	☐ Low	☐ Normal	☑ High	Post-disaster	4.1.2.1.(3). & 5.2.2.1.(2)
Site Class (A, B, C, D, E, F; Refer to Geotechnical Report)				Stiff Soil: D	4.1.8.4.
Earthquake Importance factor (I$_E$ULS)				1.3	T.4.1.8.5.
Acceleration Based Coefficient (F$_a$)				1.3	T.4.1.8.4.B
5% Spectral Response Acceleration S$_a$(0.2)				0.22	4.1.8.4.(1) & SB-1, T.1.2.
Seismic Hazard Index I$_E$FaSa(0.2) =				**0.37**	4.1.8.18.(1)
Design for Seismic Required for Categories 6 to 21, Table 4.1.1.18. (Equal or Above 0.35?)				**YES**	4.1.8.18.(2)

An elementary school is a High Importance Category. This example in Toronto has typical soil (Stiff: D). The Seismic Hazard Index calculation result is above 0.35 and thus seismic design for non-structural elements is Required.

Office Building in Toronto					OBC REFERENCE
Importance Category	☐ Low	☑ Normal	☐ High	Post-disaster	4.1.2.1.(3). & 5.2.2.1.(2)
Site Class (A, B, C, D, E, F; Refer to Geotechnical Report)				Stiff Soil: D	4.1.8.4.
Earthquake Importance factor (I$_E$ULS)				1	T.4.1.8.5.
Acceleration Based Coefficient (F$_a$)				1.3	T.4.1.8.4.B
5% Spectral Response Acceleration S$_a$(0.2)				0.22	4.1.8.4.(1) & SB-1, T.1.2.
Seismic Hazard Index I$_E$FaSa(0.2) =				**0.29**	4.1.8.18.(1)
Design for Seismic Required for Categories 6 to 21, Table 4.1.1.18. (Equal or Above 0.35?)				**NO**	4.1.8.18.(2)

An office building is Normal Importance Category. An area in Toronto with typical soil (Stiff: D). The calculations result in a Seismic Hazard Index below 0.35 and thus seismic design for non-structural elements is Not Required.

Office Building in Ottawa					OBC REFERENCE
Importance Category	☐ Low	☑ Normal	☐ High	Post-disaster	4.1.2.1.(3). & 5.2.2.1.(2)
Site Class (A, B, C, D, E, F; Refer to Geotechnical Report)				Stiff Soil: D	4.1.8.4.
Earthquake Importance factor (I$_E$ULS)				1	T.4.1.8.5.
Acceleration Based Coefficient (F$_a$)				1.1	T.4.1.8.4.B
5% Spectral Response Acceleration S$_a$(0.2)				0.64	4.1.8.4.(1) & SB-1, T.1.2.
Seismic Hazard Index I$_E$FaSa(0.2) =				**0.70**	4.1.8.18.(1)
Design for Seismic Required for Categories 6 to 21, Table 4.1.1.18. (Equal or Above 0.35?)				**YES**	4.1.8.18.(2)

An office building in Ottawa with the same soil (Stiff: D). The Sa(0.2) is almost 3 times that of Toronto and the calculation for Seismic Hazard Index is above 0.35 - seismic design for non-structural elements is Required.

Warehouse in Ottawa					OBC REFERENCE
Importance Category	☑ Low	☐ Normal	☐ High	☐ Post-disaster	4.1.2.1.(3). & 5.2.2.1.(2)
Site Class (A, B, C, D, E, F; Refer to Geotechnical Report)				Stiff Soil: D	4.1.8.4.
Earthquake Importance factor (I$_E$ULS)				0.8	T.4.1.8.5.
Acceleration Based Coefficient (F$_a$)				1.1	T.4.1.8.4.B
5% Spectral Response Acceleration S$_a$(0.2)				0.64	4.1.8.4.(1) & SB-1, T.1.2.
Seismic Hazard Index I$_E$FaSa(0.2) =				**0.56**	4.1.8.18.(1)
Design for Seismic Required for Categories 6 to 21, Table 4.1.1.18. (Equal or Above 0.35?)				**YES**	4.1.8.18.(2)

Due to the low Sa(0.2) value in the Ottawa area, even a Low Importance Category warehouse has a Seismic Hazard Index value above 0.35 - seismic design for non-structural elements is Required.

- Appendix 4: PT.35 Building Code - Importance Category and Seismic Restraint (version 2.0)

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Version 2.0
[add date], 2024

OBC - Importance Category and Seismic Restraint

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Summary

The Ontario Building Code (OBC) requires all buildings be assigned an Importance Category of 'Low', 'Normal', 'High' or 'Post-disaster'. The Importance Category is necessary for seismic design, but can at times be overlooked because, by default, all buildings are considered 'Normal' unless designated otherwise. The Importance Category should be included as part of the code data matrix in building permit application submissions.

This Practice Tip describes aspects of seismic restraint and the Importance Category that must be taken into account in the design of buildings. The design requirements are mostly structural, but there are architectural, mechanical, and electrical requirements and implications to appropriately incorporate into the design.

