

Ontario Association of Architects

Meeting #169 Open

MINUTES

March 8, 2007

The one hundred and sixty-ninth meeting of the Council of the Ontario Association of Architects, held under the *Architects Act*, took place on Thursday March 8, 2007 at the OAA Headquarters Building, Toronto, Ontario.

Present:	David Craddock	President
	Sean O'Reilly	Senior Vice President & Treasurer (<i>part attendance</i>)
	Louis Cooke	Vice President, Statutory Activities
	Gerrie Doyle	Vice President, Practice
	Sheena Sharp	Vice President, Government Relations
	Michael Bulatovich	Councillor (<i>part attendance</i>)
	Jerry Chlebowski	Councillor
	Peter Gabor	Councillor
	Brad Green	Councillor
	Paul Hastings	Councillor
	Allan Larden	Councillor
	Elaine Mintz	Lieutenant Governor in Council Appointee (<i>part attendance</i>)
	Vladimir Popovic	Councillor
	Andre Sherman	Councillor (<i>part attendance</i>)
	George Teichman	Lieutenant Governor in Council Appointee (<i>part attendance</i>)
	Michael Visser	Lieutenant Governor in Council Appointee (<i>part attendance</i>)
	Kristi Doyle	Director of Policy
	Gordon Masters	Director of Operations
	Hillel Roebuck	Registrar
	Marcia Cooper	Communications Specialist
	Tina Carfa	Executive Assistant, Executive Services
Regrets:	Amar Banerjee	Lieutenant Governor in Council Appointee
	Pawel Fiett	Vice President Communications
	Kevin Robinson	Lieutenant Governor in Council Appointee
Guests:	David Livingston	President & Chief Executive Officer Infrastructure Ontario
	Doug DeRabbie	Corporate Relations Manager, Infrastructure Ontario

The President called the meeting to order at 10:40 a.m.

AGENDA APPROVAL

5753. The President noted that the following items would be added to the agenda:

- 5.1 Honorary Members (*oral*)
- 5.2 Council Organization Chart
- 5.3 Council Liaisons to Societies (*oral*)
- 5.4 Joint Ventures Proposal (*oral*)

It was moved by Sharp and seconded by Popovic that the agenda be approved as amended.
-- CARRIED UNANIMOUSLY

APPROVAL OF MINUTES

5754. *Reference Material Reviewed:* Draft Minutes of the January 18, 2007 Open Council Meeting.

The minutes from the January 18, 2007 Open Council Meeting were reviewed by Council.

It was moved by G. Doyle and seconded by Chlebowski that the minutes of the January 18, 2007 Open Council meeting be approved as circulated.

-- CARRIED (2 abstentions)

BUSINESS ARISING FROM THE MINUTES

5755. There was no business arising from the minutes.

NEW BUSINESS

For Review and Approval

5756. *Reference Material Reviewed:* Memorandum from Senior Vice President and Treasurer, Sean O'Reilly dated March 1, 2007 re. Audited 2006 Financial Statements. **(APPENDIX 'A')**

The Senior Vice President and Treasurer reported that the audit is now complete, citing more detail in the contents of the financial statements for the purpose of transparency in reporting to the membership.

It was noted by the Senior Vice President and Treasurer that there was a deficit last year as a result of several major unforeseen or unbudgeted expenses.

It was additionally noted that internal accounting procedures had been enhanced over the last year to allow for a clearer picture of where staff salaries and other expenses can be attributed.

Masters indicated that auditors have indicated that the amount of the loan to the Ontario Association for Applied Architectural Sciences (OAAAS) must be written off in 2006 and suggested that it should likely have been written off the prior year. Masters added that the auditor would have been required to issue a 'qualified financial statement' had the write off not occurred this year.

A member of Council enquired as to the purpose of investing funds into OAAAS in the form of a loan and whether there is a formal repayment schedule.

Masters noted that previously it had been hoped that membership numbers would be in the hundreds by this time, however this has not occurred, adding that the \$120,000 was the funds invested from the inception of OAAAS.

Masters reported that the OAAAS Board of Directors met yesterday and approved their financial statements for 2006.

A Council member enquired as to how payments received from OAAAS in future will be recorded.

Masters responded that the funds would be recorded as extraordinary income or recovery of bad debt.

Craddock additionally noted that the auditor had indicated that the funds owing from OAAAS cannot be carried as an asset.

The Council member enquired as to whether future funding to OAAAS would be classified as a loan.

Masters responded that it would be categorized as a loan receivable by the OAA and an account payable by the OAAAS.

