

1980

c 26 Architects Act

Ontario

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CHAPTER 26

Architects Act

1. The Ontario Association of Architects, hereinafter called the Association, is continued as a body corporate. The Ontario Association of Architects continued
R.S.O. 1970, c. 27, s. 1.

2. The objects of the Association are to promote and increase the knowledge, skill and proficiency of its members in all things relating to the profession of architecture and to advance and maintain a high standard in the practice of architecture in Ontario, and to those ends to establish and maintain or to assist in the establishment and maintenance of classes, schools, exhibitions or lectures in, and to promote public appreciation of, architecture and the allied arts and sciences. Objects
R.S.O. 1970, c. 27, s. 2.

3. The Association may acquire by purchase, lease or otherwise and possess real estate for its purposes, but for no other purposes, and may sell, mortgage, lease or otherwise dispose of any of its real estate. Power to hold real estate
R.S.O. 1970, c. 27, s. 3.

4. The head office of the Association shall be at the City of Toronto. Head office
R.S.O. 1970, c. 27, s. 4.

5.—(1) Membership in the Association shall be granted by the Registration Board of the Association on application to it if the applicant, Qualifications for membership

- (a) is of good character;
- (b) is not less than twenty-one years of age;
- (c) has passed the prescribed examination of the Registration Board or is exempted therefrom pursuant to its regulations;
- (d) is domiciled in Ontario; and
- (e) is a British subject, or has taken the oath of allegiance and declared his intention of becoming a British subject.

(2) No corporation shall be granted membership in the Association or be licensed to practise architecture in Ontario. Corporations excluded
R.S.O. 1970, c. 27, s. 5.

- Exception (3) Subsection (2) does not prevent a member of the Association from offering or providing architectural services to a corporation in order to enable the corporation to provide architectural services in respect of a work or project situate outside Ontario. 1979, c. 104, s. 1.
- Non-resident architects desiring to practise **6.** Membership in the Association or temporary licences to practise in Ontario may be granted, upon such terms and subject to such conditions as the Registration Board by regulation provides, to any person who is a British subject domiciled outside Ontario but within the Commonwealth who is a member of an association or society of architects within the Commonwealth recognized by the Board. R.S.O. 1970, c. 27, s. 6.
- Council of Association **7.—(1)** There shall be a council of the Association, in this Act called the Council, which shall consist of six members who shall be elected and hold office as provided in this section and where the immediate past president of the Association has not been re-elected to the Council, he shall also be a member thereof until he ceases to be the immediate past president, and the Council has power by by-law to increase the number of its members.
- Electoral districts (2) At least one member of the Council shall be elected from each of five electoral districts to be known as the Windsor, Hamilton, Toronto, London and Ottawa districts, and the five districts shall be composed as set forth in the Schedule, but the Council may by by-law alter the composition of any of the electoral districts and in any by-law increasing the number of members of the Council may provide for the creation of one or more new electoral districts and for the election of at least one member of the Council from each new district.
- Inclusion of city or town (3) An electoral district established by reference to a county or territorial district includes the cities and separated towns therein.
- Term of office (4) Members of the Council shall hold office for three years from the 1st day of January following the date of their election.
- Filling vacancies (5) Any member of the Council may resign by letter addressed to the president of the Association, and every vacancy caused by the death, resignation or incapacity to act of a member of the Council shall be filled by a member of the Association,
- (a) if a quorum of the Council remains in office, appointed by a majority vote of the members of the Council; or
 - (b) if no quorum of the Council remains in office, elected under this section,

and a person so appointed or elected shall be from the electoral district of the member whose place he is appointed or elected to fill and shall hold office for the unexpired portion of the term of such member.

(6) A retiring member of the Council is not eligible ^{Re-election} for re-election for the year immediately following his retirement, except where he is the president or vice-president at the date of his retirement. R.S.O. 1970, c. 27, s. 7.

8.—(1) The Registration Board of the Association, in ^{Registration Board} this Act called the Board, is continued and shall carry on the functions of the Architects' Registration Board established under *The Architects' Act, 1931*, except as ^{1931, c. 43} herein varied, and the Board shall be composed as follows:

1. One member of the Association to be appointed ^{University appointees} by the University of Toronto and one member of the Association by each other university, college or body in Ontario that is by law authorized to grant degrees in architecture and that establishes and maintains to the satisfaction of the Board a faculty, school or department of architecture in connection therewith, each member appointed under this paragraph to hold office for a period of three years from the 1st day of January following his appointment.

