

**IN THE MATTER OF** the *Architects Act*, R.S.O.  
1990, c. A.26

**AND IN THE MATTER OF** the *Statutory Powers  
Procedure Act*, R.S.O. 1990, c. S.22

**AND IN THE MATTER OF** a proceeding before  
the Registration Committee of the Ontario  
Association of Architects pursuant to Section 25  
of the *Architects Act* to hear the proposal of the  
Registrar of the Association to refuse a license to  
**Jeremiah Gammond** as set out in the Notice of  
Hearing dated July 10<sup>th</sup>, 2023.

J. William Birdsell, Councillor (Chair) )

)

Jenny Lafrance, Councillor and Member )

TUESDAY THE 30<sup>TH</sup> DAY OF  
APRIL, 2024

)

Julius Horvath, Member )

Grant Worden, Counsel to the Tribunal

Jeremiah Gammond

Rebecca Durcan and Erin MacQuarrie,  
Counsel to the Association

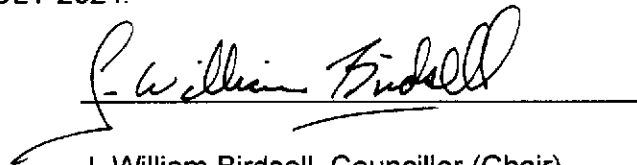
**DECISION AND ORDER OF THE REGISTRATION COMMITTEE**

This matter coming on for hearing before the Registration Committee on this date via videoconference hosted by Arbitration Place, in which the Registrar served a Notice of Proposal, dated June 9, 2023 to refuse to issue a Licence or Certificate of Practice to Jeremiah Gammond.

In the presence of the Registrar of the Association and Jeremiah Gammond, and hearing the evidence adduced:

**THE REGISTRATION COMMITTEE** having duly considered all the information placed before it with respect to the Applicants' applications for a Licence and Certificate of Practice **HEREWITH DIRECTS** the Registrar to issue a licence to the Applicant.

DATED AT TORONTO THIS 4<sup>th</sup> DAY OF JULY 2024.

A handwritten signature in black ink, reading "J. William Birdsell", is written over a horizontal line. The signature is cursive and includes a long horizontal stroke at the end.

J. William Birdsell, Councillor (Chair)

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Jenny Lafrance, Councillor and Member

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Julius Horvath, Member

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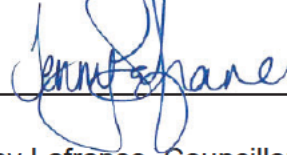
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Jenny Lafrance, Councillor and Member

Julius Horvath Architect Inc.

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Horvath Architect Inc., CN=Julius Horvath Architect Inc.  
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Julius Horvath, Member

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TUESDAY THE 30<sup>TH</sup> DAY OF  
APRIL, 2024

Grant Worden, Counsel to the Tribunal

Jeremiah Gammond

Rebecca Durcan and Erin MacQuarrie,  
Counsel to the Association

## **REASONS FOR THE DECISION AND ORDER OF THE REGISTRATION COMMITTEE**

The Registration Committee of the Ontario Association of Architects (the “OAA”) met on this date via videoconference hosted by Arbitration Place, for the purpose of hearing the proposal of the Registrar of the Association to refuse to issue a licence to Jeremiah Gammond (the “Applicant”). At the commencement of the hearing, the Applicant confirmed that he was self-represented and wished to proceed without legal counsel.

### **FACTS**

The parties submitted into evidence an Agreed Statement of Facts dated September 26, 2023 (ASOF) which provided that the facts set out therein may be accepted as true by the Committee. The background facts set out in these Reasons for Decision reproduce and/or summarize relevant facts from the ASOF, supplemented by additional evidence introduced at the hearing.

