

Unauthorized Use of Architects' Unregistered Offices

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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 member¹ who is identified as the individual responsible for that practice. It is prohibited from listing unregistered offices, including home and satellite offices, on any vendor list, public registry or listing, handout, advertisement, or article that will appear publicly.

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. However, 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 may only offer services to the public through a Certificate of Practice. Each Certificate of Practice 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 Architect or Licensed Technologist OAA on record and, as a member, you are only entitled to supervise and direct one office.
3. Ensure that the office located at the address of record conforms to the standards of practice set out in the Regulation under that Act R.R.O. 1990, Reg. 27, s. 47 (1).
4. When listing your address on any vendor list, Request for Qualifications (RFQs), Request for Proposals (RFPs), and/or listing that will appear publicly, you must use the address that is registered with the OAA.
5. If you move or change the address of your office, notify the OAA immediately. You must also update your 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*.

¹ Every Certificate of Practice held by Licensed Technologists OAA is subject to the Terms, Conditions, and Limitations as incorporated and part of their Licence.

Offering Services 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 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 after the COVID-19 physical distancing measures clear up and office spaces are deemed safe to occupy again. However, OAA members will need to be mindful of the legislated requirements related to their Certificate of Practice as noted above (standards of practice set out in the Regulation under that Act R.R.O. 1990, Reg. 27, s. 47, 49).

These 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 need to review the mandated criteria and ascertain if their new work environment is complying with the legislation. Items to consider would include:

- 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 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 is a holder of a Certificate of Practice to determine the best way to meet their professional obligations within our regulatory context.

ⁱ **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).

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.