If the Importance Category and the provisions for seismic design and restraint are not taken into account at the early design stages, then the revisions needed to comply with the code requirements can be difficult and costly.

Understanding the changes to seismic design in the 2024 Ontario Building Code should include a review of terminology (e.g. seismic hazard index is replaced by seismic category), consideration of the accuracy and detail of site information provided by the owner, and considerations for non-structural components. Site properties are now obtained through the online 2020 National Building Code of Canada Seismic Hazard Tool. OBC Supplementary Standard SB-1 now only provides seismic data for the prescriptive requirements of Part 9. For Part 9 buildings, a new section addresses lateral resistance to wind and earthquake loads, assessment of the site conditions, and the permitted design paths for code compliant structural design.

Background

Seismic design is a critical factor for buildings designated to be available after an earthquake for emergency responders, treating victims, communications, and housing the displaced. Some areas of Ontario; the Ottawa and St. Lawrence valleys for example, are among the highest seismically sensitive areas in North America.

Three things certificate of practice holders should be aware of related to seismic design are:

1) the Importance Category and the correlated earthquake importance factor of the structure (I_E);
2) the Site Class (assigned by a geotechnical engineer following soil tests); and
3) the Seismic Category, which indicates the severity and risk of seismic hazard.

Importance Categories

The OBC requires all buildings be assigned an Importance Category of 'Low', 'Normal', 'High' or Post-disaster. The 'Post-disaster' category applies to buildings such as hospitals, police facilities, and telephone exchanges that need to remain operational following a disaster. The 'High' category is for buildings that are likely to become a shelter or collecting point, such as schools.

Although the requirement for the Importance Category resides in "Part 4 – Structural Design" of the OBC, the determination of Importance Category relates to the use and occupancy of the building. This has traditionally under the purview of the holder and owner, rather than the structural engineer. To appropriately assign the

Importance Category, professional judgment should be used and discussions with the owner, structural engineer, and authorities having jurisdiction (AHJs) may be needed.

The following descriptions of the Importance Categories are in reference to OBC Table 4.1.2.1

Low

Possible examples of the 'Low' Importance Category are *low human occupancy* buildings (i.e. farm buildings), with 1 person or less per 40 m^2 of floor area and *low-hazard industrial occupancy* (i.e. Group F, Division 3 warehouses), where structural failure causing damage to materials or equipment does not present a direct threat to human life.

It is important for the authorities having jurisdiction to be aware of when the 'Low' Importance Category is being assigned, since it enables relaxations of some code requirements. In some cases, this relaxation is inappropriate. For example, an equestrian riding facility, that also has provision for permanent or temporary grandstands, is an Assembly Occupancy use and should not be categorized as a 'Low' Importance Category.

Normal

All buildings, unless the building meets the criteria for 'Low', 'High' or 'Post-disaster'.

High

The 'High' Importance Category applies to schools, community centers, and industrial or storage facilities having hazardous or toxic materials. This category is not limited to the specific facilities noted. It might also apply to a college, sports facility, arena, or large place of worship. The OBC uses the phrase "a building that provides a greater degree of safety to human life". It should be noted that this is not the OBC defined term '*Post-disaster' building,* but a lower Importance Category, which requires professional judgment in order to assign a category.

Post-disaster

A *Post-disaster building* is defined in the OBC and means a building "necessary for the provision of essential services to the general public in the event of a disaster", and includes:

- hospitals, emergency treatment facilities, and blood banks;
- telephone exchanges;
- power generating stations and electrical substations;
- control centres for natural gas distribution;
- control centres for air, land, and marine transportation;
- public water treatment and storage facilities;
- water and sewage pumping stations;
- sewage treatment facilities;
- emergency response facilities;
- fire, rescue and police stations;
- storage facilities for vehicles or boats used for fire, rescue, and police purposes; and
- communications facilities, including radio and television stations.

The list covers a broad range of buildings. Questions may arise for some facilities that are not specifically listed, such as: wind turbines, private versus public bus terminal or airport, a private clinic, or a nonemergency treatment facility – places not likely considered essential to provision of services to the public in a disaster. Discussion with the owner, structural engineer, and AHJs may be required in order to appropriately assign the Importance Category for such uses.

Site Class (Table 4.1.8.4.B)

A Site Class (designated by the letters A to F), relative to substrate type (e.g. rock, hard, or soft soil), is not one of the factors needed for calculating the Seismic Category. It is assigned by a geotechnical engineer following soil tests. A shear wave velocity test may be required by the geotechnical engineers to assign a Site

Class more accurately than can be ascertained without the test. The shear wave test would be an additional cost over simple borehole analysis, but may save the project considerable construction cost (i.e. due to test result values, the engineer may be able to assign a Site Class with less stringent requirements). Additionally, site stability should be evaluated based on site-specific soil properties to account for the potential of slope displacement in the design of the structure and its foundations.

Without an understanding of the underlying geologic structure, the Site Class of adjacent properties cannot be used as a guide to the Site Class of any other property. Similarly, one portion of a site may be different from another portion. As with bore holes, the number and location of shear wave velocity tests is a matter of professional judgement.

The Seismic Category

While the structural design of the building involves complex seismic restraint calculations, a reasonably simple selection process is used to determine the seismic category.

