

**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** a proceeding before  
the Registration Committee of the Ontario  
Association of Architects pursuant to Section 25  
of the *Architects Act* to hear the proposal of the  
Registrar of the Association to refuse the  
application for Licence and Certificate of Practice  
by **Kamil Wroblewski** as set out in the Notice of  
Proposal dated June 7, 2023,

J. William Birdsell, Councillor (Chair)

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Shirley Lee, Member

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MONDAY THE 6<sup>TH</sup> DAY OF  
MAY, 2024

)

Julius Horvath, Member

)

Grant Worden, Counsel to the Tribunal

Erin MacQuarrie, Counsel to the Association

Kamil Wroblewski (self-represented)

**DECISION AND ORDER OF THE REGISTRATION COMMITTEE**

This matter coming on for hearing before the Registration Committee on this date via videoconference hosted by Arbitration Place, in which the Registrar served:

1. a Notice of Proposal, dated June 7, 2023 to refuse to issue a Licence or Certificate of Practice to Kamil Wroblewski.

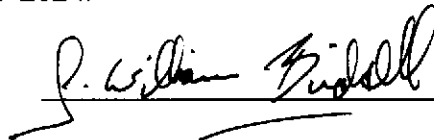
In the presence of the Registrar of the Association and Kamil Wroblewski, and hearing the evidence adduced:

**THE REGISTRATION COMMITTEE** having duly considered all of the information placed before it with respect to the Applicants' applications for a Licence and Certificate of Practice

**HEREWITH DIRECTS** the Registrar to:

- a) Issue to Mr. Wroblewski a Licence and Certificate of Practice subject to the terms, limitations and conditions set out in Schedule "A".

DATED AT TORONTO THIS 3<sup>rd</sup> DAY OF JULY 2024.



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J. William Birdsell, Councillor (Chair)

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DATED AT TORONTO THIS 3<sup>rd</sup> DAY OF JULY 2024.

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J. William Birdsell, Councillor (Chair)

*Shirley Lee*

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Shirley Lee, Member

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Julius Horvath, Member

## Appendix "A"

### Applicant's Terms, Conditions and Limitations

#### Terms, Conditions and Limitations of Licence

1. The Applicants may provide, and personally supervise and direct, architectural services for a building that:
  - a. as constructed, enlarged, or altered, is not more than three storeys in height and not more than 600 square meters in gross area and is used or intended for one or more of the following occupancies:
    - i. Residential;
    - ii. Business;
    - iii. Personal Services;
    - iv. Mercantile;
    - v. Industrial; or
    - vi. a restaurant designed to accommodate not more than 100 persons consuming food or drink;
  - b. is used or intended for residential occupancy, and contains one dwelling unit or two attached dwelling units, and, as constructed, enlarged, or altered, is not more than four storeys in height;
  - c. is used or intended for residential occupancy, that contains three or more attached dwelling units and as constructed, enlarged, or altered, is not more than four storeys in height and not more than 600 square meters in building area; or
  - d. is excepted by the *Architects Act*, s. 11(3).

2. The Applicants shall ensure that their limited scope of practice is clearly indicated to the public in a manner set out and approved by the Registrar<sup>1</sup> (e.g., website, letterhead, business cards, social media profile).
3. The Applicants may act as the prime consultant for the construction, enlargement, or alteration of any building. However, where the Applicants have agreed to arrange for the provision of architectural services to a member of the public beyond those permitted in Paragraph 1, they must engage a holder of a Certificate of Practice not subject to these Terms, Conditions, and Limitations.

Terms, Conditions and Limitations of Certificate of Practice

4. The Certificate of Practice shall be subject to the same Terms, Conditions, and Limitations as the licence.
5. The Applicants may provide architectural services to the public as a sole proprietor, in a partnership, or through a corporation, providing that the proprietor, partnership, or corporation holds a Certificate of Practice. The Certificate of Practice shall be subject to the limitations of Paragraph 1

The Applicants shall not directly or indirectly own or control more than 49% of the voting shares and value of all the shares of a corporation, or directly or indirectly hold more than 49% of the voting and financial interest of a partnership, to which a Certificate of Practice not subject to the Terms, Limitations, and Conditions of this policy has been issued under Section 146 or 157 of the *Architects Act*.

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<sup>1</sup> Whatever title the Registrar selects should clearly convey the Applicants' limited scope of practice, e.g., "Architect (Limited Scope)", "Limited Scope Architect" or similar.

