



Ontario Association of Architects

Summary of Society Visits 2018

Introduction

One of the many duties of the President each year is the annual visit to each of the Local Architectural Societies. OAA President John Stephenson and Executive Director Kristi Doyle began this year's tour on September 11, 2018 in Kingston with the members of the St. Lawrence Valley Society of Architects. The tour continued through the fall months and extended into 2019 with the final visit with OAA members in the Algoma Society area on January 17 in Sault Ste. Marie.

This following represents a general summary of the items presented and issues discussed.

During this year's visit, President Stephenson focused on four key initiatives (as noted below), followed by open discussion with members around issues of local concern and/or interest.

Regulation of the Practice of Interior Design under the *Architects Act*

The President noted that this item had been discussed at each of the Society visits in 2017 as part of the initial stage of membership consultation under the new partnership between OAA and ARIDO. Stephenson reminded that in late 2016, the then Attorney General directed ARIDO, which had been pursuing practice legislation for quite a number of years, to consider discussions with the OAA that would "bring interior designers under the regulation of the OAA" in order to "give ARIDO self-regulation status under the umbrella of a broader profession." It had been clear that there was no appetite on behalf of the government to give interior designers their own practice legislation. Preliminary discussions on this proposal commenced in February 2017 between ARIDO and the OAA, thereby allowing for an opportunity for the organizations to connect and explore potential approaches. Three core principles were identified at that time:

- The maintenance of an identity for both architects and interior designers;
- Continued control for both OAA and ARIDO over the destiny of their respective members which would include governance; and,
- Any model considered by both organizations should reflect a "partnership" of the two organizations.

As a reminder, President Stephenson spoke to members directly about the two models of regulation that were under consideration at the time during the 2017 annual society visit. A special *OAA News* bulletin was issued in April 2018, containing a full comprehensive membership consultation document. The document included details of the two models as options for regulation, a feedback survey, as well as it had indicated that we had received confirmation from the government that the preferred model was the first model—direct regulation under the *Architects Act*. With the direction from the government it was agreed that Model One, direct regulation, would be the model that would be pursued further.

In July 2018, the OAA confirmed in a joint communiqué that the majority of members that responded to the consultation document survey preferred Model One as well. Also noted in that communiqué was that both the ARIDO membership and as well as OAA Council had voted in

favour of proceeding with the first model (direct regulation) and directed that the next steps to pursue implementation be taken.

During most society visits, the President explained the details of the model of direct regulation as follows:

The *Architects Act* would be amended to remove from the public realm the “interiors exemption,” which currently permits anyone to provide interior design services within buildings otherwise regulated under the *Architects Act*. The interiors scope described by the current “exemption” would then be reframed as a definition of the scope of interior design practice either in the Act or through regulation under the Act—the effect of which would be to restrict the practice of this scope to licensed members of the OAA and registered members of ARIDO in order that the public interest may be protected and served.

ARIDO and the OAA will jointly determine education, experience and examination requirements for their respective members in order to maintain consistent licensing requirements relating to the practice of interior design under both organizations. This would be assessed and evaluated jointly on an ongoing basis as to remain current and consistent.

Architects, Licensed Technologists OAA and interior designers will continue to have mandatory continuing education in order to maintain their respective licenses. The respective professions will also be subject to professional conduct requirements and a complaints and discipline regime for the protection of the public interest. Interior design firms will all be required to hold a Certificate of Practice in order to provide interior design services to the public for work within regulated buildings, along with minimum levels of mandatory professional liability insurance. Controlled ownership of an interior design firm will require a licensed interior designer and/or architect.

ARIDO members will pay one membership fee that will be shared between the two organizations.

Under this model, all interior designers will be regulated through the OAA and require an OAA membership and license with terms, conditions and limitations. Interior designers will also remain members of ARIDO in this model. ARIDO’s role, within this model, will need to be further defined as it relates to ARIDO’s participation in meaningful governance over the profession of interior design. ARIDO will continue its advocacy role on behalf of the public interest in interior design.

ARIDO members who hold the designation of “Registered Member” will be deemed to have met the qualifications for membership within the OAA, and receive a license to practice interior design from OAA. However, they will retain the title “Interior Designer,” currently restricted under the *ARIDO Title Act*. OAA will issue Certificates of Practice to interior designer members of OAA who wish to offer interior design services to the public for work within regulated buildings. Interior designers will no longer require a Building Code Identification Number (BCIN) as they would be exempted from separate certification of Building Code qualifications as licensed members of the OAA.

ARIDO will continue to be responsible for qualifying individuals for membership in ARIDO based on the profession’s Education, Experience and Examination (triple E) requirements. Oversight by the OAA Registrar will need to be considered and defined.

The OAA will administer and regulate mandatory continuing education requirements for interior designers in collaboration and consultation with ARIDO.