Masters noted a suggestion from the OAAAS auditor that invoice payments on behalf of OAAAS be made by either the Ontario Association of Certified Engineering Technicians and Technologists (OACETT) or by OAA and that the total monthly expenses be shared 50/50 at the end of each month.

Teichman joined the meeting at 11:05 a.m.

The President indicated that the information would need to be further clarified to the membership with respect to items 1-6 in the memorandum.

A member of Council requested clarification with respect to items 4-6 in the memorandum from O'Reilly.

Roebuck reported on item 4 Registrar's Hearings recalling that there were 13 cases which were referred to Discipline last year, 8 of which remain active, 2 are completed and 3 were eventually not pursued.

The Senior Vice President and Treasurer responded to item 5 Legal Costs noting that the previous year's budget did not anticipate the Professional Engineers Ontario (PEO) legal challenge.

The President additionally noted that legal fees relating to the *Limitations Act, 2002* was unforeseen and had not been included in the original OAA 2006 budget.

Masters reported with respect to item 6 Administration Expenses that the cost included training of staff for software programs, compensation for additional time spent by the Executive Director in the employ of the OAA during the transition to the new Management structure, and the search for a Director of Operations.

Concern was expressed by a member of Council in the reporting of the OAAAS loan, noting that an ongoing annual payment of \$42,000 was not clear. It was confirmed that the OAA would continue to be required to fund approximately half of the annual payment to OAAAS, which was mainly the cost of the new Executive Director.

A Council member suggested that the membership may read the current status of the OAAAS loan to be paid off and further clarification is required and additionally requested that the term "non-recurring" be removed from the wording.

The President noted that there would be an expanded outline related to the deficit provided to the membership in concert with the release of the OAA 2006 Financial Statements.

The Senior Vice President and Treasurer indicated that OACETT was handling their accounting of the OAAAS loan in a similar manner to that of the OAA.

A member of Council suggested that payment to the former Executive Director for his services during the transition should be listed as a separate item under Administration Expenses.

A Council member enquired as to whether there was interest attached to the loan to the OAAAS.

The Senior Vice President and Treasurer responded that there was not since the payment to OAAAS is treated as an investment.

The question of the possibility of grants to pay for specific programs from the government was posed by a member of Council, specifically related to the OAAAS.

K. Doyle responded that there are government funding programs to seed the cost of starting up certain programs, however noted that the application period is often quit lengthy, and also noted that the government will not fund something retroactively.

Clarification was requested by a member of Council for the reason the auditor requested that OAAAS item be reported.

Masters noted that the item should have been written off several years prior and is being done now.

Masters clarified that fees to be collected from the OAAAS members were established by OAA and OACETT some time ago, and that the OAA/OACETT and OAAAS split the membership fees according to a formula approved by OAA Council.

A Council member enquired as to whether the collection of fees from Level I and II Technologist is sufficient to keep the OAAAS running.

Masters responded that once the OAAAS membership reaches a level, identified in the Business Plan to be achieved in 2010, the membership fees should offset the expenses.

It was moved by Sharp and seconded by Chlebowski that Council approve the OAA audited financial statements with the following direction to the Audit Committee to remove the term “non-recurring” from the expense incurred by the OAAAS and that Administration Expenses be split into two categories to show the expense for payment to the former Executive Director during the transition period of 2006.

-- CARRIED (2 abstentions)

The Senior Vice President and Treasurer responded noting that the Pro-Dem actuary required that Pro-Dem increase its reserves five fold for the upcoming year, thereby increasing it from \$500,000 to \$2.5 million.

The President suggested that item 4.1.d. on the open agenda be covered next since the Senior Vice President and Treasurer was required to leave the meeting shortly for a funeral.

5757. Reference Material Reviewed: Memorandum from Senior Vice President and Treasurer, Sean O'Reilly dated March 2, 2007 re. Ontario Association for Applied Architectural Sciences – Review of Experience Requirements for Licensed Technologist OAA and attached background information.
(APPENDIX 'B')

The Senior Vice President and Treasurer noted that an updated memorandum was circulated to Council at the beginning of the meeting to replace the one originally contained in the package.

The issue before Council is the discrepancy between “Responsible Control” and “Personal Supervision and Direction” as it relates to the experience gained by an OAAAS candidate, which had come to light as a result of the OAA’s review of individuals who had recently applied for licensure as a Licensed Technologist OAA. The Senior Vice President & Treasurer further explained that there had been some confusion relative to the use of the two terms by OAA and OACETT and the actual meaning of the two terms.