2. One member of the Association to be appointed ^{Government appointee} by the Lieutenant Governor in Council, to hold office for a period of three years from the 1st day of January following his appointment.

3. Three members of the Association for the first ^{Elected members} appointee under paragraph 1 and one additional member of the Association for each additional appointee under paragraph 1, these members to be elected in the manner hereinafter provided, and each to hold office for three years from the 1st day of January following his election.

(2) Any member of the Board not otherwise disqualified ^{Eligibility for re-appointment} is eligible for reappointment or re-election at the expiration of his term, but a member of the Council elected to the Board shall resign his seat on the Council before taking his seat on the Board, and a member of the Board, while in office, is not eligible for election to the Council.

(3) Any member of the Board may resign by letter ^{Filling vacancies} addressed to the chairman of the Board, and every vacancy

on the Board caused by the death, resignation or incapacity to act of any member shall be filled,

- (a) if such member has been appointed under paragraph 1 of subsection (1) by the university, college or body that appointed him;
- (b) if such member has been appointed under paragraph 2 of subsection (1), by the Lieutenant Governor in Council; and
- (c) if such member has been elected under paragraph 3 of subsection (1), by a majority of the members of the Board still in office, if a quorum is still in office, or, if not, by election under the said paragraph 3,

and a member of the Board appointed or elected to fill a vacancy shall hold office for the unexpired portion of the term of the member whose place he is appointed or elected to fill. R.S.O. 1970, c. 27, s. 8.

Right to
vote

9. All members of the Association are entitled to vote at elections for the Council and for the elective members of the Board. R.S.O. 1970, c. 27, s. 9.

Regulations

10.—(1) The Board may make regulations,

- (a) for the admission of members of the Association and the annual renewal of membership therein;
- (b) prescribing the qualifications of persons to be admitted and the proofs to be furnished as to education, good character and experience;
- (c) prescribing examinations for admission and the method of conducting them;
- (d) for keeping a register of members of the Association and for issuing certificates of membership under the seal of the Association and calling in such certificates where membership lapses or is cancelled or suspended;
- (e) prescribing the fees to be paid on admission of members to the Association, by associates and student associates, on examinations, on annual renewal of membership in the Association and as annual fees by associates and student associates;

- (f) providing for the discipline and control of members of the Association, including provision for the signing or sealing of drawings and specifications prepared by members of the Association;
- (g) providing for the cancellation of membership for non-payment of fees and for the cancellation of membership where a member changes his domicile to a place outside the Commonwealth;
- (h) providing for the election of members of the Council and of the elective members of the Board, for the holding of meetings of the Board and for fixing the quorum of the Board;
- (i) for the election of a chairman and vice-chairman and the appointment of a secretary and such other officers of the Board as it desires and for prescribing their duties, and, subject to the provisions hereinafter contained, for fixing their remuneration;
- (j) for granting temporary licences to practise architecture under section 6 and fixing the fees to be paid thereon;
- (k) generally for the better carrying out of the powers vested in the Board.

(2) Subject to the approval of the Lieutenant Governor ^{Disciplinary regulations} in Council, the Board may make regulations,

- (a) providing for the investigation of any complaint that a member of the Association has been guilty of misconduct or incompetence, so as to render it desirable in the public interest that his membership be suspended or cancelled;
- (b) providing for the cancellation or suspension of the membership of any person found by the Board to be guilty of misconduct or incompetence and for the publication in the public press of notice of such cancellation or suspension and the reasons therefor;
- (c) providing the terms and conditions on which a member whose membership has been cancelled may in a proper case be restored to membership.

(3) A copy of every regulation made under this section ^{Publication of regulations} shall be furnished to every member of the Association.

By-laws

11. The Council may pass by-laws,

- (a) for the control and management of the real and personal property of the Association;
- (b) instituting and furnishing means and facilities for the promotion of knowledge, proficiency and a high standard of ethics in all things relating to the practice of architecture;
- (c) providing for scholarships, lectures and exhibitions;
- (d) for the holding of meetings of the Association and the Council and fixing the quorum thereat;
- (e) for the election of a president, vice-president, and treasurer of the Association and the appointment of a secretary and such other officers of the Association as the Council desires and for prescribing their duties, and, subject to the provisions hereinafter contained, for fixing their remuneration;
- (f) for the election of associates, student associates, and honorary members;
- (g) appointing representatives to other architectural associations or bodies and maintaining connection with the Royal Architectural Institute of Canada;
- (h) generally for carrying out the objects of the Association in all matters other than those referred to in section 10, all of which are reserved for regulation by the Board. R.S.O. 1970, c. 27, s. 11.

