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January 26, 2023

Canadian Experience Requirements (CER) Prohibition Exemption Request

Mercy Barzallo and Hilary Forgie-Resnick,

I hope this email finds you well. Thank you for the CER application guidance with respect to an exemption referred to in section 10.2 of the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* (FARPACTA). Accordingly, please find enclosed a response to the specific questions

1. The reasons the exemption is necessary for the purposes of public health and safety.
2. A statement as to whether any body that regulates the same profession as the regulated profession in another Canadian province or territory has eliminated its requirement for Canadian experience as a qualification for registration.
3. A summary of other facts relevant to the application.
4. A statement of the law and authorities relating to the application.
5. Supporting documentation.

We have tried to be thorough, but if you have any further questions or require additional information, please do not hesitate to contact me.

Thank you again for this opportunity to clarify the requirements and rationale behind the provincial path to licensure. We feel it is important to have an equitable, diverse, inclusive profession while balancing this with our mandate to serve the public interest through helping ensure qualified professionals design healthy, safe buildings that perform in an Ontarian context.



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Canadian Experience Requirement (CER)

Objective	CER Prohibition Exemption Application to the Office of Fairness Commissioner
Reference	<i>Fair Access to Regulated Professions and Compulsory Trades Act, 2006, S.O. 2006, c. 31</i>
Date	November 2022

The Ontario Association of Architects (OAA) thanks the Office of the Fairness Commissioner (OFC) for this opportunity to submit information regarding Canadian experience requirements. As the regulator for the architecture profession in protection of the public interest, the OAA takes very seriously its role in ensuring a safe built environment for Ontarians, while also being mindful of the critical need for an equitable, diverse, and inclusive profession that is strengthened by the involvement of those who have been trained or licensed outside the province.

The Association is respectfully asking for an exemption from the Canadian Experience Requirement (CER) prohibition. This document seeks to provide the OFC with as much information as possible to offer rationale for this request, but do not hesitate to reach out should you require additional data or clarification.

1. Reasons the exemption is necessary for the purposes of public health and safety

Architects bear a tremendous responsibility to ensure the built environment provides a safe and secure future, even long after that individual's career is over. As such, the removal or change of any entry requirement must be carefully considered from a safety and public interest perspective.

In Ontario, the pathway to becoming an Architect from the completion of academic degree requirements can take an average of five to six years. The individual then has a clearly defined scope of practice as set out in the [Architects Act](#) and related legislation. Many international jurisdictions have radically different licensing frameworks, and even the title of 'Architect' can mean very different things in different countries. Therefore, to ensure the safety of Ontarians, it is critical to examine parity and mutuality of training, skill development, and entry-level competence.

The complexity and level of risk to the public distinguishes the architecture profession in Ontario from the compulsory trades and other regulators named in Schedule 1 of *FARPACTA*. The OAA's core responsibility is to ensure candidates for licensure are competent to practise and that they do not pose a risk to public health and safety.

To better understand Ontario's reputation for architecture and construction quality, the World Bank Group—a global financial institution offering capital-project loans and grants to lower- and middle-income national governments—provides some context. The group offers a meta-analysis of the construction standards of 190 countries and assigns a Building Quality Control Index (BQCI) score to benchmark global best practices. Ontario data was used to calculate Canada's score, which is an admirable 14 out of 15. Of the other countries, 170 received lower scores—with 70 lower than "10" and 41 below half the available score.

The requirements to be licensed in Canada (specifically, Ontario) are more rigorous than are found in other jurisdictions. Therefore, comparing training or experience between countries should not be viewed as like-to-like. There are catastrophic and deadly consequences of buildings not being safely designed (or failed to be inspected/maintained), as witnessed by a number of recent building failures around the world.

The OAA is committed to bringing internationally trained architects (ITAs) into the profession, as evidenced by the various

programs and pathways the Association has supported, established, and continues to explore. Just last fall, the OAA co-hosted with the Canadian Architectural Certification Board [CACB] and Toronto Society of Architects (TSA) a special [online info session](#) to share some of the different paths to architecture licensure in Canada for internationally trained professionals.

However, any measure requiring the OAA to narrow the standards of licensure—including the lowering or elimination of experience requirements—could pose serious risk to public health and safety. Changes to the licensing process must be made in accordance with the careful study of available evidence and consideration of prevailing licensing standards. This duty to the public is legislatively prescribed to the OAA via its principal object in the *Architects Act* in section 2(2), R.S.O. 1990, and was upheld in 2007 through the Ontario Superior Court’s recognition of the “exclusive regulatory jurisdiction” in *Association of Professional Engineers of Ontario v. Ontario (Municipal Affairs and Housing)*, 2007 CanLII 17629 (ON SCDC).

There is only one class of legislated Architect licence in Ontario, and there are no specialties or controlled acts. Once licensed, an Architect is legally authorized to design and administrate during construction any type of building, from family dwellings to community centres, universities, and skyscrapers. All building types have inherent risk to the health and welfare of the public in Ontario, ranging a large spectrum—from the threat of collapse to less-obvious building envelope issues and environmental implications and financial risks to the clients and stakeholders. Managing these risks requires gaining competency in the application of the multi-layered legislative context that is specific to building in Ontario and unique to each project.

Architecture is an incredibly complex profession, requiring extensive, direct work experience covering specific areas that cannot be acquired through an academic setting. There may be a similarity globally in the content of architectural *education*, however, the actual *practice* of architecture (and the scope of an Architect) differs significantly in Canada from many other parts of the world.

The fundamental and explicit purpose of the legislated requirements for licence, inclusive of 940 hours of local experience, is to safeguard and serve the health and welfare of the people of Ontario. The province has an interest in ensuring buildings do not collapse or wreak damage on people and property.¹

The OAA remains concerned of the potential for lapses in public health, safety, and welfare should the Canadian Experience Requirement be prohibited for the architectural profession. While there may be risks in all professions, the possible dangers within the architectural sector are expressly tied to physical health and safety—both short- and long-term welfare.

Especially given the wide range of climactic conditions experienced in Ontario, contemporary buildings are extremely expensive. In cases where they fail to function as intended, or demonstrate defects, there are also legal and financial implications that can be significant.² Unintended deviations from standardized building practice have a significant impact on quality control and are often not identified until the project is underway or completed. Additionally, many buildings have defects not immediately apparent when they are put into service. In many cases, inadequate understanding of the building code and lack of knowledge and experience regarding good building practices have been identified as concerns.³

An Architect’s duty of care extends from designing appropriately for the site and context to ensuring the result is in conformance with the requirements as permitted. This includes educating the client of the risks of any deviations.⁴ A lack of familiarity with the Canadian practice standards and processes increases the potential for hazard, uncertainty, and risk for owners and the public.

An Architect in Ontario offering or providing any services falling within the definition of the practice of architecture⁵ is bound by the requirements not only in the *Architects Act*, but also any other legislation related to the construction, alteration, or enlargement of a project in the province as set out in Regulation 27 section 42.⁶ It has always been the OAA’s position that direct, local experience is critical to the [competency required](#) to safely practise in Ontario—a requirement that, in addition to extensive training and education, has overwhelmingly continued to keep the public safe.

The OAA has several licensure pathways for internationally educated or licensed architects. This includes the [Broadly Experienced Foreign Trained Architect](#) program (BEFA), [Mutual Recognition Agreements and Treaties](#), [exemption requests to Council](#), and the [Internship in Architecture Program](#) (IAP) wherein international experience is recognized.



(Many of these topics were discussed in the previously mentioned webinar for ITAs.)

In Ontario, the required professional competence is most often obtained and demonstrated through a combination of formal education, supervised experience, the [OAA Admission Course](#) and professional examinations as set out in the Regulations and further elaborated in the IAP Manual. The [Regulatory Organizations of Architecture in Canada](#) (ROAC)—formerly known as the Canadian Architectural Licensing Authorities (CALA)—have adopted common admission standards regarding education, architectural experience, and examination. Such standards facilitate reciprocal registration/licensing across Canada under a reciprocity agreement entered into by all ROAC jurisdictions. It has been suggested an academic course or similar be developed as an alternative to the requirement for local experience. However, the required admission/registration standards already include mandatory courses and examination; further, they affirm local CER remains critical to meeting the required competency to practice architecture in Ontario.

The OAA has long recognized the necessity and importance of alternative means to assess competency for registrants. Individuals pursuing licence are able to seek exemption from some or all of the licence requirements (inclusive of Canadian experience) in Ontario as set out in section 13 of the *Architects Act* (elaborated below).

Further Considerations

Regardless of the number of stakeholders and professionals involved in the design of the built environment, the Architect is ultimately responsible for confirming to the authorities having jurisdiction (AHJs) that what has been built is as permitted, in accordance with local legislation(s) and safe for use by the public. It is difficult to imagine assigning this level of responsibility to individuals who have no practical experience in Ontario. The following represent further considerations as it relates to local competency.

Climate stability

Response to climate change requires site-specific solutions. For those involved in the design of buildings and cities, whether Architects, urbanists, or citizens, there is a deep responsibility to be aware of, and design for, the impact of climate change. With 36% of global energy devoted to buildings and 8% of global emissions caused by cement alone in 2021, the architectural community is deeply entwined with the flows of materials, energy, and ideas related to climate change—both in terms of causes and solutions.⁷ These flows are specific to location and cannot all be applied interchangeably for the design of buildings in different areas in the world.

Local knowledge and familiarity with Ontario's environmental conditions are critical for developing and designing buildings and a built environment that meet Canada's building performance, best practices, resource, and energy use targets. Design for the built environment in Ontario is not simply about general cold-climate competency—rather, it is cold-climate design *specific* to local conditions and considerations found in Ontario.

Our country is warming at approximately twice the rate of the global average, and the Northern region is warming even faster.⁸ Additionally, extreme warm temperatures have become hotter while extreme cold temperatures have become less cold.⁹

A broad range of risks to the health and well-being of Canadians from climate change were identified more than two decades ago by scientists.¹⁰ Subsequent science assessments and related studies, from national to local levels, have suggested health risks are increasing, posing serious threats to populations and significant impacts on some individuals and communities from current climate variability.¹¹ An increase in some diseases, such as Lyme disease, are due in part to a changing climate.¹² Further, the observed increase in the frequency and severity of extreme weather events and disasters such as extreme heat events and wildfires, as well as the expected increases in extreme precipitation with a warmer climate and associated flood risks in some areas, call for a better understanding of the populations and regions at higher risk to impacts on health.

The responsive and responsible design of the built environment and the health of Ontario communities must not be considered mutually exclusive. This is critical not only from the perspective of designing buildings in a manner that addresses embodied carbon and energy use, but also in a manner that addresses events that threaten local communities (e.g. extreme temperatures, flooding, fires).



Building Envelope

Known as the “building envelope,” the assembly of exterior items enclosing a building represents the single most important design element—it affects everything from energy use, indoor air quality, and experiential comfort to durability and affordability. The design of the envelope is unique to where the building is located and the inherent building science of that region. In other words, envelope design approaches from different climates are *not* interchangeable, as best practices are responsive to local climate and conditions.

The differences in thermal barrier requirements in buildings across the world are influenced as much by the differing priorities of the governing bodies that set these requirements as they are by actual physical demands and conditions. Usually, national requirements for building envelope characteristics such as thermal insulation values, thermal energy system resilience, building envelope airtightness, vapour permeability, building mass, and detailing are based on economics, durability, and environmental considerations.¹³ Applying improper design strategies to a building envelope represents a great risk to the health and welfare of present and future occupants—from catastrophic collapse to long-term health implications related to indoor air quality, not to mention the financial and energy use implications these design failures represent for the public.

