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# Practice Review Program

## Executive Summary

An integral part of the OAA's mandate to govern the architecture profession in the public interest, the Practice Review Program furthers the goal of quality assurance whenever architectural services are offered to the public.

These reviews are designed to proactively assess the practice management capabilities of a holder of Certificate of Practice and to identify any deficiencies that, if neglected, could adversely affect quality of architectural services.

Remedial in nature, the Practice Review Program provides personalized guidance aimed at helping members correct deficiencies with their practice management systems in order to avoid serious non-compliance, competence, or misconduct issues.

### **Mandatory Requirement**

The OAA Practice Review Program is legislated under Section 52 of Regulation 27. All Certificate of Practice holders in Ontario are required to complete the program's online questionnaire at least once in a 10-year cycle or as required by the Statutory Committees of the OAA. The questionnaire is similar to an audit. It serves as the basis of the program and must be completed by an OAA licensed member, usually the individual responsible for personally supervising and directing the practice as recorded in the OAA's records. If the practice wishes to assign completion of the questionnaire to a different individual, they must contact the Manager, Practice Advisory Services, setting out the rationale and obtain pre-approval.

Receiving and implementing guidance on practice management may assist with:

- identifying efficiencies in the practice;
- finding improvements to client communication and service;
- reducing or preventing client complaints and negligence claims; and
- sustaining interest in and enjoyment of the practice.

### **Types of Review**

Reflecting the OAA's emphasis on quality assurance in service of the public interest, the Practice Review Program is proactive and preventive; it is designed to support the goals of architects to be efficient, effective, and competent. It includes three types of review: Random, Entry to Practice, and Focused. The process for each is the same—the only difference lies in the method of selection. **Once selected for the Practice Review Program, your participation is mandatory.**

#### Random Practice Reviews

Each year, OAA staff will pull a random list from the Association's practice database, representing about 10% of the total number of practices in Ontario. Upon notification by the OAA, a Certificate of Practice holder will be required to participate and complete the Practice Review Program once in each 10-year cycle.

Note: There is an exception—under Section 52 (7) of Regulation 27 under the *Architects Act*, holders of a Certificate of Practice who also have a General Certificate of Authorization are exempt from completing the questionnaire. This is unless the Joint Practice Board, as noted in Section 52 (5), recommends such consultation.

#### Entry To Practice Reviews

Holders of a Certificate of Practice that is classified as a “new practice” shall be required to complete the Practice Review Program within the first 12 months from the date of the Certificate’s issuance. Generally, the practice will be contacted near the end of the 12 months in order to allow the practice to become established.

For the purposes of the Practice Review Program, the following determines the definition of a new practice:

- when a Certificate of Practice holder is a first-time applicant;
- when a practice in which the principal was part of a Sole Corporation becomes a Sole Proprietor; and
- when an existing architectural practice outside of Ontario opens a practice within the province (i.e. the Ontario office is considered a new practice).

Note: A practice in which one or more principal(s) have previously held a Certificate of Practice for five or more consecutive years shall not be considered a new practice.

#### Focused Practice Reviews

Some reviews may arise at the direction of the OAA Complaints, Discipline, or Registration Committees. Certificate of Practice holders experiencing difficulties in relation to their knowledge, skill, judgment, records, systems, office procedures, or attention to the interests of clients, may be referred to the Practice Review Program via a decision and order of the above-noted Statutory Committees.

## The Process

The Practice Review program is administered and coordinated by the OAA's Practice Advisory Services staff team, while the assessment and reporting is completed by the Practice Resource Committee. OAA Council has delegated the responsibilities of the Practice Review Program to the OAA's Practice Resource Committee, which acts in the former's capacity (Section 52 of the Regulations under the *Architects Act*).

Committee reviewers and Practice Advisors are knowledgeable members who can provide practitioners with the benefit of their experience and training.

The Practice Review Program comprises several stages:

1. The Certificate of Practice holder completes the online questionnaire audit.
2. OAA staff and the Practice Resource Committee review and analyze the questionnaire results.
3. If practice deficiencies are identified, a follow up is conducted to address risk areas and discuss strategies for remediation.

Within the context of the Practice Review Program, cooperation by the holder or member may include:

- permitting a practice reviewer to enter, inspect, and view any office from which the holder or member carries on the practice of architecture;
- answering the practice reviewer's questions;
- providing the practice reviewer with any records (other than financial) or information they may request; and
- permitting the practice reviewer to examine the books, records, accounts, and files (other than financial) required to be kept by the holder (O. Reg. 91/93, s. 8).

The additional responsibilities of the Practice Resource Committee include:

- reporting annually to the Council on the administration and operation of the practice review program;
- making recommendations to holders or members relating to their practice of architecture, including their record-keeping; and
- monitoring the implementation of all recommendations to holders and members by means of subsequent practice reviews (O. Reg. 91/93, s. 8).

Each year, OAA staff will pull a random list from the OAA practice database, representing about 10% of the total number of practices in Ontario. This list is submitted to the Practice Resource Committee before the start of each year for review and approval. The process generally occurs once the Certificate of Practice annual renewal process has been completed (i.e. June/July).

Upon approval of the list of practices, a practice will be notified it must complete the mandatory Practice Review Program questionnaire by the designated date assigned. Approximately 20 practices are contacted each month.

