

Personal Supervision and Direction Related to Contract Administration (General Review)

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Regulatory Framework

Performance standards for general reviewⁱ are prescribed in Ontario [Regulation 27](#) (the regulations) under the [Architects Act](#) (the Act) and in the prevailing building codes. To comply with statutory requirements, an OAA practice must maintain personal supervision and direction over the delivery of its professional services.

Maintaining personal supervision and direction is a core professional responsibility of OAA members.ⁱⁱ It is the responsibility for exercising the ultimate authority over, and possessing the knowledge and ability to oversee, delegate, and integrate the design and technical decisions related to the project's delivery during construction in accordance with the standard of care and professional practice expected of OAA members.

This commentary discusses personal supervision and direction related to general review services, whether the services are provided by a holder of a certificate of practice (CoP) or by an OAA member who is practising as an employee of an entity that does not provide architectural services to the public.

Specific provisions of the Act include, but are not limited to, the following:

11. (1) No person shall engage in the practice of architecture or hold himself, herself or itself out as engaging in the practice of architecture unless,

- (a) *the person is the holder of a licence or limited licence under this Act;*
- (b) *the person is the holder of a certificate of practice or the person is doing so as a member of a partnership that holds a certificate of practice; or*
- (c) *the person is the holder of a temporary licence under this Act.*

(2) No person shall provide to a member of the public a service that is part of the practice of architecture except under and in accordance with a certificate of practice or a temporary licence.

[...]

(5) Subsections (1) and (2) do not apply to prevent a person from,

- a) *evaluating, advising on or reporting on the construction, enlargement or alteration of a building that does not or is not intended to take the place of evaluating, advising or reporting required to be done by an architect; or*
- b) *carrying out a general review of the construction, enlargement or alteration of a building that does not or is not intended to take the place of a general review required to be done by an architect.*

22. (1) It is a condition of every certificate of practice held by a corporation or a partnership that the holder of the certificate of practice shall provide services that are within the practice of architecture only under the personal supervision and direction, on a full-time basis, of a member of the Association who is,

- (a) *in the case of a corporation, an officer, director or employee of the corporation; or*
- (b) *in the case of a partnership, a member or employee of the partnership or an officer,*
- (c) *director or employee of a member of the partnership.*

(2) A member of the Association who personally supervises and directs the practice of architecture by a holder of a certificate of practice is subject to the same standards of professional conduct and competence in respect of such practice of architecture as if the member personally engaged in the practice of architecture.

Specific provisions of the regulations include, but are not limited to, the following:

42. *For the purpose of the Act, “professional misconduct” means,*

1) Contravention of any provision of the Act, or the regulations.

2) Knowingly contravening any provision of the Building Code Act, 1992 or the building code.

5) Permitting, counselling, assisting, aiding, or abetting any person who is not a member or a holder of a certificate of practice, a certificate of practice issued under Section 23 of the Act or a temporary licence to engage or hold himself, herself or itself out as engaging in the practice of architecture.

6) Authorizing, permitting, counselling, assisting, aiding, abetting, or acquiescing in any contravention of the Act or the regulations by any person.

7) Authorizing, permitting, counselling, assisting, aiding, abetting or acquiescing in any act that constitutes professional misconduct.

9) Failing to maintain the standards of practice of the profession.

10) Failing to maintain the performance standards of the profession.

19) Affixing a seal or permitting a seal to be affixed to a design that was not prepared in its entirety under the personal supervision and direction of a member or a holder of a temporary licence.

31) Misrepresenting the practice of architecture carried on by the member or holder, or the qualifications, experience, or capabilities of the member or holder or an officer, director, partner or employee of the member or holder.

39) Failing to perform architectural services with reasonable skill and judgment.

47. *(1) A holder of a certificate of practice shall maintain the standards of practice for the practice of architecture in the performance of architectural services.*

(2) It is part of the standards of practice that every holder of a certificate of practice must,

(a) maintain at least one office from which the practice of architecture is carried on;

(b) maintain chronological books, records, accounts and files for each architectural project including,

(i) a record showing all fees and disbursements charged for services,

(ii) files containing all letters, memoranda, notices and correspondence,

(iii) files containing all evaluations, advice and reports,

(iv) files containing all certificates, statements, notices and other documents with respect to contract administration or general review carried out,

49. *The following are prescribed as standards of practice:*

[...]

