

IN THE MATTER OF the *Architects Act*, R.S.O. 1990 c.A.26

AND IN THE MATTER OF the *Statutory Powers Procedure Act*, R.S.O. 1990 C. S.22

AND IN THE MATTER OF the Rules of Practice and Procedure of the Discipline Committee of the Ontario Association of Architects made pursuant to Section 25(1) of the *Statutory Powers Procedure Act* respecting written hearings to determine allegations of professional misconduct arising out of non-compliance with the Association’s Mandatory Continuing Education Program;

AND IN THE MATTER OF a proceeding before the Discipline Committee of the Ontario Association of Architects pursuant to Sections 34 and 35 of The *Architects Act* to hear and determine allegations of professional misconduct against **Yun Du**

J. William Birdsell, Member)	
)	
James Hargreaves, Member)	THURSDAY, THE 17 TH DAY OF
)	OCTOBER, 2024
Elaine Mintz, Lieutenant Governor in Council Appointee)	

REASONS FOR THE DECISION AND ORDER OF THE DISCIPLINE COMMITTEE

The Discipline Committee of the Ontario Association of Architects (Association) met on Thursday, October 17, 2024 to determine allegations of professional misconduct against Yun Du, a former Member of the Association.

The evidence at this written hearing consisted of documents submitted by the Association and written submissions from the Association. There were no submissions from the former Member.

At its June 23, 2023 meeting, the Complaints Committee referred this matter to Discipline Committee to conduct a hearing to determine an allegation of professional misconduct on the part of the former Member by reason of their non-compliance with the mandatory Continuing Education Program (2021 – 2022 Cycle) set out in Section 54 of Regulation 27 under *the Architects Act*.

It was alleged that Yun Du committed the following act of professional misconduct, as set out in the Notice of Hearing dated August 28, 2024:

That, in the period January 1, 2021 to June 30, 2022, the former Member failed to complete and record the minimum 70 hour requirements of the 2021 – 2022 Mandatory Continuing Education Program contrary to Section 54(3) of the Regulation made under the *Architects Act*.

The Notice of Hearing advised the former Member of the manner in which the hearing would be conducted and of the Rules of Practice and Procedure of the Discipline Committee with respect to a written hearing. The former Member was also advised that they could make submission to the Committee to hold an oral or electronic hearing dependent on the former Member providing good reason to do so.

FACTS

On January 1, 1999, the Association initiated a mandatory Continuing Education Program (hereinafter referred to as the Program).

The authority for the Program is set out in Section 54 of Regulation 27 under the *Architects Act* as amended, and requires that all Members “spend 70 hours in continuing education activities approved by Council” within each two (2) year cycle of the Program. The activities are comprised of structured and unstructured learning. The requirement includes both attending and reporting of educational activities. In addition, a minimum of 25 hours must be in the structured learning category.

To assist Members in meeting the requirements of the Program, the Association continued its information strategy throughout the 2021 – 2022 Cycle. The information strategy includes, but is not limited to, advising all Members through the website, the Association’s electronic newsletter, and direct e-mail about the importance of compliance and the available continuing education activities. Continuing education reporting is done through the online portal for Members. There are staff available during regular office hours to assist in the assessment of learning hours and help access the reporting portal.

Structured continuing education activities were planned for each of the Association’s annual conferences held during the 2021 – 2022 Cycle.

For all Members, and particularly for those Members who did not have the opportunity or perhaps could not afford to attend the annual conferences, there are links on the Website to continuing education modules where the full complement of hours can be accessed remotely by downloading articles, by ordering workbooks or by completing an online course. There are no limits to online structured learning for Members. Continuing education opportunities that are provided by local societies, practices and other jurisdiction's official providers may also count towards the Ontario requirements. As an example, the American Institute of Architects (AIA) offers some programs online which the Association may accept as structured learning hours.

Each Member was personally contacted by letters and e-mail and encouraged to complete the 2021 – 2022 Cycle Program requirements.

Licence is currently cancelled.

FINDINGS

The Discipline Committee made the following findings, based on the facts and evidence presented:

THIS COMMITTEE FINDS that Yun Du is guilty of professional misconduct in that the former Member during the period January 1, 2021 to June 30, 2022, failed to complete and record the required number of hours in the Association's mandatory Continuing Education Program (2021 – 2022 Cycle), consisting of courses of study, seminars, workshops, self-directed learning and professional activities approved by Council contrary to Section 54(3) of the Regulation made under the *Architects Act*.

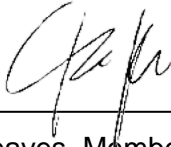
PENALTY

The Committee was unanimous in its opinion that the Program is an extremely important initiative of the Association and that failure to meet its requirements is sufficiently serious to warrant a reprimand, with the reprimand being placed on the Register; that the Decision and Order of the Discipline Committee, and the Reasons therefor, be published in an official publication of the Association including the name of the former Member; that should the former Member wish to apply for reinstatement, the former Member is required to complete the requirements of the 2021 – 2022 Cycle; and that the former Member pay a portion of the costs of these proceedings hereby fixed at \$750.00 plus HST on or before December 4, 2024.

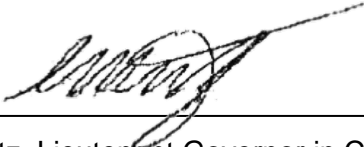
DATED AT TORONTO THIS 7th DAY OF NOVEMBER, 2024



J. William Birdsell, Member



James Hargreaves, Member



Elaine Mintz, Lieutenant Governor in Council
Appointee