Temporally, this application arises in the context of the Committee considering applications for licensing exemptions from other former Licensed Technologists OAA. As described in greater detail below, the Applicant was educated and trained in architectural technology in Ontario and provided related services. In addition, he obtained a Licensed Technologist OAA designation from the OAA in June 2009 and a certificate of practice in 2013 and held these designations until May 10, 2023, when his licence and certificate of practice were subsequently voided upon the dissolution of the OAA’s former Licensed Technologist OAA Program. However, as the Applicant explained at the outset of his evidence, the voiding of his Licensed Technologist OAA designation in 2023 is not germane to his application for

licensing exemptions which began in May 2022 with his request to the OAA Council seeking exemption from all statutory academic and experience requirements for licensure as an architect except for the requirement to have completed the admission course offered by the OAA. We therefore do not address the facts relating to the OAA's Former Licensed Technologist OAA Program and its dissolution here, and instead reproduce them in **Schedule "A"** to these reasons for completeness.

### **The Applicant's Application for a Licence**

In May 2022, the Applicant submitted a request to the OAA Council seeking exemption from all statutory academic and experience requirements for licensure as an architect except for the requirement to have completed the admission course offered by the OAA. The OAA Experience Requirements Committee ("ERC") reviewed the relevant portion of the request, conducted an assessment interview with the Applicant and in December 2022 recommended to the OAA Counsel that the Applicant be exempted from the experience requirements set out in the *Regulation*. On January 19, 2023, the OAA Council decided to exempt the Applicant from the experience requirements as recommended by the ERC, but not the academic or examination requirements.<sup>1</sup>

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<sup>1</sup> ASOF, paragraphs 6-8 and Tab J.

On or about May 25, 2023, the Registrar of the OAA (the “Registrar”) received an application<sup>2</sup> from the Applicant to be licensed as an Architect under section 13 of the *Act*. The Applicant submitted a revised application<sup>3</sup> on or about June 6, 2023, which corrected minor errors in the first application but otherwise included the same information.

The application demonstrates that the Applicant was educated and trained in architectural technology in Ontario. Among other things he:

- a) graduated from the 3-year Architectural Technology Program at Confederation College in 2001;
- b) attended the Certified Passive House Designer Course in 2013;
- c) attended the Royal Architectural Institute of Canada (“RAIC”) Syllabus (Professional Diploma in Architecture) Program from 2002 to 2013; was certified with the Ontario Association of Certified Engineering Technicians and Technologists (“OACETT”) as an A.Sc.T. in 2008;
- d) was accepted as a qualified candidate by the Ontario Association for Applied Architectural Sciences (“OAAAS”) Admissions Committee on April 22, 2009;
- e) attended the OAA Admission Course in May 2009;
- f) passed the following examinations:
  - a. Licensed Technologist OAA Examination in June 2009;
  - b. OACETT Professional Practice Exam in 2007;
  - c. Certified Passive House Designer Exam in 2013;

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<sup>2</sup> ASOF, paragraph 2.

<sup>3</sup> ASOF, paragraph 2.

- d. Council for Interior Design Qualification (CIDQ) Exams, including Fundamentals (IDFX), Professional (IDPX), and Practicum (PRAC) in 2019;
- e. Ministry of Municipal Affairs and Housing BCIN Exams: Designer Legal (2008), Designer Small Buildings (2009), and Designer Large Buildings (2023);
- g) has been registered with the Association of Registered Interior Designers of Ontario (“ARIDO”) since 2019;
- h) was on the OAA Council (and was the first Licensed Technologist OAA on the OAA Council) from 2018 to 2020;
- i) was a member of the following OAA Council committees/groups:
  - a. Practice Committee (2014-2016)
  - b. Communications Committee (2018-2020)
  - c. Registration Committee (2021)
  - d. SCOBCAR (2018-2019)
  - e. OAA Trustee (2018-2020)
  - f. OAAAS (as member/President: 2011-2017; as Council liaison 2018-2020);
- j) was a member of the Canadian Passive House Institute from 2013-2018;
- k) has been a member of the Northwestern Ontario Society of Architects since 2010;
- l) worked as a Draftsperson at [REDACTED] from 1996 to 1999;
- m) worked as Part-time Instructor in Interior Design for the Confederation College’s Architectural Technology Program from 2011 to 2012;
- n) worked as Senior architectural Technologist at [REDACTED] from 2000 to 2013;



