

IN THE MATTER OF the *Architects Act*, R.S.O.
1990, C. A.26 (the “Act”)

AND IN THE MATTER OF Regulation 27 under
the *Architects Act*, R.S.O. 1990, C. A.26, R.R.O.
1990 (the “Regulation”)

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

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
Act to hear and determine allegations of professional
misconduct against Hui Jin, Architect, and Jin
Architect, Holder

J. William Birdsell, Tribunal Chair)

Vincent Alcaide, Member)

Elaine Mintz, Lieutenant Governor Appointee)

TUESDAY, THE 6TH DAY
OF MAY, 2025

Grant Worden, Counsel to the Committee

Paul J. Davis, Counsel to the Association

Hui Jin, self-represented

REASONS FOR THE DECISION AND ORDER OF THE DISCIPLINE COMMITTEE

The Discipline Committee of the Ontario Association of Architects (the “**Association**”) met on May 6, 2025, to hear and determine allegations of professional misconduct against Hui Jin, an architect licensed by the Association, and Jin Architect, a holder of a Certificate of Practice (hereinafter collectively referred to as the “**Architect and Holder**”).

ALLEGATIONS

It was alleged that the Architect and Holder committed the following acts of professional misconduct, as set out in the Notice of Hearing dated July 4, 2024:

1. the Architect and Holder engaged in an act or acts of professional misconduct as defined in s. 42(2) of the Regulation in that, in respect of a building project at 85 Millcreek Crescent in Thornhill (the “**Project**”), they knowingly contravened the *Building Code Act*, 1992 and/or the Building Code;
2. the Architect and Holder engaged in an act or acts of professional misconduct as defined in s. 42(3) of the Regulation in that, in respect of the Project, they knowingly contravened a by-law or by-laws of the City of Vaughan; and
3. the Architect and Holder engaged in an act or acts of professional misconduct as defined in s. 42(54) of the Regulation in that they engaged in conduct or an act relevant to the practice of architecture that, having regard to all of the circumstances, would reasonably be regarded by members of the Ontario Association of Architects as disgraceful, dishonourable, or unprofessional by:

- (a) failing to disclose the Project's non-compliance with the *Building Code Act, 1992*, Building Code, and/or municipal by-laws, and the City of Vaughan's enforcement actions in respect of such non-compliance, to the purchaser of the property.

EVIDENCE AND SUBMISSIONS

The Committee convened the hearing at 10:00am. The Architect and Holder, who was not represented by Counsel, heard read the charges in the presence of Counsel for the Association.

The Architect and Holder confirmed that they were aware of their right to be represented by Counsel and that they wished to proceed without Counsel.

Following the reading of the charges, the Architect and Holder pleaded guilty to count one of the Notice of Hearing.

The Association entered into evidence an Agreed Statement of Facts, agreed to by the Association and the Architect and Holder, which was marked as Exhibit .1

The Agreed Statement of Facts establishes that:

1. The Architect became a member of the Association on March 23, 2001. The Architect is principal of the Holder, which holds a certificate of practice, and is the architect with personal supervision of that practice. The Holder's certificate of practice was issued on March 14, 2008.
2. In 2022, the Architect listed her home for sale. Part of the marketing material for the home indicated that it had recently been renovated.

3. The Architect's home had, in fact, been renovated in 2020 (the "**Renovation**"). The Architect had performed architectural services in respect of the Renovation. A building permit under the *Building Code Act, 1992* and the Building Code was required for the Renovation. The Architect knew that a building permit was required for the Renovation but did not obtain a building permit.
4. On June 1, 2022, the Architect sold her home to the complainant, who subsequently learned that the Renovation had been completed without a building permit.
5. Previously, on April 25, 2018, the Discipline Committee issued a Decision and Order as well as Reasons for Decision and Order in respect of a different matter regarding the Architect and Holder. The Architect and Holder complied with the Discipline Committee's Decision and Order. The Architect and Holder have no other history at the Discipline or Complaints Committees.

On reviewing the Agreed Statement of Facts and on hearing submissions from Counsel for the Association and the Architect and Holder, the Committee accepted the guilty plea. The Association then withdrew counts 2 and 3 of the Notice of Hearing, and Counsel for the Association and the Architect and Holder offered a joint submission on the proposed penalty for the offence to which the Architect and Holder had pleaded guilty, which was marked as Exhibit 2.

