IN THE MATTER OF the *Architects Act*, R.S.O. 1990 c. A.26, as amended ("the Act"), and Ontario Regulation 27 under the Act, as amended, ("the Regulation");

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 Discipline Committee of the Ontario Association of Architects pursuant to Sections 34 and 35 of the Architects Act to hear and determine allegations of professional misconduct against
Linus Saplys, Architect

J. William Birdsell, Member (Chair)	)	
Vincent Alcaide, Member	)	THURSDAY, THE 26th DAY OF FEBRUARY, 2026
	)	
Michelle Longlade, Lieutenant Governor Appointee	)	

Jonathan Silver, Counsel to the Committee

Barbra Miller, Counsel to the Association

Marshall Swadron and Sarah Latimer,
Counsel to the Architect

AMENDED REASONS FOR THE DECISION AND ORDER OF THE DISCIPLINE COMMITTEE

1. The Discipline Committee of the Ontario Association of Architects (the "**Association**") met on February 26, 2026, to hear and determine allegations of professional misconduct against Linus Saplys, Architect.

2. For the reasons that follow, the Committee accepts Mr. Saplys' guilty plea to the charges of misconduct and the parties' joint submission as to penalty. The Committee therefore suspends Mr. Saplys' licence for 6 weeks and orders that he pay $10,000 in costs to the Association. These Reasons and the Order for Decision shall be published, including the name of the Architect.

3. At the request of the parties, the Committee issued its order on February 27 with reasons to follow so that Mr. Saplys could being serving his suspension. These are the Committee's reasons for decision.

BACKGROUND

4. This matter proceeded based on an agreed statement of facts between the parties. No witnesses or evidence were called.

The Architect and his Discipline History

5. Mr. Saplys is a 72-year-old architect. He graduated in 1979 from the University of Toronto Faculty of Architecture and, in 1983, was initially licensed by the Association. After resigning from the Association in 1989, Mr. Saplys applied for reinstatement in 2008. Upon meeting certain conditions, the Association reinstated his licence.[1]

6. This Committee has twice found Mr. Saplys guilty of several counts of professional misconduct – first in 1986 and then again in 2018 and 2019.

7. ***First Misconduct Findings.*** In 1986, the Discipline Committee found that Mr. Saplys had committed two counts of professional misconduct for events occurring in 1984. The Committee held that Mr. Saplys had provided services through an entity – Saplys Consultants Inc. – that was not a member of the Association or a holder of a temporary

[1] Agreed Statement of Facts (ASF), paras. 4-6

licence. The Committee also found that Mr. Saplys' had not carried out architectural services with reasonable skill and judgment.[2]

8. As a penalty, the Discipline Committee suspended Mr. Sapyls' license, required that he not practice architecture on his own for 12 months, and ordered costs in favour of the Association. The Committee also ordered that the reasons and order of the Committee be published, with Mr. Saplys' name. After Mr. Saplys filed an appeal of the penalty to the Divisional Court, the Committee rescinded the license suspension.[3]

9. ***Second Misconduct Finding.*** In 2018 and 2019, the Discipline Committee found that Mr. Saplys had committed four counts of professional misconduct.

10. From 2006 to 2010, Mr. Saplys worked as an independent contractor at Chamberlain Architectural Services Limited ("**CASL**"). After Mr. Saplys was terminated by CASL, he continued to work for some of the same clients but did not notify CASL he was doing so.

11. The Discipline Committee found Mr. Saplys guilty of failing to comply with the formal notice requirements upon assuming a project from a prior architect.[4] The Committee also found Mr. Saplys guilty of providing architectural services in 2012 and 2013 through an entity ("**Architecture Planning Initiatives**" or "**API**") that did not hold a certificate of practice.