**IN THE MATTER OF** the *Architects Act*, R.S.O.  
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Practice to **Kamil Wroblewski** as set out in the  
Notice of Proposal dated June 7<sup>th</sup>, 2023.

J. William Birdsell, Councillor (Chair) )

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MONDAY THE 6<sup>TH</sup> DAY OF MAY,  
2024

Grant Worden, Counsel to the Tribunal

Erin MacQuarrie, Counsel to the Association

Kamil Wroblewski (self-represented)

## **REASONS FOR THE DECISION AND ORDER OF THE REGISTRATION COMMITTEE**

The Registration Committee of the Ontario Association of Architects (the “OAA”) met on this date via videoconference hosted by Arbitration Place, for the purpose of hearing the proposal of the Registrar of the Association to refuse to issue a licence and certificate of practice to Mr. Wroblewski (the “Applicant”). At the commencement of the hearing, the Applicant confirmed that he was self-represented and wished to proceed without legal counsel.

The parties submitted into evidence an Agreed Statement of Facts dated April 29, 2024 (ASOF) which provided that the facts set out therein may be accepted as true by the Committee (Exhibit 2). The background facts set out in these Reasons for Decision reproduce and/or summarize relevant facts from the ASOF.

As described in greater detail below, between October 31, 2019 and May 10, 2023 the Applicant held a Licensed Technologist OAA licence from the OAA, and between April 12, 2022 and May 10, 2023 he held a certificate of practice from the OAA.<sup>1</sup> The Applicant’s licence and certificate of practice were both voided on May 10, 2023 upon the dissolution of the OAA’s former Licensed Technologist OAA Program. A brief discussion of the Licensed Technologist OAA Program and the events which led to its dissolution is necessary to provide context for the Committee’s Decision.

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<sup>1</sup> ASOF, paragraphs 16, 20.

## The OAA's Former Licensed Technologist OAA Program

Between April 2003 and May 2023, the OAA founded a program for architectural technology college graduates. In 2003, the initial iteration of the technology program was created by the OAA in partnership with the Ontario Association of Certified Engineering Technicians and Technologists (the "OACETT"). Between 2003 and 2010, the technology program was administered by the Ontario Association for Applied Architectural Sciences (the "OAAAS"), a not-for-profit organization owned equally by the OAA and the OACETT. In 2011, the OAA assumed full ownership of the OAAAS. In 2022, the OAA brought the technology program in-house and administered it directly until May 2023.<sup>2</sup>

Applicants to the technology program were required to meet education, experience and examination requirements which included tendering documentation about their education, recording their experience hours, completing a qualifying examination, and participating in the OAA's Admission Course. Upon successful completion of the program, applicants received certification and were referred to the OAA's Office of the Registrar to apply for licensure as "Licensed Technologists OAA."<sup>3</sup>

The Licensed Technologist OAA licensing structure was created by the OAA in 2010 via Council policy.<sup>4</sup> That policy purported to do certain things, including:

- a) Authorizing the Registrar to issue licences to Licensed Technologists OAA pursuant to subsection 13(1) of the *Act*;

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<sup>2</sup> ASOF, paragraphs 8-11.

<sup>3</sup> ASOF, paragraphs 12- 13.

<sup>4</sup> ASOF, Tab E.



- b) Exempting Licensed Technologists OAA from the required academic and experience requirements set out in the *General Regulation*, RRO 1990, Reg 27, made under the *Act* (the “*Regulation*”);
- c) Specifying terms, conditions, and limitations to be placed on both the licence and certificate of practice of Licensed Technologists OAA, restricting their scope of practice;
- d) Authorizing Licensed Technologists OAA to engage in certain specified acts within the practice of architecture, including to provide, personally supervise and direct architectural services for a building that:
  - a. as constructed, enlarged, or altered, is not more than three storeys in height and not more than 600 square metres in gross area and is used or intended for one or more of the following occupancies: 1. Residential; 2. Business; 3. Personal services; 4. Mercantile; 5. Industrial; or 6. a restaurant designed to accommodate not more than 100 persons consuming food or drink;
  - b. is used or intended for residential occupancy, and contains one dwelling unit or two attached dwelling units, and, as constructed, enlarged, or altered, is not more than four storeys in height;
  - c. is used or intended for residential occupancy, which contains three or more attached dwelling units and as constructed, enlarged, or altered, is not more than four storeys in height and not more than six hundred square metres in building area;
  - d. is excepted by section 11(3) of the *Act*; and
- e) Authorizing Licensed Technologists OAA to apply for a certificate of practice subject to the same terms, conditions, and limitations as the licence and in accordance with the following:

