

## Offering to Provide Services in Other Jurisdictions

---

©2021, 2008 Ontario Association of Architects (OAA). OAA members in good standing may reproduce or distribute this Regulatory Notice provided this copyright notice is affixed to any reproduced or distributed copy. No rights are granted to any other person, except with express prior written consent from the OAA. The OAA reserves all other rights.

### Summary

OAA Members' intending to offer or provide services in a jurisdiction outside of Ontario must determine and comply with the relevant regulatory requirements in that jurisdiction.

### Background

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

Examples:

- 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 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—for example, interior design, urban planning, 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 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 a licence to do so in that jurisdiction.

It is in the best interest of every OAA member to contact the authority regulating the practice of architecture in the jurisdiction in which any offer to provide architectural 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.

Compliance with the local requirements will avoid the possibility of prosecution and other consequences in that jurisdiction for illegal practice.

This will also avoid the possibility of a complaint being filed with the Ontario Association of Architects related to illegal practice in another jurisdiction.

## Procedures

1. 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 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 you with contact information for the authority.)
2. 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.
3. Then, make your offer to provide services in accordance with the requirements of that jurisdiction.
4. Although your offer will then be in accordance with the local requirements, do not provide any related services in a jurisdiction outside of Ontario until you have met the local requirements to practice. This may include licence/registration as well as a Certificate of Practice (or equivalent).
5. 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..”

---

<sup>i</sup> **OAA Member:** Every person 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).

---

*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.*

---