The President noted that motions as outlined in the memorandum from O'Reilly were approved by the OAAAS Board of Directors yesterday and that the motions will also go forth to the OACETT Council for ratification at their next meeting.

A member of Council expressed concern with allowing a Licensed Technologist OAA to gain their experience while not in the office of the architect; however an intern architect must be in the office of the architect.

The Senior Vice President and Treasurer responded that the requirements and restrictions for a Licensed Technologist OAA are significantly different from that of an intern, additionally noting that the path through OAAAS is not a route towards becoming an architect licensed by the OAA.

Roebuck noted that the OAAAS Policy Statement approved by the OAA and OACETT did not clarify the experience requirements, and its purpose is to set out the terms, conditions and limitations on the individuals' licence by defining their required scope of work.

Visser joined the meeting at 11:50 a.m.

The Senior Vice President & Treasurer noted that the documents relative to the OAAAS that reside on the OAA Web site were not consistent with the original documents approved by Council, adding that OAA and OACETT have now worked together to create a document that will correct those discrepancies and also includes a proposal to move forward.

A Council member enquired as to how the experience of applicants are judged if there is no clear definition of Personal Supervision & Direction, additionally expressing concern that OAAAS applicants follow a different set of requirements than that of architects.

Roebuck responded that existing interpretation of Personal Supervision and Direction is a result of a disciplinary decision delivered some time ago. It was through that process that the definition had been established.

A member of Council expressed concern that the Policy Statement does not outline what the Licensed Technologist OAA can specifically do and would like to see a clear structure of what they are required to achieve.

Roebuck responded that in fact, the Policy Statement sets out the defined scope of work that a Licensed Technologist OAA is entitled to perform.

The Council member additionally noted that s/he would like to see a viable business plan for OAAAS be put together for Council.

A member of Council noted that the Licensed Technologist OAA is an architect with a limited licence and that they are considered to be an 'architect' under the *Architects Act*.

The President clarified that the Licensed Technologist OAA cannot call themselves an architect, and that is one of the very clear conditions on their licence.

Roebuck reiterated that they are architects with a specific set of terms, conditions, and limitations and may only call themselves a Licensed Technologist OAA.

O'Reilly left the meeting at 12:00 p.m.

A Council member enquired into whether there would be any liability issues if the OAAAS program were to be discontinued.

The President responded that there would be an issue of liability.

An enquiry was made by a member of Council as to the means by which to justify to the membership how their annual fee paid to the OAA is partially used to fund their competition.

The President recalled the history of the beginning of the OAAAS noting that it had been the result of pressure from the para-profession and namely the Association of Architectural Technologists of Ontario (AATO) to recognize technologists with certain skills and knowledge. The OAA Council felt that the establishment of the OAAAS was a way to bring technologists under the auspices of the OAA and the President added that this was supported by the Attorney General.

A member of Council suggested that a special form of contract be created that would clarify the services that a Licensed Technologist OAA could perform. This contract would be required for use by the Licensed Technologist OAA and would clearly outline the difference in services provided by them as opposed an architect licensed by the OAA.

It was suggested by a member of Council that the OAA should not be regulating the architectural technologists since the other associations do not regulate their related paraprofessionals.

Roebuck noted that if a Licensed Technologist OAA wants to get a Certificate of Practice that person may do so, however the same terms, conditions, and limitations attached to their licence would apply. Roebuck added that these individuals are subject to the same complaints and discipline processes as architects.

K. Doyle confirmed from a historical perspective that the reason Council wanted to establish the OAAAS was to ensure control over the paraprofessional and is, in fact, a direct result of the breakdown in discussions with between OAA and the AATO. Numerous times, the AATO had approached the Attorney General in an effort to obtain a scope of practice for technologists, however each time they were directed to deal with the OAA on the matter.

K. Doyle also pointed out to members of Council that should the Association of Registered Interior Designers of Ontario (ARIDO) be successful in obtaining their interior design practice act, which has already received second reading, this will set an important precedent for other groups to obtain similar practice acts.

A member of Council suggested that there should be a full Council strategy session concentrating just on OAAAS with the intention at this time of not eliminating it but to revisit it in detail.

A Council member enquired as to Roebuck's understanding of current requirements, what they are, and what the change will involve as presented to Council today.

Roebuck responded that the issue of bringing the Licensed Technologist OAA within the sphere of the OAA would overcome both political and practical issues. The Ministry of the Attorney General had repeatedly stated that the responsibility for regulating the practice of architecture rests solely with the OAA as established in the *Architects Act, 1984* following extensive lobbying of the Provincial Government by the AATO. It is abundantly clear that the Provincial Government has turned to the existing regulated professions within the scope of their statutes to regulate paraprofessionals.