- a. The Licensed Technologist OAA may provide architectural services to the public as a sole proprietor, in a partnership, or through a corporation, providing that the proprietor, partnership, or corporation holds a certificate of practice. The certificate of practice shall be subject to the limitations of the licence.
- b. The Licensed Technologist OAA shall not directly or indirectly own or control more than 49% of the voting shares and value of all the shares of a corporation, or directly or indirectly hold more than 49% of the voting and financial interest of a partnership, to which a certificate of practice not subject to the terms, limitations, and conditions of this policy has been issued under sections 14 or 15 of the *Act*.<sup>5</sup>

### Dissolution of the Licensed Technologist OAA Program

In December 2022, the Association of Architectural Technologists of Ontario (the “AATO”) brought an application to the Ontario Superior Court of Justice for an injunction challenging the OAA’s authority to issue licences and certificates of practice to individuals under the Council policy. In particular, the AATO asserted that the OAA’s authority to issue licences and certificates of practice was limited to the powers set out in the *Act* and *Regulation* and could not be expanded by policy.<sup>6</sup>

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<sup>5</sup> ASOF, paragraph 15.

<sup>6</sup> ASOF, paragraphs 17-18.

On May 10, 2023, the Ontario Superior Court ordered on consent, among other things, that:

- a) the OAA has no lawful authority to issue licences or certificates of practice based on the policy or similar policy not set out in a regulation under the *Act*, including the licences and certificates of practice described as “Licensed Technologist OAA” or “Licensed Architectural Technologist OAA;”
- b) any licences or certificates of practice issued by the OAA based on the policy or similar policy not set out in a regulation under the *Act*, including the licences and certificates of practice described as “Licensed Technologist OAA” or “Licensed Architectural Technologist OAA,” are void *ab initio* and of no force and effect; and
- c) the OAA is prohibited from issuing licences or certificates of practice based on the policy or similar policy not set out in a regulation under the *Act*, including the licences and certificates of practice described as “Licensed Technologist OAA” or “Licensed Architectural Technologist OAA.”<sup>7</sup>

As noted above, as a result of the above-noted order the Applicant’s Licensed Technologist OAA designation and certificate of practice were voided on May 10, 2023.<sup>8</sup>

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<sup>7</sup> ASOF, paragraph 19.

<sup>8</sup> ASOF, paragraph 20.

## Mr. Wroblewski's Application for a Licence

On or about May 23, 2023, the Registrar of the OAA (the "Registrar") received an application from the Applicant for a licence under section 13 of the *Act* and a certificate of practice under section 17 of the *Act*. The Applicant submitted a revised application on or about May 30, 2023, which corrected minor errors in the first application but otherwise included the same information.<sup>9</sup>

The application demonstrates that the Applicant was educated and trained in architectural technology in Ontario. Among other things he:

- a) graduated from the 3-year Architectural Technology Program at Sheridan College in 2002;
- b) completed sufficient hours for admission to the Technologist Ontario Association for Applied Architectural Sciences ("OAAAS") category on April 14, 2015;
- c) gained 5,580 hours of work experience in the specified categories under the responsible control or personal supervision and direction of a person licensed to engage in the practice of architecture in Ontario;
- d) 940 of the above hours were gained in Ontario within the three years prior to applying for licensure and were under the personal supervision and direction of a person licensed to engage in the practice of architecture in Ontario;
- e) Attended the OAA Admission Course in 2016;
- f) Passed the Licensed Technologist OAA examination on June 25, 2019;

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<sup>9</sup> ASOF, paragraphs 2-3.

- g) Worked in the areas of architectural technology, 3D Modelling and as a draftsman at several firms in Canada and Poland between 2000 and 2004;
- h) Worked in architectural technology at [REDACTED] from 2004 to 2012;
- i) Worked for [REDACTED] from 2012 to 2022; and
- j) Was sole proprietor of Kam Sparrow Design in North Bay from 2022 to May 10, 2023.<sup>10</sup>

On or about June 7, 2023, the Registrar proposed to refuse the Applicant's application for a licence and certificate of practice pursuant to section 25(1)(a) of the *Act*.<sup>11</sup>

As explained in the Registrar's Notice of Proposal and Reasons for Decision,<sup>12</sup> the Registrar determined that the Applicant has completed the Admission Course offered by the OAA but has not:

- a) completed a degree in architecture from a post-secondary institution, or completed the Royal Architecture Institute of Canada Syllabus;
- b) received a Certificate of Certification issued by the Canadian Architectural Certification Board;
- c) successfully completed one of the following:
  - a. the Examination for Architects in Canada published by the OAA;

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<sup>10</sup> ASOF, paragraph 1.

