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Bill Pr40

*(Chapter Pr20
Statutes of Ontario, 1996)*

An Act respecting the Association of Architectural Technologists of Ontario

Mr. Hastings

1st Reading	November 18, 1996
2nd Reading	December 19, 1996
3rd Reading	December 19, 1996
Royal Assent	December 19, 1996

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An Act respecting the Association of Architectural Technologists of Ontario

Preamble

The Association of Architectural Technologists of Ontario has applied for special legislation to enable it to govern and discipline its members and to grant to certain of its members the right to the exclusive use of the designations "architectural technologist" and "architectural technician" and their French equivalents, as provided in the *Architects Act*, and "registered building technologist", "registered building technician" and "M.A.A.T.O.". The applicant represents that it is a corporation.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Association continued

1. (1) The Association of Architectural Technologists of Ontario is continued as a corporation without share capital.

Members of corporation

(2) The persons registered as members of the Association on the day this Act comes into force and such other persons who later become members of the Association constitute the corporation.

Continuation of present council

(3) The members of the council of the Association and the officers of the Association in office immediately before the coming into force of this Act are continued in office until their successors are appointed or elected under this Act.

Letters patent revoked

(4) The letters patent and supplementary letters patent of the Association are revoked, but the revocation does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Special Act corporation

(5) The Association shall be deemed to be a corporation incorporated by a special Act.

Objects

2. The objects of the Association are,

(a) to increase the knowledge, skill and proficiency of architectural technologists, architectural technicians, building technologists and building technicians and to grant accreditation and certification to such persons;

(b) to foster the attainment of the highest standard of quality and competence in the field of architectural technology;

(c) to establish, maintain and enforce strict rules of ethical conduct for members of the Association in the field of architectural technology;

(d) to inform the public of the purposes and aims of the Association;

(e) to promote harmonious relationships among members of the Association in order to stimulate the development of the Association and enhance its public reputation.

3. (1) The affairs of the Association shall be managed by its council. Council

(2) The council shall consist of not fewer than seven and not more than 12 members of the Association. Composition

(3) The manner of electing the members of the council, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the council and other necessary details shall be as set out in the by-laws. Same

(4) At any meeting of the council, a majority of the members of the council constitutes a quorum. Quorum

(5) The council shall elect a president, a secretary, a treasurer and a registrar from among its members. Officers

(6) The registrar shall perform the functions assigned to him or her by this Act and such other duties as may be assigned by the council. Registrar

(7) In the event of the death, resignation or incapacity of any member of the council, the remaining members of the council shall fill the vacancy in the manner provided by the by-laws of the Association for the balance of the term and, for the purpose of this subsection, a member's absence from three consecutive meetings of the council may be treated by the council as incapacity. Vacancies

4. (1) The council of the Association may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association. By-laws