Federal Focus on Responsive Strategies

In November 2022, Canada released its [National Adaptation Strategy](#), which clearly acknowledges the need for understanding and appreciation of local communities and best practices when it comes to the responsible design of the built environment. In addition to the focus on planning for an environment supportive of marginalized populations, including low-income, underserved, racialized, or immigrant communities and Northern-specific issues, the strategy also calls out the need for professionals to invest in expanding professional capacity for adaptation. More specifically:

Professional associations create communities of practice, set standards of excellence, and promote professional development amongst professionals within a given field. Due to their leadership positions within specific areas of work, they are well placed to influence climate adaptation action and help support integration of adaptation into their professional activities, including by:

- *Developing climate resilience guidelines for their members;*
- *Integrating climate change considerations into their codes of conduct and ethics;*
- *Establishing best practices related to climate change adaptation;*
- *Building awareness of climate risks and offering training and education to their members on adaptation;*
- *Integrating adaptation competencies into their education and professional development requirements;*
- *Providing up-to-date information on new technologies and approaches to reduce climate risks;*
- *Encouraging the uptake of new practices, designs, and technologies through guidance documents to spur innovation in industry; and*
- *Regulating requirements for special designations.*¹⁴

The OAA recognizes that being a responsive regulator means seeing the requirement for local experience as a critical and direct method to ensure licensees are aligned with the federal priorities of the National Adaptation Strategy.

Reciprocity

The foundation of ROAC’s licence reciprocity across Canada is founded on the consistent application of the national licensing program by all jurisdictions. Current and pending Mutual Recognition Agreements (MRAs) are based on the existing licensing requirements for Canadian Architects. If Ontario is required to eliminate one of the core licence requirements, it remains to be seen how this will impact these licence-for-licence agreements both in domestically and internationally.



An Architecture Policy for Canada

The OAA and many other ROAC members, in collaboration with members of the [Canadian Council of University Schools of Architecture](#) (CCUSA) and the [Royal Architectural Institute of Canada](#) (RAIC), are currently leading a nation-wide discussion about how architecture can help create a better quality of life for all people across Canada. Through their work, they have created the Vision of Value document that sets out national policy groundwork to [Building Thriving Communities for All Canadians](#).

This work represents the future of architecture in Canada and what the public should expect from a national policy and, in turn, the professional service of an Architect. To align with this vision and contribute meaningfully to the built environment, familiarity and competency with practice in Canada would be essential.

In other words, when a member of the public retains an Architect, it should be with the confidence that the professional is an expert within the context for which they have been engaged. This means an assurance the project will be designed and built having consideration for all local requirements and best practices. The OAA would be severely challenged to uphold its mandate to serve and protect the public of Ontario, if it is prohibited from requiring its licensees gain practical experience in Canada.

2. A statement as to whether any body that regulates the same profession as the regulated profession in another Canadian province or territory has eliminated its requirement for Canadian experience as a qualification for registration.

All provincial and territorial regulatory bodies for the practice of architecture—that is, the 11 members of ROAC—require Canadian experience as a qualification for licence.

Statutes enacted by the legislatures of the Canadian provinces and territories stipulate who may carry on the practice of architecture. These statutes contain and define the general admission requirements by respective provincial or territorial jurisdiction based on the expected standard competencies of applicants, as developed by ROAC. As noted above, the regulators who comprise ROAC are responsible for setting the standards for entry into the profession and for issuing licences to those meeting established standards of qualifications and practice.

Through ROAC, the Canadian architectural regulators work collectively to develop, approve, and adopt nationally recognized standards and programs that meet their regulatory responsibilities. These standard competencies are not static—ROAC works continually to review and update these competencies to keep pace with an evolving and dynamic industry and profession. However, the one competency that has *not* changed and remains universally expected across the country is the requirement for Canadian experience prior to licence.

All the Canadian regulators of architecture have determined the need for maintaining a period of defined Canadian or jurisdictional specific work experience as the only opportunity for applicants to gain hands-on experience and obtain knowledge through direct exposure to the many facets of an architectural process in their respective jurisdiction.

3. A summary of any other facts relevant to the application.

All the OAA licensure experience requirements are bona fide and reasonable, as Architects must meet and maintain a minimum standard to protect the health and safety of the people of Ontario. The academic and experience requirements for licence:

- were adopted and undergo regular national review to rationally connect them to the professional services expected to be executed by an Architect in Ontario;
- were developed in good faith and in the belief that they are necessary to fulfil the competency expectations for an Architect; and



- are reasonably necessary to achieve demonstrable competency expectations for an Architect in Ontario.

The OAA has been in existence since 1890. Our governing legislation is the *Architects Act*, R.S.O. 1990 c. A. 26 and the *Architects Act Regulations*, R.R.O. 1990, Reg. 27.

Since 1890, on average, more than 35% of our licensed members have an academic origin other than Canada. Separately, an average of 22% of members licensed with the OAA were educated in a country other than Canada or the United States. Currently, 734 of the 1,947 intern architects in the Internship in Architecture Program—that is, 37%—have an academic origin outside Canada or the United States.

To become licensed as an Architect in Ontario you must:

- (1) have a professional degree in architecture or an equivalent degree certified by the Canadian Architectural Certification Board (CACB), a national body developed and funded by the 11 Regulatory Organizations of Architecture in Canada to assess education for every Architect in Canada regardless of where they were educated;
- (2) pass the Exam for Architecture in Canada (ExAC) or the Architectural Registration Exams (ARE) from the United States;
- (3) take the mandatory OAA Admission Course (whose only requirement is full attendance); and
- (4) submit a minimum of 3,720 hours (approximately two years) of work experience under the personal supervision and direction of an architect, of which 940 hours (approximately six months) must be done in Ontario under the personal supervision and direction of an Architect licensed in Ontario.

The OAA records individuals' academic origins, using this data to understand where applicants received their education. Of the 2,525 individuals the OAA has licensed in the last 10 years:

- 1,858 registrants had academic origins in Canada and the United States;
 - 503 registrants with academic origin in Canada or the United States availed themselves of MRAs or reciprocity agreements
- 647 registrants had international academic origins;
 - 217 were previously licensed; 40 of which availed themselves of the BEFA program and 58 availed themselves of MRAs or reciprocity agreements; and
- 20 achieved licensure via the RAIC [Syllabus Program](#).

Individuals who were not previously licensed but received a professional degree in architecture typically move through the national Internship in Architecture Program. Those seeking licence in Ontario are able to work within the profession at an architectural practice or eligible employment situation to gain the CER—an individual does not need to be licensed to work in the profession under the supervision of an employer practice.

The OAA has looked at the timelines for the above 2,525 individuals to discern if there is a disproportionate impact for any group as it relates to attaining the requirements in order to apply for licence. Of them, 621 availed themselves of mutual recognition agreements and treaties, reciprocity agreements, the BEFA program, and the RAIC Syllabus Program. With respect to the remaining 1,904 individuals who needed to complete the IAP:

- There were 1355 registrants with Canadian or U.S. academic origins, and the average time between enrolling in the internship program and attaining licence was 5.92 years; and
- There were 549 registrants with international academic origins, and the average time between enrolling in the internship program and attaining licence was 5.55 years.

As can be seen by these timelines, using 10-year simple averages, there does not appear to be a disproportionate impact on the licensure trajectories for any group of applicants. In fact, on average, it was modestly shorter timeline for those with international academic origins.



The OAA is a proactive regulator, seeking to reduce barriers to licensure in a way that continues to prioritize public safety. These measures are extensive and varied, including:

- Being a signatory to the *Canberra Accord on Architectural Education*, recognizing educational equivalencies;
- Being a signatory to mutual recognition agreements between the provinces and territories, a mutual recognition agreement with the United States, a tri-national agreement between Canada, the United States and Mexico, and an agreement between Canada, Australia, and New Zealand (a significantly larger agreement is currently being negotiated within the signatories within European Union);
- Having supported the development and implementation of the BEFA program, providing an alternative pathway for foreign architects to become licensed;
- Enabling its governing Council, with authority under the *Architects Act*, to grant an applicant an exemption from “all or part of the academic and experience requirements” on account of the individual’s qualifications, knowledge, and experience;
- Granting project-specific temporary licenses to practitioners and practices; and
- Allowing foreign architects to practise under the supervision of an OAA licensed Architect.

The OAA remains concerned that, without an exemption the CER prohibition, changes to the licence requirements in Ontario could affect the licence for licence reciprocity and treaty agreements currently in place.

When considering internationally trained applicants, it is important to distinguish an Internationally Trained Architect (i.e. licensed) applying for licence in Ontario from an internationally trained individual (i.e. not previously licensed). Architects licensed in foreign jurisdictions may avail themselves of a [mutual recognition agreement](#) if available, along with the aforementioned [BEFA Program](#), the [Internship in Architecture Program](#), or an [exemption request to Council](#). The necessity for CER depends on the path chosen.

Individuals who are not previously licensed, but received a professional degree in architecture, would typically move through the national IAP much like the individuals from an accredited Canadian or U.S. school of architecture. Their professional degree would need to be certified by the [CACB](#). All applicants, domestic and international, would require CER. To be considered an “eligible applicant” for licence, all individuals would have completed the 940 hours CER as set out in the [Regulations](#) under the [Architects Act](#) or received a [Council exemption](#).

The academic and experience requirements are set out under section 13 of the Act and explicitly in section 31 of the Regulation. However, upon application for licence, requests for exemption from some of the legislated requirements will be considered by OAA Council, which must respond to all formal and complete requests. The powers and jurisdiction of Council will be exercised within the principles set out in the Act and Regulation. The purpose of section 13(1)(d) and (e) of the Act and section 33 of the Regulation is to provide a procedure for an applicant who can demonstrate circumstances their qualifications, knowledge, or experience merit exemption.

4. A statement of the law and authorities relating to the application, if any.

The OAA has a statutory obligation under the [Architects Act](#) to ensure those in the architecture profession meet the prescribed requirements prior to licensure. The OAA must consistently apply the legislated requirements in accordance with section 31 of the Regulation in order to fulfil its statutory obligation.

From [R.R.O. 1990, Reg. 27: GENERAL](#) under [Architects Act](#), [R.S.O. 1990, c. A.26](#)

31. *For the purposes of clause 13 (1) (d) of the Act, the following are the academic and experience requirements for the issuance of a licence to a person:*

1. *The person must hold a degree in architecture from a post-secondary institution or must have successfully completed the Royal Architectural Institute of Canada Syllabus.*



2. *The person must hold a Certificate of Certification issued by the Canadian Architectural Certification Board.*
3. *The person must have completed the admission course offered by the Association.*
4. *The person must have successfully completed one of the following:*
 - i. *The Examination for Architects in Canada published by the Association.*
 - ii. *The Architect Registration Examination of the National Council of Architectural Registration Boards.*
 - iii. *Any combination of the components of the Examination for Architects in Canada published by the Association and of the Architect Registration Examination of the National Council of Architectural Registration Boards that, considered as a whole, is equivalent to one of those examinations, as approved by the Council.*
5. *The person must have completed a total of 3,720 hours of experience that meets the requirements of the Intern Architect Program published by the Association. The experience must include,*
 - i. *at least 940 hours of experience in Ontario under the personal supervision and direction of a person licensed to engage in the practice of architecture in Ontario, which must be completed within the three years before the date on which the person applies for the licence, and*
 - ii. *at least 2,780 additional hours of experience under the personal supervision and direction of a person authorized to engage in the practice of architecture. O. Reg. 430/97, s. 1; O. Reg. 337/08, s. 1; O. Reg. 150/11, s. 1.*

33. *The Council may, where it is of the opinion that the applicant's qualifications, knowledge and experience so merit, grant an exemption from all or part of the academic and experience requirements set out in this Regulation. R.R.O. 1990, Reg. 27, s. 33.*

Any supporting documentation.

