



Introduction

As the regulator of the practice of architecture in Ontario, the OAA handles complaints regarding the conduct or actions of a member of the OAA. The *Architects Act, R.S.O. 1990, c. A.26* (the *Act*) prescribes the complaints process to ensure the public interest in Ontario is served and protected.

A complaint may be made if there is concern a member of the OAA (Architect, Licensed Technologist OAA, a holder of a Certificate of Practice, or holder of a Temporary Licence) has contravened the Act or has engaged in professional misconduct as set out in the Regulations (R.R.O. 1990, Reg. 27, s. 42).

The OAA's Complaints Committee exists to investigate and consider complaints regarding the conduct of an Architect, Licensed Technologist OAA, and/or a holder of a Certificate of Practice. The Committee's role is to determine whether a matter should proceed to the disciplinary stage.

The Committee does not make a finding of whether a member is guilty of professional misconduct or incompetence. Rather, the Complaints Committee performs a screening function by gathering relevant information. More information about the complaints process and possible outcomes of the process can be found below.

Before Filing a Complaint

If you have questions or concerns about an OAA member's professional conduct, we would encourage you to contact the [Office of the Registrar](#) at the OAA. In many instances, OAA staff can help address whether submitting a formal complaint is the most appropriate forum to address your concerns.

If you have questions or concerns about an OAA member's conduct, normally the first step is to talk to the member. If you are unable to resolve the issue, and believe there is a professional conduct or competency concern, please check the [OAA Directory](#) to ensure the Architect, Licensed Technologist OAA, or architectural practice is registered with the OAA. If the party in question does not appear in the directory, please contact the Office of the Registrar to let us know that someone is misrepresenting themselves as an Architect or Licensed Technologist OAA.

If the person is not a member or the entity does not have a Certificate of Practice, the OAA cannot investigate the matter. However, through the Office of the Registrar, other actions may be taken to ensure that no person or entity misrepresents their qualifications or ability to offer professional services to the public.

Contact the OAA at complaints@oaa.on.ca with your questions.

Filing a Complaint

Filing a formal complaint with the OAA is a serious matter. The complaints process should not be used for matters that are frivolous or vexatious, or to address other civil or commercial disputes that should be dealt with through legal avenues. The OAA does not have the mandate or authority to govern its membership's contractual and business dealings.

1. Complete the [Complaint Form](#). If the space provided for any answer is insufficient, include a separate document with further details.
2. Gather any documents that relate to your complaint. Include any documents you think will help the OAA understand your complaint (and direct us to the parts that you think are important).
3. Send the complaint to complaints@oaa.on.ca or mail to:
Attn: Complaints
Ontario Association of Architects
111 Moatfield Drive,
Toronto, Ontario
Canada M3B 3L6

What Happens Next?

The OAA reviews every complaint inquiry it receives, although it may not take action on all of them. The complaints process' first point of contact is the Coordinator, Investigations. The Coordinator will acknowledge the receipt of the Complaint form and, together with the Deputy Registrar, perform an initial assessment to identify if the matter raises issues within the OAA's jurisdiction.

If we cannot help with a complaint or deal with it as a professional conduct matter, we will let you know.

Exchange of Information

If the complaint is not closed after a preliminary review, you will receive a letter from the OAA acknowledging receipt of the complaint. The next steps are:

1. The OAA forwards your letter of complaint and supporting documentation to the Architect or Licensed Technologist OAA to respond in writing within 14 days with regard to the issue(s).
2. The Architect or Licensed Technologist OAA sends a letter of response. The member's letter of response is shared with the Complainant.
3. The Complainant has 14 days to reply to the OAA on matters pertaining only to the concerns of the original complaint.
4. All material related to the complaint is forwarded to the Complaints Committee for review and integrated into the Committee's scheduled meetings.



After this exchange of information is complete, no further documentation shall be accepted by either party, unless it has been approved or requested by the Complaints Committee.

Committee Review Stage

Once the exchange of information is complete, the matter will be referred to the Complaints Committee. The Committee makes every reasonable effort to examine all records and other documents relating to the complaint and decides if the nature of concerns raised in the complaint and the evidence in support of those concerns warrant a referral to the Discipline Committee.

The Committee process does not involve a formal hearing with a lawyer.

The Complaints Committee comprises volunteer Architects, including at least one elected Architect from OAA Council, and one person who is a Lieutenant-Governor-in-Council (LGIC) appointed by the Province of Ontario.

