

Regulatory Bulletin OAA Member Participation in Design Catalogues

Design catalogues, and other approaches to expedite approval for development in Ontario, are important for increasing housing supply and economic development. It is valuable for OAA members and certificate of practice (CoP) holders to participate in these processes, helping achieve residential developments that are well-designed and constructed safely.

Architects and Licensed Technologists must ensure they only take part in processes complying with the laws governing the practice of architecture as reflected in the [Architects Act and regulations](#) enacted by the legislature and executive of Ontario. The OAA cannot provide legal or insurance advice, and members are responsible for following the Act and regulations.

Among other things, it is professional misconduct for a member or CoP holder to:

- provide architectural services in competition with another holder for a building project in Ontario without a fee, except when taking part in an [open competition](#) approved by Council (*Sections 42(12) and (49) of the regulations*);
- affix a [seal](#) or permit their seal to be affixed to a design not prepared in its entirety under the personal supervision and direction of a member (*Section 42(19) of the regulations*);
- fail to ensure the name and designation of the holder is on every design created by the holder that is issued or exhibited to anyone who is not a holder, except in the case of an open competition (*Section 42(20) of the regulations*);
- fail to affix their seal to every design prepared under their personal supervision and direction if that design will be issued or exhibited to a person who is not a holder and is either submitted as part of an application for a building permit or is issued for the construction, enlargement, or alteration of a building, unless it is being submitted in an open competition approved by Council in which anonymity is a requirement (*Section 42(21) of the regulations*); or
- provide architectural services without an express written or oral [contract](#) (*Section 42(52) of the regulations*).

Members and CoP holders interested in participating in design catalogue and pre-approved design programs must ensure they are complying with applicable laws and rules. For example, there must be a contract governing any architectural services performed. Such a contract could be entered into with a municipal building department governing the terms and conditions of preparing designs.

Similarly, members and CoP holders should ensure they are receiving a fee for any architectural services they perform. They should also make certain the terms for participation in a program clearly set out responsibility for designs, including addressing matters such as copyright and insurance coverage.

While the Association publishes notices and guidance concerning compliance, OAA Committees exercise independent decision-making authority. For example, in matters before the Discipline Committee, the Association is a party before that independent tribunal, which has the ultimate authority to decide allegations of professional misconduct or incompetence arising from any specific case.