- o) worked as Owner and Senior Architectural Technologist at Gammond Architectural Technology from 2013 to 2017;
- p) has worked as President/Architectural Technologist at Approach Design Inc. since 2018;
- q) completed and logged with the OAA more than 200 hours of structured and unstructured learning in compliance with the OAA's mandatory continuing education program; and
- r) logged 9,763 hours in a Canadian Experience Record book that were signed by a personally supervising and directing architect and a mentor architect; ~965 hours were submitted to the OAA as a part of the Internship in Architecture program; logbook completed for purposed of the RAIC program.<sup>4</sup>

The application also demonstrates that while a member of the OAA the Applicant was subject to the same rules of conduct and code of ethics as any member and that he was not subject to any complaints or discipline hearings.<sup>5</sup>

On or about May 26, 2023, the Registrar proposed to refuse the Applicant's application for a licence pursuant to section 25(1)(a) of the *Act*.<sup>6</sup> As explained in the Registrar's Notice of Proposal and Reasons for Decision,<sup>7</sup> the Registrar determined that the Applicant had completed the Admission Course offered by the OAA, and had received a Council exemption from the experience requirements but the Registrar determined that he had not satisfied:

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<sup>4</sup> ASOF, paragraph 1.

<sup>5</sup> ASOF, paragraphs 18-19.

<sup>6</sup> ASOF, paragraph 4.

<sup>7</sup> ASOF, Tab H.

- a) the academic requirements, namely:
  - a. completing a degree in architecture from a post-secondary institution, or completing the Royal Architecture Institute Syllabus; or
  - b. receiving a Certificate of Certification issued by the Canadian Architectural Certification Board;
- b) the examination requirements by completing one of the following:
  - a. the Examination for Architects in Canada published by the OAA;
  - b. the Architect Registration Examination of the National Council of Architectural Certification Boards; or
  - c. any combination of the components of the Examination for Architects in Canada published by the OAA and of the Architect Registration Examination of the National Council of Architectural Registration Boards that, considered as a whole, is considered equivalent to one of those examinations, as approved by the Council.<sup>8</sup>

### **Additional Evidence Adduced at the Hearing**

In addition to the information in the ASOF, the Committee heard evidence at the hearing from the Applicant and from three colleagues, [REDACTED], [REDACTED] and [REDACTED].

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<sup>8</sup> ASOF, paragraph 4.

The applicant testified about the course work and examinations he has completed as summarized above. He also described and presented drawings of work in relation to the following, among other projects:

- an addition to [REDACTED],<sup>9</sup>
- a new barrier-free entrance to the [REDACTED] at the Confederation College in Thunder Bay<sup>10</sup> and
- an addition to a single-story office building for [REDACTED], among other projects.

The Applicant also presented fourteen supportive letters from colleagues with whom he had worked including six architects. Among those architects were [REDACTED] with whom he worked on the [REDACTED], [REDACTED] with whom he worked on several projects including the [REDACTED] and [REDACTED] expansion, and [REDACTED] with whom he worked on a waterfront redevelopment project, [REDACTED]. All three testified without hesitation that they believe the Applicant has the required qualifications to practice architecture with the competence and integrity at the level of an architect.

[REDACTED] described the Applicant as “technically strong” and noted that his millwork drawings are some of the best he has seen. He testified that the Applicant could have completed [REDACTED] project on his own. [REDACTED] similarly noted in his

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<sup>9</sup> Exhibit 3.

<sup>10</sup> Exhibit 4.

<sup>11</sup> Exhibit 5.

testimony and letter of support that the Applicant “has the technical, design and management skills to practice as an architect.” [REDACTED] noted both in her testimony and letter of support that the Applicant “has demonstrated his ability to practice architecture as competently as any other architect I have worked with.”