Application
of funds
of the
Association

12. The Council shall provide from the funds of the Association all moneys required by the Board to enable it to function in accordance with the powers vested in it, and any funds of the Association may be applied in carrying out this Act and the regulations or by-laws made under it and in furthering the objects of the Association and paying the costs and expenses incurred for or incident to the enactment of this legislation. R.S.O. 1970, c. 27, s. 12.

Duty of
Council and
members in
respect of
complaints

13. It is the duty of each member of the Council to bring before it all complaints of misconduct or incompetence on the part of any member of the Association that may be brought to his attention and it is the duty of the Council to bring before the Board all such cases that in its

opinion should be dealt with by the Board, but nothing herein prevents anyone from bringing before the Board any complaints of misconduct or incompetence on the part of any member of the Association. R.S.O. 1970, c. 27, s. 13.

14. There shall be paid to the members of the Council and the Board such fees for attendance and such reasonable travelling expenses as are fixed, in the case of the Board, by its regulations and, in the case of the Council, by by-law, such fees, exclusive of travelling expenses, not to exceed \$15 per meeting for the chairman of the Board and \$15 per meeting for the president of the Association and \$10 per meeting for any other member of the Board or the Council, but, where the secretary of the Board or the Council is also a member of the Board or the Council, he may be paid such salary as the body appointing him decides upon, in addition to or by way of substitution for his fee as a member of such body. R.S.O. 1970, c. 27, s. 14. Fees

15. Subject to the approval of the Council, members may form themselves into groups for promoting the objects of the Association, and such groups shall be known as Chapters and, subject to the approval of the Council, each Chapter has power to make by-laws for the admission of members and associates thereof, for the election of officers and the holding of meetings and for otherwise conducting its affairs. R.S.O. 1970, c. 27, s. 15. Chapters

16.—(1) Every person who, not being a member of the Association, or who, having been a member, has had his membership cancelled or is under suspension, or who, not being licensed under section 6, applies to himself the term "architect" alone or in combination with any other term, or who holds himself out as an architect, is guilty of an offence and on conviction is liable to a fine of not more than \$100 for a first offence and to a fine of not less than \$300 and not more than \$500 or to imprisonment for a term of not more than three months, or to both, for any subsequent offence. Prohibition against use of word "architect", etc.

(2) Every corporation that applies to itself the term "architect" or "architects" alone or in combination with any other term or that holds itself out as an architect or as architects is guilty of an offence and the corporation or any director thereof, on conviction, is liable to a fine of not less than \$100 and not more than \$500 for a first offence and to a fine of not less than \$200 and not more than \$1,000, or to imprisonment Idem. corporations

for a term of not more than three months, or to both, for any subsequent offence.

Holding out
as architect
defined

(3) Without restricting the generality of subsections (1) and (2), any person or corporation who prepares or offers to prepare for a fee, commission or other remuneration any sketch, drawing or specification for a proposed building structure or for a structural alteration of or addition to an existing building structure, when such proposed work is to cost more than \$10,000, shall be deemed to hold himself or itself out as an architect. R.S.O. 1970, c. 27, s. 16 (1-3).

Proviso

(4) Nothing in this Act prevents or shall be construed to prevent,

- (a) any person from performing his duties in the Canadian Forces;
- (b) any member or licensee of the Association of Professional Engineers of the Province of Ontario under the *Professional Engineers Act* or any employee or person working under the responsibility of such member or licensee from performing architectural services in the course of any work undertaken or proposed to be undertaken by such member or licensee as an engineer;
- (c) any partnership, association of persons or corporation that is entitled to practise in its own name under the *Professional Engineers Act* in accordance with the conditions therein prescribed from performing architectural services in the course of any work undertaken or proposed to be undertaken by such partnership, association or corporation pursuant to such entitlement;
- (d) any person or corporation from preparing a sketch, drawing or specification for a structure in, upon or pertaining to a mining property, or an alteration of or addition to an existing structure in, upon or pertaining to a mining property;
- (e) a *bona fide* member of an architect's staff from preparing a sketch, drawing or specification in the course of his employment under the supervision of the architect;
- (f) a *bona fide* building contractor, whether a person or a corporation, or a *bona fide* member of such contractor's staff domiciled in Ontario from preparing

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a sketch, drawing or specification for such contractor's own use as a building contractor in the construction or alteration by such contractor, or by tradesmen employed by such contractor, of a building structure, whether it be proceeded with or not, and obtaining remuneration therefor;

