



4<sup>th</sup> SESSION, 32<sup>nd</sup> LEGISLATURE, ONTARIO

33 ELIZABETH II, 1984

## **Bill Pr37**

[Chapter Pr12 Statutes of Ontario, 1984]

# **An Act respecting The Ontario Association of Landscape Architects**

Mrs. Scrivener

1st Reading April 26th, 1984  
2nd Reading May 25th, 1984  
3rd Reading May 25th, 1984  
Royal Assent May 29th, 1984

Printed under authority of the Legislative Assembly by the Queen's Printer for Ontario

## **An Act respecting The Ontario Association of Landscape Architects Chapter Pr12, Statutes of Ontario, 1984**

Whereas The Ontario Association of Landscape Architects hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 20th day of December, 1968; that the Association is desirous of being continued as the corporation for the purpose of carrying out the objects of the Association and of the Government and discipline of its members; that the Association considers it desirable to grant to full members of the Association the exclusive right to use the designation "Landscape Architect"; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient 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:

Preamble

1. In this Act,
  - (a) "Association" means The Ontario Association of Landscape Architects;
  - (b) "by-law" means a by-law of the Association;
  - (c) "Council" means the Council of the Association;
  - (d) "full member" means a member of the Association who is shown in the register kept under subsection 9 (2) as being a full member of the Association;

Interpretation

(e)"registrar" means the registrar of the Association;  
 (f)"student" means a student of the Association as provided for in this Act.

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| 2. | <p>(1) The Ontario Association of Landscape Architects is hereby continued as a corporation without share capital and the persons registered as members of the Association on the day this Act comes into force and such other persons as hereafter become members of the Association constitute the corporation.</p> <p>(2) The members of the Council and the officers of the Association in office immediately prior to the coming into force of this Act are hereby continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.</p> <p>(3) The letters patent of the Association are revoked, but the revocation of the letters patent 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.</p> <p>(4) The Association shall be deemed to be a corporation incorporated by a special Act.</p> | <p>Association continued</p> <p>Continuation of present Council</p> <p>Letters patent revoked</p> <p>Special Act corporation</p> |
| 3. | <p>The objects of the Association are,</p> <p>(a) to furnish means and facilities by which members of the Association and students may increase their knowledge, skill and efficiency in all things related to the business or profession of a landscape architect;</p> <p>(b) to hold examinations and prescribe tests of competency deemed appropriate to qualify for admission to membership in the Association;</p> <p>(c) to establish and maintain standards of knowledge and skill among its members;</p> <p>(d) to maintain discipline among members of the Association and students; and</p> <p>(e) to establish and maintain standards of professional ethics among members of the Association and students,</p> <p>in order that the public interest may be served and protected.</p>  | <p>Objects</p>   |
| 4. | <p>For the purposes of carrying out its objects, the Association has the capacity and the powers of a natural person.</p>   | <p>Powers</p>  |
| 5. | <p>(1) The affairs of the Association shall be managed by the Council.</p> <p>(2) The Council shall consist of not fewer than seven or more than twelve members of the Association, as the Council may from time to time determine, elected from the membership of the Association.</p> <p>(3) The Association may by by-law provide for the appointment to the Council of up to three persons who are not members of the Association.</p> <p>(4) The manner of electing the members of 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</p>   | <p>Council</p> <p>Composition</p> <p>Idem</p> <p>Idem</p>  |

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.

(5) At any meeting of Council, a majority of the members of the Council constitutes a quorum.

Quorum

(6) The Council shall elect,

Chairman, etc.

(a) from among its members a president and a vice-president;  
and

(b) a secretary-treasurer or a secretary and a treasurer who need not be a member of the Council.

(7) In the case of death, resignation or incapacity of any member of Council, the office shall be declared vacant by the Council and the Council shall fill the vacancy in such manner as may be prescribed by the by-laws of the Association for the balance of the term and for the purpose of this subsection, absence from three consecutive meetings of the Council may be treated by the Council as incapacity.

Vacancies

(8) The Council shall appoint a registrar, who need not be a member of the Council, and 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

6. At any general or special meeting, members of the Association may be represented and vote by proxy, but,

Proxies

(a) no proxy shall be exercised by a person who is not a member of the Association; and

(b) the proxy shall be exercised in accordance with the by-laws on voting and proxies.

7. (1) The Council may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, in addition to the matters specifically provided elsewhere in this Act, the Council may pass by-laws,

By-laws

(a) prescribing the qualifications for and conditions of registration for students;

(b) prescribing a curriculum and courses of study to be pursued by students and the subjects upon which the students and candidates for admission as members of the Association shall be examined and for granting certificates to students and candidates who have successfully passed the examinations;

(c) regulating and governing the conduct of members of the Association in the practice of their business or 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 professional misconduct, incapacity or incompetence;

(d) prescribing fees payable to the Association;

(e) governing the calling, holding and conducting of meetings of the Council and of the members of the Association;

(f) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association;  
(g) authorizing the making of grants for any purpose that may tend to advance landscape architecture knowledge and education, or improve standards of practice in landscape architecture, or support and encourage public information and

interest in the past and present role of landscape architecture in society;

(h) prescribing the categories of membership in the Association of which one category shall be full membership and such other categories of membership as the Council considers appropriate and prescribing the qualifications for membership in the various categories of membership;

(i) prescribing the custody and use of the Association seal;

(j) prescribing the manner in which records and the making of reports are maintained and kept for and by the Association; and

(k) generally conducting the affairs of the Association.