The Applicant also reviewed a Competency Self-Assessment he prepared which was broken into twelve categories mirroring the Regulatory Organizations of Architecture in Canada’s Canadian Standard of Competency for Architects. For each category, the Applicant provided a narrative description of how he has developed the required competency, including direct evidence in the form of work he has completed and indirect evidence, primarily through academic training. For each competency he also included snapshots of documents and/or drawings he has created to help demonstrate how he has incorporated each competency into his experience. The Applicant also drew a comparison to the AIBC’s Broadly Experienced Applicant program, noting that he has more directly relevant experience (25 years, as compared to 15), has provided more reference letters (6, as compared to 2) and has completed the examination equivalent in the form of the self-assessment described above and the interview with the ERC.

While the Applicant noted that he was seeking full licensure as an architect rather than a licence with conditions he also briefly touched on potential alternatives, *e.g.*, a licence with terms, conditions or limitations on its scope, or a condition that he complete certain examinations, *e.g.*, the ExAc., making it clear that he viewed these alternatives as being unnecessary given his breadth and depth of experience.

Finally, the Applicant noted that while he has completed approximately two thirds of the RAIC syllabus, he feels that he does not need to finish his studies as his level of experience after 25 years of practice makes many of the courses redundant, e.g., technology courses such as acoustics and lighting and project and practice management courses.

## **THE PARTIES' SUBMISSIONS**

The Committee heard submissions from counsel for the Registrar on the scope of the Committee's exemption powers, and from the Applicant as to why the Committee should exercise its discretion to exempt him from the academic and examination licensing requirements.

### **The Association's Submissions**

At the outset of her submissions, counsel for the Association described the provisions of the *Act* that set out the academic, experience and examination requirements for a person to be licenced as an architect and a corporation to be issued a certificate of practice. She noted that section 25(8) of the *Act* provides that the Committee may exempt any of the licensing requirements set out in the *Act* and *Regulation* if it concludes that it is appropriate to do so. She further noted that if the Committee finds it appropriate to exempt the required academic and examination requirements it may require the Applicant to complete an appropriate examination, take additional training, or direct the Registrar to issue terms, conditions, or limitations on his licence. While the counsel for the Registrar acknowledged that the Committee may also issue a licence without terms, conditions, or limitations, to do so it must determine what alternative route would satisfy the purpose and intent of the academic

and examination requirements and conclude that the Applicant has demonstrated the requisite competency to safely practice architecture.

Counsel for the Association reviewed two decisions of the Health Professions Appeal and Review Board<sup>12</sup> which speak to the ability of registration committees to exempt licensing requirements, and the factors committees should consider in exercising their exemption powers. She noted that while the cases were neither factually similar to the Applicant's circumstances nor binding on the panel, they offered principles articulated by other registration committees which the Committee might find useful. First, Counsel for the Association observed that the onus is always on an applicant to meet the registration requirements and does not rest with the regulator to prove they do not. Second, she submitted that in granting a license, the relevant regulator is verifying to the public that the individual has demonstrated that they meet the standards of the profession as set by the college.<sup>13</sup> Counsel for the Association submitted that exemptions can and should be granted – and there are no requirements that have been flagged in the *Act* or *Regulation* as non-exemptible – but only if they are appropriate. Third, Counsel for the Association noted that exemptions are warranted where an applicant meets the spirit of a registration requirement though not the specific requirement itself.<sup>14</sup> She submitted that to grant an exemption the Committee will need some evidence that the intent, the pith and substance of the legislative and regulatory requirements have been met, albeit in an alternative way.

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<sup>12</sup> *Keen v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2021 CanLII 108446 (ON HPARB); *CLC v College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario*, 2019 CanLII 24916 (ON HPARB)

<sup>13</sup> *Keen*, para. 49. See also *CLC*, paras. 26-27, 52.

<sup>14</sup> *Keen*, para. 56.