<sup>11</sup> ASOF, paragraph 4.

<sup>12</sup> ASOF, Tab B.

- b. the Architect Registration Examination of the National Council of Architectural Certification Boards;
  - c. any combination of the components of the Examination for Architects in Canada published by the OAA and of the Architect Registration Examination of the National Council of Architectural Registration Boards that, considered as a whole, is considered equivalent to one of those examinations, as approved by the Council;
- d) completed a total of 3,720 hours of experience that meets the requirements of the Intern Architect Program published by the OAA, which must include:
- a. 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
  - b. 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.<sup>13</sup>

With respect to the application for a certificate of practice, the Registrar determined that the Applicant does not meet the requirement to be a member of the Association set out at s.17(1) of the *Act*. However, the Registrar also noted that the Applicant currently meets the requirements set out at s.34(a)(i) of the *Act* to be insured against professional liability by an insurance corporation referred to in subsection 2(5) of the *Act*.

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<sup>13</sup> ASOF, paragraph 5.

## The Parties' Submissions

The Committee heard submissions from counsel for the Registrar on the scope of the Committee's exemption powers, and from the Applicant on why the Committee should exercise its discretion to exempt him from the relevant licensing requirements.

At the outset of her submissions, counsel for the Association noted that section 25(8) of the *Act* provides that the Committee may exempt any of the licensing requirements set out in the Regulation if it concludes that it is appropriate to do so. She further stated that:

*...this is somewhat of an unusual power, which is the ability to exempt any of the requirements to be licensed. Many statutory committees have only the ability to exempt certain requirements, which are called exemptible requirements. Here all requirements are exemptible. What that means is that if you're satisfied that the Applicant, Mr. Wroblewski, has met the requirements, albeit in an alternative fashion, you can exempt him from the legislated requirements under the regulation.*

Counsel for the Association then reviewed two decisions of the Health Professions Appeal and Review Board<sup>14</sup> which speak to the ability of registration committees to exempt licensing requirements, and the factors committees should consider in exercising their exemption powers. She noted that while the cases were neither factually similar to the Applicant's circumstances nor binding on the panel, they offered principles articulated by

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<sup>14</sup> *Keen v College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario*, 2021 CanLII 108446 (ON HPARB); *CLC v College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario*, 2019 CanLII 24916 (ON HPARB)

other registration committees which the Committee might find useful. First, Counsel for the Association observed that the onus is always on an applicant to meet the registration requirements and does not rest with the regulator to prove they do not. Second, she submitted that in granting a license, the relevant regulator is “*verifying to the public that the individual has demonstrated that they meet the standards of the profession as set by the college.*”<sup>15</sup> Counsel for the Association submitted that exemptions can and should be granted, but only if they are appropriate. Third, Counsel for the Association noted that “*exemptions are warranted where an applicant meets the spirit of a registration requirement though not the specific requirement itself.*”<sup>16</sup> She submitted that to grant an exemption the Committee must have clear evidence that the purpose of the legislative requirements have been met, albeit in an alternative fashion, and that one-to-one equivalency is not required.

Counsel for the Association also briefly reviewed two previous decisions of the Committee which she noted are not binding on this panel. In one, the Committee concluded that it was not prepared to exempt the relevant licensing requirements based on the information the applicant had proffered and the Committee’s interpretation of section 25(8) of the *Act*.<sup>17</sup> In another, the Committee determined that section 25(8) of the *Act* permitted it to grant an exemption and order with terms, conditions and limitations (“TCLs”) and decided that the Applicants had met the spirit and intention of the educational and training requirements. The Committee in that case exercised its power to grant an exemption and order with TCLs that were substantially similar to the TCLs under the Licensed Technologist OAA Licence.<sup>18</sup>

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<sup>15</sup> *Keen*, para. 49. See also *CLC*, paras. 26-27, 52.

<sup>16</sup> *Keen*, para. 56.