Please see attached Appendices:

- Appendix 1 - 2022 01 25 – FARPACTA regulations consultation - session 3 OAA responses;
- Appendix 2 - 2022 03 09 – OAA Consultation Letter to MLITSD;
- Appendix 3 - 2022 08 19 – OAA Correspondence to OFC re CER rationale;
- Appendix 4 - 2022 09 14 – OAA Responses to OFC re CER queries;
- Appendix 5 - 2021 12 10 – OAA Responses to OFC questionnaire.

¹ *The Canadian Law of Architecture and Engineering*, Third Edition, Beverley M. McLachlin and Arthur Grant, LexisNexis, page 7.

² From *Canadian Underwriter* magazine, "Building Defects," by Stephen Blaney and John McGlone (May 31, 2011)

³ From *Canadian Underwriter* magazine, "Building Defects," by Stephen Blaney and John McGlone (May 31, 2011)

⁴ 49. The following are prescribed as standards of practice:

8. Every member or holder shall present clearly to the member's or holder's employer or client the consequences that may be expected from any deviation in a design for which the member or holder is responsible in a case where the member's or holder's judgment is overruled by nontechnical authority.

⁵ *Architects Act* R.S.O. 1990, CHAPTER A.26

"practice of architecture" means,

- (a) the preparation or provision of a design to govern the construction, enlargement or alteration of a building,
- (b) evaluating, advising on or reporting on the construction, enlargement or alteration of a building, or
- (c) a general review of the construction, enlargement or alteration of a building; ("exercice de la profession d'architecte")

⁶ 42. For the purpose of the Act,



“professional misconduct” means,

1. Contravention of any provision of the Act, or the regulations.
2. Knowingly contravening any provision of the Building Code Act, 1992 or the building code.
3. Knowingly contravening any federal, provincial or municipal law, regulation or by-law 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 by-law relating to the construction, enlargement or alteration of buildings.
5. Permitting, counselling, assisting, aiding or abetting any person who is not a member or a holder of a certificate of practice, a certificate of practice issued under section 23 of the Act or a temporary licence to engage or hold himself, herself or itself out as engaging in the practice of architecture.
6. Authorizing, permitting, counselling, assisting, aiding, abetting or acquiescing in any contravention of the Act or the regulations by any person.

⁷ The Facts about Architecture and Climate Change, [Arch Daily](#), Niall Patrick Walsh, August 18, 2021.

⁸ Health in a Changing Climate 2022, [Climate Change and Health Linkages](#), *National Adaptation Strategy*, Section 1.2, Figure 1.1; Bush & Lemmen, 2019.

⁹ Health in a Changing Climate 2022, [Climate Change and Health Linkages](#), *National Adaptation Strategy*, Section 1.2.

¹⁰ Health in a Changing Climate 2022, [Climate Change and Health Linkages](#), *National Adaptation Strategy*, Royal Society of Canada, 1995; Koshida & Avis, 1998; Health Canada, 1999

¹¹ Health in a Changing Climate 2022, [Climate Change and Health Linkages](#), *National Adaptation Strategy*, Séguin, 2008; Gosselin, 2010; Berry et al., 2014a; Berry et al., 2014b; Levison et al., 2018

¹² Health in a Changing Climate 2022, [Climate Change and Health Linkages](#), *National Adaptation Strategy*, Hoegh-Guldberg et al., 2018.

¹³ *Building Envelope Characteristics in Cold Climates*, [Published in ASHRAE Transactions, Volume 127, Part 2](#).

¹⁴ [Canada's National Adaptation Strategy](#), *Building Resilient Communities and a Strong Economy*, Environment and Climate Change Canada, page 40



APPENDIX 1

2022 01 25 - FARPACTA regulations consultation - Session 3

Fair Access to Regulated Professions and Compulsory Trades Act, 2006

**Proposed Regulations:
Prohibition of Canadian Experience Requirements
Additional Regulator Feedback**

Thank you for your interest and participation in our consultation on January 19, 2022 regarding proposed regulations related to the prohibition of Canada experience requirements under the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*. Should your organization have additional feedback in response to the proposal, you are invited to share your feedback in the form below.

Please return completed forms to Arti Persaud at arti.persaud@ontario.ca and Heather Robbins-Ballard at heather.robbyns-ballard@ontario.ca **by January 26, 2022**.

Respondent Information

Organization: Ontario Association of Architects

Contact Name: Christie Mills, Registrar

Email: ChristieM@oaa.on.ca

Consultation Questions

- 1. If you have a requirement that meets this definition, what would be involved in transitioning to remove it or offer alternatives? What steps would your organization take between now and December 2, 2023 to remove the requirement or offer alternatives?**

The OAA already has a number of alternative pathways to assist internationally trained applicants (ITA) in becoming licensed in Ontario. Generally speaking, ITAs will either enter the profession through the Broadly Experienced Foreign Architects Program (BEFA) which is administered at a national level, or the Internship in Architecture Program (IAP), a national program that is administered at a provincial level. Both BEFA and the IAP have a Canadian experience component. Since BEFA is administered by the Canadian Architectural Certification Board (CACB), they would be required to amend the requirement to have six months of Canadian Experience. The CACB would also need to introduce a means of assessing competence that would have otherwise been addressed through this experience. The alternative means of assessing competence would also need to be ratified by all 11 architectural licensing authorities. Applicants seeking licensure through the OAA directly have the ability to seek an exemption of the experience requirements specified in the regulations of the Architects Act (the Act). The exemption process is available to any applicant who seeks it. The applicant would be subject to an

assessment interview before the Experience Requirements Committee (ERC), as an alternative means of assessing entry-level competence. If the ERC deems that the applicant is competent, the recommendation is put to OAA Council, who may exempt the applicant from the prescribed experience requirements. The ERC may also decide the applicant needs to gain additional experience in order to achieve competency and require they do so and return for a subsequent assessment. Should the exemption process not satisfy FARPACTA'S regulations, the IAP's Canadian experience would need to be amended at a national level and an alternate means of assessing competence would need to be approved, developed, and implemented to ensure the public's health and safety are protected. Depending on the parameters of the alternatives that are acceptable under the FARPACTA Regulations, December, 2023 is an ambitious timeline to ratify, develop, and implement alternative means of assessing competence that adequately addresses the underlying health and safety concerns associated with gaining Canadian experience prior to licensure.

2. Do you anticipate any barriers to remove a Canadian experience requirement or to offer alternative pathways to recognize international experience?

As expressed by fellow regulators, the OAA would be concerned about any measures that would provide a pathway to ITAs that would fall below the standards and requirements for domestically-trained applicants. During the course of proactively investigating mutual recognition agreements (MRA), the OAA identified significant disparities in education, training and experience towards licensure which prevented an MRA from being ratified. Through the Architects Act, and the support of the Attorney General, the OAA has been designated the authority to set and maintain standards of competence that ensure public health and safety are protected. As such, the OAA anticipates that it will take considerable effort and time to implement additional processes that are aligned with the licensing standards currently in place. Canadian Experience has been a longstanding requirement for licensure due to the unique circumstances of practicing in Canada. A significant barrier is the potential effect FARPACTA will have on the Canadian Reciprocity Agreement, existing Mutual Recognition Agreements and the pending European Union Mutual Recognition Agreement. Should "Canadian Experience" and "experiential training" be defined broadly in the regulations of FARPACTA, OAA is deeply concerned that this may have the unintended consequence of removing any experiential training requirements from ITAs, thereby lowering or even removing longstanding entry-level requirements.

3. What standards should be met, and factors considered, to ensure an alternative pathway provides a viable pathway for internationally trained applicants, i.e., to ensure it is fair and accessible?

It should be noted that the profession of architecture in Ontario (and Canada) and the protected scope of practice limited to licensed architects encompasses a narrow class of building types and sizes, which include Institutional or Assembly type buildings (e.g. concert halls, libraries, museums), and large/multi-storied buildings (e.g. skyscrapers, condo towers, hotels). The public domain of work (unprotected scope) includes residential homes, townhomes, smaller commercial buildings and most interior design. The profession of architecture in Ontario is relatively small with only 4,300 members and 1,900 architectural practices who are entitled to offer architectural services to the public. The skills and experience of ITAs are directly transferrable to a number of activities that fall within the public domain. Further, the Architects Act permits applicants to work directly under the supervision of a licensed architect in areas that fall within an architect's protected scope of practice. As such, there are little to no regulatory barriers which prevent an ITA from commencing work in their field. Should an ITA seek licensure and the ability to practice in the protected domain without supervision, and hold the title of 'architect', the standards ought to align with those required to be met by domestically trained applicants. The training and entry requirements that have been established by the OAA since 1889 have evolved cautiously and incrementally over this long history, and always with the public's health and safety at the forefront of each transition. Architects bear a tremendous responsibility to ensure that the built environment provides a safe and secure future—often long after the architect's career is over. As such, careful consideration ought to be given from the removal or change of any entry requirement. Typically, in Ontario and Canada, the pathway to becoming an architect from the completion of the academic degree requirements can take an average of 6 years. Many international jurisdictions have radically different licensing frameworks and the title of 'Architect' can mean very different things. The parity and mutuality of training, skill development, and entry-level competence are important factors to be considered.

4. Are there any supports your organization would require from the ministry or the Office of the Fairness Commissioner to help transition?

Should the OAA identify opportunities to further streamline experience requirements (i.e. a targeted bridging course or different assessment processes), the OAA would benefit from funding to develop and implement such programming.

5. Do you anticipate making a request for an exemption from the regulation?

The OAA anticipates making an exemption request on the grounds of health and safety.

6. If so, do you have a sense of the reasons for the request?

The OAA is committed to refining, developing and implementing registration practices that are transparent, objective, impartial and fair. To ensure there is fairness, there ought to be parity between an ITA and a domestically trained applicant. It takes an architect roughly the same length of time to become licensed in Ontario as it does a medical doctor. The complexity and level of risk to the public distinguishes the architecture profession in Ontario from the compulsory trades and other regulators named in Schedule 1 of FARPACTA. The OAA's core responsibility is to ensure that candidates for licensure are competent to practice and that they do not pose a risk to the public health and safety. As context, the World Bank Group provides a meta-analysis of the construction standards of 190 countries, including the assigning of a Building Quality Control Index (BQCI) score. Canada (using Ontario data to develop the rating) receives a score of 14 out of 15 on the BQCI. Of 190 countries, 170 received a lower score than Canada. Seventy countries scored less than 10 out of 14, and 41 countries are rated at less than half the available score. Training or experience in any jurisdiction ought not be viewed as like-to-like. There are catastrophic and deadly consequences of buildings not being safely designed (or failed to be inspected/maintained), as witnessed by a number of recent building failures around the world. The OAA is committed to bringing ITAs into the profession, as evidenced by the various programs and pathways the OAA has supported, established, and continues to explore. Any measure that would require the OAA to reduce the standards of licensure, to reduce or eliminate experience requirements, or to have sufficient time and resources to develop suitable means of assessing competency, poses a serious risk to the public's health and safety. Any changes to the licensing process ought to be made in accordance with the careful study of available evidence and consideration of prevailing licensing standards. This duty to the public is legislatively prescribed to the OAA via its principal object in the Architects Act at section 2(2), R.S.O. 1990, and was upheld in 2007 through the Ontario Superior Court's recognition of the "exclusive regulatory jurisdiction" in 'Association of Professional Engineers of Ontario v. Ontario (Municipal Affairs and Housing)' 2007 CanLII 17629 (ON SCDC).

7. What support would you need from the ministry of the Office of the Fairness Commissioner to make a request?

The OAA would require significant notice to be able to prepare our request. The OAA is currently embarked on a number of internal undertakings aimed at improving our regulatory processes which draws on available resources. The OAA is also

involved in a significant number of other legislative, regulatory, and consultative efforts by the government which strains our ability to respond within aggressive timelines.