Counsel for the Association also briefly reviewed two previous decisions of the Committee which she noted are not binding on this panel. In one, a Decision and Order dated November 2, 2023, the Committee concluded that it was not prepared to exempt the relevant licensing requirements based on the information the applicant had proffered and the Committee's interpretation of section 25(8) of the *Act*.<sup>15</sup> In another, a Decision and Order dated February 29, 2024, the Committee determined that section 25(8) of the *Act* permitted it to grant an exemption and order with terms, conditions or limitations and decided that the Applicants had met the spirit and intention of the educational and training requirements. The Committee in that case exercised its power to grant an exemption and order with terms, conditions and limitations that were substantially similar to the terms, conditions, and limitations under the Licensed Technologist OAA Licence.<sup>16</sup> The Committee directed the Registrar to identify a title that satisfactorily communicated to the public the limitation that the Registration Committee was imposing on these licences.

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<sup>15</sup> Decision and Order of the Registration Committee and Reasons for Decision dated November 2, 2023 (redacted)

<sup>16</sup> Decision and Order of the Registration Committee and Reasons for Decision dated February 29, 2024 (redacted)

## **The Applicant's Submissions**

The Applicant submitted that under section 25 of the *Act* the question for the committee is whether he will practice architecture with competence and integrity. He noted there is no requirement that he demonstrate one-for-one equivalency of any of the regulatory requirements, nor is there any requirement that an applicant demonstrate exceptional circumstances that would warrant the Committee to exercise its exemption powers. In the Applicant's submission, the relevant question simply is whether he has the qualifications, knowledge, and experience to practice architecture competently at the standard of a newly licenced architect. How he has developed those qualifications is not of significant importance.

The Applicant acknowledged that he does not meet the academic and examination requirements for licensure and submitted that it would be appropriate for the Committee to exempt him from these requirements because the totality of his education, experience, examinations, and professional service have allowed him to develop the standard of competencies expected of an architect.

As to the educational requirement, the Applicant submitted that he does not have any academic "gaps," and that if he did, any such perceived gaps would be covered by his quarter century of professional experience, and having substantially completed the RAIC syllabus program. In the Applicant's submission his three-year advanced level diploma plus 10 years of completing the RAIC syllabus is roughly equivalent to a four-year undergraduate degree in architecture. Additionally, he noted that he has completed and logged with the OAA more than two hundred hours of continuing education directly relevant to the practice



of architecture, and completed typically by architects, not interns. As he stated in his closing submissions “my experience is comprehensive, extensive, and directly relevant to becoming an architect. It is not simply the experience of a good technologist. My experience alone, I believe, is enough to warrant exemptions from all remaining requirements. Couple that with my actual academic background, which is substantially similar to a degree in architecture.”

As to the examination requirement, the Applicant submitted that the required examinations are an opportunity for an intern to demonstrate that they are ready to enter professional practice. In his case, the Applicant was a professional, having held a licence for 13 years before the dissolution of the Licensed Technologist OAA designation. In addition, although equivalency is not required, the Applicant submitted that he has demonstrated equivalency by completing: the OACETT professional practice exams; three Ministry of Municipal Affairs and Housing building code exams (designer legal, small buildings and large buildings); a training course and examination on passive house building; the NCIDQ examinations for interior design; and the OAA technology program examination, the content of which the Applicant submits is “more or less identical” to the ExAc. The Applicant submits that completing the ExAc, for example, will not demonstrate anything that he has not already demonstrated through his body of work and the ERC assessment interview.

## ANALYSIS

Having carefully considered the Applicant's evidence, including his testimony, the testimony of [REDACTED], [REDACTED] and [REDACTED], the ASOF, and the project drawings and references filed by the Applicant, and the parties' submissions, the Committee is satisfied that the Applicant has demonstrated that he has the qualifications, knowledge and experience to practice architecture competently and should be exempted from the academic and examination licensing requirements. The Committee directs the Registrar to issue a license to the Applicant.