<sup>17</sup> Decision and Order of the Registration Committee and Reasons for Decision dated November 2, 2023 (redacted)

<sup>18</sup> Decision and Order of the Registration Committee and Reasons for Decision dated February 29, 2024 (redacted)



Finally, counsel for the Association noted that the OAA has been working to implement a legislative solution to the dissolution of the Licensed Technologist OAA program and that while the proposed amendments to the *Act* have been passed by the Legislature, they have not yet been implemented, meaning that they do not yet have the force of law.

The Applicant clarified at the outset of his evidence that he is seeking an exemption with the same TCLs as were implemented in the Committee's Decision dated February 29, 2024. In support of his position, the Applicant provided the following additional context for the summary of his education and experience set out in the ASOF and reproduced above:

- a) Upon graduation from the 3-year Architectural Technology Program at Sheridan College he was accepted into an internship program which afforded him the opportunity to work in Warsaw, Poland on notable projects including the [REDACTED];
- b) Between 2004 and 2005 he applied and was accepted to the Politecnico di Torino in Turin, but did not matriculate as he did not meet the language requirements;
- c) After returning to Canada, he gained junior and intermediate experience at [REDACTED], where he worked on three internationally renowned projects:
  - a. The [REDACTED], the second-largest mall in America;
  - b. [REDACTED], a five-block long transportation hub in [REDACTED];
  - c. The [REDACTED] in New York City.
- d) The Applicant then moved to [REDACTED] where he worked for 10 years with [REDACTED]. During that time, he completed his internship hours necessary to qualify as a Licensed Technologist OAA. He also demonstrated his commitment to

continuing education by completing courses such as Large Buildings OBC at George Brown College. In 2018, he requested and was given additional responsibility at [REDACTED] which allowed him to oversee jobs in the construction phase;

- e) In 2022 he opened his own architectural practice, Kam Sparrow Design, focusing on designing homes for his community at a time when housing was and remains in high demand. Prior to commencing his solo practice, he completed the certified House course offered by the Ontario Building Officials Association; and
- f) Upon the dissolution of the Licensed Technologist OAA Program the Applicant joined [REDACTED], and now acts as technical design lead on large-scale multi-building projects in [REDACTED], focused on health care and long term care staff accommodations and patient hostels.

The Applicant submitted that he is a member of his local town planning and advisory committee which demonstrates his community involvement and commitment to serving the public. He also submitted that his dedication and meticulous nature, coupled with his strong sense of responsibility and integrity should give the Committee confidence that he will serve and protect the public interest if the Committee exempts him from the educational and work experience requirements of the *Act* and grants him a licence with the same TCLs that were implemented in the Committee's Decision dated February 29, 2024.

In response to questions from the Committee, the Applicant confirmed that if he is granted a licence with TCLs his intention is to first fulfil his commitments to [REDACTED] and then return to his own practice focusing on housing design and construction. He also confirmed that while in practice he never exceeded the terms, conditions and limitations of his

Licensed Technologist OAA licence, and that whenever a project required a licensed architect, he collaborated with a licensed architect holder of a certificate of practice.

### Analysis

Having carefully considered the Applicant's evidence, including his testimony, the ASOF, and his project portfolio (Exhibit 3), and hearing the submissions of the parties, the Committee is satisfied that it is appropriate to exempt the Applicant from the academic and experience requirements set out in the Regulation and to direct the Registrar to issue a license and certificate of practice subject to the terms, conditions and limitations set out in **Schedule "A"**.

As a preliminary matter, the Committee agrees with the interpretation of section 25(8) of the *Act* set out in the Decision and Order of the Registration Committee and Reasons for Decision dated February 29, 2024 (redacted). Specifically, the Committee agrees that the *Act* permits the Committee to utilize both the exemption power set out in section 25(8)(b)(ii) and the power to impose terms, conditions, and limitations pursuant to section 25(8)(c)(iii), substantially for the reasons set out in the February 29<sup>th</sup> decision. For ease of reference, we have reproduced the relevant paragraphs from the Analysis section of the February 29<sup>th</sup> decision in **Schedule "B"** and adopt that analysis as our own.

The evidence demonstrates that the Applicant has significant and relevant education and experience. He completed a three-year degree in Architectural Technology in 2002 and has shown a commitment to lifelong learning through completing additional training, e.g., the Large Buildings OBC at George Brown College and the certified House course offered by

the Ontario Building Officials Association. His professional experience includes working in the areas of architectural technology, 3D modelling and as a draftsman in both Poland and Canada. He gained experience working on notable international projects and has more recently demonstrated a commitment to fulfilling both private and institutional residential projects in northern Ontario.