Supplementary Questions

- **If your organization currently has an experiential training requirement, how do you define experiential training and how is it used to assess the competencies required for your profession?**

“Experiential training” is defined as architectural experience gained under the personal supervision and direction of a registered/licensed Architect approved by the Regulatory Organizations of Architecture in Canada (ROAC) jurisdiction, either in an architectural practice or other eligible architectural employment situation, as defined by the national Internship in Architecture Program (IAP). ROAC has worked collectively to develop and adopt nationally recognized standards of competence. These standards are embodied in the Canadian Standard of Competency for Architects, which establishes consistent criteria that candidates must meet regardless of their chosen path to licensure. The architectural experience must be approved by the OAA and must demonstrate competency in three separate categories for a total of 17 separate competency areas. Applicants must gain 3720 experience hours in these categories and must be submitted through a Canadian Experience Record Book (CERB). An OAA staff team reviews the applicants’ CERB submissions and will certify which competencies have been met, at the completion of every 900 to 1,000 experience hours.

Additional Feedback

- **If your organization has any additional input on the proposal, or feedback on the January 19, 2022 consultation session you wish to share, we invite you to share it below.**

The OAA commends the OFC and MLTSD on this initiative.

APPENDIX 2

2022 03 09 – OAA Consultation Letter to MLITSD

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.

The Honourable Monte McNaughton
Minister of Labour, Training and Skills Development
400 University Avenue, 4th Floor
Toronto, ON M7A 1T7

March 9, 2022

Dear Minister,

While the Ontario Association of Architects (OAA) has already provided feedback directly to Ministry officials through various avenues, this letter serves to collect these thoughts on the aspects outlined in the current *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* (FARPACTA) regulatory proposal.

Canadian Experience Definition and Exemptions

In the case of the architecture profession, three alternative pathways assist internationally trained applicants (ITAs) in achieving licensure in Ontario:

- the [Broadly Experienced Foreign Architects \(BEFA\)](#) Program of the Canadian Architectural Certification Board (CACB);
- the [Internship in Architecture Program \(IAP\)](#); and
- request for a direct exemption from the legislated requirements for a licence, which is subsequently assessed by the OAA [Experience Requirements Committee \(ERC\)](#) and determined by OAA Council.

BEFA is administered nationally, while the IAP is administered provincially (i.e. by the OAA in Ontario). However, both are national programs that have a Canadian experience component. If Canadian experience was no longer a requirement for ITAs to receive their licence to practise architecture in Ontario, then changes to both BEFA and IAP would also be required.

In the case of BEFA, a new way of assessing jurisdictionally relevant competence—previously assessed by way of the requirement for six months of local experience—would be needed. As this is a national program, the alternative means of assessing competence would need approval by all 11 Canadian architectural licensing authorities comprising the [Regulatory Organizations of Architecture in Canada \(ROAC\)](#).

In the case of the IAP, the local experience requirement could be amended at the provincial level and an alternate means of assessing competence would need to be approved, developed, and implemented to ensure the public's health and safety are protected. However, this may have ramifications on the national mobility of architects licensed in Ontario if there is no longer harmony with the licensure requirements of the other provinces and territories.

Applicants seeking licensure through the OAA directly have the ability to seek an exemption from the experience requirements specified in the regulations to the *Architects Act* (the Act). In order to obtain an exemption, the applicant would be subject to an assessment interview before the aforementioned ERC as an alternative means of determining entry-level competence.

If the ERC deems that the applicant is competent, the recommendation is referred to the OAA Council, which may exempt the applicant from the prescribed experience requirements. The ERC may also decide the applicant needs to gain additional experience to achieve competency and require they do so and return for a subsequent assessment.

Language Proficiency Tests

Academic standards for entry into the architecture profession are set nationally by ROAC (formerly known as the Canadian Architectural Licensing Authorities [CALA]). Academic certification for all 11 Canadian jurisdictions is undertaken by the CACB. Alternative pathways, such as the BEFA Program (for those licensed as architects outside Canada), or the Royal Architectural Institute of Canada (RAIC) [Syllabus Program](#) are similarly managed on a national level. The OAA can influence, but not control, those decisions.

The CACB—not the OAA—administers language proficiency tests, using the Immigration, Refugees, and Citizenship Canada (IRCC) English and French language proficiency tests. The OAA supports continued use of these tests for the CACB process. The OAA cautions that any decision to extend the acceptability of expired language tests must be evidence-based, and should not run contrary to recommendations of the assessment bodies themselves.

Decision-Making Timeframes

The OAA interprets the decision-making timeframes for an application for registration/licensure, as posted to the Regulatory Registry on February 8, 2022 by the Ministry of Labour, Training, and Skills Development (MLTSD), to refer to complete applications for licensure from a qualified candidate. Based on this understanding, the OAA does not anticipate needing to alter its current process to meet the proposed timeframes.

In terms of ITAs, the OAA understands “qualified candidate” to mean an international applicant who has met or has established equivalency to the academic, experience, and examination licensure requirements.

With respect to [reporting](#) on the ability of applicants eligible for unconditional registration to become registered within one year of receipt an application inclusive of any third-party processes (e.g. qualification assessments), the OAA will need to consider if further database development is required to meet the requirements. It must also further explore the administrative burden associated with the Office of the Fairness Commissioner’s (OFC’s) “continuous improvements” as it relates to decision-making timeframes.

The challenge with the third-party CACB academic certification process is that submissions are largely applicant-driven. As such, they are out of the control of the CACB and the OAA. Therefore, should this one-year timeframe become a requirement, the OAA would need to collaborate with the CACB’s academic certification program and BEFA, as well as potentially the [Committee for the Examination for Architects in Canada \(CExAC\)](#). Discussions and buy-in would need to be sought, including from all Canadian architectural licensing authorities, to amend BEFA’s eligibility requirements and to arrive at an acceptable timeframe and, if necessary, alternative for demonstrating competence.

Agreements and program requirements would need to be revised and ratified to achieve compliance with the proposed standards. Major roadblocks to consider include the requirement for all licence applicants to complete six months of Canadian experience within three years of application, and that eligibility for the BEFA Program requires at least seven years of post-registration/licensure experience in architecture within the last 12 years. Case management and data management systems would need to be significantly changed and, in some cases, developed anew.

The licensing exams are a nationally coordinated annual undertaking. Much like the CACB and BEFA processes, any contemplated revision to the examination scheduling would require additional discussions and buy-in from all ROAC jurisdictions. Funding assistance from the MLTSD and OFC to support the development of an online examination process would be of benefit.

Further, any proposals to reduce timelines for international trained individuals would have to be equally applicable and inclusive of domestically trained individuals. Any future tracking and reporting of timeframes would have to consider matters beyond the OAA's control.

Registration Processes during Emergencies

The OAA has not experienced any type of emergency that requires a more expeditious registration process for architects in Ontario. As the global COVID-19 pandemic unfolded, the OAA's registration processes have adapted to handling requests and processing applications remotely, and plans are in place to maintain a hybrid model moving forward. The Association has not experienced legislative or regulatory barriers that have limited its own ability to adapt to remote administration.

Licensing examinations for architecture, like many other regulated professions, are administered nationally. Adaptation measures, which require buy-in from all 11 Canadian jurisdictions, were undertaken during the pandemic to offer an online exam. ROAC is studying a permanent online option. The OAA can influence, but not control, the outcome of this or any other national decision.

In addition to the remote option for the licensing examinations, BEFA adapted to remote assessment interviews and plans to continue this practice into the future.

The OAA enjoys a longstanding, collaborative relationship with the provincial government, and looks forward to continued work alongside your Ministry in order to promote and protect the public interest.

Sincerely,



Susan Speigel, Architect
OAA, FRAIC
President

APPENDIX 3

2022 08 19 - OAA Correspondence to OFC re CER rationale

August 19, 2022

CER Rationale

Good afternoon Mercy,

You have requested that we supply you with the rationale for the local experience requirement that is one of the qualifications for licence in Ontario as an architect. Ideally, this response should be reviewed and endorsed by the OAA's governing Council however because you have requested a one-day turn around, I will endeavor to provide you with an interim response.

The fundamental and explicit purpose of the legislated requirements for licence, inclusive of 940 hours of experience with Ontario projects, is to safeguard and serve the health and welfare of the people of Ontario; the protection of the public. The province has an interest in ensuring that buildings do not collapse and that projects do not wreak damage on people and property.ⁱ As many have noted about the provincial Architects Acts across the country:ⁱⁱ

...the Act seems to be designed for the public safety and to prevent incompetent persons from preparing plans for such buildings as churches, schools, hospitals, and theatres to which the public may resort. Persons who prepare plans and specifications for such buildings must be qualified to do such work, and the Legislature has wisely thought fit to require all such persons to be qualified and registered. The Act is designed to ensure the safety of the public and ought to be upheld.

To a similar effect, Morrison C.J.S.C. stated of the British Columbia *Architects Act* in *R v. Dominion Construction Co.* that: "...the paramount object of the Legislature was to safeguard the public who resort to public buildings, such as theatres, churches, hotels, etc."ⁱⁱⁱ

Statutes enacted by the legislatures of the Canadian provinces and territories stipulate who may carry on the practice of architecture. These statutes contain and define the general admission requirements by respective provincial or territorial jurisdiction based on the expected standard competencies of applicants. These competencies are developed through the [Regulatory Organizations of Architecture in Canada](#) (ROAC).

ROAC represents the eleven provincial and territorial regulators of the profession of architecture in Canada. As noted above, these regulatory bodies are responsible for setting the standards for entry into the profession and for issuing licences to those who meet established standards of qualifications and practice.

Through ROAC, the Canadian architectural regulators work collectively to develop, approve and adopt nationally recognized standards and programs which meet their regulatory responsibilities as well as the needs of the architectural profession. These standard competencies are not static, ROAC works continually to review and update these competencies to keep pace with an evolving and dynamic industry and profession. However, the one competency that has not changed and remains universally expected across the country is the requirement for local experience prior to licence. All the Canadian regulators of architecture have determined the need for maintaining a period of defined local work experience as the only opportunity for

applicants to gain hands-on experience and obtain knowledge through direct exposure to the many facets of an architectural process in their respective jurisdiction.

Architecture is an incredibly complex profession requiring extensive direct work experience covering specific areas that cannot be acquired through an academic setting. There is a similarity globally in the content of architectural education, however, the practice of architecture and the scope of practice of the architect differs significantly in Canada from those practising architecture in many other parts of the world.

From the point of view of ordinary linguistic usage, an architect may be defined as a person who, by training, experience and professional qualifications is qualified to design buildings; to produce cost estimates, construction contract drawings and specifications; and conduct field review inspections and administer projects during construction.^{iv} However, their professional services may also include planning, urban design, and land-use planning; creating preliminary studies, feasibility studies, designs, models, drawings, specifications, and technical documentation; coordinating technical documentation prepared by others (consulting engineers, urban planners, landscape architects, and other specialist consultants) as appropriate and without limitation; offering expert witness testimony; and offering project management and construction monitoring.

It may be useful to note in this context that architects' contracts with the owner may not confine their functions to the origination and design of buildings. Their engagements may include arranging and supervising the construction of buildings they design. Arranging for construction includes the preparation of cost estimates, tender documents and contract documents, as well as obtaining and recommending for acceptance tenders from contactors and selection the contractor and subcontractors. Administration of the construction contract involves the review of work to ensure that the finished building will conform to the plans and specifications. Other duties assumed by the terms of their engagements may include resolution of problems encountered in the course of construction, issuance of certificates and settlement of disputes between the project owner and the contractor. All of these professional services require knowledge and experience with the laws and practices that govern the construction, alteration or enlargement of buildings specific to the jurisdiction. On a project for the construction of one or more buildings, the architect is usually the person in charge – the designer, the administrator and the referee.^v

All the architect's functions carry major responsibilities and possible exposure to liability for failure to pursue the tasks involved with requisite due care and knowledge of practice in Ontario. An architect's competency needs to be commensurate with the inherent risk specific to the requirements of designing and building projects in Ontario.