It is evident from the testimony of the Architects that have collaborated with the Applicant that they hold him and his abilities in high regard. He has collaborated with many accomplished architects and architectural firms and some of this work has been honoured with awards and recognized by his peers. Based on his testimony and that of [REDACTED], [REDACTED], and [REDACTED], it seems probable that the Applicant is already taking a senior role in obtaining commissions, speaking with clients, preparing the architectural designs and construction documents, and providing administration of and field general review over the execution of the built work. [REDACTED] have confirmed when questioned by counsel that the Applicant performed this work under their direct supervision.

The Committee notes that the three-step path to licensure usually takes place over approximately a decade, and that when most people attain licensure they are early in their work life career. The tests for licensure are at that stage of practice with a minimum of three years of work experience, therefore the Committee must consider whether the Applicant has demonstrated the knowledge and experience of an average intern. In our view he has

demonstrated substantially more knowledge and experience through his testimony, drawings, and references.

With respect to the educational requirement, while the Applicant has not completed a degree in architecture from a post-secondary institution or the Royal Architecture Institute Syllabus, or received a Certificate of Certification issued by the Canadian Architectural Certification Board he has:

- been educated and trained in architectural technology and architecture in Ontario;
- graduated from the 3-year Architectural Technology Program at Confederation College in 2001;
- been a part-time Instructor in Interior Design for the Confederation College's Architectural Technology Program from 2011 to 2012;
- attended the Certified Passive House Designer Course in 2013;
- attended the RAIC Syllabus (Professional Diploma in Architecture) Program from 2002 to 2013;
- has been registered with the Association of Registered Interior Designers of Ontario (“ARIDO”) since 2019.

The Committee also notes that the Applicant successfully completed the required interior design education which requires completion of a CIDA accredited Bachelor of Interior Design (in the Applicant’s case, this requirement was either waived or his design education deemed equivalent to a bachelor’s degree). In addition, the Applicant has demonstrated an ongoing interest and passion in pursuing design education through his readings and art, as

well as an ongoing commitment to continuing education through the OAA Continuing Education program.

The Applicant's education "gap" precluded him from entering the Internship in Architecture Program and writing the ExAc. However, to our understanding, the principal difference between the experiences attained at a University School of Architecture and an Architectural Technology Ontario College Advanced Diploma is the breadth of teaching related to architectural design. The level of design work the Applicant provided to the committee is clearly at an advanced architectural performance level. The Committee was particularly impressed by the evidence of [REDACTED] and reference letters from others which demonstrate the elevated level at which the Applicant has practiced as well as his commitment to the field of architecture over the past 25 years. In addition, there is no evidence of any complaints or disciplinary issues.

The Committee finds that the Applicant has attained the equivalency of the minimum education requirements through his continued and ongoing work. Under his previous Certificate of Practice all types of use under the Ontario *Building Code* were permitted except assembly occupancy. The scale of the work he was permitted to perform was reduced but not the scope. The scope of the projects he has performed with other architects has given him the experience and confidence to obtain, design and execute work.

As a result, the Committee is of the view that it is appropriate in this circumstance to exempt the Applicant from the requirement that he complete a degree in architecture from a post-secondary institution or the Royal Architecture Institute Syllabus or obtain a Certificate of Certification issued by the Canadian Architectural Certification Board in order to be licensed.

With respect to the examination requirement, while the Applicant has not completed the Examination for Architects in Canada (ExAc) published by the OAA, the Architect Registration Examination of the National Council of Architectural Certification Boards, or any combination of the components of the Examination for Architects in Canada published by the OAA and of the Architect Registration Examination, he has completed the following:

- the Licensed Technologist OAA examination in June 2009;
- the OACETT Professional Practice Exam in 2007;
- the Certified Passive House Designer Exam in 2013;
- the Council for Interior Design Qualification (CIDQ) Exams, including Fundamentals (IDFX), Professional (IDPX), and Practicum (PRAC) in 2019; and
- the Ministry of Municipal Affairs and Housing BCIN Exams: Designer Legal (2008), Designer Small Buildings (2009), and Designer Large Buildings (2023).

