

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.

Attention: Directors of Planning & Chief Building Officials in the Province of Ontario

July 19, 2021

Re: Applications for Site Plan Control Approval

Dear Director of Planning/Chief Building Official,

On behalf of the Ontario Association of Architects (OAA), I am writing to you regarding an important matter related to site plan control approval.

It has again been brought to the attention of the OAA, by you or your peers, that there continue to be instances where non-licensed professionals are preparing the architectural designs accompanying applications for site plan control approval under the [Planning Act](#). The OAA initially wrote to Chief Building Officials (CBOs) and Directors of Planning in October 2012, August 2016, and again in May 2019 to warn against these practices.

Designs submitted as part of the site plan control approval process are intended to govern the construction, enlargement, or alteration of buildings. These designs are submitted during a project's early design stages and indicate only an initial concept. However, once approved, they become the basis for the development of all subsequent documents required for approval (e.g. a building permit).

Subject to the qualifications and exemptions set out in the [Architects Act, R.S.O. 1990, c. A.26](#) (the Act), designs accompanying a site plan control application must be prepared, sealed, and signed by an OAA licensed professional. This excludes buildings exempted under sections 11(3) of the Act. Please note that the Act legislates the following definitions within the Province of Ontario:

“design” means a plan, sketch, drawing, graphic representation, or specification intended to govern the construction, enlargement, or alteration of a building or a part of a building (“plan”)

“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”)

As with each of our respective professions, the protection of public safety is the overarching goal behind the work we do. This is expressly reflected in the *Architects Act*, which sets out its Principal Object to regulate the practice of architecture “in order that the public interest may be served and protected.”



Be advised that accepting designs by non-licensed professionals can directly, or indirectly, create circumstances compromising public safety, health, and welfare.

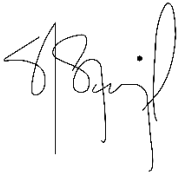
The OAA's regulatory mandate includes taking legal action against those unlawfully providing architectural services and those who hold themselves out as Architects or Licensed Technologists OAA. Where appropriate, the matter will be provided to the Registrar who may intervene and/or exercise legal authorities against anyone found to be in contravention of the Act as set out in Section 46.¹

The OAA has recently issued a new resource document, [Professional Requirements for the Built Environment](#), which offers an overview of its regulatory role, the protected scope, titles, and professional seal, and how to report misconduct or illegal practice. It also clarifies when one needs an Architect or Licensed Technologist OAA.

Whenever in doubt, do not hesitate to contact the OAA to confirm whether the *Architects Act* applies to a particular project. Staff will respond promptly to help all parties understand how to comply with their legal requirements set out in the Act.

If you have any concerns about breaches of the Act, please inform OAA Registrar Christie Mills via email (christiem@oaa.on.ca) or phone (416-449-6898, ext. 271).

Sincerely,



Susan Speigel, Architect
OAA, FRAIC
President

¹ Penalties

46. (1) Every person who contravenes section 11 is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$25,000 and for each subsequent offence to a fine of not more than \$50,000. R.S.O. 1990, c. A.26, s. 46 (1).