The seismic category is selected after calculating the values for I_E S(T) where:

I_E	importance factor for earthquake loads and effects (refer to OBC Table 4.1.8.5.-A);
S(T)	5% damped spectral response acceleration, for periods T=0.2 and T=1.0,
	(refer to NBCC Seismic Hazard Tool results for any specific site).

With these calculated values, the Seismic Category is selected based on where they fit within the range of values for each category (refer to OBC Table 4.1.8.5.-B).

If the seismic category is determined to be SC1 or SC2, the building is not a *post-disaster building*, it is not seismically isolated and does not have supplemental energy dissipation system, there is no requirement to restrain architectural elements like suspended ceilings, parapets, ornamentations, masonry veneer connectors, etc., nor to restrain mechanical and electrical systems and equipment for that building (refer to OBC 4.1.8.18).

Part 9 Buildings

Schools, community centres, other assembly occupancies, and 'F1' group high hazard industrial (i.e. all 'High' Importance Category buildings) are excluded from design under OBC Part 9, but some '*Post-disaster' buildings* can fall within the acceptable application of Part 9. All buildings that fall under the definition of *'Post-disaster' building* must be designed to OBC Part 4 (refer to OBC Div. A, 1.1.2.2.(2)).

Part 9 also has some individual sections and clauses related to seismic design and restraint, such as masonry reinforcement or the restraint of water heaters, based on seismic spectral response acceleration for the location of the building (refer to OBC 9.20.1.2 and 9.20.15).

Bracing for earthquake and wind loads must be evaluated for Part 9 buildings (refer to OBC 9.23.13 and Table A-9.23.13). Low to moderate, high, and extreme wind and seismic forces have prescriptive design and construction requirements. Otherwise, Part 4 design or good engineering practice, such as that provided in CWC 2014 "Engineering Guide for Wood Frame Construction", is required for the design of bracing for earthquake and wind loads.

Renovations

For renovation projects, a soils report and determination of Site Class by a geotechnical engineer may not be available. With some exceptions, OBC seismic design requirements are not applicable for renovation projects.

OBC, Div. B, Section 11.5 deals with *compliance alternatives (C.A.)*, a term defined as "a substitute for a requirement in another Part of Division B that is listed in Part 10 or 11 of Division B and "*C.A."* has a corresponding meaning.", (refer to OBC Div. A, 1.4.1.2.(1)(c)).

Various *C.A.'s* are listed in Tables 11.5.1.1.A. to 11.5.1.1.F, corresponding to occupancies A, B, C, D, E, and F respectively. *C.A.'s* No. A83, B85, C94, DE84, and F85 all state that the requirements under Div. B, 4.1.8.

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Earthquake Loads and Effects do not apply, i.e., the seismic design requirements of the OBC do not apply to renovations.

Having said this, since seismic requirements are in Div. B, Part 4 of the Code, the application of the *C.A.* is somewhat restricted because Div. B, 11.5.1.1.(1) allows *C.A.'s* to be substituted for requirements found in Parts 3, 4, 6, or 8 only if the Chief Building Official's (CBO's) approval is obtained. Note that Div. B, 11.5.1.1.(2) allows *C.A.'s* to be substituted for Part 9 and 12 requirements without having to seek the CBO's approval.

It is expected that building officials would generally accept that seismic design requirements for a renovation would not apply, but anticipate that a code based explanation may be requested by building officials.

Building Code Data Matrix (Refer to PT. 03)

The OAA template for the 2024 Building Code Data Matrix includes a section for recording the assigned Importance Category and the seismic hazard category calculation results. This information should be included as part of building permit applications. If the Importance Category is not identified on the drawings, the determination and designation of a classification may not be clear because in accordance with the OBC, the 'Normal' category applies, unless another category has been explicitly assigned.

Suggested Procedures

1. Become familiar with Importance Categories, seismic design requirements, non-structural component requirements, and alternative seismic design options (such as seismic isolation and supplemental energy dissipation).
2. In the building code review process, determine if the Importance Category of the building is 'Low', 'Normal', 'High', or 'Post-disaster'. Discuss with the client, then confirm and document.
3. In cases where the classification is not clear, discuss with the building department. Document the discussions and, most importantly, any decisions and agreements.
4. A geotechnical report should be provided by the owner. The report should include the Site Class and the factors for the seismic category calculations. This information should appear on structural engineering drawings.
5. Determine if the seismic category meets the thresholds discussed above and what set of seismic restraints for non-structural elements are required.
6. Include the Importance Category and seismic category information in a building code data matrix on the drawings.
7. When responsible for the coordination of consultants, distribute the information to all consultants so that they can interpret the applicable OBC requirements and provide appropriate seismic design and restraints where required.
8. Become familiar with the types of structural irregularities described in OBC Table 4.1.8.6., and when applicable, consider the architectural form and interior spaces in relation to the structural irregularities.

References

Practice Tip PT.03 – Building Code Data Matrix

2024 Building Code, Part 4 – Structural Design

2024 Building Code, Part 9 – Housing and Small Buildings

NBCC Seismic Hazard Tool

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