Counsel for the Association submitted jointly with the Architect and Holder that an appropriate penalty, given the nature of the offence and the Architect and Holder's prior history with the Committee was: a reprimand recorded in the Association's register; a requirement that the Architect complete two self-study modules of the OAA entitled "*Ontario Building Code Act and*

Building Permit Application Process” and “*Ontario Building Code Compliance Data: Concepts and Code Analysis*” within eight months of the finding of professional misconduct; publication of the Committee’s Decision and Reasons, including the Architect and Holder’s name; costs of \$4,500 to be paid by the Architect and Holder to the Association; and a requirement that if the Architect and Holder fail to pay the required costs and/or complete the self-study modules, the Architect’s licence and the Holder’s certificate of practice shall be automatically suspended without the need for further order of the Committee until such time as the payment(s) are made and the self-study modules are completed.

In response to questions from the Committee, the Architect and Holder explained that the Renovation involved a change to a structural load bearing condition in her home. In addition, she also installed an exterior deck (8’ x 12’ x 8”) that was too close to the property line. The Architect and Holder explained that she understood that a building permit was required in respect of the change to the structural load bearing condition, and it had been her intention to apply for one in the future. She also explained that the sale of her home had been difficult. The purchaser, a lawyer and real estate agent, attempted to back out of the deal and threatened to sue the Architect and Holder for damages if she did not agree to terminate the sale. When she remained firm in her position, the purchaser submitted the complaint.

The Committee, following deliberations, expressed its view that the penalty proposed jointly by the Counsel for the Association and Architect and Holder was appropriate. While the Committee appreciated the circumstances which may have motivated the complaint, the Committee was concerned that the Architect and Holder had failed to obtain the necessary building permit, and had now been before the Committee twice, which was itself a serious matter.

FINDINGS

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

1. **THIS COMMITTEE FINDS** that the Architect and Holder engaged in an act or acts of professional misconduct as defined in s. 42(2) of the Regulation in that, in respect of the Project, they knowingly contravened the *Building Code Act, 1992* and/or the Building Code.

PENALTY

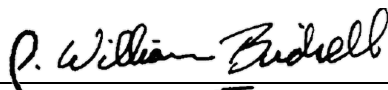
In determining the appropriate penalty, the Committee considered the nature of the offence, protection of the public, reformation of the Architect and Holder, and deterrence. The deliberations by the Committee considered all the evidence submitted as well as the fact that the Architect and Holder had a previous charge of misconduct.

In the view of the Committee the offence in this case was serious, particularly in light of the Architect and Holder's disciplinary history, and the penalty jointly submitted by Counsel for the Association and the Architect and Holder was warranted.


1. **THIS COMMITTEE ORDERS** that the Architect be reprimanded and the reprimand shall be recorded in the register of the Association.
2. **THIS COMMITTEE ORDERS** that the Architect shall, at her own expense, complete the two self-study modules of the OAA entitled "*Ontario Building Code Act and Building Permit Application Process*" and "*Ontario Building Code Compliance Data: Concepts and Code Analysis*" within eight months of the finding of professional misconduct.

3. **THIS COMMITTEE ORDERS** that a summary and/or copy of the Decision and Reasons in this matter shall be published in an official publication of the Association and on the website of the Association, including the names of the Architect and Holder, and the finding of professional misconduct shall be recorded in the register of the Association.
4. **THIS COMMITTEE ORDERS** that the Architect and Holder shall pay costs to the Association in the total amount of \$4,500, with \$1,500 payable within 5 business days of the finding of professional misconduct and \$500 payable on the first business day of the month for each of the next six months thereafter.
5. **THIS COMMITTEE ORDERS** that should the Architect and Holder fail:
 - (a) to make the payments required by paragraph 4, and/or
 - (b) to complete the self-study modules required by paragraph 2,the Architect's licence and the Holder's certificate of practice shall automatically be suspended without the need for further order from the Discipline Committee until such time as the payment(s) are made and/or the self-study modules are completed.

DATED AT TORONTO THIS 22ND DAY OF MAY, 2025.



J. William Birdsell (Tribunal Chair)



Vincent Alcaide (Member)



Elaine Mintz (Lieutenant Governor Appointee)