(g) any person or corporation from preparing a sketch, drawing or specification for interior decorations or the installation in the interior of a structure of fixtures, non-bearing partitions or equipment where the structural alterations involved do not raise considerations of strength or safety;

(h) any person or corporation from using the term "Landscape Architect";

(i) any person in the course of his employment under the supervision of or in conjunction with an architect from preparing a sketch, drawing or specification for work to be undertaken by his employer;

(j) any person, firm or corporation engaged in the business of selling prefabricated building structures from furnishing such drawings, diagrams and directions as are required for the assembling and erection of such structures; or

(k) a corporation from offering or providing the architectural services of a member of the Association in respect of a work or project situate outside Ontario. R.S.O. 1970, c. 27, s. 16 (4); 1979, c. 104, s. 2.

(5) Associates, student associates and honorary members shall not be deemed to be members of the Association within the meaning of this section unless and until admitted to membership under section 5 or 6, but an honorary member or associate who has at some time been a member of the Association may continue to apply to himself the term "architect", but may not practise architecture. R.S.O. 1970, c. 27, s. 16 (5).

Students,
honorary
members,
etc.

17. In the investigation of a complaint against a member of the Association, the Board has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such investigation as if it were an inquiry under that Act. R.S.O. 1970, c. 27, s. 17; 1971, c. 49, s. 18.

Board has
power of
commission
under
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No action
to lie against
Board or
Council

18. No action shall be brought against the Board or the Council or any member or officer thereof for anything done under this Act or under any by-law or regulation made under this Act. R.S.O. 1970, c. 27, s. 18.

Appeal

19.—(1) Anyone whose membership has been suspended or cancelled may, within fifteen days after the date of the order of suspension or cancellation, appeal to the Divisional Court from such order in accordance with the rules of court and the court has power to confirm, vary, vacate or set aside such order or to make such other order as it considers just, and to make an order for payment of the costs of the appeal and there shall be no further or other appeal.

Practising
pending
appeal

(2) Pending an appeal, the person whose membership is suspended or cancelled may continue to practise, but, unless the order of suspension or cancellation is set aside, he shall not practise after the appeal has been disposed of, except that, in the case of suspension, he may practise upon and after the expiry of the period of suspension. R.S.O. 1970, c. 27, s. 19, *revised*.

False
certificates

20. Every architect who wilfully makes a false certificate with respect to any work done or with respect to the cost, value or condition of any work or building is guilty of an offence and, in addition to being liable in damages for any injury or loss thereby suffered, is on conviction liable to a fine of not more than \$100. R.S.O. 1970, c. 27, s. 20.

Witness
fees

21. Every architect summoned to attend a civil or criminal court for the purpose of giving evidence in his professional capacity, for each day he so attends, is entitled to \$5 in addition to his travelling expenses, to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such court. R.S.O. 1970, c. 27, s. 21.

Recovery
of fees

22. All fees fixed by the regulations of the Board shall be deemed to be a debt due to the Association and are recoverable with the costs of the suit in the name of the Association in the small claims court of the division in which the member liable resides or practises as an architect. R.S.O. 1970, c. 27, s. 22.

SCHEDULE

(Section 7 (2))

ELECTORAL DISTRICTS

Windsor

Counties of Essex, Kent and Lambton.

Hamilton

Counties of Brant, Grey, Simcoe, and Wellington, The Regional Municipality of Hamilton-Wentworth, The Regional Municipality of Haldimand-Norfolk, The Regional Municipality of Niagara and The Regional Municipality of Waterloc.

Toronto

The Municipality of Metropolitan Toronto, The Regional Municipality of Durham, The Regional Municipality of Halton, The Regional Municipality of Peel, The Regional Municipality of York and the counties of Dufferin, Haliburton, Hastings, Lennox and Addington, Northumberland, Peterborough, Prince Edward, and Victoria and the territorial districts of Algoma, Kenora, Manitoulin, Muskoka, Parry Sound, Rainy River and Thunder Bay and all places outside Ontario.

London

Counties of Bruce, Elgin, Huron, Middlesex, Oxford and Perth.

Ottawa

Counties of Dundas, Frontenac, Glengarry, Grenville, Lanark, Leeds, Prescott, Renfrew, Russell and Stormont and The Regional Municipality of Ottawa-Carleton and the territorial districts of Cochrane, Nipissing, Sudbury and Timiskaming.

R.S.O. 1970, c. 27, Sched., *revised.*

