

1927

c 203 Architects Act

Ontario

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Bibliographic Citation

Architects Act, RSO 1927, c 203

Repository Citation

Ontario (1927) "c 203 Architects Act," *Ontario: Revised Statutes*: Vol. 1927: Iss. 2, Article 76.

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5. MISCELLANEOUS.

CHAPTER 203.

The Architects Act.

Association continued.

1. The Ontario Association of Architects, hereinafter called the Association, is hereby continued. R.S.O. 1914, c. 167, s. 2.

Powers as to real estate.

2. The Association may purchase, take and possess for the purposes of the Association, but for no other purpose, and after acquiring the same may sell, mortgage, lease or dispose of any real estate. R.S.O. 1914, c. 167, s. 3.

Membership.

3. The persons who are now members of the Association and all persons who shall be hereafter registered as architects under this Act and no others shall be members thereof, subject to the by-laws of the Association and to the provisions of this Act. R.S.O. 1914, c. 167, s. 4; 1925, c. 52, s. 2.

Council of Management.

4. There shall be a Council of Management of the Association, hereinafter called the Council, to be appointed in the manner provided by this Act. R.S.O. 1914, c. 167, s. 5.

Council, how composed.

5.—(1) The Council shall be composed of nine persons, who shall be British subjects, and have resided and practised the profession of architecture within Ontario for at least ten years.

Quorum.

(2) Any five members of the Council shall form a quorum. R.S.O. 1914, c. 167, s. 6.

Election.

6. The members of the Council shall be elected by ballot, in such manner as may be provided by the by-laws of the Association, at its annual meeting, or at a special meeting called for that purpose, and the members of the Association obtaining the greatest number of votes shall be declared elected. R.S.O. 1914, c. 167, s. 7.

Qualification.

7. No person shall be eligible for election to the Council, or qualified to fill any vacancy therein, or to vote for any member thereof unless duly qualified under the provisions of this Act and the by-laws of the Association. R.S.O. 1914, c. 167, s. 8.

8. Except in the case of an election or an appointment to fill a vacancy caused by death or resignation the members of the Council shall hold office for the term of three years, three retiring each year. R.S.O. 1914, c. 167, s. 9. Term of office.

9.—(1) In case of the resignation or death of any member or members of the Council, not exceeding four, the other members may fill the vacancies, to hold office until the time of the holding of the next annual meeting, provided that such meeting is not to be held within three months of the occurring of such vacancies. Vacancies, how filled.

(2) In case of the resignation or death of five or more members of the Council, the president or the vice-president of the Association or, in case of their default for a period of ten days, any five members in good standing may call a special meeting of the Association, upon a notice of not less than ten days, for the purpose of filling the vacancies. Special meeting.

(3) In case of an election to fill the vacancies referred to in subsections 1 and 2, the member receiving the greater number of votes shall be considered the member elected to fill the vacancy which will require the longer term to expire, and so on until the vacancies are filled. R.S.O. 1914, c. 167, s. 10. Election, how determined.

10. In case of any doubt or dispute as to who has been elected a member of the Council, or as to the legality of the election of any member, the other duly elected members shall be a committee to hold an enquiry and decide who is the legally elected member, and the person whom they decide to have been elected shall be deemed to be legally elected, and if the election is found to have been illegal, the committee shall order a new election. R.S.O. 1914, c. 167, s. 11. Proceedings where election disputed.

11. The Council shall annually elect from amongst its members a president and two vice-presidents, and shall appoint a registrar, a treasurer, a solicitor, an auditor and such other officers as may be deemed necessary for carrying out the objects of this Act, who shall hold office during the pleasure of the Council, and who shall, as well as being officers of the Council, hold the like positions as officers of the Association. The office of the president shall not be held by any one person for more than two years in succession. R.S.O. 1914, c. 167, s. 12; 1925, c. 52, s. 3. President and officers.

