



**Ontario
Association
of Architects**

**Guidelines for Completion of an Application for
Certificate of Practice (Corporation) under
Section 23 of the *Architects Act* R.S.O. 1990**

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When filing an Application for Certificate of Practice 23, include the following:

1. Application for Exemption from annual professional liability insurance coverage with Pro-Demnity Insurance Company
2. Undertaking - undertaking to continue Temporary Licence and Certificate of Practice 23 for one year after Substantial Performance
3. Temporary Licensee Seal Application
4. Payment of applicable fees by cash, cheque, bank draft, money order, Visa or MasterCard

IMPORTANT

In order to provide any architectural services in the Province of Ontario, the person providing these services **MUST** be licensed as an Architect by the Ontario Association of Architects (OAA) and the person or entity **MUST** be the holder of a Certificate of Practice issued by the OAA. However, a Sole Proprietor Temporary Licensee is not required to hold a Certificate of Practice.

As an alternative to the process of full licensure as an Architect and issuance of a Certificate of Practice, or in the case of an Architect who is licensed in a jurisdiction which does not have reciprocity with the OAA, the process of Temporary Licence and Certificate of Practice under Section 23 of the *Architects Act* is available for the purpose of providing architectural services on a specific project. This option requires collaboration with an Ontario member/holder of a Certificate of Practice.

When an Architect licensed outside Ontario is approached by a client to provide architectural services in Ontario, and is contemplating doing so, it is mandatory that the legislation governing the practice of architecture in Ontario be complied with. The onus is on the licensed Architect to contact the OAA to obtain the pertinent information and fully comply with the requirements.

Prior to the awarding of a commission when only interviews or requests for proposals are underway, the persons or entities are advised to notify the OAA in writing that they are being considered for a commission in the province and that they will comply with the requirements for licensing immediately upon obtaining the commission. By so doing, they avoid any potential perception that the *Architects Act* may be being contravened by holding themselves out as engaging in the practice of architecture without a Licence and Certificate of Practice in Ontario.