(2) Every new by-law or change to an existing by-law is effective when it is passed by the Council but expires with the close of the next annual meeting of the members of the Association held after its passing, unless it is confirmed by the meeting.

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.

Confirmation of  
by-laws

Inspection of by-  
laws

8. The head office of the Association shall be in The Municipality of Metropolitan Toronto or at such other place in Ontario as is designated by the by-laws.

Head office

9. (1) The Association shall grant a membership in the Association to any individual who applies therefor in accordance with the by-laws, if the individual:

Membership

(a) is of good character;

(b) is not less than eighteen years of age;

(c) has complied with the academic and experience requirements specified in the by-laws for the issuance of the membership in the category of membership for which application was made; and

(d) has passed such examinations as the Council may set or approve in accordance with the by-laws.

(2) The registrar shall keep a register in which shall be entered the name of all members of the Association in good standing and showing their category of membership and only those persons so registered are members entitled to the privileges of membership in the Association.

Register

(3) The register shall be open to examination by the public at the head

Inspection of

	office of the Association during normal office hours.	register
	(4) An individual who is qualified for membership in the Association who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction.	Appeals
	(5) Where a person appeals to the Divisional Court, the registrar shall forthwith file with the Court a record of the proceeding that resulted in failure or a refusal to grant membership or the decision of the committee imposing a sanction which, together with any transcript of evidence, if there is one, shall constitute the record in the appeal.	Record
	(6) An appeal under this section may be made on questions of law or fact, or both, and the Divisional Court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of any committee or of the Association or the Court may refer the matter back for rehearing in whole or in part, in accordance with such directions as the Court considers proper.	Powers of Court
10.	(1) Every full member of the Association may use the designation "Landscape Architect"	Designation
	(2) Subject to the by-laws, a firm, partnership, corporation or association of persons may use the designation "Landscape Architect" or "Landscape Architects" as part of its name or after its name if the practice of landscape architecture by the firm, partnership or corporation is carried on by or under the direct personal supervision of a full member of the Association who is a full-time employee, member or director of the firm, partnership, corporation or association.	Idem
	(3) Subject to subsection (2), any person in Ontario who, not being a full member of the Association, takes or uses the designation "Landscape Architect" or "Landscape Architects" is guilty of an offence.	Offence
	(4) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are members of the Association and of their category of membership in lieu of the production of the original register and any certificate upon such copy of the register purporting to be signed by a person in his or her capacity as registrar is proof, in the absence of evidence to the contrary, that such person is the registrar without any proof of the person's signature or of the person being in fact the registrar.	Evidence
	(5) The absence of the name of any person from a copy of the register produced under subsection (4) is proof, in the absence of evidence to the contrary, that the person is not a member of the Association.	Idem
11.	(1) Subject to subsection 10 (3), this Act does not affect or interfere with the right of any person who is not a member of the Association to offer or provide services similar to those offered or provided by a landscape architect in the Province of Ontario.	Right to offer or provide services not affected

<p>(2) Notwithstanding any other provision of this Act, any person in Ontario who, not being a full member of the Association, and who has been using the designation "Landscape Architect" or "Landscape Architects", either alone or in conjunction with a corporate name or partnership name, may continue to do so until the 1st day of January, 1989.</p>	<p>Transition</p>
<p>(3) Every individual in Ontario who immediately before the coming into force of this Act was substantially earning a living in landscape architecture shall be accepted as a full member of the Association if within 365 days of the day this Act comes into force he or she applies to the Association to be registered as a full member and pays the annual membership fees for a full member.</p>	<p>Right of certain persons to membership</p>
<p>(4) An application to which subsection (3) applies shall be accompanied by the statutory declaration of two persons each of whom must be a member of,</p> <ul style="list-style-type: none"> <li>(a) the Association;</li> <li>(b) the Ontario Association of Architects; or</li> <li>(c) the Association of Professional Engineers of Ontario,</li> </ul> <p>and the statutory declaration shall state that the person making the declaration knows the individual making the application and has reason to believe that he or she has substantially earned a living in landscape architecture.</p>	<p>Idem</p>
<p>(5) Subsection 9 (1) does not apply to an application under subsection (3).</p>	<p>Idem</p>
<p>12. Notwithstanding any provision of the by-laws or the code of ethics of the Association, no application for membership under this Act shall be refused on the basis that the applicant alone or through partnership or the ownership of shares has an interest in or is employed by a business engaged in the supply of nursery stock or the building of landscapes nor shall any member be required to divest himself or herself of any such business interest or terminate any such employment as a condition of continuing as a full member of the Association.</p>	<p>Business interests, etc.</p>
<p>13. Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.</p>	<p>Surplus</p>
<p>14. This Act comes into force on the day it receives Royal Assent.</p>	<p>Commencement</p>
<p>15. The short title of this Act is the Ontario Association of Landscape Architects Act, 1984.</p>	<p>Short title</p>