12. Mr. Saplys appealed the Committee's decision to the Divisional Court, and he was partially successful. The Court remitted the matter to the Discipline Committee, which concluded that the designs Mr. Saplys provided in 2012 and 2013 had caused API to engage in the practice of architecture without a certificate.[5] Those findings were upheld on a second appeal to the Divisional Court.[6]

13. As a penalty, the Discipline Committee imposed a six-month suspension and an order of costs. The Committee also ordered that the reasons and order of the Committee be published, with Mr. Saplys' name.[7]

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[2] Reasons for Decision and Order of the Discipline Committee, December 16, 1986
[3] Reasons for Decision and Order of the Discipline Committee, December 16, 1986
[4] Reasons for Decision and Order of the Discipline Committee, December 7, 2017; Reasons for Decision and Order of the Discipline Committee, April 19, 2018
[5] *Saplys v. Ontario Association of Architects*, 2019 ONSC 1679 (Div. Ct.)
[6] *Saplys v. Ontario Association of Architects*, 2021 ONSC 2784 (Div. Ct.)
[7] Reasons for Decision and Order of the Discipline Committee, April 19, 2018

Latest Allegations of Professional Misconduct

14. In July 2022, the Association served a Notice of Hearing on Mr. Saplys alleging nine counts of professional misconduct. In advance of the hearing, Mr. Saplys indicated his intention to plead guilty to three of the counts, and the Association withdrew the balance of the allegations.

15. The three remaining counts in the Notice of Hearing allege that Mr. Saplys committed the following acts of professional misconduct:[8]

    a. During the year 2011 he engaged in the practice of architecture with respect to the design and construction of a hotel, Homewood Suites, to be located in the borough of St. Laurent in Montreal, Quebec (the "**Project**"), through "Architecture Planning Initiatives", which does not hold a certificate of practice, contrary to Section 42(1) of the Regulation and contrary to Section 11 of the *Act*.

    b. During the year 2011 he claimed to be an architect in the Province of Quebec with respect to the Project, contrary to section 14 the Quebec *Architects Act*, regulations related thereto, Section 32 of the Quebec Professional Code and Section 42(3) the Regulation.

    c. During the year 2011 he permitted, counselled, assisted, aided or abetted a 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, in respect of the Project, contrary to Section 42(5) of the *Act*.

16. Like the allegations of professional misconduct at issue in the second discipline hearing, these allegations concern Mr. Saplys' work at API.

FINDINGS

17. At the commencement of the hearing, Mr. Saplys pleaded guilty to the three counts remaining in the Notice of Hearing. Based on the guilty plea and agreed statement of facts, the

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[8] ASF, para. 1

Committee accepts that Mr. Saplys committed each of the counts of professional misconduct and makes the following findings.

18. As explained above, when Mr. Saplys was terminated by CASL in 2010, he went to work at API. In 2011, API entered into an agreement with a client in Montreal to perform work related to the development of the Project. Mr. Saplys signed the agreement on behalf of API.[9]

19. At all material times, API did not hold a certificate of practice in Ontario and neither he nor API were licensed to practice architecture in Quebec.[10] Because Mr. Saplys entered into the 2011 engagement on behalf of API to perform architectural services in Quebec, the Committee finds that Mr. Saplys committed the alleged professional misconduct.

20. The complaint giving rise to this hearing included additional facts about the Montreal engagement that are not relevant to the Committee's decision. However, in the interests of completeness and transparency, we summarize those additional facts.

21. In 2012, the Montreal client terminated the agreement with API, and the Project did not proceed. Three years later, the client issued a cheque to API, allegedly in error, leading to a dispute between the client and API.[11]

22. In 2017, the Montreal client submitted a complaint to the Association. The complaint alleged that API and Mr. Saplys had breached the architectural code of conduct by failing to return the funds that had been paid to them in error.[12]

23. The matter was referred to the Complaints Committee to investigate. Through the investigation, Mr. Saplys provided accounting records from API demonstrating that the client had failed to pay certain invoices and that API had applied the mistaken payment to those outstanding invoices.[13]

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[9] ASF, 16-18
[10] ASF, para. 20
[11] ASF, paras. 21-25
[12] ASF, Tab 9 (Complaint)
[13] ASF, paras. 28-29

24. Given the accounting records provided by Mr. Saplys, the Association and Mr. Saplys were prepared to settle the proceeding based on the guilty plea to the three counts of misconduct described above.[14]

PENALTY

25. The focus of the submissions before the Committee concerned penalty. We therefore summarize the joint submission made by the parties, the law governing penalties and joint submissions on penalty, and the Committee's reasons for accepting the joint submission.

Joint submission as to penalty

26. The parties made a joint submission as to penalty. Mr. Saplys agreed to plead guilty to the counts of misconduct, and the parties requested that the Committee impose the following penalty:

    a. the licence of Mr. Saplys be suspended for a period of six weeks;

    b. the summary of the Discipline Committee's decision and its Reasons for Decision, including the name of the architect, be published in an official publication of the Association and on the register maintained by the Registrar of the Association;

    c. Mr. Saplys pay $10,000 in costs to the Association over a 12-month period by way of equal monthly installments of $833.33.