GENERAL

1. Allow approximately **3 weeks** processing time from the date of receipt of the completed application and all required documentation. An incomplete application may be delayed, as it may be returned for completion.
2. **FORMAT**
The **application** should be typed or printed using black ink and all sections completed (except as noted) and the original form returned. The terms "Not Applicable" and "N/A" may be used where sections do not apply. An application received via facsimile will not be accepted.
3. **PROOF OF AUTHORIZATION TO PRACTISE ARCHITECTURE**
Confirmation must be received directly from the licensing authority that the name on the application for Certificate of Practice 23 is authorized to practise architecture in that jurisdiction. Where the licensing authority does not regulate the practice of architecture by corporations or partnerships, an applicant may submit in lieu of such authorization:
 - (i) a copy of the Articles of Incorporation showing the practice of architecture as one of the corporation's objects, or
 - (ii) an affidavit confirming that the entity may lawfully engage in the practice of architecture in the jurisdiction.
4. **CERTIFICATE OF PRACTICE 23 TERM**
The Certificate of Practice 23 Term is the date of issuance to anniversary date each year. An **invoice** for the annual fee is issued approximately one month prior to the due date for payment. The fee must be paid on or before the due date. Failure to pay the fee will result in cancellation of the Certificate of Practice 23.
5. **COLLABORATION**
An application for a Temporary Licence and/or a Certificate of Practice 23 must be made for each architectural project, and each project must be undertaken in collaboration with a holder of a Certificate of Practice issued by the OAA.
6. **TEMPORARY LICENCE FOR SOLE PROPRIETOR**
A Sole Proprietor requires only a Temporary Licence and is not required to apply for a Certificate of Practice 23. Failing submission of an application for Temporary Licence when the project is awarded, when the OAA is provided information to the effect that architectural services have been or are being provided for a project in Ontario without licensure, the out-of-jurisdiction architectural firm is advised to cease and desist from providing any services whatsoever in the province. If an application for Temporary Licence is then submitted, the application may be refused and the applicant is advised to divest him/her/itself of any involvement in that particular project. There have been situations where the services have reached a stage where this action would cause undue hardship on a client. In these cases, the application has been considered based on payment of the Temporary Licence fee retroactive to the date on which the services commenced, in order that the client is protected in that there can be no question of refusal of liability insurance coverage on the grounds of services provided illegally. The refusal of a Temporary Licence for one particular project does not preclude its issuance for another project or projects, provided that all requirements of the Act and Regulation are met.
7. **TEMPORARY LICENSEE SEAL**
A Temporary Licensee is entitled to receive a Seal for the project for which the Temporary Licence and Certificate of Practice 23 has been issued. Complete and enclose the application for seal and the requirement payment.
8. **PROFESSIONAL LIABILITY INSURANCE**
Applicants for a Certificate of Practice 23 are required to submit an application for Exemption from professional liability insurance coverage with Pro-Demnity Insurance Company. Refer to the Exemption application included.
9. **UNDERTAKING TO CONTINUE TEMPORARY LICENCE, CERTIFICATE OF PRACTICE 23 AND PROFESSIONAL LIABILITY INSURANCE FOLLOWING SUBSTANTIAL PERFORMANCE**
It is a requirement that the holder of a Certificate of Practice 23 must maintain insurance with respect to the architectural project for which the Certificate of Practice 23 was issued for a period ending one year following substantial performance of the project, therefore, the Temporary Licensee must maintain the Certificate of Practice 23 and Temporary Licence for one additional year following substantial performance of the project. **Please complete the undertaking and return with the application.**
10. **PROCEDURES PRIOR TO APPLICATION**
Guidelines for Providing Architectural Services (Appendix 3), sets out how to proceed prior to making the application. It should be noted that the **provision of architectural services**, which includes the preparation of drawings, completion of Feasibility Studies, etc., **prior to** issuance of a Certificate of Practice 23 and Temporary Licence may be prejudicial to the granting of a Certificate of Practice 23 and Temporary Licence for that particular project.

11. AGREEMENT FOR COLLABORATION

Identified in Appendix 3 are services to be provided by the collaborating holder of a Certificate of Practice. Details of the agreed areas of responsibility form part of the application form. Signing and co-signing the form confirms that the minimum extent of services set out in Appendix 3 are being complied with.

12. FEES

The Ontario Association of Architects accepts payment of fees by cheque (including: money order, bank draft) made out to the OAA in Canadian Funds only, and cash. The fees listed below are in Canadian funds and include the Harmonized Sales Tax (HST).

| Fees | |
|---|------------|
| Application for Certificate of Practice 23 | |
| Application Fee | 474.60 o |
| Annual Fee | 4,288.92 o |
| Total | |

13. SUSPENSION/CANCELLATION OF TEMPORARY LICENCE UNDER SECTION 24

- (a) When a project is to be in abeyance for an indefinite period, upon receipt of the **invoice** for the succeeding year, the holder may return the Temporary Licensee seal and request **in writing** a suspension of the Temporary Licence and Certificate of Practice 23 for one year, on the basis that if the project is resumed during the course of that year, the OAA will be notified so that an invoice may be issued as at the new anniversary date. Failing such notification, an **invoice** is sent at the end of the year of suspension, and a second year of suspension may be requested. At the end of the second year of suspension, if the project is still in abeyance, the Temporary Licence and Certificate of Practice 23 are cancelled, and a new application must be made if, and when the project is re-activated.
- (b) Failure to either pay the annual Temporary Licence and Certificate of Practice 23 fees or request a suspension on or before the due date for payment, may result in cancellation of the Temporary Licence and Certificate of Practice 23. In order to have the Temporary Licence and Certificate of Practice 23 reinstated, fees in arrears as well as the fees for the year of renewal will be payable.
- (c) Any applicant who has payment of fees in arrears will be required to pay these fees prior to the issuance of a Temporary Licence and Certificate of Practice 23 for any other projects in Ontario.