Same	<p>(2) Without restricting the generality of subsection (1), the council may pass by-laws,</p> <ul style="list-style-type: none"> (a) establishing classes of membership in the Association, of which one class shall be accredited membership, and prescribing the academic and experience requirements for and conditions of membership in the various classes of membership; (b) prescribing the courses of study to be pursued by students and membership candidates in order to satisfy the academic requirements of the various classes of membership; (c) regulating and governing the conduct of members of the Association in the practice of their profession by prescribing a code of ethics, rules of professional conduct and standards of practice and by providing for the suspension, expulsion or other penalty for contravention of the code, rules or standards; (d) prescribing fees payable to the Association; (e) providing for the establishment and operation of a certification board as described in section 6. 	<p>is satisfied that the applicant has complied with the membership requirements specified in the by-laws or has other qualifications that the certification board considers equivalent to the by-law requirements.</p>	Decisions by majority
Open to the public	<p>(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association by appointment.</p>	<p>(3) Decisions of the certification board under subsection (2) shall be determined by a majority of the votes cast.</p>	Register
Membership	<p>5. (1) The Association shall grant membership to every individual who applies for membership in accordance with the by-laws, if the individual,</p> <ul style="list-style-type: none"> (a) is a citizen of Canada or has the status of a permanent resident in Canada; (b) is of good character; and (c) satisfies the certification board of the Association that he or she has complied with the membership requirements specified in the by-laws or has other qualifications that the certification board considers equivalent to the by-law requirements. 	<p>7. (1) The registrar shall keep a register in which shall be entered the names of all members of the Association in good standing and their class of membership.</p>	Open to the public
Certificate of registration	<p>(2) The registrar shall issue a certificate of registration to every member in good standing of the Association who applies for it.</p>	<p>(2) The register shall be open to examination by the public at the head office of the Association by appointment.</p>	Removal from register
Certification board	<p>6. (1) The council of the Association shall establish a certification board, consisting of not fewer than five and not more than seven persons appointed by the council.</p>	<p>8. (1) The registrar of the Association shall cause the removal of the name of a member from the register,</p> <ul style="list-style-type: none"> (a) at the request or with the written consent of the member whose name is to be removed; (b) if the name has been incorrectly entered; (c) if notification has been received of the member's death; (d) if the registration of a member has been suspended or revoked through disciplinary proceedings; or (e) if the member has failed to renew his or her membership. 	Restoration to register
Duties	<p>(2) The certification board shall review every application for membership to the Association and shall advise the council whether it</p>	<p>(2) The council of the Association, on such grounds as it considers sufficient, may cause the name of a person removed from the register to be restored and may order, as it considers appropriate, that the restoration be done with or without the payment of a fee or of arrears in fees.</p>	Restoration, with conditions
Certificate of registration	<p>(2) The registrar shall issue a certificate of registration to every member in good standing of the Association who applies for it.</p>	<p>(3) If the name of a person whose registration has been suspended or revoked under clause (1) (d) is to be restored to the register, the council may by resolution direct that the name be restored subject to such conditions as the council considers appropriate.</p>	Designations
Certification board	<p>6. (1) The council of the Association shall establish a certification board, consisting of not fewer than five and not more than seven persons appointed by the council.</p>	<p>9. (1) Every person who is a registered member of the Association may use the designation "M.A.A.T.O." and one or more of the following designations, as appropriate for his or her class of membership:</p>	<ul style="list-style-type: none"> 1. "architectural technician" or "architecte-technicien"; 2. "architectural technologist" or "architecte-technologue"; 3. "registered building technologist";

4. "registered building technician".

Offence

(2) Any person in Ontario who is not registered as a member of the Association as described in subsection (1) is guilty of an offence,

- (a) if he or she takes or uses a designation set out in subsection (1) alone or together with any other word, name, title, initial or description; or
- (b) if he or she implies, suggests or holds out that he or she is a registered member of the Association.

Exception

(3) It is not an offence under subsection (2) for the following persons to use the designations "architectural technician" or "architecte-technicien" or "architectural technologist" or "architecte-technologue":

- 1. A holder of a licence, certificate of practice or temporary licence issued under the *Architects Act*.
- 2. A person who is a member of a class that is permitted to use the title "architect" or "architecte" under clause 46 (8) (c) of the *Architects Act*.

Appeal

10. (1) A person who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws of the Association may appeal to the Divisional Court from the refusal to grant membership or from the sanction.

Record

(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of a reasonable fee, the registrar shall give the party a certified copy of the record of the proceeding, including the documents submitted and the decision appealed from.

Grounds for appeal

(3) An appeal under this section may be made on questions of law or fact or both.

Powers of court

(4) The court may affirm or rescind the decision being appealed, may substitute its opinion

for that of the council of the Association, may refer the matter back to the council for rehearing in whole or in part or may direct the council to take such action as the court considers appropriate.

11. (1) A copy of the register, certified by the registrar as a true copy, shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of a person's membership and class of membership in the Association. Evidence

(2) The absence of the name of any person from a copy of the register, certified by the registrar as a true copy, is proof, in the absence of evidence to the contrary, that the person is not a registered member of the Association. Same

(3) A certificate purporting to be signed by the registrar is proof, in the absence of evidence to the contrary, that such person is the registrar without proof of the person's signature or of the person being in fact the registrar. Same

12. Subject to subsection 9 (2), this Act does not affect or interfere with the right of any person who is not a registered member of the Association to describe himself or herself as a building technologist or building technician, to practise or be employed as a building technologist or building technician or to offer or provide services similar to those offered or provided by an architectural technologist or architectural technician. Right to practise unaffected

13. Any surplus derived from carrying on the affairs of the Association shall be applied solely in carrying out its objects and shall not be divided among its members. Surplus

14. This Act comes into force on the day it receives Royal Assent. Commencement

15. The short title of this Act is the *Association of Architectural Technologists of Ontario Act, 1996*. Short title