Committee members are required to declare conflicts of interest. Committee members do not participate in the investigation of a complaint where a real or perceived bias could exist.

After consideration of the material by the Complaints Committee, the following actions may be taken:

1. Additional clarification may be requested from any party to the complaint.
2. Arrangements may be made to inspect drawings as appropriate.
3. Arrangements may be made for interviews with the Complainant and/or the OAA member. Interviews are only held when the Committee determines it is necessary.

Possible Outcomes

The Committee may:

- A. Dismiss a complaint;
- B. Refer a matter to the Discipline Committee; or
- C. Require other action as allowed in the legislation.

A copy of the Committee's decision goes to the Complainant and the member and/or the Holder of a Certificate of Practice.

A. Dismiss a Complaint

This means the matter is dismissed. You will receive a letter confirming the matter has been dismissed.

B. Referral to the Discipline Committee

If the Committee finds the nature of concerns raised in the complaint are serious enough and there is sufficient information to support the concerns, the matter will be referred to the Discipline Committee.



The Discipline Committee conducts a formal hearing where the OAA and the OAA member (if they choose) are represented by legal counsel. The Complainant is not a party to the hearing but may be asked by the OAA legal counsel to be a witness.

C. Other Action

The Committee may determine an Architect or Licensed Technologist OAA need additional training and recommend or order they take a course or prepare a paper or other similar action as allowed by the legislation.

Dissatisfied with the Treatment of the Complaint

When a Complainant is not satisfied with the handling of a complaint, they may apply to the OAA Complaints Review Councillor (CRC) who will review the process, but not re-assess the outcome. The CRC does not inquire into the merits of a complaint, nor are they required to hold a hearing in relation to the review of the treatment of the complaint.

The CRC may review the handling of a complaint upon application by the Complainant or on their own initiative:

- (a) After the complaint has been disposed of; or
- (b) When the complaint has not yet been disposed of, 150 days after the complaint has been filed with the Registrar.

Withdrawal of a Complaint

Where the Complainant and the OAA member agree independently of the Complaints Committee to withdraw the complaint, the Complaints Committee may decide to continue its investigation when it is in the public interest to do so.

Confidentiality and Privacy

Please note that, in fairness to the person or entity you are complaining about, the OAA will share with that person or entity some or all of the information and documents you send us.

Complaints are otherwise confidential. Confidentiality continues to be required even after the complaint has been addressed (without discipline proceedings). If a matter is referred to Discipline and there is a finding of professional misconduct or incompetence against an OAA member and/or Practice, the Decisions and Reasons of the Discipline Committee are published.



Excerpts from The ARCHITECTS ACT, R.S.O. 1990, C. A. 26

Powers and duties of Complaints Committee

30. (1) *The Complaints Committee shall consider and investigate complaints made by members of the public or members of the Association regarding the conduct or actions of any member of the Association or holder of a certificate of practice or a temporary licence, but no action shall be taken by the Committee under subsection (2) unless,*

a written complaint has been filed with the Registrar and the member or holder whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations the member or holder may wish to make concerning the matter; and

the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint. R.S.O. 1990, c. A.26, s. 30 (1).

Idem

- (2) *The Committee in accordance with the information it receives may,*
- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee;*
 - (b) direct that the matter not be referred under clause (a); or*
 - (c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws. R.S.O. 1990, c. A.26, s. 30 (2).*

Decision and reasons

Notice

(4) *The Registrar shall mail to the complainant and to the person complained against a copy of the written decision made by the Complaints Committee and its reasons therefor, if any, together with notice advising the complainant of the complainant's right to apply to the Complaints Review Councillor under section 32. R.S.O. 1990, c. A.26, s. 30 (4); 2006, c. 19, Sched. B, s. 1.*

Hearing

(5) *The Committee is not required to hold a hearing or to afford to any person an opportunity for a hearing or an opportunity to make oral submissions before making a decision or giving a direction under this section. R.S.O. 1990, c. A.26, s. 30 (5).*

Complaints Review Councillor

31.(1) *There shall be a Complaints Review Councillor who shall be appointed by and from among the members of the Council appointed by the Lieutenant Governor in Council. R.S.O. 1990, c. A.26, s. 31 (1).*

Idem

(2) *The Complaints Review Councillor is not eligible to be a member of the Complaints Committee or the Fees Mediation Committee. R.S.O. 1990, c. A.26, s. 31 (2).*