The OAA will be responsible for complaints and discipline for interior designers with the involvement of licensed interior designer members on those two committees. Governance issues for both organizations will need to be considered and defined for these new members of the OAA (e.g. seat[s] on Council, seats on Board of Management, voting in elections, committees, AGM voting, etc.).

Pro-Demnity Insurance Company will provide errors and omissions insurance for the OAA interior design members through a mandatory insurance program.

A Joint Venture Agreement would be struck between ARIDO and OAA to define areas of ongoing collaboration and/or input between the two organizations. Issues related to the profession of interior design would be addressed and consulted on jointly between ARIDO and the OAA.

At the end of this segment, the President took questions from members regarding specific details of the model. It was made clear that this does not affect the current scope of practice which is restricted to architects and/or licensed technologists, OAA. There were also a number of concerns raised relative to conflict of interest where interior designers are receiving compensation from furniture suppliers. The President confirmed that ARIDO members are presently not permitted to receive 'kick-backs' from suppliers as it is against their code of ethics. The further regulation of a scope of practice and required licensure will further serve to eliminate this from happening. In general, the feedback suggests that most members continue to be in favour of the regulation of interior design and interior designers under the *Architects Act*.

The Shift Architecture Challenge 2019 – Infrastructure

The President reported that the SHIFT Architecture Challenge is a new OAA program to highlight the distinct contribution architects and architectural thinking bring to addressing key societal issues. By inviting Ontario architects to respond to an identified area of concern, in this case infrastructure, the Challenge aims to showcase the profession's belief that good design can bring about positive change.

The OAA encourages all members to participate. Individuals, as well as multi-disciplinary teams led by OAA members, are eligible to submit.

SHIFT 2019 submissions selected by a jury will then become the basis for a book publication, media outreach and an exhibition that makes its debut at the 2019 OAA Annual Conference in Quebec City next May.

The OAA 2019 program challenges the profession to identify and address an infrastructure issue, either physical or social, where architectural thinking may be absent or under-represented. Infrastructure encompasses the foundational aspects of society, profoundly structuring and governing our daily lives. It can include anything from transit, water systems, housing, hospitals, and electrical grids to planning regulations, definitions of family, immigration laws and the status of First Nations, Inuit and Metis.

The OAA challenges the architecture profession to examine these systems and propose new ways to understand, create or support infrastructure that links our communities in order to address these connective elements.

The President encouraged all to visit the ShiftChallenge.ca Website for more detail and to see examples that illustrate approaches to the challenge statement. Submissions will be accepted up to January 18, 2019.

It was further explained that the SHIFT Architecture Challenge will run biennially in “odd years” (e.g. 2019, 2021...), with each program having a different topic—the first edition focuses on infrastructure. The OAA Awards program, including Design Excellence, will continue to be celebrated in even-numbered years (e.g. 2020, 2022...).

The President urged all members to participate in this exciting new program.

Results of discussions with Infrastructure Ontario and impact on contract language – the ongoing strategy to deal with unreasonable RFP and contract language

The President provided members with an update regarding the ongoing discussions with Infrastructure Ontario (IO) regarding its supplementary conditions to OAA Document 600. In particular, the recent discussions are focused on the indemnification clause which is of most concern—Clause 8.9. Since August, progress was being made such that an alternate clause was offered by IO. After a number of rounds of discussion that included legal counsel, the new clause had been implemented which eliminated the concerns that had been conveyed to members that entering into a contract with the original clause may constitute professional misconduct.

The President further explained that the new language includes a cap on the liability/exposure for the architect. However, the solution also presents business decisions for members/firms such that the solution relies on considerably increased insurance limits, plus 300 per cent of fees to arrive at the cap.

With this change, the President indicated that members can proceed as they see appropriate in terms of responding to the IO Vendor of Record (VOR) refresh, and/or signing new contracts with IO. It was stressed, however, that members need to account for these new conditions accordingly and strongly recommended that exposure beyond the amount of professional liability insurance also needs to be insured (i.e. the 300 per cent of fees).

When asked, the President confirmed that, at this point, IO has not agreed to apply revised language retroactively to agreements that have already been signed.

A number of members noted that they had reapplied to the VOR after this change had been made. The President noted that the decision of many members not to respond to the original VOR refresh had a resounding effect. The power of a collective voice is considerable.

The President noted that OAA Document 600 is under review as well and as part of that process consultation has occurred with the legal community through the Ontario Bar Association (OBA). A roundtable was held with members of the OBA and some very useful discussion has taken place which has underlined the need to have more open communication as well as

education of each party's roles and responsibilities and regulated standards of practice of the profession.

The President further noted that the OAA continues to advocate for the use of Quality Based Selection for the procurement of architectural services.