Furthermore it was explained by Roebuck that with society now recognizing the benefits of the services provided by paraprofessionals, additional pressure is being placed on both the government and the regulated professions.

Roebuck indicated that in taking all these factors into account, it was the Council of the day's opinion that it would be more effective to work with the 'technologists' from within the OAA to satisfy the concerns/issues raised by both the Government and the Public.

The President suggested that further discussion on the OAAAS be delayed until the Senior Vice President and Treasurer returns to the meeting in the afternoon.

Council broke for lunch at 12:30 p.m. and resumed at 1:15 p.m.

The President noted that item 4.2. on the open agenda would be covered as the next item of business.

5758. *Reference Material Reviewed:* PowerPoint Presentation from Infrastructure Ontario CEO, David Livingston dated March 8, 2007 re. Presentation to the Ontario Association of Architects – Making Projects Happen. (**APPENDIX 'C'**)

The President welcomed Infrastructure Ontario (IO) CEO, David Livingston to the meeting and informed members of Council that he would be providing a PowerPoint presentation on the structure and mandate of IO.

Livingston made a PowerPoint presentation to Council related to the mandate and structure of IO and also highlighted the relationship of IO with the OAA and other industry affiliates.

Livingston recalled that IO was established in November 2005 with a mandate to manage approximately \$10 billion in complex infrastructure projects assigned by the Government of Ontario.

It was noted by Livingston that IO was created as an agency to operate at arms length from the Provincial Government. IO works along side the Ontario Strategic Infrastructure Financing Authority (OSIFA) who operates as the lender to these projects and offers project management advice.

Livingston indicated that there are over 40 projects to be executed by the IO and noted that IO has no role in where the funds are to be distributed but that its purpose is to execute the process using the Alternate Finance Procurement (AFP) model.

The approach that IO uses as reported by Livingston is for them to meet with a client to define what infrastructure is required and the best approach for execution i.e. AFP process or traditional capital expenditure.

Livingston noted that there are two approaches to AFP depending on the type of project: Design/Build Finance (D/BF) or Design Build Finance Maintain (DBFM).

It was indicated by Livingston that IO wants the bidders to take the responsibility for the design, acknowledging that there have been some contentious issues as a result of this decision.

A member of Council enquired as to whether there was a major shift in the area of financing and also risk transfer.

Livingston explained that the projects were passed on to IO who in turn, packages it so that the value lies in deferring risk from the government to the public sector.

Concern was expressed by a member of Council in the downloading of risk to the architectural profession.

Livingston suggested that responsibility falls all the way down the chain and what the bidders do within the consortium and how that risk is managed is up to them.

A member of Council enquired as to whether the IO holds some responsibility in ensuring that the risk is properly distributed.

It was suggested by Livingston that no value is added by having IO dictate how the consortium is to operate.

Livingston acknowledged that for architects and other industry stakeholders, this represents a major shifting in the way the procurement and bidding process has been conducted in the past.

A Council member enquired as to what the concern is on the part of IO with respect to not using standard contracts already used in the industry. As well there were questions raised relative to the Construction Design Contingency which is to be carried by the Contractor. A member of Council suggested that what is being proposed is unreasonable and will only result in a multitude of claims against consultants.

It was suggested by a member of Council that in reality there is always something unanticipated that occurs on a project and if the IO does not allow for any unforeseen events it is likely that later in future, there will be faults found in the project.

Livingston acknowledged that it is a possibility but that those problems are to be anticipated and negotiated during the bidding phase and encourages questions at the beginning of the project as opposed to further into the construction.

Livingston clarified that in many cases the consortium will set up a Special Purpose Vehicle (SPV) to act as the Project Company.

A member of Council enquired as to whether that entity can be collapsed at any given time as can the liability.

Livingston suggested that it is unlikely since there is a significant loan to be paid back and the only way the consortium will receive payment is for continued maintenance of the building as set out in the original DBFM arrangement.

The Council member expressed concern that the liability places architects in a poor position with no control over personal liability.

A Council member enquired as to whether IO has employees/consultants who monitor the different phases of construction.

Livingston responded that IO and the client both have personnel to monitor the construction of the facility.

Livingston reported on the topic of design and bid fees noting that unsuccessful bidders are required to submit a 'compliant bid' to be eligible.

A member of Council expressed concern over the requirement of architects to sign over their intellectual property rights in order to obtain the unsuccessful bidder fee.