EXCERPT FROM THE ARCHITECTS ACT R.S.O. 1990

23.(1) The Registrar shall issue a Certificate of Practice,

- (a) to a corporation incorporated under the laws of a jurisdiction other than Ontario;
- (b) to a partnership of corporations incorporated under the laws of a jurisdiction other than Ontario; or
- (c) to a partnership formed under the laws of a jurisdiction other than Ontario,

if the corporation, partnership of corporations or partnership is licensed or authorized to practise architecture by the jurisdiction other than Ontario, applies in accordance with the regulations and meets the requirements and qualifications set out in the regulations for the issuance of the Certificate of Practice.

Conditions

(2) Every Certificate of Practice issued under subsection (1) is subject to the conditions prescribed by the regulations.

Limitation

(3) A Certificate of Practice issued under subsection (1) is not valid except in respect of the architectural project described in the Certificate of Practice.

36.-- The requirements and qualifications for the issuance of a certificate of practice issued under section 23 of the Act are:

1. Evidence that,
 - (i) in the case of a corporation, an officer, director or full-time employee of the corporation,
 - (ii) in the case of a partnership of corporations, an officer, director or full time employee of a member of the partnership or a full-time employee of the partnership, or
 - (iii) in the case of a partnership, a member or full-time employee of the partnership, is the holder of a temporary licence.
2. Evidence that the applicant will engage in the practice of architecture with respect to the architectural project for which the certificate of practice is sought in collaboration with a member who has been approved by the Council or in collaboration with a holder of a certificate of practice.
3. Evidence that the applicant and the collaborating holder of a certificate of practice or the collaborating member who has been approved by the Council are, participating in the indemnity plan or that they are entitled to an exemption from the indemnity plan.
4. Payment of the fees prescribed by the by-laws for the certificate of practice when filing the application for the certificate of practice. *O. Reg. 517/84, s. 37; O. Reg. 599/85, s. 5; O. Reg. 149/87, s. 3.*

37.-- Every certificate of practice issued under section 23 of the Act is subject to the following terms and conditions:

1. The holder of the certificate of practice will engage in the practice of architecture with respect only to the project described in the certificate of practice and in collaboration with a member who has been approved by the Council or in collaboration with a holder of a certificate of practice.
2. The holder of the certificate of practice must have an officer, director or full-time employee who is the holder of a temporary licence.
3. The certificate of practice issued under section 23 of the Act is valid only for twelve months from the date of its issuance, but is renewable annually subject to subsection 20 (1) of the Act.
4. The holder of the certificate of practice must comply with the Act and the regulations *O. Reg. 517/84, s. 38; O. Reg. 599/85, s. 6; O. Reg. 149/87, s. 4.*

38.-- The requirements and qualifications for the issuance of a temporary licence are:

1. Evidence that the applicant,
 - (i) is a member of an organization of architects that is recognized by the Council and that has objects, standards of practice and requirements for admission to membership or issuance of temporary licences similar to those of the Association, or
 - (ii) is engaged in the practice of architecture outside Ontario and, in the opinion of the Council upon reasonable grounds, has sufficient academic and practical qualifications to engage in the practice or architecture with competence in Ontario.
2. Evidence that the applicant will engage in the practice of architecture with respect to the architectural project for which the temporary licence is sought in collaboration with a member who has been approved by the Council or in collaboration with a holder of a certificate of practice.
3. Evidence that the applicant and the collaborating holder of a certificate of practice or the collaborating member who has been approved by the Council are participating in the indemnity plan or that they are entitled to an exemption from the indemnity plan.
4. Payment of the temporary licence fees prescribed by the bylaws when filing the application for the temporary licence. *O. Reg. 517/84, s. 39; O. Reg. 599/85, s. 7; O. Reg. 149/87, s. 5.*

39.-- Every temporary licence is subject to the following terms and conditions:

