



Ontario Association
of Architects

May 10, 2023

Regulatory Notice: AATO Court Application Outcome

Critical Information on Status of Licensed Technologists OAA

As OAA members were made aware in late 2022, the Association of Architectural Technologists of Ontario (AATO) advanced a court application to challenge the OAA's authority to issue licences via policy, rather than statute.

In considering this challenge, the OAA's governing Council agreed to respond to the challenge in a substantive manner and support the OAA Technology Program, which has been in operation for more than 20 years.

Members were advised in January that the Court would hear the case in December 2023. At the same time, OAA Council agreed to pursue good-faith negotiations with the AATO in the goal of finding an equitable and fair resolution in the public interest. Unfortunately, these negotiations were unsuccessful.

Notwithstanding the considerable effort to respond to this challenge, and given its technical nature—that is, a matter of statutory interpretation—an outcome from the scheduled hearing that would allow us to continue to issue licenses via policy was unlikely. This means ultimately the OAA would not be able to successfully respond to the challenge of how the licenses are currently issued.

As a result of the above, the Ontario Superior Court of Justice issued an Order, which takes effect May 10, 2023.

The following has a direct and immediate impact on all 150 Licensed Technologist OAA licenses and 44 Lic.Tech.OAA Certificates of Practice (CoPs):

1. The OAA has no lawful authority to issue CoPs or licences based on the Licensed Technologist OAA policy (or any similar policy).
2. The Lic.Tech.OAA CoPs and licenses previously issued are void and of no force and effect.
3. The OAA is prohibited from issuing Lic.Tech.OAA CoPs or licences based on the policy or any similar policy going forward.

Immediate Next Steps for the OAA

The OAA is disappointed with this result, and believes in the value of the OAA Technology Program and the skills and abilities of all individuals who were Licensed Technologists OAA. We appreciate, however, that this raises many questions and concerns.

It is important to note there is no risk to the general public inherent in these licences being voided—the education and competencies of those who were Licensed Technologists OAA remains the same. Rather, what was at issue was the OAA's use of a policy to grant CoPs and licences, rather than statutory authority.

Council is continuing its work on the transition plan for all those who are affected. With the Court application now dispensed of, discussions with the Ministry of the Attorney General can resume in order to have the licence class included in the OAA's governing legislation in the near future. Further details will be shared next week to former Licensed Technologists OAA and Intern Technologists, as well as OAA members.

As part of its mandate to serve the public interest, the OAA Website will also be updated in order to clarify the current situation.

Immediate Next Steps for Those Affected

This Order will likely have the most immediate impact on those who were providing architectural services that fall within the protected scope of practice that had been provided via the Policy Statement. If the services you are currently providing are consistent with those available to a qualified designer, you can continue to provide those services. However, all CofP holders should read and consider the following.

With Lic.Tech.OAA licences and CoPs voided, all those affected must not be involved in providing any architectural services that fall within the protected scope of an architect. Your partner(s), co-principal(s), and employees must be notified of the Order and its ramifications.

Advise all existing clients whose projects require architectural services moving forward (e.g. general review during construction) of the discontinuance of the OAA CoP and, if necessary, make recommendations with regard to turning the project over to an OAA architect who is a holder of a CoP. If the client agrees, make the necessary arrangements with this other holder to carry out the required services.

You must notify all consultants, contractors, and authorities having jurisdiction for projects requiring ongoing architectural services about the arrangements made for the provision of services that fall within the protected scope of an architect.

If preparing proposals or if in contact with prospective clients, make certain they are aware you are no longer licensed by the OAA, and state what services may be offered moving forward. You must ensure the content of your promotional material is accordingly updated, including existing signage. This means making sure no business cards, letterheads, websites, or forms contain the term "Licensed Technologist OAA."

No drawings issued by any individual, sole proprietor, partnership, corporation, joint venture, or consultant can contain the voided Lic.Tech.OAA name and/or seal after today's effective date. If changes are required to the drawings, then supplementary drawings must be prepared and issued. For projects within the protected scope of work for an architect, supplementary drawings must be prepared under the personal supervision and direction of an architect in good standing in accordance with the requirements of the *Architects Act* for a CoP as applicable.

Contact Pro-Demnity Insurance Company for information regarding any impact on insurance coverage.

Applying for an OAA Licence or CoP

As always, if any individual applies for a licence or CoP with the OAA without meeting all the requirements set out in s. 13 of the *Architects Act*, the Registrar is required, pursuant to s. 25(1)(a), to serve a notice of proposal, together with reasons, on the applicant.

The notice will explicitly tell the applicant they are entitled to a hearing by the Registration Committee if they deliver, within 30 days, a written request.

As mentioned above, more information will be coming. If you have any immediate questions, please contact the OAA Executive Director [Kristi Doyle](#).

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