Livingston responded that IO has since taken a step back from that requirement.

K. Doyle additionally noted that the wording has been improved in firming up a licensing agreement (without royalties) and does not preclude the architect from using their design again.

Livingston noted that IO has been holding ongoing meetings with the industry groups and is continually improving dialogue with the various industries since IO's inception.

A member of Council enquired into the purpose of bundling projects.

Livingston noted a cost savings in doing so and additionally noted that there are foreign bidders entering the market and hooking up with smaller general contractors.

A Council member expressed concern with public money being funneled into very few organizations since few have the resources to take on these large projects.

A member of Council enquired into the size of the smallest project being funneled through IO.

Livingston noted that there would not be any project in the AFP stream that is less than about \$50 million.

The President thanked Livingston for his presentation to Council.

Livingston left the meeting at 2:15 p.m.

Discussion resumed on the subject of the OAAAS.

There was discussion as to whether the matter being put forward for Council's consideration should be voted upon.

It was moved by Bulatovich and seconded by Teichman that the matter before the Council relative to the Ontario Association for Applied Architectural Sciences and the recording of experience requirements be voted on during the current Council meeting.

-- CARRIED (10 in favour, 3 opposed, 1 abstention)

Roebuck noted that there are individuals in OAAAS who are expecting to attend the admission course lectures in June 2007 and will be required to wait another year if the issue is not resolved in a timely manner.

A Council member suggested that the issue should be deferred at this time due to the potential liability exposure.

A member of Council indicated that s/he felt that there is an allowance for a Licensed Technologist OAA to do certain buildings which is contrary to the *Architects Act* and that Council should spend more time reviewing the scope of practice and the issue of the OAAAS as a whole.

The President noted in the motions being brought before the Council as contained in the report from O'Reilly do not represent change in the requirements as a whole, but rather clarification and definition. There is some provision to deal with a number that are currently in the process, but again the overall program requirements would not change.

Roebuck indicated that the number of hours of experience are the same and that the OAA's understanding of the level of control by an architect was different from OAAAS and OACETT's belief. Roebuck noted that now there is a compromise where 116 people in the process would complete the requirements as originally advertised but that beyond that, the individuals must qualify as outlined in Appendix D of the attached information that is, 7,200 hours of architectural practice of which 2,820 hours in the architect's office under the PS&D of an architect and 4,380 under the Responsible Control of an architect, but not necessarily in the architect's office. The requirement for 940 hours in the architect's office under the Personal Supervision and Direction of an architect within three years of an Application for Licence remains unchanged.

Masters additionally noted that OACETT originally wanted to see 940 hours as opposed to 2,820 hours in the office of an architect.

It was moved by Gabor and seconded by Hastings that Council not accept the Report and Recommendations related to the matter of experience requirements from the OAAAS Board as presented by Senior Vice President & Treasurer O'Reilly at this time; and, that the matter be referred back to the OAAAS Board of Directors for further consideration.

-- CARRIED (3 abstentions)

It was moved by Gabor and seconded by Bulatovich that Council establish a date for a special meeting of Council within 30 days to allow for a full discussion relative to the history and structure of the OAAAS; the experience requirements set out for individuals under the OAAAS program, and the scope of practice of the Licensed Technologist OAA; and, that OAA legal counsel be consulted relative to the OAA's relationship and commitment to the OAAAS, including financial and legal aspects.

-- CARRIED UNANIMOUSLY

5759. *Reference Material Reviewed:* Memorandum from Vice President Government Relations, Sheena Sharp dated March 1, 2007 re. Committee on the Future of the Profession/Interns – Terms of Reference and attached draft Terms of Reference. **(APPENDIX 'D')**

The Vice President Government Relations recalled that demographics were discussed at the annual Council Priority Setting Session back in February noting the need to review the health of the profession.

Gabor, Mintz, and Sherman left the meeting at 2:50 p.m.

O'Reilly joined the meeting at 2:50 p.m.

The Vice President Government Relations suggested that this new Committee will help to eliminate roadblocks and build bridges towards licensing and that once their mandate is complete the Committee would be sunset.

A member of Council suggested that the health of the architectural profession needs to be monitored on an ongoing basis.

A Council member indicated that s/he believe that maintaining a read on the pulse of the profession and understanding the needs and the future of the profession and intern architects should lie within the organization of the staff as opposed to establishing a committee.

The Vice President Government Relations suggested that it would be more appropriate for a committee of architects to perform the research rather than OAA staff.

It was noted by a member of Council that the committee is not currently budgeted for and enquired as to where the funds would come from.