27. In support of the proposed penalty, the parties submitted that:

    a. Mr. Saplys has accepted responsibility for the conduct; and

    b. Joint submissions on penalty should not be departed from unless they are contrary to the public interest, and proposed penalty is not contrary to the public interest.

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[14] ASF, para. 30

Law governing penalties and joint submissions

28. In assessing the joint submission as to penalty, the Committee considered the overriding principles applicable to penalties and the guidance from the Supreme Court of Canada about joint submissions.

29. The principles that govern this Committee's penalty decisions are well known. As the Committee explained in its 2018 decision disciplining Mr. Sapyls, "any penally imposed for professional misconduct must consider the reformation of the member, deterrence to the member and others in the profession, and the protection of the public." What this means is that "consideration should be given to the past and present circumstances of the member, the circumstances of the offence, the need to deter the member's actions in the future, the need to alert the membership of the profession to the seriousness of the offences at issue, and the need to protect the public which, through the Ontario Legislature, has entrusted self-governing status on the profession."[15]

30. The Committee is also bound by the law concerning joint submissions as to penalty, which was set down by the Supreme Court of Canada in *R. v. Anthony-Cook*, 2016 SCC 43. Although *Anthony Cook* is a criminal law decision, the Divisional Court has held that it applies in the discipline context,[16] and the parties agreed at the hearing that it governs.

31. In *Anthony-Cook*, the Supreme Court explained that it is "an accepted and entirely desirable practice for Crown and defence counsel to agree to a joint submission on sentence in exchange for a plea of guilty."[17] As a result, a joint submission should not be departed from "unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest."[18]

32. In practice, this means that a joint submission should only be rejected where it is "so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the

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[15] Reasons for Decision and Order of the Discipline Committee, April 19, 2018
[16] *Timothy Edward Bradley v. Ontario College of Teachers*, 2021 ONSC 2303, paras. 9-12 (Div. Ct.)
[17] *R. v. Anthony-Cook*, 2016 SCC 43, para. 25
[18] *R. v. Anthony-Cook*, 2016 SCC 43, para. 32

importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down." This is a high threshold.[19]

Analysis

33. The Committee accepts the joint submission on penalty. In our view, while the penalty is on the low end of the spectrum for this offender, it is not "unhinged from the circumstances" and it reflects this Committee's principles governing penalty.

34. In examining the joint submission from the parties, the Committee followed the guidance from *Anthony-Cook*:

    a. We took the proposed penalty "as-is" and asked ourselves whether the proposed sentence, without modification, warrants rejection.[20]

    b. We took into account the "important systemic benefits of joint submissions, and the corresponding need for them to be reasonably certain."[21]

    c. We probed counsel about the circumstances leading to the joint submission and reminded counsel that they are required to "provide the court with a full account of the circumstances of the offender, the offence, and the joint submission."[22]

    d. We explained to counsel the importance of a "thorough justification" of the submission to satisfy the "important public perception component" of sentencing.[23]

35. At the hearing, the Committee was not satisfied initially that the parties had explained the circumstances leading to the penalty and the rationale for the penalty. The Committee therefore sought additional submissions to better understand how the parties arrived at the proposed penalty.

36. The parties explained that their joint submission reflected three principles: proportionality, deterrence, and compliance. Although these principles do not map on exactly with the principles that this Committee has typically relied on, we accept that these principles are

[19] *R. v. Anthony-Cook*, 2016 SCC 43, para. 34
[20] *R. v. Anthony-Cook*, 2016 SCC 43, para. 51
[21] *R. v. Anthony-Cook*, 2016 SCC 43, para. 61
[22] *R. v. Anthony-Cook*, 2016 SCC 43, para. 54
[23] *R. v. Anthony-Cook*, 2016 SCC 43, para. 57

consistent with the purposes of reformation, deterrence, and the protection of the public. We also agree that proportionality is a fundamental principle governing penalty decisions.[24]

37. Counsel to the parties made three central submissions explaining the proposed penalty.

38. First, the parties explained that the conduct at issue was not new. Rather, the misconduct occurred in 2011, around the same time as the misconduct that was subject to the prior discipline hearing. The nature of the conduct – providing services through API, an entity that did not hold a certificate of practice – was also the same misconduct that was examined and penalized in the prior matter.