1. The holder of the temporary licence will engage in the practice of architecture with respect only to the project described in the temporary licence and in collaboration with a member who has been approved by the Council or in collaboration with a holder of a certificate of practice.
2. The temporary licence is valid, only for twelve months from the date of its issuance, but is renewable annually subject to subsection 24 (2) of the Act.
3. The holder of the temporary licence must comply with the Act and the regulations. *O. Reg. 517/84, s. 40; O. Reg. 599/85, s. 8; O. Reg. 149/87, s. 6.*

GUIDELINES FOR PROVIDING ARCHITECTURAL SERVICES THROUGH A TEMPORARY LICENCE UNDER SECTION 24 AND CERTIFICATE OF PRACTICE UNDER SECTION 23 OF THE ARCHITECTS ACT, R.S.O. 1990

References: Ontario Regulation 27, Subsection 36(1), 37(1), 38(2) AND 39(1)

Providing Architectural Services

When an Architect or architectural practice located in a jurisdiction outside of Ontario is approached by a client or invited to respond to a Request for Proposal (RFP) for a project in Ontario, the Architect is required to advise the Ontario Association of Architects in writing that he/she will be responding to the RFP, attending interviews, etc., and that, if selected for the project, will immediately make application for Licence and Certificate of Practice or Temporary Licence under Section 24 and Certificate of Practice under Section 23 before undertaking any work whatsoever.

Collaborating Architect in Ontario

It is a condition of a Temporary Licence and Certificate of Practice 23 that the applicant or holder "...will engage in the practice of architecture, with respect to the architectural project for which the Certificate of Practice under Section 23 and/or Temporary Licence is sought, in collaboration with a member who has been approved by the Council or in collaboration with a holder of a certificate of practice."

An applicant for Temporary Licence and Certificate of Practice 23 is required to complete the Application(s) and include all of the documentation stipulated. The collaborating member or holder must be named and must co-sign the Application(s).

The Application(s) contain a section to identify the areas of responsibility of both the applicant and the collaborating member or holder with respect to the project. The following are guidelines for the establishment of these areas of responsibility.

Guidelines re: Services

These guidelines relate to the architectural services controlled directly by legislation and interrelated with local construction conditions and methods of construction or materials, all of which are part of the services provided under the Canadian Standard Form of Contract for Architectural Services. The areas of responsibility also include those aspects of the services for which the understanding and involvement of the collaborating architect are essential in order to carry out the services noted below.

The Temporary Licensee or holder of Certificate of Practice 23 shall arrange through written agreement with the collaborating architect that architectural services provided under the client/architect contract (e.g. Document 6) will be provided as follows:

(1) Schematic Design

The collaborating architect must:

- study the program of requirements furnished by the Client
- review all applicable statutes, regulations, codes and by-laws and where necessary review the same with the authorities having jurisdiction and report the findings to the Temporary Licensee or holder of Certificate of Practice 23.

(2) Design Development Phase

The collaborating architect must:

- continue to review all applicable statutes, regulations, codes and by-laws in relation to the design of the project and report the findings to the Temporary Licensee or holder of Certificate of Practice 23.

(3) Construction Documents Phase

The collaborating architect must:

- advise the Client on the bidding documents (where the Temporary Licensee or holder of Certificate of Practice 23 is a non-Canadian practice).
- review all statutes, regulations, codes and by-laws applicable to the design and where necessary review the same with the authorities having jurisdiction in order that the required consents, approvals, licences and permits necessary for the project can be applied for and obtained, and report the findings to the Temporary Licensee or holder of Certificate of Practice 23.

(4) Construction Phase - Contract Administration

The collaborating architect must:

- carry out the general review of the Work at intervals appropriate to the stage of construction which the collaborating architect considers necessary to determine if the Work is in general conformity with the Contract Documents for matters that are governed by the Building Code.
- be the interpreter of the requirements of the Contract Documents and shall make findings as to the performance thereunder by the Contractor.
- render interpretations necessary for the proper execution or progress of the Work for matters that are governed by the Building Code.
- have the authority to reject Work for matters that are governed by the Building Code which does not conform to the Contract Documents and shall have authority to require special inspection or testing of the Work by others, whether or not such work has been fabricated, installed or completed.
- review or take other appropriate action with reasonable promptness upon the Contractor's submittals such as shop drawings, product data, and samples, for conformance with the general design concept of the Work as indicated in the Contract Documents for matters that are governed by the Building Code.
- prepare change orders for the Client's approval and signature in accordance with the Contract Documents and shall have authority to order minor changes in the Work not involving an adjustment in the contract price or an extension of the contract time which are consistent with the intent of the Contract Documents for matters that are governed by the Building Code.