As previously noted in an earlier correspondence, the practice of architecture has inherent risk to the health and well-being of the public. Ontario has local regulatory regimes with which all architects must have specific competency in order to offer or provide services to the public in a manner that serves and protects life safety. Architects are also typically responsible for the oversight, direction and coordination of the other professional disciplines contracted to a project. The expected competencies sought via local experience include the following: local site and environmental analysis, building engineering coordination; local market building cost analysis; Ontario and National Building Code analysis; building envelope detailing for the Ontario climate; specifications and material analysis appropriate for Ontario codes and climate; energy literacy/sustainability specific to Ontario; project contract



administration during construction that is governed by Ontario and National construction law. These areas of experience are outlined and described in the [national Internship in Architecture Program manual](#) as well as the [Canadian Standard of Competency for Architects](#).

In addition to the [Architects Act](#) and its [Regulations](#), upon application for licence, candidates are expected to have general knowledge of all statutes that govern or relate to the practice of architecture in Ontario. These are enumerated in Appendix 1 of the [application for licence](#). It is considered professional misconduct for any OAA architect to contravene or even acquiesce in any contravention of a federal, provincial or municipal law, regulation or by-law relating to the construction, enlargement or alteration of buildings (section 42 (1-4) of the Regulations).

The OAA challenges the characterization of Canadian experience requirements as “bureaucracy and red tape”, and asserts that this experience—at least in relation to the practice of architecture—aligns with the legislative requirements set out in the *Architects Act* to serve and protect the public interest.

The OAA has been an active participant in ongoing conversations with the Office of the Fairness Commission. The OAA is proud of having repeatedly been compliant, as we are committed to procedural fairness for all applicants. We also recognize that diverse backgrounds, training, and approaches bring tremendous value to the profession and to our province.

The OAA is a proactive regulator, seeking to reducing barriers to licensure in a way that continues to prioritize public safety. These measures are extensive and varied, including:

- Being a signatory to the *Canberra Accord on Architectural Education*, recognizing educational equivalencies.
- Being a signatory to mutual recognition agreements between the provinces and territories, a mutual recognition agreement with the United States, a Tri-National agreement between Canada, the United States and Mexico, and an agreement between Canada, Australia, and New Zealand. A significantly larger agreement is currently being finalized within the signatories of the European Union.
- Having supported the development and implementation of the Broadly Experienced Foreign Architect (BEFA) program, providing an alternative pathway for foreign architects to become licensed.
- Council having authority under the *Act* for an applicant to receive an exemption from “all or part of the academic and experience requirements” on account of an applicant’s qualifications, knowledge, and experience.
- Granting project-specific temporary licenses to practitioners and practices.
- Allowing foreign architects and internationally trained applicants to practice under the supervision of a licensed architect.

As can be seen, the OAA has a number of alternative pathways to assist internationally trained applicants in gaining experience and becoming licensed in Ontario. Applicants seeking licensure through the OAA directly have the ability to seek exemption of the experience requirements specified in the Regulations of the *Architects Act* – an [Exemption Request to Council](#). The exemption process is available to any applicant who seeks it. The applicant would be subject to an assessment

interview before the [Experience Requirements Committee](#) (ERC), as an alternative means of assessing competence. If the ERC deems that the applicant is competent, the recommendation is put to OAA Council, who may exempt the applicant from the prescribed experience requirements.

The OAA remains concerned that lapses in public safety may result if Canadian experience is prohibited for the architectural profession. While there may be risks in all professions, the risks within the architectural sector are expressly tied to physical safety, both short and long term welfare. We have recently witnessed, with great sadness, how quickly building failures can turn into mass casualty events. Whether domestically or internationally trained, the OAA has been entrusted by government to determine whether applicants have the requisite knowledge and experience to safely practice within Ontario.

In summary, the rationale for local experience prior to licence is grounded in ensuring the health and safety for the people of Ontario within their built environment. All applicants, domestic or international, are expected to meet this requirement. Should applicants feel they possess the knowledge and skills to practice safely in Ontario they may avail themselves of an exemption request to Council as an alternative means to demonstrate competency.

Sincerely,

Christie Mills, Architect
B.Arch., B.Comm., OAA
Registrar

CM/KD

ⁱ *The Canadian Law of Architecture and Engineering*, Third Edition, Beverley M. McLachlin and Arthur Grant, LexisNexis, page 7.

ⁱⁱ *Pesttrak v. Denoon*, [2000] M.J. No.112 at paras. 21-22, 144 Man. R. (2d) 1 (Man.Q.B.); *Manitoba Association of Architects v Winnipeg (City)*, [2005] M.J. No 317 at para. 32, 198 Man. R. (2d) 35 (Man. Q.B.)

ⁱⁱⁱ *The Canadian Law of Architecture and Engineering*, Third Edition, Beverley M. McLachlin and Arthur Grant, LexisNexis, page 14.

^{iv} *The Canadian Law of Architecture and Engineering*, Third Edition, Beverley M. McLachlin and Arthur Grant, LexisNexis, page 7.

^v *The Canadian Law of Architecture and Engineering*, Third Edition, Beverley M. McLachlin and Arthur Grant, LexisNexis, page 8.



APPENDIX 4

2022 09 14 – OAA Responses to OFC re CER queries

I wanted to let you know that we reviewed the information that you had provided to us and have some follow up questions. We're happy to receive written responses and to subsequently meet to allow us to discuss further.

Question 1:

- a) Could you please provide information on how the 940 hours CER requirement has impacted the career trajectories of internationally trained architects (ITAs)? (i.e., What percentage of eligible applicants have successfully completed the requirement over the last say three years?

There needs to be a distinction between an internationally trained and licensed architect applying for licence in Ontario and an internationally trained individual who was not previously licensed. Architects licensed in foreign jurisdictions may avail themselves of a [mutual recognition agreement](#) (if available for their particular country), the [Broadly Experienced Foreign Architect Program](#) (BEFA), the [Internship in Architecture Program](#) (IAP), or an [exemption request to Council](#). The requirement for CER depends on the path chosen.

Individuals who were not previously licensed, but received a professional degree in architecture, would typically move through the national IAP—much like the individuals from an accredited Canadian or American school of architecture. Their professional degree would need to be certified by the [Canadian Architectural Certification Board](#) (CACB). All applicants, domestic and international, would require CER. To be considered an “eligible applicant” for licence, all individuals would have completed the 940 hours CER as set out in the [Regulations](#) under the [Architects Act](#) or received a [Council exemption](#). Six exemptions requests for CER were received over the last three years; one request was made by a former member and not an internationally trained applicant.

In the last three years, the OAA has licensed 1055 individuals. The OAA records individual's academic origin, using this data to understand where applicants received their education. Of the 1055 licensed individuals:

- 616 had academic origin in Canada;
- 4 achieved licensure via the Royal Architectural Institute of Canada's [RAIC Syllabus Program](#);
- 118 had academic origin in the United States (of which 82 individuals were previously licensed and availed themselves of the MRA or reciprocity agreement);
- 316 had academic origin outside Canada and United States—of these,
 - 80 were previously licensed, of which 26 availed themselves of the BEFA program; and
 - another 27 were previously licensed in another jurisdiction in Canada and availed themselves of the reciprocity agreement.

In terms of career trajectories, the OAA does not collect data on this. However, it should be noted that individuals seeking licensure in Ontario are able to work within the profession at an architectural practice or eligible employment situation to gain the CER—an individual does not need to be licensed to work in the profession under the supervision of an employer practice.

The OAA has looked at the timelines for those licensed in the last three years to discern whether there is a disproportionate impact for any group as it relates attaining the requirements in order to apply for a licence. Of these 1055 individuals, 250 availed themselves of mutual recognition agreements and treaties, reciprocity agreements, the BEFA program and the RAIC Syllabus Program. For the remaining 805 individuals who needed to complete the internship in architecture program:

- 498 had Canadian academic origins, with the average time between enrolling in the internship program and attaining a licence being 5.85 years (minimum was one year);
- 46 had academic origins in the United States, with the average time between enrolling in the internship program and attaining a licence being 5.2 years (minimum was 1.16 years); and
- 267 had international academic origins, with the average time between enrolling in the internship program and attaining a licence being 5.5 years (minimum was 0.58 years).

As can be seen by these timelines, using limited and simple averages, there does not appear to be a disproportionate impact on the licensure trajectories for any group of applicants.

- b) What percentage are still proceeding through the process and what percentage have dropped out?

Previously Licensed

The OAA would not have data regarding process rates for architects licensed in an international jurisdiction seeking licensure via an MRA or treaty.

For architects licensed in an international jurisdiction seeking a licence via the BEFA program, statistics are reported out to the [Regulatory Organizations of Architecture in Canada](#) (ROAC, formerly known as Canadian Architectural Licensing Authorities [CALA]) twice annually. The latest report in March 2022 notes the following:

Applications Received

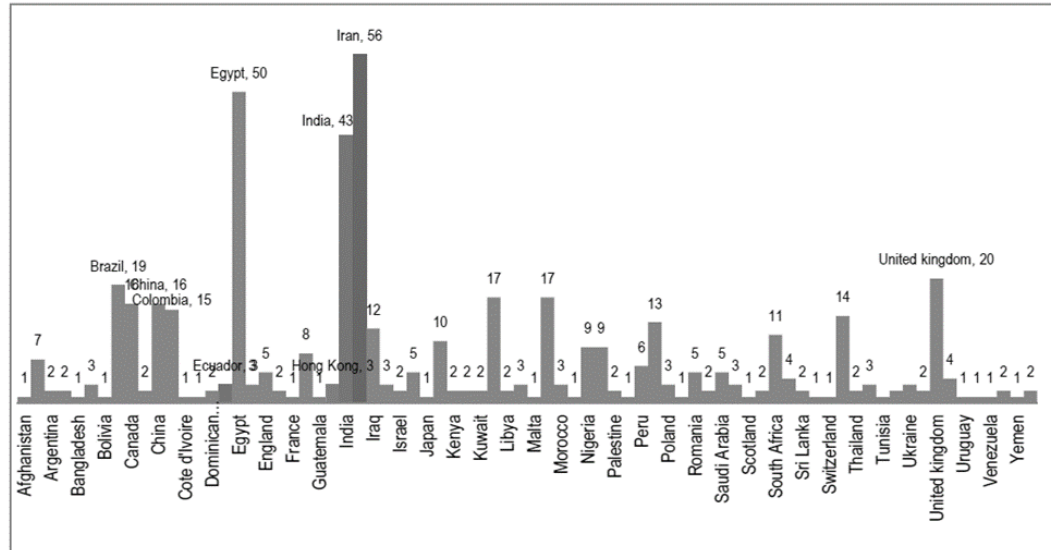
- A total of 486 applications has been received since the implementation of the BEFA Program in 2012.
- Figures from 2019, 2020, and 2021 show that the pandemic did not impact the number of new BEFA applications.
- In 2021, the OAA received 69 new applications—the highest amount since 2012.
- In 2022, as of the end of March, 27 new applications were received. This suggests the number of new applications will be higher than in 2021, likely reaching more than 100 by the end of the year.

Application received by desired Canadian jurisdiction

- Ontario, British Columbia, Alberta, Québec, and Saskatchewan are the most selected jurisdictions by the applicants.

Country of Origin of BEFA Applicants

- Egypt, Iran, India, and United Kingdom are the Top 4 Countries of Origin received since the implementation of the BEFA Program.