12. Meetings of the Association and of the Council shall be held at such times and places as may be fixed by the by-laws of the Association or Council respectively; and in the absence of any rule or regulation as to the summoning of meetings of the Association or of the Council, the president, or, in the event of his absence or death, the registrar may summon the same for such time and place as he may think fit, by notice to be mailed to each member. R.S.O. 1914, c. 167, s. 13. Power to regulate meetings of Council and Association.

Who to
preside at
meetings.

13. In the event of the absence of the president from any meeting, either of the vice-presidents, or, in their absence, some other member to be chosen from among the members present shall act as president. R.S.O. 1914, c. 167, s. 14.

Majority to
decide.

Exception.

14.—(1) All questions submitted to the Association or to the Council shall be decided by a majority of the members present, except as otherwise provided by the by-laws of the Association.

Quorum.

(2) Any twenty members of the Association shall form a quorum. 1925, c. 52, s. 4.

Casting vote.

15. At all meetings the president for the time being shall have only a casting vote, and in the case of a tie at an election he shall have a casting vote in addition to his vote as a member of the Association. R.S.O. 1914, c. 167, s. 16.

Payment of
expenses of
members of
Council.

16. There shall be paid to the members of the Council such fees for attendance, and such reasonable travelling expenses, as may be fixed by by-law of the Association passed at an annual meeting. R.S.O. 1914, c. 167, s. 17.

Salaries.

17. The Council may by by-law fix the salaries or fees to be paid to the officers of the Association and to the board of examiners hereinafter provided for. R.S.O. 1914, c. 167, s. 18.

By-laws.

18. The Council may pass by-laws not inconsistent with the provisions of this Act for,—

Board of
examiners.

(a) the appointment of a board of examiners for the purpose of ascertaining and reporting upon the qualifications of candidates for membership;

Examina-
tions.

(b) prescribing the scope of examinations to be held by the board of examiners and the evidence to be furnished by candidates as to their previous training, experience and good character;

Admission
to member-
ship.

(c) the admission to membership of candidates possessing the training, experience and good character required, who have passed the prescribed qualifying examinations;

Fees of
candidates.

(d) fixing, levying and collecting fees to be paid by candidates upon application and annual fees to be paid by members;

Associates,
honorary
members.

(e) the creation of qualified classes of membership for associates and honorary members prescribing the qualifications for and the rights of each of such classes;

Professional
conduct.

(f) prescribing such rules as may be deemed necessary for the conduct of members in the practice of their profession as architects and for the maintenance of the dignity and honour of the said profession;

- (g) the government and discipline of the members, including the suspension or expulsion of any member for misconduct or violation of the rules or by-laws of the Association; Discipline.
- (h) all such other purposes as may be deemed necessary or convenient for the management of the Association in the conduct of its business; Other matters.

and may alter and amend such by-laws when deemed advisable. 1925, c. 52, s. 5.

19. The Association may admit to membership any person being at least twenty-one years of age who shall have furnished such evidence as the Council may by by-law require as to training, experience and good character and shall have passed the prescribed qualifying examinations. 1925, c. 52, s. 7. Qualification.

20. All candidates for membership shall be presented by a member of the Council and shall cause their full names to be entered with the registrar and shall pay such fees and submit to such examinations as shall be prescribed. 1925, c. 52, s. 8. Application for membership.

21. The registrar shall keep a register to be called "The General Register," of all members, and shall enter opposite the names of all registered persons who have died a statement of that fact, and shall make all necessary alterations in the addresses of persons registered and, subject to the provisions of this Act, shall keep the register in accordance with the by-laws and regulations of the Council. R.S.O. 1914, c. 167, s. 23; 1925, c. 52, s. 9. General Register.

22.—(1) No person shall be entitled to take or use the name or title of "Registered Architect," either alone or in combination with any other word or words, or any name, title or description, implying that he is registered under this Act, unless he is so registered. Restriction of right to use title.