Where all of the responsibilities noted above under this phase are established by Agreement between the Temporary Licensee or holder of Certificate of Practice 23 and the collaborating architect on matters that are governed by the Building Code, the Agreement shall also provide that the collaborating architect shall be kept advised of and/or shall familiarize him/herself with all other matters related to Contract Administration (General Review).

General Review of the Construction of the Building as required in the Building Code shall be in accordance with the current Regulatory Notices and/or Practice Tips.

Approval by Registrar

Whereas applications for Temporary Licence and Certificate of Practice 23 must be approved by the Registrar, such approval shall be based upon compliance with all aspects of the Act and Regulation and these guidelines.

When the services of the collaborating architect are less than those defined above, approval of an application for Temporary Licence or Certificate of Practice 23 will be withheld pending a satisfactory explanation.

Where the collaborating architect is a member approved by Council, which is permissible only in those cases where the architectural services are not being offered to the public so that there is no contravention of Section 11(2) of the *Architects Act*, R.S.O. 1990, the responsibilities of the collaborating architect must be confirmed by the owner and the Temporary Licensee/Certificate of Practice 23, and submitted with the required Application(s) to the Registrar.

The defined services for the collaborating architect are based on projects that are required by legislation to have the design and general review carried out by an Architect. Adjustments can be made for those projects which do not require professional input by deleting the requirement that the collaborating architect carry out general review.

OAA-04-11



A. IDENTIFICATION

1. Name of Practice: _____
(include all designations)

2. Name of Jurisdiction in which corporation is authorized to practise: _____

(Enclose proof of entitlement to engage in the practice of architecture in the jurisdiction from which application is being made.)

3. Place of Business: _____
Street Suite No.

City Province/State/Territory Country Postal/Zip Code

4. Telephone: () _____ Fax: () _____

6. E-mail: _____

B. CORPORATION INFORMATION *(Use supplementary sheets if necessary.)*

1. List of Directors

| Name in Full | Principal Residence Address | Occupation or Profession |
|--------------|-----------------------------|--------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

2. List of Officers

| Name in Full | Principal Residence Address | Occupation or Profession |
|--------------|-----------------------------|--------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

C. PROJECT INFORMATION

1. Identification of architectural project for which the Certificate of Practice is sought.

Name of Project

Street & No. or Lot & Plan No.

Municipality

Type of Building

Name of Client

Estimated date for commencement of architectural services

Estimated date for completion of construction

2. Name of director, officer or full-time employee of the corporation who is the holder of a Temporary Licence issued by the OAA.

3. Name of OAA holder of Certificate of Practice with whom the applicant will be collaborating.

Name of Practice

Name of OAA member who is a principal or full-time employee supervising and directing the project

Address

Telephone No.

4. Name that will appear on documentation related to the project - (i.e. name of applicant for Certificate of Practice issued by the OAA, name of collaborating holder, or both).

D. HISTORY

1. Has the director, officer or full-time employee of the corporation ever been convicted of an offence in this or any other jurisdiction which may be relevant to the corporation's suitability to practise architecture?

2. (a) Has the corporation or any director, officer or full-time employee ever been found guilty of professional misconduct or incompetence?

Yes

No

and/or

- (b) Is their conduct or competence presently the subject of proceedings?

Yes

No

If you have answered "yes" to the above questions, use a supplementary sheet to provide dates and details.