There was additional discussion during some meetings around the OAA's actions relative to the IO supplementary conditions. Most members were very supportive of the OAA's efforts to address this ongoing issue with IO. Some members posed questions about the OAA's position that entering into a contract with such a clause may constitute professional misconduct. It was noted that professional misconduct was ultimately a ruling that would be rendered through the complaints and discipline process.

An Architecture Policy for Canada (APC)

The President provided members with an overview of an exciting national project developing under the leadership of the Canadian Architectural Licensing Authorities (CALA). The project is to develop an architectural policy for Canada which will define and reinforce value of architecture as a creative cultural and social industry. The policy is focused on what excellence really means in the built environment and how it benefits society.

It is hoped that once established, an architecture policy for Canada will help to inform and guide the process of procurement and commissioning public projects at all levels of government to leverage architectural opportunities for desirable social outcomes. Further, the policy will also help to make Canada and Canadian architecture more compelling and competitive on the world stage.

By doing so, the APC will also connect architects and the Public in a broader public conversation about architecture and why excellence in the built environment is so important. With that level of awareness, the APC will help empower the profession to speak more cohesively and with greater confidence about the value of architecture, and the contribution of architects to making better places for people, ultimately to strengthen the practice of architecture and its advocacy voice across Canada.

It was proposed that the narrative for an Architecture Policy for Canada will be set out in six or seven sections as follows:

Introduction; Architecture + People; Architecture + Place; Architecture + Prosperity; Architecture + Potential; Architecture + Practice; and, Calls to Action.

As part of the development process, the President further explained that there will be a country-wide consultation process that will include a wide variety of stakeholders, as well as the profession. It is hoped that the consultation process will culminate with an endorsement event in the fall of 2020 and hopefully government will consider adoption in 2021. The President invited society members to consider how they can support this process by organizing events.

The following brief updates and reminders were discussed with members.

Encouraging all to attend, the President reminded that the 2019 event will be held at the **Québec City Convention Centre** and **Fairmont Le Château Frontenac** from May 22 to 24. The theme of the 2019 OAA Annual Conference is “Empowering Change.”

The President encouraged all members to consider getting involved with the OAA, noting that opportunities are available each year on Council as well as committees and task groups. It is a wonderful opportunity to share expertise and learn in depth about other aspects of the profession, regulation, the Association's structure, as well as numerous programs and services. It is a chance to gain a wealth of information, and give back to and influence the future of the profession.

In addition, the OAA holds periodic roundtables that members are encouraged to participate in. The roundtables are an important avenue for the OAA to gather feedback and input from members. As part of its mandate to promote architecture for the good of the public, the OAA conducts roundtables of members working in specific focused areas of practice in order to collect front-line feedback.

Two are planned for this fall: one focused on Project Management and the second on Reconciliation.

The purpose of the Project Management roundtable is to explore the relationship between architects, project management professionals and clients. One of the goals of this client-centered event is to develop a better understanding of these three roles, finding common ground while acknowledging the very different responsibilities.

The Reconciliation roundtable will center on reconciliation for architecture in response to the Truth and Reconciliation Commission of Canada's Calls to Action.

Housing Affordability Study

The President reported that OAA Council had established a Housing Affordability Task Group (HATG) and agreed to engage a consultant late last year to prepare a report on housing affordability noting the ongoing concern among the public, the profession and other stakeholders regarding housing affordability in Ontario. The Task Group is continuing its work with the consultant SvN Architects + Planners Inc. and the report on housing affordability is to be completed before the end of the year.

Over the past few months, the Task Group has been researching the context, background and driving forces for the housing affordability crisis in the province. This work has been ongoing via the research work of the consultants (SvN), the input of the Task Group members, and discussions with invited guests working and advocating in the field.

In conjunction with this research and meetings, the Task Group has put out calls to OAA members to submit case studies that address housing affordability, as well as collecting case studies through the research of relevant work both in the province and abroad.

Currently, the research is focused on evaluating the case studies and extracting relevant solution from the projects and from the discussions and research to date.

The President urged those who may have appropriate projects to share those for the purposes of this important study.

As always, before closing each meeting, the President asked for additional feedback from the group in terms of local issues they may wish to raise, feedback for the OAA on current programs and initiatives, etc.

In a number of societies, ongoing concern was expressed by local members regarding delays relative to the site plan approval (SPA) process, noting that the delays are contributing considerable costs for clients and the public.

At the close of each meeting, the President thanked all in attendance and encouraged members to get involved in the OAA either through committee opportunities or by considering running for Council. In addition, the President noted his concern that the profession's national organization is not well supported by licensed architects in Canada as less than 20 per cent belong to the RAIC. The President encouraged all members in attendance to support the RAIC by becoming members. He made the point that a higher membership participation will empower the RAIC with a stronger voice. Membership also entitles architects to engage both critically and constructively.

This above summarizes the content of the 2018 annual visits to the OAA's local societies and highlights the key areas of discussion. It does not necessarily reflect the very detailed discussions in some societies.