The Council member enquired into how the Professional Engineers Ontario (PEO) legal challenge was proceeding and whether the funds allocated as a follow up to that for 2007 would be required.

The Vice President Government Relations responded that it would likely be six months before a decision is received from the courts.

It was suggested by the Senior Vice President and Treasurer that a portion of the \$30,000 set aside for the legal challenge could be allocated to this Committee.

It was moved by Sharp and seconded by Bulatovich that Council approve the Terms of Reference for the Committee on the Future of the Profession/Interns and that funding for this Committee for 2007 be drawn from the amount set aside for the PEO Legal Challenge; and that OAA Director of Policy K. Doyle be designated as staff support to this Committee.

-- CARRIED (1 abstention)

5760. *Reference Material Reviewed:* Memorandum from Vice President Practice, Gerrie Doyle dated March 2, 2007 re. Update on Activities – Fee Schedule Task Group. **(APPENDIX 'E')**

The Vice President Practice reported that the Task Group has had two meetings to date and has compiled a significant amount of information from its research, adding that the information from the British architects was particularly impressive.

Three sub groups have been formed as noted by the Vice President Practice and are divided with herself and Task Group member Vladimir Popovic working on the identification of the actual figures for the fees, Peter Gabor and Andre Sherman are putting together the scope of work upon which the fees identified will be based, and the remainder of the group is to work directly with Pro-Dem in identifying areas of common interest and the actual format and publication of a guideline.

The Vice President Practice indicated that the Task Group is looking to conduct a survey on fees throughout Canada, the northern U.S. states, and the United Kingdom.

A member of Council suggested that it would be difficult to obtain approval from the Competitions Bureau relative to the issuance of a fee schedule.

The Vice President Practice agreed, adding that the Task Group would approach the Bureau at the appropriate time to ensure that they are aware of the guidelines and flag any concerns.

A member of the Task Group indicated that the fees guideline would not be mandatory, and therefore not 'enforceable', noting the guideline will be of benefit to the architect and the client.

K. Doyle suggested to the Task Group that the Competitions Bureau will not allow the practice of setting prices, but that a guideline of professional services would likely be permitted.

A member of Council suggested involving Pro-Dem in respect to considering increased risk for those offering less than the minimum recommended fee.

It was suggested by Roebuck that consideration be made to have the recommendations accepted by Pro-Dem in order to facilitate going through the Competitions Bureau.

Roebuck noted for information that architectural fees are reported to Pro-Dem after the work has been completed, and that identifying those fees that may not be appropriate since it is reported after the fact.

A Council member suggested that caution be exercised with the Competitions Bureau since it might be perceived by them as the OAA attempting to indirectly force fees through Pro-Dem.

The Vice President Practice noted that she would like to meet with the membership by way of a working session, perhaps at the annual Conference in May.

K. Doyle suggested that a flyer to the membership could be included in the Annual General Meeting (AGM) mailing scheduled to go out in a couple of weeks, requesting a response to attend and that a room could be found at the Conference Hotel at no additional cost in order to facilitate the information session.

K Doyle noted that the flyer would be first circulated to the members of the Task Group for approval.

5761. Non-Compliance with Continuing Education – Referral of Members to Discipline (*oral*)

The Vice President Statutory Activities recalled that this issue had been raised by the Registrar at the February Council planning session and that it had been reported that there were 37 members who were non-compliant with Cycle Three of the OAA Continuing Education (Con Ed) program, and as a result had been referred to Discipline in the spring of 2006. It was noted that those individuals have not yet received a Notice of Hearing due to the backlog of Discipline cases.

It was suggested by the Vice President Statutory Activities that a task group be established to review Con Ed non-compliance and how to deal with it, i.e. the immediate issue of the 37 members who were non-compliant with Cycle Three, as well as the longer term.

Roebuck noted that the regulation states that architects will be subject to 70 hours of learning in a two year cycle. If a member does not complete this requirement, Council has deemed that they are then in contravention of the regulation and the only means to enforce it at this time is through the Discipline process. Roebuck noted that neither he nor Council have the authority to cancel a licence for non-compliance with the ConEd requirements. Roebuck indicated that other associations typically send out letters repeatedly over a period of time, however that this appears to be the extent of their penalty for non-compliance at that time.

Roebuck reported that the number of members who were non-compliant as at December 31, 2005 doubled over the previous Cycle, and suggested that Council consider whether the Discipline process is the most appropriate means to deal with those members.

A member of Council suggested that there are several issues which need to be considered namely the seriousness being placed on Continuing Education, how appropriate is the penalty of discipline referral and whether there is some other course by which to deal with non-compliance.