Not Previously Licensed

With respect to internationally educated individuals who enrol in the Internship in Architecture Program, intern architects do not drop out. They may lapse their status with the IAP, however, in which case all experience gained to date is kept on record and valid if the individual reinstates. Lapsing of status can occur for a number of reasons, and the OAA does not keep data on why an individual would not finish the program or put their participation on hold.

c) What are the comparable numerical figures?

The OAA currently has 1895 intern architects participating in the IAP. This number fluctuates as individuals move on to become licensed and others enrol in the program. While lapsing of status will also affect this number, the OAA sees lapsing most often in relation to the annual renewal payment. If an intern architect does not pay their annual fee, their status will be lapsed.

It should be noted that intern architects may avail themselves of the OAA's Financial Hardship Policy should the need arise. The OAA also has a Leave Policy available to intern architects, allowing individuals to maintain their status and participate in elements of the program while unemployed.

Currently, the OAA has nine intern architects on leave—two have international academic origins and the remaining seven have domestic academic origins.

Looking at the records for the past three years, there have been 141 individuals who have lapsed their intern architect status with the OAA. The composition of their academic origin is below, as can be seen 61% are domestically educated and 39% internationally educated.

International Academic Origin

Argentina	2
Australia	1
Bangladesh	1
Belgium	1

Egypt	6
El Salvador	1
India	11
Iran, Islamic Republic of	9
Iraq	1
Italy	2
Lebanon	4
Malaysia	1
Nigeria	1
Pakistan	3
Philippines	1
Syrian Arab Republic	2
Turkey	4
Ukraine	1
United Arab Emirates	3
Subtotal	55
Canadian & American Academic Origin	
United States	16
Canada	70
Subtotal	86

d) How do these statistics compare against domestically educated applicants?

See above.

Question 2:

a) Could you please provide information on how the 2780 hours requirement has impacted ITA's in becoming licensed?

An internationally trained applicant may accumulate 2,780 hours of experience while in the IAP once they become an intern architect or they can log international experience gained prior to enrolment in the IAP. They can also use a combination of both types of experience.

An individual may record and submit post-graduate international architectural experience gained outside of Canada while not enrolled as an intern architect in the IAP. This experience must be signed by the Supervising Architect(s) at the respective place(s) of employment and by an Ontario Mentor. The OAA must receive proof of licensure of the Supervising Architect(s) in the respective jurisdiction(s).

The OAA is also prepared to assess experience where an individual was engaged as a principal architect in their own architectural practice outside of Canada. This experience must be recorded in the IAP record book. The individual would sign the Employer Declaration in the record book, which must also be signed by an Ontario Mentor. The OAA must receive evidence of such practice and proof of licensure in the respective jurisdiction(s).

If any international experience gained while not in the IAP forms part of the experience submission at the time of making application for a licence, the applicant will be required to attend an assessment interview with the Experience Requirements Committee (ERC). This is a national requirement as set out in the IAP Manual for all Canadian jurisdictions.

Please note the IAP requires 3,720 hours of experience, 940 of which must be local and 2,780 may be local or international.

- b) It is our understanding that to become licensed, applicants must complete 2780 hours of work under the supervision and direction of a person authorized to engage in the practice of architecture. What assessment process does the OAA employ to determine whether an ITA's applicant experience obtained outside Canada meet this requirement?

If we understand your question correctly, it is specific to the supervision of the experience.

The 2,780 hours of experience must be recorded in the [experience record book](#) of the IAP, which requires information on the details of all projects and descriptions of all activities. This information should align with the activities as described in the [IAP Manual](#).

This experience must be reviewed and verified by the Supervising Architect and Ontario Mentor, both of whom need to be familiar with the internship experience requirements. As noted above, this experience must be signed by the former at the respective place(s) of employment as well as by the latter. The OAA must receive proof of licensure of the Supervising Architect(s) in the respective jurisdiction(s).

The OAA is also prepared to assess experience where an individual was engaged as a principal architect in their own architectural practice outside of Canada. This experience must be recorded in the IAP record book. The individual would sign the Employer Declaration in the record book, and this must also be signed by an Ontario Mentor. The OAA must receive evidence of such practice and proof of licensure in the respective jurisdiction(s). Where necessary, the OAA will also confirm the licensure and employment eligibility in the respective jurisdictions through regulator-to-regulator outreach.

- c) How many such assessments did the OAA complete each year over the last three years?
- d) What percentage of ITA applicants have been successful in such assessment process – received a full recognition of their foreign experience against the 2780 hours requirement?
- e) What percentage are still proceeding through the process and what percentage have dropped out?
- f) What percentage of ITA applicants have applied to have their international experience reviewed against the 2780 hours requirement?
- g) What percentage were found to be not meeting the requirement?
- h) What percentage is currently enrolled in the Internship in Architecture program?

A few items need to be clarified based on the questions above, so we will endeavour to do so. Hopefully, this will provide the information you seek.

Internationally educated individuals may log architectural experience gained prior to enrolment in the Internship in Architecture Program. This experience is verified to the OAA by the Supervising Architect in the respective jurisdiction and the individual's

Mentor. The OAA works with the individual to make sure the experience is logged in the appropriate categories of the experience record book.

The OAA's Experience Review Architect on staff reviews the experience to confirm it aligns with the required activities set out in the IAP Manual. Once this process is complete, the experience forms part of the individual's overall experience record book. To be clear, if the experience meets the eligibility requirements and the categories of the record book, then there is no further assessment.

Once enrolled in the IAP, this individual can move through the program—the international experience can be used toward the eligibility requirement to sit for the national licensing exams (i.e. [Examination for Architects in Canada \[ExAC\]](#)). They may also take the mandatory [OAA Admission Course](#).

Typically, an individual will gain employment in an architecture practice or eligible employment situation while they move through the internship program, gaining any outstanding experience.

The OAA's internship database is not able to provide reports distinguishing which intern architects have international experience in their logbooks. This is only identified upon application for a licence. If any international experience gained while not in the IAP forms part of the experience submission at the time of making application for a licence, the applicant will be required to attend for an assessment interview with the Experience Requirements Committee.

3. What percentage of eligible ITAs have successfully obtained an exemption under section 33 of the regulation made under the Architects Act? What is the comparable numerical figure?

In the last three years, there were 14 ERC assessments for individuals using international experience gained prior to enrolment in the IAP. The results were as follows:

- Conditional approval to grant a licence upon successful submission of a written paper related to the regulatory framework for the practice of architecture in Ontario;
- Conditional approval to grant a licence upon completion of experience specific to Construction Documents and Construction Contract Administration and a written paper related to the regulatory framework for the practice of architecture in Ontario (*this assessment of experience included an exemption request to Council regarding CER*);
- Committee recommended gaining experience specific to Bidding and Contract Negotiation, Construction Contract Administration, and Project Management—upon completion, the applicant could return for a follow-up assessment;
- Approval;
- Committee recommended gaining experience specific to Construction Documents and Construction Contract Administration with an emphasis on Ontario's [Construction Act](#) and a written paper related to the regulatory framework for the practice of architecture in Ontario—upon completion, the applicant could return for a follow-up assessment (*this assessment of experience included an exemption request to Council regarding CER*);
- Approval;
- Approval with the recommendation to focus on gaining experience specific to Construction Contract Administration—Site;

- Conditional approval upon completing the course *Building Envelope Systems—II Walls & Windows*, offered by the University of Toronto School of Continuing Studies (*this assessment of experience included an exemption request to Council regarding CER*);
 - Approval with the recommendation to focus on gaining more experience specific to Bidding and Contract Negotiation and Construction Contract Administration—Site;
 - Committee recommended gaining experience specific to Bidding and Contract Negotiation and Construction Documents and Construction Contract Administration—upon completion, the applicant could return for a follow-up assessment;
 - Conditional approval to grant a licence upon successful submission of a written paper related to the regulatory framework for the practice of architecture in Ontario—it was also recommended to focus on gaining more experience specific to Construction Contract Administration, but this was not an additional condition;
 - Approval with the recommendation to focus on gaining more experience and continuing professional education specific to the Ontario Building Code and building science;
 - Approval; and
 - Conditional approval to grant a licence upon successful completion of the OAA's Fundamentals of Running an Architectural Practice course (*this assessment of experience included an exemption request to Council regarding CER*).
4. How many eligible ITIs were able to successfully register via other routes, in percentage terms and numbers (e.g., the BEFA programs, MRAs)?

Please see statistics for question 1a).

5. Can you please provide the statistics requested under questions one through three in a cumulative format via a table or graph? Have these percentages or number remained stable or changed over time?

Given the small percentage of eligible applicants who attend an ERC assessment and/or avail themselves of the exemption request to Council, a table is likely not helpful. As noted, in the last three years, of the 305 eligible licence applicants with academic origin outside Canada and the United States, only 14 attended an ERC assessment upon application for a licence.

6. Is the main purpose of the 940 hour requirement for ITAs to obtain competencies on how architecture is undertaken in Ontario? If so, could this objective be achieved through and educational requirement, a webinar and/or a mentoring arrangement?

For internationally educated applicants who pursue licensure via the IAP, they will need to successfully complete a combination of education, experience, and examination; or receive an exemption from some or all of the requirements. The aforementioned Canadian licensing examinations (i.e. [ExAC](#)) and the mandatory [OAA Admission Course](#) are the existing theory-based platforms that contribute to the expected competencies for an architect in Ontario.

All Regulatory Organizations of Architecture in Canada have consistently determined that local, practical experience is critical to developing and meeting the [standards of competency](#) expected for an architect to offer services to the public. Local experience is a requirement for all licence applicants, not just the internationally educated.

There is only one class of architect licence—there are no specialities or controlled acts. Once licensed, an architect is legally authorized to design and administrate during construction any type of building; from family dwellings to community centres, universities, and skyscrapers. All building types have inherent risk to the health and welfare of the public in Ontario. These risks range a large spectrum, from the threat of collapse to less-obvious building envelope issues and environmental implications and financial risks to the clients and stakeholders. Managing these risks requires gaining competency in the application of the multi-layered legislative context that is specific to building in Ontario and unique to each project.

Architecture is an incredibly complex profession, requiring extensive direct work experience covering specific areas that cannot be acquired through an academic setting. There is a similarity globally in the content of architectural education, however, the practice of architecture and the scope of practice of the architect differs significantly in Canada from those practising architecture in many other parts of the world.

In ordinary language, an architect may be defined as a person who, by training, experience, and professional qualifications is qualified to design buildings; to produce cost estimates, construction contract drawings and specifications; and conduct field review inspections and administer projects during construction.ⁱ However, their professional services may also include planning, urban design, and land-use planning; creating preliminary studies, feasibility studies, designs, models, drawings, specifications, and technical documentation; coordinating technical documentation prepared by others (consulting engineers, urban planners, landscape architects, and other specialist consultants) as appropriate and without limitation; offering expert witness testimony; and offering project management and construction monitoring.

It may be useful to note in this context that architects' contracts with the owner may not confine their functions to the origination and design of buildings. Their engagements may include arranging and supervising the construction of buildings they design. Arranging for construction includes the preparation of cost estimates, tender documents, and contract documents, as well as obtaining and recommending for acceptance tenders from contactors and selection the contractor and subcontractors. Administration of the construction contract involves the review of work to ensure the finished building will conform to the plans and specifications. Other duties assumed by the terms of their engagements may include resolution of problems encountered in the course of construction, issuance of certificates, and settlement of disputes between the project owner and the contractor.

All these professional services require knowledge and experience with the laws and practices that govern the construction, alteration, or enlargement of buildings specific to the jurisdiction. On a project for the construction of one or more buildings, the architect is usually the person in charge – the designer, the administrator, and the referee.ⁱⁱ

All the architect's functions carry major responsibilities and possible exposure to liability for failure to pursue the tasks involved with requisite due care and knowledge of practice in Ontario. An architect's competency needs to be commensurate with the inherent risk specific to the requirements of designing and building projects in Ontario.

