

## Offering to Provide Services in Other Jurisdictions

---

©2025, 2021, 2008 Ontario Association of Architects (OAA). OAA members in good standing may reproduce or distribute this Regulatory Notice provided this copyright notice is affixed to any reproduced or distributed copy. No rights are granted to any other person, except with express prior written consent from the OAA. The OAA reserves all other rights.

### Summary

OAA members<sup>1</sup> intending to offer or provide services in a jurisdiction outside of Ontario must carefully review the relevant regulatory requirements in that jurisdiction, and ensure that they are acting in compliance with those requirements. OAA members are encouraged to obtain advice from relevant advisors (e.g. legal and insurance advisors) regarding their compliance.

### Background

OAA members often seek to enter markets outside of Ontario for architectural or other services that may be offered by an architectural practice.

Examples include:

- a reply to a specific invitation from a client;
- a response to a proposal call;
- offering unsolicited services to a specific client for a specific project; or
- conducting a general marketing program in attempting to secure commissions for a project or projects outside of Ontario.

Regulatory requirements governing these types of activities vary widely among the provinces and territories of Canada, among the licensing jurisdictions in the United States, and among jurisdictions in other countries.

Regulatory requirements may also apply in some jurisdictions when a member is offering to perform work that may not fall within the definition of architectural services in that jurisdiction's statute (or in Ontario's statute)—examples include interior design, urban planning, or project management.

The interpretation and application of similarly worded requirements can vary significantly from jurisdiction to jurisdiction.

For example:

- some jurisdictions require that an OAA member be authorized to practise in that jurisdiction before offering to provide services;
- others require notification that the offer is being made and confirmation that if the offer is accepted, no services will be provided until the OAA member is authorized to practise; and
- still others do not require notification of the offer, but do require the OAA member to be authorized to practise prior to providing services.

At least one jurisdiction in the United States has published its position: it will refuse to license any member who is found to have offered to provide services in its jurisdiction without first having obtained a licence to do so in that jurisdiction.

OAA members should contact the authority regulating the practice of architecture in the jurisdiction in which they are considering offering to provide architectural or other services.

OAA members must comply with the local requirements to limit the risks associated with prosecution and/or other consequences in that jurisdiction for illegal practice and to limit the risks associated with complaints being filed with the OAA related to illegal practice in another jurisdiction.

## Procedure

Before offering to provide services in a jurisdiction outside of Ontario, contact the authority regulating the practice of architecture and determine the relevant requirements of that jurisdiction. This includes (but is not limited to) when responding to a specific invitation or to a proposal call, offering services to someone who has not requested the offer, or when conducting general marketing. The OAA can often provide OAA members with contact information for the authority, but the OAA does not provide legal advice to OAA members.

Carefully explain in detail and in writing the precise nature of your offer to provide services and request specific direction in writing as to the relevant requirements. If you are unable to obtain a written response from the authority, confirm your understanding of the requirements to the authority in writing, requesting clarification if your understanding is incorrect. Obtain advice from relevant advisors (e.g. legal and insurance advisors) regarding compliance.

Do not provide any services in a jurisdiction outside of Ontario until you have met the local requirements to practice. This may include licence/registration as well as obtaining authorization to provide services to the public (similar to a certificate of practice [CoP]).

---

*The OAA does not provide legal, insurance, or accounting advice. Readers should consult their own legal, insurance, or accounting advisors to obtain appropriate professional advice. OAA members are responsible for ensuring that they comply with all applicable laws, regulations, policies, and bylaws. Regulatory Notices do not comprehensively address all laws, regulations, policies, and bylaws that may apply in a particular scenario.*

---

---

<sup>i</sup> **OAA member:** Every person that holds a licence or limited licence issued by the Ontario Association of Architects is a member of the Association, subject to any term, condition, or limitation to which the licence is subject.