10. Where a member or holder provides general review of the construction, enlargement or alteration of a building to a design-builder, the member or holder must perform all of the services prescribed as performance standards by section 50.

50. *The following are prescribed as performance standards with respect to the general review of the construction, enlargement, or alteration of a building by a member or holder as provided for in the building code:*

1. *The member or holder, with respect to the matters that are governed by the building code, shall,*
 - i. *make periodic visits to the site to determine whether the work is in general conformity with the design documents that were prepared by a member or holder,*
 - ii. *inform the client and contractor in writing as to the progress and quality of the work and as to any part of the work that the member or holder has observed during the visits to the site not to be in conformity with the design documents,*
 - iii. *review all changes to the design documents to determine whether the changes conform to the building code,*
 - iv. *review and comment on shop drawings and samples for general conformity with the design concept of the work, and*
 - v. *if the member or holder is specifically engaged to co-ordinate the general review of the professional engineers and reports of the inspection and testing companies, co-ordinate the general review of the professional engineers and the reports of the inspection and testing companies that pertain directly to the work being reviewed, and arrange for the distribution of such reports to the client and the contractor, or*
 - vi. *if the member or holder is not engaged to perform any or all of the services listed in subparagraph v, co-operate with the professional engineer responsible for the co-ordination of the general review in order to assist the professional engineer in the carrying out of the functions described in that subparagraph.*

2. *In paragraph 1,*

“design document” means a design or other document which formed the basis for the issuance of a building permit and includes all changes thereto that were authorized by the chief building official as defined in the Building Code Act, 1992.

Background and Considerations

In many circumstances, OAA practices delegate responsibility for some of the construction phase services to staff who are not OAA members.

The nature and extent of the personal supervision and direction required will vary depending on a number of factors, including, for example, the size and complexity of the construction project, the construction schedule, and the skills, experience, and qualifications of the individuals assigned by the practice. The OAA member providing personal supervision and direction must have sufficient ongoing knowledge of the project and of the nature and quality of services being carried out to be satisfied that their professional responsibilities are being properly discharged.

The OAA member providing personal supervision and direction must be engaged at each stage of the project, including by providing guidance and reviewing ongoing work and deliverables. The member who personally supervised the preparation of the drawings, detail drawings, specifications and other documents is typically in the best position to execute an accurate review. Most often, the same member should be engaged throughout the project to ensure the work meets the client’s functional program, the requirements of the authority having jurisdiction, and to provide supervisory control of the work. The OAA member and the practice must document the members’ personal supervision and direction of the services provided.

In order to carry out the professional responsibilities of a practice and an OAA member providing personal supervision and direction, the member must,

1. delegate responsibility for field and office functions to competent personnel who are sufficiently experienced, qualified, and knowledgeable to perform the required tasks and make the appropriate decisions, subject to the member’s personal supervision and direction.
2. set out the procedures as required, and confirm the delegated personnel are appropriate for the project.

3. monitor the progress to be satisfied that the services required by the governing agreement(s), the local building code(s), and the Act and Regulations are being carried out with reasonable skill and judgment. In order to effectively monitor progress, the member must have personal knowledge of and involvement in the procedures. Monitoring of these services should include sufficient personal participation to verify that the tasks are being properly carried out and appropriate decisions being made. For example, members providing personal supervision and direction are expected to visit project sites personally on a sufficient number of occasions and at critical times.
4. maintain records of personal involvement, including, for example by way of minutes, memos, copies of marked-up documents, time sheets, etc., all of which should be sufficient to demonstrate compliance with the Act and regulations. Adequate record keeping is a critical part of the providing competent professional services with reasonable skill and judgment.

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.

ⁱ **General Review:** in relation to the construction, enlargement, or alteration of a building, means an examination of the building to determine whether the construction, enlargement, or alteration is in general conformity with the design governing the construction, enlargement, or alteration, and reporting thereon; (“examen de conformité”) from *Architects Act*

ⁱⁱ **OAA member:** Every person issued a licence or limited licence 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.