The Committee notes that the ExAc tests, for example, cover the following subject matter:

- Section 1: Programming, site, and environmental analysis, coordinating engineering systems, cost management, schematic design, design development
- Section 2: National Building Code of Canada
- Section 3: Final project, sustainable design literacy
- Section 4: Bidding and contract negotiations, construction phase (office functions), construction phase (field functions), management of the project & business/practice management

The Committee finds that in their totality, the exams the Applicant has completed cover the broad scope of categories set out above. Based on the work submitted he can manage the design functions set out in Section 1 above. The exams he has written, and his demonstrated experience covers the knowledge of the *Building Code* set out in Section 2. We have no doubt he could pass the final project and his commitment to Passive House Certification covers the remainder of Section 3. Given his extensive work in contract administration as supported by the letters of support and testimony by his supporting architects, we are comfortable that he has demonstrated knowledge of Section 4. Over and above these competencies, we feel that he has a strong understanding of the *Act* and the limits of what is permitted within practice and rendering professional services.

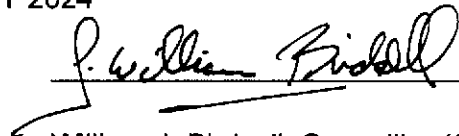
As a result, the Committee is of the view that it is appropriate and in in this circumstance to exempt the Applicant from the requirement that he complete the ExAc, the Architect Registration Examination of the National Council of Architectural Certification Boards, or any combination of the components of the Examination for Architects in Canada published by the OAA and of the Architect Registration Examination in order to be licensed.

The Applicant has demonstrated through his submitted work a strength in design, an advanced experience relating to construction document preparation and construction contract administration. This in combination with his experience running his own firm as a Licensed Technologist OAA for several years provide the Committee with confidence that he will faithfully serve his clients and that the public interest will be served and protected by granting him a licence.

This decision is unique to the Applicant's circumstances and not precedent setting. As other panels of this Committee have noted whether any individual applicant qualifies for exemption from any of the licencing criteria under the *Act* must be determined on a case-by-case basis.

**THE REGISTRATION COMMITTEE** having duly considered all the information placed before it with respect to the Applicants' applications for a Licence and Certificate of Practice **HEREWITH DIRECTS** the Registrar to issue a licence to the Applicant.

DATED AT TORONTO THIS 4<sup>th</sup> DAY OF JULY 2024

  
\_\_\_\_\_  
William J. Birdsell, Councillor (Chair)

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Jenny Lafrance, Councillor and Member

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Julius Horvath, Member

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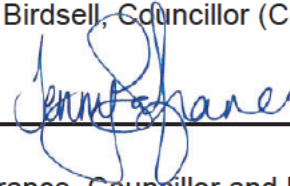
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Julius Horvath Architect Inc.

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Reason: I have reviewed this document.  
Date: 2024.07.04 12:17:05-0400

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Julius Horvath, Member



## Schedule “A”

### The OAA’s Former Licensed Technologist OAA Program

In May 2023, the OAA founded a program for architectural technology college graduates which continued until May 2023. In 2003, the initial iteration of the technology program was created by the OAA in partnership with the Ontario Association of Certified Engineering Technicians and Technologists (the “OACETT”). Between 2003 and 2010, the technology program was administered by the Ontario Association for Applied Architectural Sciences (the “OAAAS”), a not-for-profit organization owned equally by the OAA and the OACETT. In 2011, the OAA assumed full ownership of the OAAAS. In 2022, the OAA brought the technology program in-house and administered it directly until May 2023.<sup>17</sup>

Applicants to the technology program were required to meet education, experience and examination requirements which included tendering documentation about their education, recording their experience hours, completing a qualifying examination, and participating in the OAA's Admission Course. Upon successful completion of the program, applicants received certification and were referred to the OAA's Office of the Registrar to apply for licensure as “Licensed Technologists OAA.”<sup>18</sup>

The Licensed Technologist OAA licensing structure was created by the OAA in 2010 via Council policy.<sup>19</sup> That policy purported to do certain things, including:

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<sup>17</sup> ASOF, paragraphs 9-12.