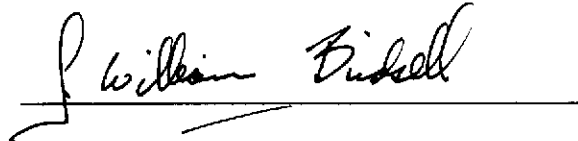
In terms of his qualifications, the Committee notes that the Applicant completed sufficient hours for admission to the Technologist OAAAS category in April 2015. He gained 5,580 hours of work experience in the specified categories under the responsible control or personal supervision and direction of an architect, 1,880 of which were accumulated while registered in the Technologist OAAAS category, 940 of which were gained in Ontario within three years prior to applying for licensure and were under the personal supervision and direction of a person licensed to engage in the practice of architecture in Ontario. He held a limited license and limited certificate of practice under the Licensed Technologist OAA program from 2019-2023. He has had no discipline or complaints brought against him, fulfilled all continuing education requirements, paid all fees, and held the required professional liability insurance during that time. He has not exceeded his previously defined scope of practice and has worked with a licensed architect holder of a certificate of practice whenever a project required one. The committee has no reason to believe that the Applicant would not continue to do so going forward.

Based on the evidence, the Committee finds it is appropriate to direct the Registrar to issue a license and certificate of practice with terms, conditions and limitations which would allow the Applicant to continue to provide the same services to the public he provided prior to May 2023. The Applicant has been providing architectural services to the public under his previous limited license and limited certificate of practice without complaints or disciplinary issues and was in good standing up to the date his license and certificate of practice was declared void. Issuing a license and certificate of practice with terms, conditions and limitations would allow the Applicant to continue to provide the same architectural services to the public he provided prior to May 2023, and not issuing him such a licence would neither serve nor protect the public interest.

Given the Applicant's experience, education, and long history of service without complaints or disciplinary issues, the Committee finds that the terms, limitations, and conditions set out in Appendix "A" are necessary and appropriate to serve and protect the public interest. The Applicant will be required to meet the full Continuing Education requirements and pay all fees at the rate of full scope practicing members and corresponding certificates of practice. If, in the future, a different class of licence and/or certificate of practice becomes available through regulation or legislative amendment, the Applicant may elect to maintain the licence and certificate of practice resulting from this decision or to apply for new designations.

**THE REGISTRATION COMMITTEE** having duly considered all the information placed before it with respect to the Applicant's applications for a Licence and Certificate of Practice **HEREWITH DIRECTS** the Registrar to issue to the Applicant a Licence and Certificate of Practice subject to the terms, conditions and limitations set out in Schedule "A".

DATED AT TORONTO THIS 3<sup>rd</sup> DAY OF JULY 2024



J. William Birdsell, Councillor (Chair)

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Julius Horvath, Member

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**Schedule “A”**  
**Applicant’s Terms, Conditions and Limitations**

Terms, Conditions and Limitations of License

1. The Applicant may provide, and personally supervise and direct, architectural services for a building that:
  - a. as constructed, enlarged, or altered, is not more than three storeys in height and not more than 600 square meters in gross area and is used or intended for one or more of the following occupancies:
    - i. Residential;
    - ii. Business;
    - iii. Personal Services;
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    - v. Industrial; or
    - vi. a restaurant designed to accommodate not more than 100 persons consuming food or drink;
  - b. is used or intended for residential occupancy, and contains one dwelling unit or two attached dwelling units, and, as constructed, enlarged, or altered, is not more than four storeys in height;
  - c. is used or intended for residential occupancy, that contains three or more attached dwelling units and as constructed, enlarged, or altered, is not more than four storeys in height and not more than 600 square meters in building area; or
  - d. is excepted by the *Architects Act*, s. 11(3).

2. The Applicant shall ensure that his limited scope of practice is clearly indicated to the public in a manner set out and approved by the Registrar<sup>19</sup> (e.g., website, letterhead, business cards, social media profile).
3. The Applicant may act as the prime consultant for the construction, enlargement, or alteration of any building. However, where the Applicant has agreed to arrange for the provision of architectural services to a member of the public beyond those permitted in Paragraph 1, he must engage a holder of a Certificate of Practice not subject to these Terms, Conditions, and Limitations.