(2) Any person who, not being registered under this Act, takes or uses any such name, title or description shall incur a penalty not exceeding \$25 for the first offence and not exceeding \$100 for each subsequent offence. R.S.O. 1914, c. 167, s. 24. Penalty.

23. If the registrar wilfully makes or causes to be made any falsification in any matter relating to the register he shall, on conviction thereof, be liable to be imprisoned for any term not exceeding twelve months. R.S.O. 1914, c. 167, s. 25. Penalty for registrar falsifying register.

24. Any person who wilfully procures or attempts to procure registration under this Act by making or producing, or causing to be produced or made, any false or fraudulent Penalty for procuring false registration.

representation or declaration, either verbally or in writing, that he is entitled to such registration shall, on conviction thereof, be liable to be imprisoned for any term not exceeding twelve months. R.S.O. 1914, c. 167, s. 26.

Register of practitioners.

25.—(1) The registrar shall, in every year, under the direction of the Council, cause to be printed, published and kept for inspection at his office, free of charge, a register to be called "The Architects' Register," of the names, in alphabetical order according to the surnames, with the respective residences of all persons appearing on the general register on the next preceding 1st day of January.

Evidence of registration.

(2) A copy of such register, purporting to be so printed and published, shall be evidence in all courts and before all justices of the peace and others that the persons therein mentioned are registered according to the provisions of this Act.

Certified copy of entry.

(3) In the case of any person whose name does not appear in such copy a certified copy under the hand of the registrar of the entry of the name of such person in the general register shall be evidence that such person is registered under the provisions of this Act. R.S.O. 1914, c. 167, s. 27.

Witness fees of architects.

26. Every architect summoned to attend any civil or criminal court for the purpose of giving evidence in his professional capacity, for each day he so attends shall be 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. 1914, c. 167, s. 28.

Penalty in case architect makes a false certificate.

27. Every architect who wilfully makes any false certificate in respect of any work done, or the value or condition of any work or building, besides being liable in damages for any injury thereby suffered, shall incur a penalty not exceeding \$100. R.S.O. 1914, c. 167, s. 29.

Recovery of fees and penalties.

28. All fees payable under this Act may be recovered as ordinary debts due to the Association. R.S.O. 1914, c. 167, s. 30 (1), *part*.

Application of Rev. Stat. c. 121.

29.—(1) *The Summary Convictions Act* shall apply as to offences against this Act and all penalties recovered under this Act shall immediately upon the recovery thereof be paid by the convicting magistrate to the registrar.

Who may be complainant.

(2) Any person may be prosecutor or complainant under this Act, and the Council may allot such portion of the penalties as it deems expedient to the prosecutor. R.S.O. 1914, c. 167, s. 30 (2, 3).

30.—(1) Except as herein otherwise provided, all notices and documents required by or for the purposes of this Act to be sent may be sent by registered post, and shall be deemed to have been received at the time when the same would be delivered in the ordinary course of the mail. Service of notices.

(2) Such notices and documents when sent to a person registered under this Act shall be deemed to be properly addressed if addressed to him according to his address registered in the general register. What to be deemed proper address. R.S.O. 1914, c. 167, s. 31.

31.—(1) All money arising from fees payable on registration, from the annual renewal fees or from the sale of copies of the register, or otherwise, shall be paid to the registrar and shall be applied in accordance with such regulations as may be made by the Council for defraying the expenses of the Association. Application of funds.

(2) The Council may invest in the name of the Association any money not so expended in such securities as trustees may properly invest in, and any income derived from such invested sums shall form part of the ordinary income of the Association. Investments. R.S.O. 1914, c. 167, s. 32.

32. The registrar and treasurer shall enter in books to be kept for that purpose a true account of all sums of money by them respectively received and paid under this Act, and such account shall be audited by the auditor and submitted to the Council and to the Association when and so often as they may require. Accounts of Association. R.S.O. 1914, c. 167, s. 33.
