

*Established in 1889, the Ontario Association of Architects (OAA) is the self-regulating body for the province's architecture profession. It governs the practice of architecture and administers the Architects Act in order to serve and protect the public interest.*

Standing Committee on Justice Policy  
Whitney Block  
Room 1405, 99 Wellesley Street West  
Toronto, Ontario  
M7A 1A2

February 1, 2024

**Re: Bill 157, *Enhancing Access to Justice Act*, 2023**

Dear Chair and Committee Members,

On behalf of the Ontario Association of Architects (OAA), I am writing to confirm the Association's support for Schedule 1 of Bill 157, *Enhancing Access to Justice Act*, 2023, which contemplates amendments to the *Architects Act*. If passed, Schedule 1 will establish a Limited Licence provision with designated classes of licence mandated through Regulation 27.

**The OAA urges government to swiftly establish a Limited Licence for former Licensed Technologists OAA. The establishment of a framework for Limited Licences is in the public interest and is entirely consistent with the Association's legislated mandate to regulate the practice of architecture, including services provided by qualified individuals in the architecture discipline.**

This is a critical piece in advancing housing affordability in Ontario. Architects and this para-professional group are key players in the process, as the architecture profession is critical to a long-term solution.

**Protection and Promotion of the Public Interest**

It is the regulatory responsibility of the OAA to govern those individuals qualified and licensed to practise within a restricted scope of the practice of architecture in Ontario. Establishing paraprofessional Limited Licence classes is not uncommon for regulators in Ontario, with examples found in the engineering, medical, and legal professions.

Limited Licence holders will be accountable to the public and required to maintain the standards of practice and conduct as established in the *Architects Act* and the Regulation thereunder. This includes maintaining mandatory professional development requirements and being accountable to conduct competence standards. Further, should any concerns arise on these items, members may be subject to the OAA's legislated Complaints and Discipline processes. All of these requirements and procedures have been established through the *Architects Act* to serve and protect the public.

## Background

Established in 1890, the OAA is mandated to regulate and govern the practice of architecture in Ontario in the service and protection of the public interest in accordance with the *Architects Act*, its Regulation, and Bylaws. The OAA develops and upholds standards of skill, knowledge, qualification, practice, and professional ethics among architects, and also works to promote the public appreciation of architecture. The OAA and its governing Council understand the importance of this regulatory responsibility, including a duty to govern those individuals qualified and licensed to practise within the restricted scope of the practice of architecture.

Since 2003, the OAA has been a founding entity of the OAA Technology Program (the Program) to offer a pathway to licensure for individuals in the architectural discipline. The Program had been successfully administered on behalf of the OAA through the Ontario Association for Applied Architectural Sciences (OAAAS) for 20 years. The academic requirements for entry included having an advanced diploma from an Ontario college three-year architectural technology program, or equivalent, or greater. Based on this, entry could also be granted to individuals who:

- Graduated from a college architectural technology program accredited by Technology Accreditation Canada (TAC), or equivalent and/or successor organization;
- Graduated from a university architectural degree program from an institution recognized by UNESCO;
- Hold membership at the Technology Level of a recognized professional association representing technologists in any province, or an equivalent jurisdiction outside Canada; or
- Hold any combination of academic study and education that the OAA may approve as equivalent.

Given the above broad eligibility, this Program provided a path to licensure for internationally educated individuals seeking licence to practice in Ontario within a limited scope. Eligible individuals would move through the Program and, once successfully completing the education, examination, and experience (EEE) requirements, would be eligible for licensure by the OAA with a limited scope of practice. These licensed individuals held the title “Licensed Technologist OAA.”

## The OAA Technology Program

The OAA Technology Program always existed alongside the Association of Architectural Technologists of Ontario (AATO) and its Architectural Technologists. It is important to note the OAA and the AATO have very distinct roles.

The OAA is the statutory regulator that governs the practice of architecture in Ontario in order to serve and protect the public interest in accordance with the *Architects Act*. The AATO is a voluntary professional association for Architectural Technologists. Its legislation, Bill PR40, *Association of Architectural Technologists of Ontario Act, 1996*, is a private members act and, by definition of this type of act, is concerned with matters of private interest to specific corporations or individuals.

Private members acts are designed to grant or exclude certain powers and benefits to a specific group. As such, and in contrast to the OAA, AATO does not have a public protection mandate.. Further, unlike the OAA, the AATO has no authority related to the provision of any architectural services to the public; their authority is restricted to governing the use of the titles established in Bill PR40.

To help clarify the distinction of the proposed Limited Licence class, it is important to understand the requirements of the proposed OAA Technology Program and the proposed restricted scope of practice. The proposed OAA Technology Program is the pathway through which a qualified individual would achieve licensure with the Ontario Association of Architects as a Licensed Technologist. These individuals would be members of the OAA with rights and responsibilities, including the legal right to design within a restricted scope of practice as to be set out in the Regulation under the [Architects Act](#).