#### Terms, Conditions and Limitations of Certificate of Practice

4. The Certificate of Practice shall be subject to the same Terms, Conditions, and Limitations as the licence.
5. The Applicant may provide architectural services to the public as a sole proprietor, in a partnership, or through a corporation, providing that the proprietor, partnership, or corporation holds a Certificate of Practice. The Certificate of Practice shall be subject to the limitations of Paragraph 1.
6. The Applicant shall not directly or indirectly own or control more than 49% of the voting shares and value of all the shares of a corporation, or directly or indirectly hold more than 49% of the voting and financial interest of a partnership, to which a Certificate of Practice not subject to the Terms, Limitations, and Conditions of this policy has been issued under Section 146 or 157 of the *Architects Act*.

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<sup>19</sup> Whatever title the Registrar selects should clearly convey the Applicant's limited scope of practice, e.g., "Architect (Limited Scope)", "Limited Scope Architect" or similar.

## Schedule “B”

### Analysis of section 25(8) from the Decision and Order of the Registration Committee and Reasons for Decision dated February 29, 2024 (redacted)

Section 25(8) of the Act provides, in relevant part [emphasis added]:

#### Powers of Registration Committee

(8) Following upon a hearing under this section in respect of a proposal by the Registrar, the Registration Committee may, by order,

...

(b) where the committee is of the opinion upon reasonable grounds that the applicant does not meet the requirements and qualifications of this Act and the regulations,

...

(ii) where the committee is of the opinion upon reasonable grounds that the applicant will engage in the practice of architecture with competence and integrity, exempt the applicant from any of the requirements of this Act and the regulations and direct the Registrar to issue a licence, certificate of practice or temporary licence, as the case may be; **or**

(c) where the committee is of the opinion upon reasonable grounds that it is necessary in order to ensure that the applicant will engage in the practice of architecture with competence and integrity,

...

(iii) direct the Registrar to issue a licence, certificate of practice or temporary licence, as the case may be, subject to such terms, conditions or limitations as the Registration Committee specifies.

The Committee is aware of its obligation to read the words of the *Act* in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the *Act*, its object, and the intention of parliament, and in a way that does not produce absurd consequences. The Committee is also aware from reviewing the authorities and submissions on this issue that “or” may be read exclusively, in the sense of permitting only one option or another, or inclusively, in the sense of permitting several options. The authorities cited above explain this concept in different ways. These passages from the Ontario Court of Appeal’s decision in *Rooney v. ArcelorMittal S.A.*, 2016 ONCA 630 are particularly useful to illustrate this point:

*[46] As Ruth Sullivan explains, in ordinary usage, "or" can be either inclusive (A or B or both) or exclusive (A or B, but not both), and it is up to the reader to decide which one the writer intended: Sullivan, at 4.97. In other words, the default plain meaning of "or" is not exclusive.*

*[47] In Garner's Modern American Usage, 3rd ed. (New York: Oxford University Press, 2009), Bryan Garner goes further, arguing that the default plain meaning of "or" is actually inclusive. In lamenting the popularity of what he regards as the unnecessary legal phrase "and/or", Garner explains, at pp. 45-46: "If you are offered a coffee or tea, you may pick either (or in this case, neither), or you may for whatever reason order both. This is the ordinary sense of the word, understood by*

*everyone and universally accommodated by the simple or." Garner advises that, if a writer intends to use the exclusive "or", he or she should make this intention explicit.*

The Committee finds that the word "or" between subparagraphs (b) and (c) of section 25(8) of the *Act* is to be read inclusively rather than exclusively. Therefore, in circumstances where the Committee determines that it is appropriate to "*exempt the applicant from any of the requirements of this Act and the regulations*" (section 25(8)(b)(ii)), it may direct the Registrar "*to issue a licence, certificate of practice or temporary licence, as the case may be, subject to such terms, conditions or limitations as the Registration Committee specifies*" (section 25(8)(c)(iii)).

Read together, subparagraphs (b) and (c) of section 25(8) of the *Act* permit the Committee to exempt an applicant from any of the requirements of the *Act* and regulations "*where the committee is of the opinion upon reasonable grounds that the applicant will engage in the practice of architecture with competence and integrity*" (section 25(8)(b)(ii)), and to impose such terms, conditions and limitations as are necessary to ensure that they do so (section 25(8)(c)(iii)).