As noted, the practice of architecture has inherent risk to the health and well-being of the public. Ontario has local regulatory regimes with which all architects must have specific competency in order to offer or provide services to the public in a manner that serves and protects life safety. Architects are also typically responsible for the oversight, direction, and coordination of the other professional disciplines contracted to a project.

The expected competencies sought via local experience include the following: local site and environmental analysis, building engineering coordination; local market building cost analysis; Ontario and National Building Code analysis; building envelope detailing for the Ontario climate; specifications and material analysis appropriate for Ontario codes and climate; energy literacy/sustainability specific to Ontario; and project contract administration during construction that is governed by Ontario and National construction law. These areas of experience are outlined and described in the [national Internship in Architecture Program manual](#) as well as the [Canadian Standard of Competency for Architects](#).

In addition to the [Architects Act](#) and its [Regulations](#), upon application for a licence, candidates are expected to have general knowledge of all statutes that govern or relate to the practice of architecture in Ontario. These are enumerated in Appendix 1 of the licence application. It is considered professional misconduct for any OAA architect to contravene or even acquiesce in any contravention of a federal, provincial, or municipal law, regulation, or bylaw relating to the construction, enlargement, or alteration of buildings (section 42 (1-4) of the Regulations).

The OAA remains concerned that lapses in public safety may result if Canadian experience is prohibited for the architectural profession for individuals on the path to licensure. While there may be risks in all professions, the risks within the architectural sector are expressly tied to physical safety, both short- and long-term welfare. Whether domestically or internationally trained, the OAA has been entrusted by government to determine whether applicants have the requisite knowledge and experience to safely practise in Ontario.

The main purpose for local experience prior to licensure is grounded in ensuring the health and safety for the people of Ontario within their built environment. All applicants, domestic or international, are expected to meet this requirement. Should applicants feel they possess the knowledge and skills to practise safely in Ontario they may avail themselves of an exemption request to Council as an alternative means to demonstrate competency.

7. Would there be an opportunity to combine the 940 Canadian experience requirement with the more global 2,780 requirement so that both obligations could be fulfilled while the candidate is in his / her home jurisdiction?

Applicants pursuing a licence via the IAP are required to complete a minimum of 3720 hours, 940 of which needs to be local experience in order to practise safely and competently in Ontario. If we understand your question correctly, you are asking if all 3,720 hours of experience could be gained internationally prior to enrolling in the IAP. It is not clear how this would satisfy the need for Ontario-specific competency.

An applicant who has gained 3,720 hours of international experience prior to enrolling in the IAP is welcome to apply for exemption from the 940 hours. The exemption process would determine if they have the competency to practise safely in Ontario.

8. Could the 940 hours of supervised practice in Ontario be calculated after an ITA has been provisionally licensed as an architect?

There is currently no provisional licence for architects in Ontario; such a class of licence would require Ministerial approval and an [Architects Act](#) amendment.

9. Has the OAA established a target for the percentage of ITAs who it believes should be registered without the need to fulfill the 940 hour CER?

No, there is no documented labour shortage of architects in Ontario and hence no need to create targets that potentially frustrate the requirements of the *Architects Act* and its Regulations.

10. What assessment process does the Experience Requirement Committee (ERC) employ to assess whether the ITA's international working experience and other credentials are sufficient to not require 940 hours of Canadian experience? Is this process publicly available and does the OAA have any statistics on the percentage of cases where the committee grants an exemption?

As per section 13(3)b of the *Architects Act*, the Registrar may refer an application for the issuance of a licence to the OAA's Experience Requirements Committee. The ERC is tasked with determining whether the applicant has met the experience requirements prescribed by the Regulations for the issuance of a licence, or if the applicant should be granted an exemption from "all or part of the academic and experience requirements set out in this Regulation" on account of their qualifications, knowledge, and experience.

The OAA has incorporated annual training and orientation for the ERC members. A manual is maintained for Committee members to ensure consistent, unbiased decision-making. All assessments are delivered in a consistent manner with procedural fairness at forefront of all activities. Committee members have scripted questions and their assessments are delivered via a decision matrix scorecard. The assessment questions are reviewed biennially with subject matter experts in high-stakes curriculum and assessment delivery.

In 2021, the OAA worked in consultation with the OFC to create greater transparency around the [ERC process](#) as well as [Exemption Requests to Council](#) so that individuals have better access to information related to these procedures. The embedded links are new OAA Website pages with direct staff contact details.

11. Are these assessments included in the table provided by the OAA or if not, could the OAA provide data about these assessments?

The ERC statistics are summarized in question 3.

12. Could OAA provide the number of ITIs who were successful in their applications to cover the CER through the alternative pathways presented by the OAA?

In the past three years, of the 316 internationally trained/educated applicants who were successfully licensed:

- 26 achieved their OAA licence via BEFA; and
- 27 achieved their OAA licence via the Canadian reciprocity agreement.

The statistics for exemption request are noted above.

ⁱ *The Canadian Law of Architecture and Engineering*, Third Edition, Beverley M. McLachlin and Arthur Grant, LexisNexis, page 7.

ⁱⁱ *The Canadian Law of Architecture and Engineering*, Third Edition, Beverley M. McLachlin and Arthur Grant, LexisNexis, page 8.

APPENDIX 5

2021 12 10 – OAA Responses to OFC questionnaire

Organizational Capacity

1.0 *Has the regulator stabilized the process for receiving applications and completing assessments/examinations in a timely fashion in the aftermath of the Covid-19 pandemic?*

- The receipt of licence applications remained stable throughout the pandemic and remains so – there was no discernable disruption to the receipt of licence applications nor their review/assessment.
- Upon review of ten-year trend of internationally trained applicants as a percentage of all new applicants the pandemic has had no substantive effect:

Year	Total New Applicants	Internationally Trained Professionals (ITP) New Applicants	Percentage (%) of ITP to Total Applications
2011 Total	148	44	29.73
2012 Total	202	62	30.69
2013 Total	156	45	28.85
2014 Total	161	51	31.68
2015 Total	179	41	22.91
2016 Total	189	40	21.16
2017 Total	179	38	21.23
2018 Total	186	46	24.73
2019 Total	187	49	26.20
2020 Total	187	67	35.83
2021 Total	216	79	36.57

- The national licensing examinations have returned pre-pandemic procedures and have moved to increase the frequency from once a year to twice a year.

2.0 *Has the regulator either upgraded, or started the process of upgrading, its IT systems to be more responsive to the needs of applicants?*

- The OAA plans to incorporate online licence applications and certificate of practice applications in 2022. Currently the majority of Intern Architects and Student Associates utilize on online application process.
- The OAA plans to have dedicated website pages related to the Experience Requirements Committee and the Exemption Request to Council by the end of 2021. These procedures form part of the OAA’s alternative process of assessing competency in applicants where exemptions from the legislated requirements for licence are requested.
- The OAA launched its new website in 2020 and continues to seek feedback from applicants and members to improve resources.
- Assessment interviews and Registration hearings were transitioned to fully remote settings during the pandemic and this option will continue into the OAA’s future state.
- Assessment interviews for applicants seeking licence via international mutual recognition agreements or the national Broadly Experienced Foreign Architect program transitioned to virtual settings and will continue into the future.

	<ul style="list-style-type: none"> The OAA regularly participates in outreach programs for internationally trained professionals and students to promote accessibility to information and to better understand barriers to licence. The most recent virtual event was the Toronto Society of Architects (TSA) information session on Oct. 27, 2021. The recording remains available to all. Through events like these participants can find helpful resources such this information package from the TSA. Similarly, the OAA hosts its annual virtual "Meet the OAA" event to share information regarding the different paths to licensure in Ontario.
	<p>Assessment and Registration Processes</p>
3.0	<p><i>What tools does the regulator have in place to ensure the accountability of its third-party service providers?</i></p>
	<p><u>Canadian Architectural Certification Board (CACB)</u> CACB is constituted by an agreement of all 11 architectural regulators in Canada and the collective body known as CALA, i.e. Canadian Architectural Licensing Authorities. The OAA effectively owns 1/12th of CACB.</p> <p>Pursuant to CACB bylaws (the Bylaws), their role is limited to administering standards for the certification of the educational qualifications of individual applicants in accordance with criteria and procedures contained in the Canadian Education Standard approved by the Regulators.</p> <p>There are two members of the OAA on CACB's Board. The Board is required to meet at least twice each year.</p> <p>By virtue of the Bylaws, CACB is required to seek the Regulators' (including the OAA) approval for:</p> <ul style="list-style-type: none"> publishing standards for applicant review, including the evidence to be furnished by applicants, and for recording and recognizing equivalent standards and procedures. adopting and publishing procedures for the appeal of decisions of the Board or its authorized committee(s). <p>Further, CACB must report to the OAA on all matters relating to accreditation. Minutes of each Board meeting will be provided the OAA timely manner.</p> <p>CACB is required to apply the Canadian Education Standard. These standards and procedures have been chosen to assure that the assessments are equitable in each case, while accommodating the varied backgrounds and circumstances of the applicants.</p> <p>A copy of the conditions and procedures for the certification of educational qualifications is readily available online here: https://cacb.ca/wp-content/uploads/2021/03/EducationalQualifications.pdf</p> <p><u>Committee for the Examination of Architects in Canada (CExAC)</u> This Committee oversees and maintains the Examination for Architects in Canada (ExAC) on behalf of the Canadian Architectural Licensing Authorities. It is comprised of regional representatives from Atlantic Canada (AANB, AAPEI, NLAA, NSAA), Québec, Ontario, Prairies/Northwest Territories (MAA, NWTAA, SAA), Alberta, and British Columbia who are appointed by the respective Council(s). All matters from CExAC are regularly reported and reviewed by the eleven provincial and territorial regulators, inclusive of the OAA, and matters arising must be approved by the Councils of each jurisdiction to ensure uniform agreement nation-wide.</p>
4.0	<p><i>Have third-party assessment/testing bodies that the regulator relies upon implemented systems/processes to address risk factors arising out of the COVID-19 pandemic?</i></p>

	<p><u>Canadian Architectural Certification Board (CACB)</u> Please see above.</p> <p><u>Committee for the Examination of Architects in Canada (CExAC)</u> The OAA is one of 11 provincial regulators who administer nationally the Examination for Architects in Canada (ExAC). Being a national exam, it was acknowledged at the start of the pandemic that the exam had to consider the individual circumstances of all jurisdictions who had individuals who intended on sitting for the licensing exam in a pandemic year.</p> <p>The Committee for the ExAC (CExAC) began meeting more regularly to assess individual provincial situations and chart a path forward to delivering an exam in exceptionally uncertain and rapidly changing circumstances. By the end summer of 2020 it was obvious that the feasibility of an in-person sitting of the ExAC in early November would not be possible nationally and the CExAC met with Yardstick Solutions to discuss the transition and delivery of the ExAC in an electronic format.</p> <p>It was understood that <i>not</i> delivering an exam was <i>not</i> an option.</p> <p>With a proposal in hand the CExAC met with high-level representatives from each of the provincial regulators to request they consider the proposal to move the ExAC online for the next sitting, as the only viable method of delivering an examination given the circumstances. Each provincial and territorial regulator took the proposal back to their respective Councils for review and approval. This move to an online format required extensive work to reformat the examination and resulted in the exam delivery being delayed approximately four months.</p> <p>All registrants were immediately informed of this change in date, and were subsequently kept updated on the rules and requirements of an online exam with regular email updates. Messages were first crafted by the National Co-Administrators and then approved by the CExAC. The approved messages then went to the jurisdictions for national approval before a coordinated emailing by all provinces at pre-agreed upon dates and times to ensure a uniform release of information nation-wide.</p> <p>The 2020 ExAC was delivered over four days on the Yardstick platform at the end of February, 2021.</p> <p>Work began immediately on the creation and validation of the next ExAC, scheduled to be delivered in-person in a return to the pencil/paper format on February 28th and March 1st, 2022.</p> <p>FUTURE STATE: In the spring of 2021, the provincial regulators requested that the CExAC undertake a feasibility study to examine if a permanent move to an electronic exam format. The long-time ExAC psychometrician and exam consultant is overseeing this study in consultation with an assortment of examination delivery professionals and ExAC stakeholders. Results of this study will be delivered to high-level representatives from the provincial regulators in mid-December, 2021.</p>
	Responses to Emergency Situations:
5.0	<i>Has the regulator implemented systems / processes to address risk factors arising out of the Covid-19 pandemic, including migration to a hybrid examination and testing system?</i>
	Please see above with respect to the national licensing exam. A hybrid examination is not possible but work is underway to examine a permanent move to an electronic exam format.
6.0	<i>Has the regulator explored the ability to provisionally licence applicants during the pandemic to allow them to practice until all registration requirements are met?</i>