It was suggested by a Council member that an annual fee surcharge be added on to non-compliant members' invoices.

The President responded that such a fee is not contained within the OAA By-laws and therefore cannot be charged.

A Council member suggested that the Con Ed Committee be directed to consider the issue and present a recommendation at the next meeting of Council.

K. Doyle noted that the recommendations could possibly tie in with the current national harmonization document currently in process. K. Doyle added that in the Spring of 2006 OAA Council passed a formal policy relative to dealing with non-compliance with the OAA ConEd program and that the policy would need to be revisited if alternative penalties were to be imposed.

It was moved by O'Reilly and seconded by Larden that Council direct the ConEd Committee to review the current Council Policy related to Non Compliance with the Requirements of the OAA's Continuing Education Program, specifically related to those individuals who were referred to the Discipline Committee by Council in Spring 2006 as well as those who may be non-compliant in the future; and that a recommendation be presented to Council at the May meeting.
-- CARRIED UNANIMOUSLY

It was moved by Cooke and seconded by Visser that Council direct the Registrar not to proceed at this time with the Notice of Hearing for those members who were non-compliant with Cycle Three of the OAA's Continuing Education Program pending the report and recommendations of the ConEd Committee at the May meeting of Council.
-- CARRIED (1 abstention)

Items for Information

The President suggested that the items noted 'For Information' be received unless there are any comments or questions.

5762. *Reference Material Reviewed:* Memorandum from Director of Operations, Gordon Masters, dated March 1, 2007 re. Development of the Canadian Architect Registration Examination (C/ARE) and attached background information. **(APPENDIX 'F')**

Noted for information.

5763. *Reference Material Reviewed:* Memorandum from Director of Operations, Gordon Masters, dated March 2, 2007 re. Practice Advisory Services (PAS) Review Committee. **(APPENDIX 'G')**

Noted for information.

5764. *Reference Material Reviewed:* Correspondence from RAIC President, Vivian Manasc to OAA President, David Craddock, dated February 18, 2007. **(APPENDIX 'H')**

Noted for information.

5765. *Reference Material Reviewed:* Final Report re. Integration and Licensure of Internationally Trained Architectural Graduates from the RAIC and Canadian Architectural Certification Board (CACB) dated February 2007. **(APPENDIX 'I')**

Noted for information.

5766. *Reference Material Reviewed:* Correspondence from OAA President, David Craddock to the Provincial/Territorial Architectural Associations dated February 22, 2007 re. Invite to May 2007 meeting. **(APPENDIX 'J')**

Noted for information.

5767. *Reference Material Reviewed:* Memorandum from OAA President, David Craddock dated February 28, 2007 re. Report to Council re. Attendance at AIA Grass Roots Conference Washington D.C. **(APPENDIX 'K')**

Noted for information.

5768. Update on Building Advisory Committee *(oral)*

Noted for information.

5769. *Reference Material Reviewed:* Memorandum from Director of Operations, Gordon Masters dated March 1, 2007 re. OAA/RAIC Conference and Festival of Architecture 2007 – May 9-12 at the Sheraton Centre Hotel, Toronto. **(APPENDIX 'L')**

Masters noted that a slight change in the registration process is being suggested for this year such that payment will not be required up front if a member does not wish to use their credit card on line. If that is the case, that member may still register online, and their booking will be held for 7 days. If payment is not received within 7 days, their registration will be cancelled.

It was suggested by a member of Council that another option may be for the member to fax through their credit card number and hold the registration for just one day.

K. Doyle noted that this will not eliminate the concern however expressed by some members that out of town architects should be given first chance to secure their preferred ConEd selections.

It was moved by Green and seconded by Larden that Council approve the proposed process for Registration for the OAA Conference 2007 as presented to Council on March 8, 2007, such that registrations will be held for a seven day period without payment, after that point, the registration will be released.

-- CARRIED (6 in favour, 1 opposed, 4 abstentions)

5770. *Reference Material Reviewed:* Memorandum from Vice President Communications, Pawel Fiett dated February 20, 2007 re. Communications Committee Report. **(APPENDIX 'M')**

Noted for information.

5771. *Reference Material Reviewed:* Memorandum from Vice President Government Relations, Sheena Sharp dated March 7, 2007 re. Government Relations/Strategic Report distributed at the meeting. **(APPENDIX 'N')**

Noted for information.

5772. *Reference Material Reviewed:* Memorandum from Vice President Practice, Allan Larden dated March 1, 2007 re. Practice Portfolio Report/Update. **(APPENDIX 'O')**

Noted for information.

