

OAA Practice Continuity

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Regulatory Framework

Under the [Architects Act](#) (the Act) and the Ontario [Regulation 27](#) (the regulations), holders of a certificate of practice (CoP) in Ontario are required to ensure that architectural services are provided under the personal supervision and direction of an OAA memberⁱ and that practices meet ownership and governance requirements, including majority ownership and control by members of the Ontario Association of Architects (OAA)ⁱⁱ. Further, holders of CoP must also meet and maintain the standards of practice and performance established in the regulations. These statutory obligations are fundamental to maintaining the integrity of the profession and protecting the public interest. As such, every CoP should have a practice continuity plan in place to address unexpected events or circumstances - such as the death, incapacity, or sudden departure of a key OAA member or other disruptions like natural disasters, cyberattacks, power outages, pandemics, or the loss of key personnel. A practice continuity plan is recommended to ensure continued compliance with supervision, licensing, and practice requirements under the legislation. Without such a plan, a practice risks falling into non-compliance, which may result in unauthorized practice or the invalidation of its certificate of practice.

Specific provisions of the Act and regulations relevant to practice continuity include, but are not limited to, the following:

Who may provide service to public

11(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.

Suspension of effect

20(2) A holder of a certificate of practice ceases to be entitled to offer to the public or to provide to the public services that are within the practice of architecture as soon as there is no member of the Association who personally supervises and directs the practice of architecture by the holder of the certificate of practice.

Notice to Registrar by holder

20(3) The holder of a certificate of practice must give notice to the Registrar when there ceases to be a member of the Association who personally supervises and directs the practice of architecture by the holder of the certificate of practice and when the holder of the certificate of practice designates another member of the Association to personally supervise and direct such practice of architecture.

Notice to Registrar by person in position of professional responsibility

20(4) A member of the Association who ceases to personally supervise and direct the practice of architecture by a holder of a certificate of practice as the person so designated by the holder of the certificate of practice shall give notice of the cessation forthwith to the Registrar.

Supervision by member

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, director or employee of a member of the partnership.*

Professional responsibility of supervising member

22 (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.*

For the purpose of the Act, “professional misconduct” means,

42 (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.*

42(9) *Failing to maintain the standards of practice of the profession.*

42(10) *Failing to maintain the performance standards of the profession.*

42(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.*

42(25) *Failing to notify the Registrar in writing forthwith of a change in any particular contained in an application for a licence, limited licence, certificate of practice, certificate of practice issued under section 23 of the Act, temporary licence or seal or in an application for professional liability insurance or for exemption from the insurance requirement.*

42(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.*

42(48) *Withdrawing services except for good cause and upon reasonable notice.*

42(53) *Failing to carry out the terms of a contract to provide architectural services.*

Section 1 of the Act defines design and the practice of architecture as follows:

“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”)*

Further, it is part of the standards of practice that every office in which the practice of architecture is carried on must be under the personal supervision and direction of a member, but no member shall supervise and direct more than one office or an office that is more than 160 kilometres from their principal residence.

Background and Considerations

One of the more challenging disruptions a CoP can face is when the designated OAA member responsible for personally supervising and directing the practice becomes unable to do so—whether due to incapacity or other reasons—leaving few regulatory options available to address the situation. In this circumstance these duties may only be transferred to an officer, director or employee of the corporation; or in the case of a partnership, a member or employee of the partnership or an officer, director or employee of a member of the partnership.

Given the limited regulatory options available when a CoP’s designated OAA member becomes unable to provide personal supervision and direction—and the requirement that such responsibilities may only be transferred to specific individuals within the organization—it is important for firms to have a robust practice continuity plan to ensure uninterrupted compliance and the continued lawful practice of architecture.

The regulatory requirements regarding personal supervision and direction and a practice’s ownership and control are important aspects that CoP holders should consider within the larger context of contingency and succession planning.

Architectural practices manage complex, long-term projects with fixed deadlines and multiple stakeholders. Even short-term disruptions can jeopardize schedules, client trust, or regulatory compliance. Dedicating time to practice continuity considerations supports resilience, demonstrates professionalism, and supports fulfillment of responsibilities. Beyond supervisory, ownership and control matters, other considerations for practice continuity in the event of a disruption may include:

- Minimizing disruption to projects and clients.
- Protecting key assets such as intellectual property, records, and project data.
- Ensuring staff safety and communication.
- Maintaining compliance with regulatory and contractual obligations.
- Recovering operations as quickly and efficiently as possible.

Practical Use and Procedures

The regulatory and practical considerations for each practice are relatively complex and may warrant legal and financial advice when preparing for potential disruptions. While each certificate of practice must assess continuity planning within its own unique context, there are existing guidelines and templates that can serve as a helpful foundation.

Practices may find the following resources useful:

- [Canadian Handbook of Practice](#), Chapter 3.2 – Succession Planning
- [Canadian Handbook of Practice](#), Chapter 1.4 – Mentorship and Career Transitions
- *The AIA's Architects' Guide to Business Continuity*

Although a formal continuity plan is not currently required for OAA CoPs, all practices must maintain compliance with the *Architects Act* and associated regulations. Proactively planning for disruptions and unexpected events can help ensure that regulatory obligations are met, even during periods of uncertainty.

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 **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.

ⁱⁱ Practice continuity considerations are equally relevant for CoPs where ownership and control reside with PEO professional engineers.