	<p>The OAA supports provisions for expedited registration in the case of emergency, although it is important to note licensing and other regulatory processes related to architecture were not materially disrupted by the pandemic. Thanks to previous experience with remote work during our headquarters renovation, the OAA was able to quickly mobilize its staff to work from home virtually. This ensured regulatory processes continued to function, serving and protecting the public interest with little impact on daily operations.</p> <p>During a pandemic or at any other time, individuals pursuing licensure are not prohibited from working for an architectural practice; a section of the <i>Architect Act</i> explicitly sets out this activity (<i>Architect Act</i> s.11(d)). Additionally, individuals may also work within the Exceptions as set out in the <i>Architect Act</i> s.11(3).</p>
7.0	<p><i>Does the regulator have any plans to revisit its risk identification and mitigation strategies in light of the pandemic?</i></p>
	<p>Many of the strategies put in place during the pandemic toward building resilience in the regulatory processes of the OAA will be carried forward into our future state of work. OAA is committed to ensuring that its provincial and national responsibilities remain responsive and adaptable to a changeable environment.</p>
	<p>Over Reliance on Canadian Experience Requirements</p>
8.0	<p><i>Has the regulator completed a recent review of the relevance and necessity of its Canadian experience requirements and their impact on the career paths of internationally trained applicants?</i></p>
	<p>The OAA remains committed to reducing barriers to licensure. Such efforts include the Canberra Accord on Architectural Education recognizing educational equivalencies, various mutual recognition agreements (MRAs) related to reciprocal licensure, the RAIC Syllabus Program and actively supporting the Broadly Experienced Foreign Architect (BEFA) program—an alternative pathway for foreign architects to become licensed.</p> <p>The OAA is one of 11 provincial regulators who together form the <u>Canadian Architectural Licensing Authorities (CALA)</u>. CALA has worked collectively to develop and adopt nationally recognized standards of competence. These standards are embodied in the <u>Canadian Standard of Competency for Architects</u>, which establishes consistent criteria that candidates must meet regardless of their chosen path to licensure. Canadian practical knowledge or local currency forms part of the national competency expectations. Consistent application of these Canadian Standards of Competency by each regulator supports professional mobility via the Canadian Reciprocity Agreement. Architects currently registered/licensed with another provincial or territorial architecture association in Canada may seek membership as an architect in another Canadian jurisdiction through the Canadian Reciprocity Application for Registration.</p> <p>Within Ontario, the required professional competence is normally obtained and demonstrated through a combination of formal education, supervised experience and professional examinations. Architects are responsible for the design of the built environment which requires knowledge of all relevant local Ontario health, life and fire safety legislation such as, but not limited to, the Ontario Building Code (regulations under the <i>Building Code Act</i>), the <i>National Building Code</i>, the <i>Construction Act</i>, the <i>Occupational Health & Safety Act</i>, <i>Fire Protection and Prevention Act</i>, and <i>Accessibility for Ontarians with Disabilities Act</i>. The public should expect and trust that architects in Ontario have general knowledge of local life and fire safety requirements.</p> <p>However, the OAA has long recognized the necessity and importance of alternative means to assess competency for registrants. Individuals seeking licence are able to seek exemption from some or all of the licence requirements (inclusive of Canadian experience) in Ontario as set out in section 13 of the <i>Architects Act</i>. Please see below for more information.</p>

	<p>Additionally, architects registered in another jurisdiction outside of Canada may be eligible to apply for registration in Canada under the terms of a Mutual Recognition Agreement (MRA). These MRAs are formal agreements between architectural regulators in different international jurisdictions to mutually recognize the architectural credentials and qualifications of their registrants, and to provide a pathway for them to obtain registration across participating jurisdictions. Registration under the terms of an MRA is a streamlined process. Eligibility requirements vary for each MRA. Today, Canada has agreements in place with the United States and Mexico, the Asia Pacific Economic Cooperation (APEC), and a soon-to-be ratified agreement with Europe (ACE).</p>
<p>9.0</p>	<p><i>What approaches is the regulator considering to either eliminate or reduce the impact of these requirements?</i></p>
	<p>The <i>Architects Act</i> (the Act) contains provisions for an exemption request to OAA Council upon application for licence. The purpose of Section 13(1)(d) and (e) of the Act and Section 33 of the Regulation is to provide a procedure for an applicant who can demonstrate their qualifications, knowledge, or experience merit exemption. Council will consider requests wherein the applicant is close to meeting the requirements, but is unable to do so because of personal hardship or special circumstances, or where their qualifications, knowledge, and experience merit exemption.</p> <p>As per Section 13(3)b of the Architects Act, the Registrar may refer an application for the issuance of licence to the OAA's Experience Requirements Committee. This Committee is tasked with determining whether the applicant has met the experience requirements prescribed by the Regulations for the issuance of licence, or if the applicant should be granted an exemption from "all or part of the academic and experience requirements set out in this Regulation" on account of their qualifications, knowledge, and experience. It is not uncommon for the OAA to receive an exemption request related to Canadian experience.</p> <p>As noted above, the OAA supports the <u>Broadly Experienced Foreign Architect (BEFA)</u> program. The BEFA program is an alternative pathway to licensure for foreign licensed architects. It is developed by the Canadian Architectural Licensing Authorities (CALA) and administered by the Canadian Architectural Certification Board (CACB). The program assesses broadly based experience of foreign licensed architects against the Canadian Standard of Competency for architects. Applicants who meet the Program eligibility requirements can apply for BEFA Certification through a process which consists of an on-line self-assessment and an interview with licensed architects in Canada. Successful BEFA applicants are granted BEFA Certification, which represents recognition of compliance with the Canadian Standard of Competency for Architects. BEFA Certification allows an individual to apply for licensure as an architect in the Provincial/Territorial Association of their choice.</p> <p>The OAA also grants project-specific temporary licenses to practitioners and practices, and allows foreign architects to practice under the supervision of a licensed architect. The <i>Architects Act</i> section 11(d) specifically sets out the ability of individuals to work for a practice of architecture prior to becoming licensed. Put together with the MRAs and BEFA, these measures outlined above allow significant labour mobility for foreign-trained architects to work or become licensed in Ontario.</p> <p>In summary, the Canadian regulators have collectively agreed to endorse a variety of pathways to licensure in order to allow broad yet comprehensive and robust access to the profession for candidates from diverse circumstances. These include options for domestic candidates and foreign candidates, and are included in the <u>Roadmap to Licensure</u> on the CALA website.</p>

10.0	<i>Does the regulator have plans to assess other barriers that internationally trained applicants encounter and the reasons why some of these individuals choose to withdraw and / or abandon their registration applications?</i>
	The OAA recognizes its public interest mandate is best realized when its membership reflects the society it serves. To that end, the OAA continuously strives to eliminate barriers to work and advancement within the architecture profession on the basis of race, ethnicity, gender identity or expression, sexual orientation, physical abilities, or religious practices. A new portal on the OAA Website , found under the Resources tab, provides key links and references to the equity, diversity, and inclusion work the OAA is doing and includes relevant news, events, and reports. It will continue to grow and evolve.
	Public Policy Considerations
11.0	<i>Is the regulator considering mitigation steps to address low entry-to-practice pass rates for internationally trained applicants?</i>
12.0	<i>How does the regulator monitor labour-market trends and does it have any plans to increase the number of internationally trained applicants that it can successfully register on an annual basis?</i>
	Currently the OAA community includes nearly 4627 Architects plus almost 2000 on the path to licensure. Roughly 660 architects are over 65 years of age but it is anticipated that retirements are more than set off by the number of those seeking licence as the profession continues to grow. The OAA is not facing nor anticipating an impending professional shortage like some other professions may be experiencing.
13.0	<i>What steps has the regulator taken to apply inclusion and anti-racism perspectives to its assessment and registration processes?</i>
	<p>The OAA has incorporated training for all statutory committee members, OAA staff, and OAA members that identifies specific types of bias that need to be addressed when making decisions.</p> <p>The Office of the Registrar has initiated a project to develop a decision matrix for the Experience Requirements Committee members to ensure consistent, unbiased decision making. The project will include a full review of past decisions to ensure alignment with past decisions. The decision matrix will also contain guidelines that help assessors avoid bias in the decision making process. The project will include clearer information on the website that will be readily accessible to any candidate seeking to have their experience reviewed.</p> <p>As part of the OAA's ongoing commitment to address equity, diversity and inclusion within the architectural profession, since 2020, the OAA has made several courses free to all members, Intern Architects, Student Associates, and OAA staff. Most staff at the OAA have attended the following courses:</p> <ul style="list-style-type: none"> • Understanding and Minimizing Unconscious Bias in the Hiring Process • Human Rights in the Workplace • The Business Case for Equity, Diversity, and Inclusion • An Indigenous Lens • Step-by-step Wiidosendiwag: Imbedding Indigenous Perspectives • Terminology Tips to Respectfully Engage with Indigenous People <p>Using results from both the OAA's 2019 Membership Survey, as well as raw membership data and constructive and candid feedback as guides, the OAA continues to explore and act in ways to begin to</p>

address deep-rooted biases and lack of true representation in the architecture profession. Recent actions include:

- adding Equity, Diversity, and Inclusion (EDI) as a mandatory requirement for the Continuing Education program;
- hosting free webinars on the topics of unconscious bias, harassment in the workplace, and addressing diversity through leadership;
- increasing accessibility to ConEd and special events through virtual formats;
- hosting virtual roundtables for OAA licensed members, Intern Architects, and students in Ontario's schools of architecture;
- updating the OAA Website to meet Accessibility for Ontarians with Disabilities Act (AODA) standards and introducing live closed captioning for all webinars and virtual events;
- changing registration forms and standards for correspondence to remove prefixes and gender binary language; and
- commissioning a 2021 survey on membership demographics to provide a baseline for future EDI work.

Amongst the many Interns Committee and OAA initiatives related to path to licensure (updated website information, live annual "Meet the OAA" event, online CERB portal, increased outreach to students and interns), the OAA Council recently approved two new Council Action items in June 2021 aimed at identifying challenges and barriers faced by students and interns on the path to licence with the OAA. Specifically,

- Council approved the engagement of an architectural graduate research assistant whose scope of work will include administration and organization of research for the Interns Committee. This work will focus on identifying specific challenges and barriers faced by students and interns enrolled in the IAP in an effort to focus future OAA action items related to licensure in Ontario. The research will examine feedback and common concerns cited in the 2020 Student & Intern Roundtable, the Intern Title survey, and the 2019 Member Survey to determine next steps
- Council approved the request of the Interns Committee to develop and administer a survey to the membership regarding the mentorship experience and any obstacles and challenges they might be facing and that an outside survey consultant firm be engaged to administer the survey.