5773. *Reference Material Reviewed:* Memorandum from Registrar, Hillel Roebuck dated February 26, 2007 re. Activities Under the Registrar – January 1-February 26, 2007. **(APPENDIX 'P')**

Roebuck reported that the category of Non-Practising Architect has been added to the report for information.

Roebuck indicated that there have been 11 applications to date, all from existing architects and noted that some thought should be given as to how to notify those who are currently not licensed with the OAA.

Action: Roebuck to determine a means to notify previously licensed architects of the newly created category of non-practising architect and discuss those options with K. Doyle and G. Masters. Council is to consider those options at the next Council meeting.

OTHER BUSINESS

5774. Honorary Members. *(oral)*

The President reported that a call for nominations for Honorary Membership was included in the January 10-23 edition of e-bulletin.

It was confirmed by the President that there was a deadline of February 20 and that there were no nominations received.

This report was noted for information by members of Council.

5775. *Reference Material Reviewed:* OAA Committee Structure Chart by Vice President Practice, Gerrie Doyle dated March 7, 2007 distributed at the meeting. **(APPENDIX 'Q')**

The Vice President Practice reported that the Vice President portfolio and Council committee chart had been distributed to Council for consideration and feedback, additionally noting that some committees do not fit in to a specific portfolio and that she has currently placed them under the President and Senior Vice President and Treasurer portfolio.

Action: The Vice President Practice requested that members of Council provide feedback on the chart in one week's time.

Bulatovich left the meeting at 4:00 p.m.

5776. Council Liaisons to Societies (*oral*)

The President reported that typically there is a Councillor appointed to each society who acts as a liaison on issues specific to that society and is available to bring forth those issues to Council.

It was noted by K. Doyle that Council did not have the opportunity to complete the appointments to the Societies for 2007 during the February Council planning session. Doyle suggested that this should be done as soon as possible as questions as to who their Councillor liaison is have been posed by a number of the local societies

A member of Council enquired as to whether the societies were required to submit some form of annual report to Council.

K. Doyle responded that reporting from the societies is a requirement since the OAA provides yearly per capita funding, however added that it has been difficult getting the annual reports from each of the Societies. Doyle added that a memorandum is generally sent to each of the Society Chairs in the month of August, requesting that an accounting of their finances and report on activities for the year be submitted in the Fall of that same year.

K Doyle added as a follow up to the December meeting and the request for special project funding, that both the St. Clair Society and the Ottawa Regional Society of Architects had been asked to provide more information on their proposed project, however that had not been received to date.

The President suggested that a memorandum be sent to the Chair of each of the societies requesting that an annual report be prepared containing financials and details of recent activities, and that the report be submitted for the meeting of the Society Chairs' in May..

Action: Council directed staff to draft a memorandum to go to the architectural societies requesting that an annual report outlining financials and activities be brought along to the Society Chairs' meeting in May.

5777. Joint Ventures Proposal (*oral*)

A member of Council reported that s/he felt that a more formal structure along the lines of a joint venture between a number of firms should be created or encouraged through the OAA in order to deal with AFP Projects coming out from IO.

It was suggested by the Council member that a task group Advocacy for Architecture be given the mandate to assist in a identifying a mechanism to bring groups of architectural practices together in order to joint venture on projects.

A Council member agreed that it was beneficial to establish something to encourage people to collaborate but noted that the formal mechanism to allow for joint ventures already exists..

A member of Council suggested that the architectural profession needs to be better educated on this matter and that perhaps an improved joint venture contract in Ontario is the solution.

In response to a question posed by a member of Council, Roebuck noted there currently is a requirement for local collaboration for architectural practices coming from outside of Ontario.

A Council member noted that an amalgamation of 3-4 small firms on a more permanent basis would be very effective in terms of pursuing many of the larger infrastructure projects that are being planned.

It was suggested by a member of Council that a task group of Council could study how to facilitate contact between the various practices and provide them some relevant information on business structures, etc.

Action: Councillor Paul Hastings was added as a member of the Advocacy for Architecture Committee with the direction to further research the area of joint ventures on AFP Projects.

DATE OF NEXT MEETING

5778. The next regular meeting of Council is **Wednesday May 8th, 2007 at 8:00 a.m.** at the Sheraton Centre Toronto Hotel, Toronto, Ontario.

ADJOURNMENT

5779. **It was moved by Green and seconded by Hastings that the meeting be adjourned at 4:30 p.m.**

--CARRIED UNANIMOUSLY

President

Date