<sup>18</sup> ASOF, paragraphs 13-14.

<sup>19</sup> ASOF, Tab K.

- a) Authorizing the Registrar to issue licences to Licensed Technologists OAA pursuant to subsection 13(1) of the *Act*;
- b) Exempting Licensed Technologists OAA from the required academic and experience requirements set out in the *General Regulation*, RRO 1990, Reg 27, made under the *Act* (the "*Regulation*");
- c) Specifying terms, conditions, and limitations to be placed on both the licence and certificate of practice of Licensed Technologists OAA, restricting their scope of practice;
- d) Authorizing Licensed Technologists OAA to engage in certain specified acts within the practice of architecture, including to provide, personally supervise and direct architectural services for a building that:
  - a. as constructed, enlarged, or altered, is not more than three storeys in height and not more than 600 square metres in gross area and is used or intended for one or more of the following occupancies: 1. Residential; 2. Business; 3. Personal services; 4. Mercantile; 5. Industrial; or 6. a restaurant designed to accommodate not more than 100 persons consuming food or drink;
  - b. is used or intended for residential occupancy, and contains one dwelling unit or two attached dwelling units, and, as constructed, enlarged, or altered, is not more than four storeys in height;
  - c. is used or intended for residential occupancy, which contains three or more attached dwelling units and as constructed, enlarged, or altered, is not more than four storeys in height and not more than six hundred square metres in building area;
  - d. is excepted by section 11(3) of the *Act*; and

- e) Authorizing Licensed Technologists OAA to apply for a certificate of practice subject to the same terms, conditions, and limitations as the licence and in accordance with the following:
- a. The Licensed Technologist OAA may provide architectural services to the public as a sole proprietor, in a partnership, or through a corporation, providing that the proprietor, partnership, or corporation holds a certificate of practice. The certificate of practice shall be subject to the limitations of the licence.
  - b. The Licensed Technologist OAA shall not directly or indirectly own or control more than 49% of the voting shares and value of all the shares of a corporation, or directly or indirectly hold more than 49% of the voting and financial interest of a partnership, to which a certificate of practice not subject to the terms, limitations, and conditions of this policy has been issued under sections 14 or 15 of the *Act*.<sup>20</sup>

### **Dissolution of the Licensed Technologist OAA Program**

In December 2022, the Association of Architectural Technologists of Ontario (the “AATO”) brought an application to the Ontario Superior Court of Justice for an injunction challenging the OAA’s authority to issue licences and certificates of practice to individuals under the Council policy. In particular, the AATO asserted that the OAA’s authority to issue licences and certificates of practice was limited to the powers set out in the *Act* and *Regulation* and could not be expanded by policy.<sup>21</sup>

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<sup>20</sup> ASOF, paragraph 16.

<sup>21</sup> ASOF, paragraphs 20-21.

On May 10, 2023, the Ontario Superior Court ordered on consent, among other things, that:

- a) the OAA has no lawful authority to issue licences or certificates of practice based on the policy or similar policy not set out in a regulation under the *Act*, including the licences and certificates of practice described as “Licensed Technologist OAA” or “Licensed Architectural Technologist OAA;”
- b) any licences or certificates of practice issued by the OAA based on the policy or similar policy not set out in a regulation under the *Act*, including the licences and certificates of practice described as “Licensed Technologist OAA” or “Licensed Architectural Technologist OAA,” are void *ab initio* and of no force and effect; and
- c) the OAA is prohibited from issuing licences or certificates of practice based on the policy or similar policy not set out in a regulation under the *Act*, including the licences and certificates of practice described as “Licensed Technologist OAA” or “Licensed Architectural Technologist OAA.”<sup>22</sup>

As a result of the above-noted order, the Licensed Technologist OAA designations and certificate of practices held by the Applicants were voided on May 10, 2023.<sup>23</sup>

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<sup>22</sup> ASOF, paragraph 22.

<sup>23</sup> ASOF, paragraph 23.