If Bill 157 passes, the OAA would develop a regulation that would confirm the eligibility and competence of these members through a rigorous process that includes:

- meeting the educational requirements;
- completing the Program experience requirements (i.e. 5,580 supervised hours);
- completing mandated courses;
- passing the licensing examination; and
- being a person of [good character](#).

Upon issuance, the Licensed Technologist would receive a Limited Licence. This individual would follow the standards, rules, and guidelines set by the OAA. A Licensed Technologist may provide architectural services to the public under the supervision of a holder of a Certificate of Practice. The individual may also provide architectural services to the public after obtaining a Certificate of Practice and the requisite professional liability insurance as prescribed by legislation.

It is proposed a Licensed Technologist be able to offer architectural services to the public within the following scope:

- A residential occupancy up to four storeys;
- One or two attached residential dwelling units (there is no restriction for these units to be at grade);
- Three or more attached residential dwelling units with a maximum building area of 600 m<sup>2</sup> (there is no restriction for these units to be at grade);
- Restaurants up to a maximum occupant load of 100 persons within a gross area of 600 m<sup>2</sup>; and
- Any project excepted by the *Architects Act*, s.11 (3).

There is no legislative overlap arising from Schedule 1, rather the continued access to provide certain prescribed services to projects that any qualified member of the public may undertake. This provision has always existed, and remains unchanged, as established in S. 11(3) of the *Architects Act*. While members of the public (inclusive of Architectural Technologists) may provide services prescribed by S. 11(3)

“Exceptions” under the *Architects Act*, they are governed by the Ministry of Municipal Affairs and Housing via their Building Code Identification Number (BCIN) qualification process.

For an Architectural Technologist to offer architectural services to the public, they must be either an employee of an OAA architectural practice under the supervision of an architect, or restricted to what a member of the public may undertake as noted above. However, through Schedule 1, Architectural Technologists will now have a path to licensure and the ability to offer architectural services to the public within a restricted scope of work. Anyone achieving a Limited Licence would not be subject to the MMAH BCIN program and may provide architectural services to the public through their own practice.

In June 2022, the OAAAS was sunset and the administration of the Program was fully integrated into the operations of the OAA. In the fall of that year, AATO advanced a court application challenging the OAA’s authority to issue licences with a limited scope of practice to individuals in the architecture industry. It is important to understand that the foundation of their challenge was that the licences were being issued via Council policy, rather than statute, and was not related to any scope of practice issues. The Court was scheduled to hear the case in December 2023, but the OAA’s governing Council agreed to pursue good faith negotiations with AATO in the goal of finding an equitable and fair resolution in the public interest that would allow these professionals the ability to continue to practise while amendments were being sought to the *Architects Act*. Unfortunately, these negotiations were unsuccessful as the demands of the AATO were neither appropriate nor grounded in the public interest.

### **OAA and AATO Negotiations**

Since the late 1990s, there have been many opportunities for negotiation between AATO and the OAA; however, it is with regret that at each instance AATO has taken the position that its members should be able to practise architecture with little to no restrictions and outside the regulatory framework established within the *Architects Act*.

The OAA’s governing Council of the time acknowledged that a para-profession was evolving in the broader architectural community, comprising a number of individuals whose qualifications and experience may entitle them to provide services within the practice of architecture. As mandated in the *Architects Act*, any individual that practises architecture as defined in that Act must fall under the regulation of the OAA. Although available to any qualified individual, the *Architects Act* amendments within Schedule 1 would provide a licensure path to practise architecture for Architectural Technologists should they wish to offer architectural services to the public in Ontario. This had in fact previously existed under the OAA Technology Program and models the approach within other professions such that the regulation of professional services is addressed within one piece of legislation. This ensures public clarity from a legislative point of view and choice for those seeking professional architectural services, both of which are in the best interest of all Ontarians.

## Court Order

The Ontario Superior Court of Justice issued an Order that took effect on May 10, 2023, with immediate impact on all 150 Licensed Technologist OAA (Lic.Tech.OAA) licences and 44 Lic.Tech.OAA Certificates of Practice (CoPs). However, as evidenced by the court application, the OAA acknowledged the need to establish the appropriate amendments to issue Limited Licences and continue to support the OAA Technology Program path to licensure. Further, the OAA consented to the AATO Court application **unconditionally** with the aim to swiftly establish the necessary provisions to continue the path to licensure program and associated Limited Licence. During the above-noted Court application negotiations, the OAA alerted the AATO that it would be seeking these legislative amendments.

The OAA acknowledges the immediate impact the Order had on many individuals, making expediency a priority. The contribution these professionals make in carrying out the work within Ontario's architectural practices is significant. Most of those 44 that had been operating a practice were providing critical design services specifically related to housing and residential projects. It is important, and certainly in the public interest, that these individuals be permitted to resume services as quickly as possible, especially given the housing crisis in this province.

The OAA remains committed to its Technology Program and the important services those with a Limited Licence provide to the public. The Association enjoys a longstanding, collaborative relationship with government, and looks forward to working alongside this Committee to protect the public interest.

Sincerely,



Settimo Vilardi, Architect  
M.Arch., OAA, FRAIC  
President