E. HOLDER OF CERTIFICATE OF PRACTICE 23 AND COLLABORATING ARCHITECT RESPONSIBILITIES

| Applicant's Areas of Responsibility for Project | Collaborating Holder's Areas of Responsibility for Project |
|---|--|
| | |
| | |
| | |
| | |

Signature of OAA member who is a principal or full-time employee of collaborating holder supervising and directing the project

Date

F. DECLARATION

I DO SOLEMNLY DECLARE:

THAT the facts set out in this Application for Certificate of Practice 23 are true and correct in every particular;

AND I MAKE THIS solemn declaration conscientiously believing it to be true.

Signature of Temporary Licensee

Date



**Ontario
Association
of Architects**

111 Moatfield Drive, Toronto, Ontario M3B 3L6
Telephone 416-449-6898 Fax 416-449-5756 www.oaa.on.ca

Undertaking Temporary Licence & Certificate of Practice 23

The undersigned hereby undertakes, if granted a Certificate of Practice under Section 23 and Temporary Licence under Section 24 of the *Architects Act*, R.S.O. 1990, to **maintain insurance** that is adequate having regard to the nature and complexity of the project for which the Certificate of Practice and Temporary Licence were granted, for a period ending **one year following substantial performance** of the project.

The undersigned also hereby undertakes **to continue the Certificate of Practice 23 and Temporary Licence for one year** following substantial performance of the project, and will forward to the Ontario Association of Architects a copy of the Certificate of Substantial Performance as soon as it is issued.

Name of Temporary Licensee on behalf of
Certificate of Practice 23 holder
(please print)

Date:

Signature

OAA-08-02



**Ontario
Association
of Architects**

111 Moatfield Drive, Toronto, Ontario M3B 3L6
Telephone 416-449-6898 Fax 416-449-5756 www.oaa.on.ca

Application for Exemption from annual professional liability insurance coverage through Pro-Demnity Insurance Company

Holder of a Temporary Licence Holder of a Certificate of Practice 23

This form is the "Proof of Insurance" as required by the *Architects Act*, R.S.O. 1990, s. 40 and the *Architects Act Regulations*, R.R.O. 1990, Reg. 27, s. 48.

You are reminded that to practise in Ontario you must be insured against errors and omissions arising out of the performance or non-performance of architectural services under a professional liability insurance policy that provides for a liability limit of not less than the following amount, for each claim:

1. \$1,000,000, if the gross fees charged for architectural services provided under the applicable certificate of practice in the previous financial year exceeded \$1,000,000.
2. \$500,000, if the gross fees charged for architectural services provided under the applicable certificate of practice in the previous financial year exceeded \$500,000 but not \$1,000,000.
3. \$250,000 if the gross fees charged for architectural services provided under the applicable certificate of practice in the previous financial year did not exceed \$500,000, or if there is no previous financial year.

A reference to a previous financial year means, in respect of a certificate of practice, the financial year of the holder of the certificate that immediately precedes the financial year in which the application for professional liability insurance is made

1. **Name of Insured:** (Must be the name of the Certificate of Practice)

_____ (please print)

2. In the previous financial year the Named Insured had Annual Gross Fees of (select one):

- < \$500,000
- ≥ \$500,000 but ≤ \$1,000,000
- > \$1,000,000

3. Policy Number: _____ Name of Insurer: _____ (please print)

4. Policy Period: Inception Date: _____ Expiry Date: _____

5. Policy Limit: \$_____ (Cdn) Each Claim

6. Annual Aggregate: \$_____ (Cdn)

Note: Your Professional Liability Insurance must include coverage for projects in Canada

I, _____ do certify that the facts set out in this Application are true
Name of Applicant (please print)*

and correct in every particular.

Signature of Applicant

Date

I, _____
Name of Temporary Licensee who will personally supervise and direct the practice of architecture by the Holder (please print)

do certify THAT the facts set out in this Application are true and correct in every particular.

Signature of Temporary Licensee

Date

***Note: Applicant must be either the sole proprietor, a partner, a director or an officer of the Certificate of Practice.**

OAA12-15