Areas of review include:

- marketing and promotion;
- client agreements/contracts;
- consultant agreements/contracts;
- accounting and bookkeeping issues;
- records and files;
- personal supervision and direction, and quality assurance;
- legal issues; and
- project management and delivery of services.

### **Exemptions**

Notwithstanding the Practice Review Program's mandatory nature, the OAA Manager, Practice Advisory Services has the discretion to exempt or otherwise accommodate a practice's participation in certain circumstances. For example, exemptions may be granted where the holder has expressed intention, in writing, to surrender the Certificate of Practice within six months. If the Certificate of Practice is not surrendered within that period, the practice will be automatically required to complete the program.

Any accommodations are based on the identification of extenuating circumstances. Extenuating circumstance will be considered having regard to the OAA's duty to accommodate in accordance with the Human Rights Code, R.S.O. 1990, c. H.19 Code.

If a practice has been selected for review, it will be notified via its email address of record, on file with the OAA. Upon receipt, practices have 30 calendar days to complete the Practice Review Program questionnaire.

### **Outcomes**

Possible outcomes of a review include:

- closing the file;
- followup activities;
- followup review; and
- referral for regulatory action.

Following the questionnaire submission, the Committee and OAA Practice Advisors complete an assessment of the results. Should areas of risk or concern be identified, recommendations will be prepared inclusive of appropriate remedies.

An OAA Practice Advisor will contact the practice to discuss the results of the assessment. They will examine recommendations for improvements and enhancements to current practice management systems and also reinforce where action is required to ensure compliance with the required standards of practice. (See Sections 43, 47, 49, and 50 of R.R.O. 1990, Reg. 27: GENERAL.) Risk areas and strategies for remediation will be discussed. In an effort to assist with prompt remediation of risk areas, matters requiring action will be directed to relevant resources.

A practice must provide written confirmation to the OAA Practice Advisor that it has received and reviewed the recommendations and will implement those recommendations. The OAA Practice Advisor will provide the practice with a date to complete the remedial activities.

In some cases, depending on the nature and number of recommendations made, a follow-up review with an OAA Practice Advisor may be required. In that case, the practice will be provided with any initial documentation, and a follow-up review will be scheduled. This is largely, but not exclusively, designed to assess the implementation of the recommendations arising from the initial assessment, while providing the practice with additional feedback and support.

A failure to meet the required standards of practice as set out in the Regulations under the *Architect Act* may result in any of the following actions being taken:

- the scheduling of additional reviews;
- referral for regulatory action as required under Section 49(3) of the regulations under the *Architects Act*.

A failure to participate in mandatory Practice Review Program may result in referral for regulatory action as required under Section 49(3) of the Regulations under the *Architects Act*.

### **Recordkeeping**

The OAA will retain the questionnaire results in digital form for 10 years, or until 30 days after the completion of a subsequent questionnaire. Review records and files of a practice referred for regulatory action will be forwarded to the Office of the Registrar.

Anonymous results of the completed Practice Review Program will be retained for aggregate statistical analysis.

All information collected by the OAA through the required administration of Practice Review Program will be kept confidential in accordance with Section 43 of the *Architects Act*.

## List of Resources

### Webpage specific to Practice Review Program (Under Practice Advisory Services)

[Practice Review Program](#)

### OAA Official Documents

Acquired **specific** knowledge:

The *Architects Act*, R.S.O. 1990, c.A.26  
<https://www.ontario.ca/laws/statute/90a26>

Ontario Regulation 27, R.R.O. 1990, Reg. 27  
<https://www.ontario.ca/laws/regulation/900027>

[Bylaws of the Ontario Association of Architects](#)

[Ontario Association of Architects Standard Form of Contract for Architect's Services OAA 600-2021 A](#)

[Ontario Association of Architects Standard Short Form of Contract for Architect's Services OAA 800-2021 A](#)

[Ontario Association of Architects Standard Form of Subcontract Between Architect and Subconsultant OAA 900-2021 A](#)

Acquired **general** knowledge:

1. OAA [Regulatory Notices](#)
2. OAA [Practice Tips](#)

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Acquired **general** knowledge of *Ontario Building Code Act* 1992, 1992, S.O. 1992, c. 23 and the Building Code, O. Reg 332/12, as well as provincial statutes, regulations, and codes applicable to the design, construction, enlargement, or alteration of buildings, such as but not limited to:

- *Construction Act*, R.S.O. 1990, c .C. 30;
- *Planning Act*, R.S.O. 1990, c. P.13;
- *Occupational Health & Safety Act*, R.S.O. 1990, c. O.1;
- *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4 and the *Ontario Fire Code*, O. Reg 213/07;
- *Health Protection & Promotion Act*, R.S.O. 1990, Chapter H.7;
- *Ontario New Home Warranties Plan Act*, R.S.O. 1990, Chapter O.31; and
- Technical Standards and Safety Act, 2000, S.O. 2000, c. 16.

Note: All provincial statutes, regulations, and codes are as amended. They can be downloaded at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) or purchased through the **Ontario Government Bookstore** or **ServiceOntario** at [www.publications.gov.on.ca](http://www.publications.gov.on.ca)

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