39. Counsel argued that given these similarities, the Committee's penalty should incrementally build on the suspension ordered by the Committee in the second discipline hearing. The Committee had ordered a 6-month suspension for conduct related to four projects, which equals a 6-week suspension per project. The parties therefore argued that an additional penalty of 6 weeks in respect of a fifth project would be proportional to the six-month penalty ordered in 2018 and 2019.

40. Second, the parties submitted that progressive discipline would be inappropriate. Although this is the third time that Mr. Saplys has been found guilty of professional misconduct, the parties argued that escalating consequences are more appropriate where a member has committed misconduct and then re-offended. Here, the conduct occurred in 2011, prior to the conduct at issue in the second discipline proceeding.

41. Third, the parties argued that deterrence and compliance have been achieved. Mr. Saplys no longer practices architecture through API, and the decision will be published with his name, which will ensure that the public is aware of Mr. Saplys' additional infraction.

42. In the Committees' view, the penalty is at the lower end of the range for a third time offender. However, the explanation provided by counsel has satisfied the Committee that the penalty is not "unhinged from the circumstances." We say this for the following reasons:

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[24] *College of Physicians and Surgeons of Ontario v. Peirovy*, 2018 ONCA 420, para. 57

a. The parties' joint submission has served the public interest by securing Mr. Saplys' guilty plea, obviating the need for a contested hearing, and obtaining costs in favour of the Association.

b. The penalty reflects the dated nature of the misconduct and the fact that Mr. Saplys has already been penalized for practicing architecture through API, an entity that did not hold a certificate of practice.

c. The penalty is proportionate to this Committee's earlier penalty decisions as it has been calculated based on the prior 6-month suspension that Mr. Saplys served.

d. The penalty reflects the purposes of individual deterrence and reformation. Through his guilty plea and further suspension, Mr. Saplys' has accepted responsibility for his conduct. He understands that it was wrong for him to have practiced through an entity that did not hold a certificate of practice.

e. The penalty reflects the purposes of public deterrence and public protection because these Reasons and Order will be published. Counsel for the Association confirmed that when a member of the public searches Mr. Salpys on the Association's directory, they will see these reasons and be made aware that Mr. Salpys has been found guilty of misconduct in three proceedings.

43. The Committee therefore accepts the joint submission as to penalty. At the request of the parties, the Committee released its order before these reasons so that Mr. Saplys could begin serving his suspension on March 2, 2026.

ORDER

1. **THIS COMMITTEE FINDS** that during the year 2011, the Architect engaged in the practice of architecture with respect to the design and construction of the Project, through "Architecture Planning Initiatives", which does not hold a certificate of practice, contrary to Section 42(1) of the Regulation and contrary to Section 11 of the *Act*.

2. **THIS COMMITTEE FINDS** that during the year 2011, the Architect claimed to be an architect in the Province of Quebec with respect to the Project, contrary to section 14

the *Quebec Architects Act*, regulations related thereto, Section 32 of the Quebec Professional Code and Section 42(3) the Regulation.

3. **THIS COMMITTEE FINDS** that during the year 2011, the Architect permitted, counselled, assisted, aided or abetted a 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, in respect of the Project, contrary to Section 42(5) of the *Act*.

4. **THIS COMMITTEE ORDERS** that the licence of the Architect shall be suspended for a period of six weeks, commencing on March 2, 2026.

5. **THIS COMMITTEE ORDERS** that the summary of the Discipline Committee's decision and its Reasons for Decision, including the name of the Architect, shall be published in an official publication of the Association and on the register maintained by the Registrar of the Association.

6. **THIS COMMITTEE ORDERS** that the Architect will pay the sum of $10,000 in costs to the Association over a 12-month period by way of equal monthly installments of $833.33. Failure to submit each installment within fifteen days of the due date will result in the automatic suspension of the Architect's licence and certificate of practice until such time as payment is received.

7. **THIS COMMITTEE ORDERS** that the Architect's failure to comply with this Decision and Order shall result in the suspension of the Architect's licence.

DATED AT TORONTO THIS 13th DAY OF APRIL 2026.

J. William Birdsell, Member (Chair)

Vincent Alcaide, Member

Michelle Longlade, Lieutenant Governor Appointee