

Certificates of Authorization

From the Professional Engineers Act:

Definitions

1. In this Act ... “certificate of authorization” means a certificate of authorization issued under this Act to engage in the business of providing services that are within the practice of professional engineering.

Issuance of certificate of authorization

15. (1) The Registrar shall issue a certificate of authorization to a natural person, a partnership or a corporation that applies therefor in accordance with the regulations if the requirements and qualifications for the issuance of the certificate of authorization set out in the regulations are met.

Terms and conditions

15. (4) Where a holder of a temporary licence assumes responsibility for and supervises the practice of professional engineering related to the services provided by the holder of a certificate of authorization, the certificate of authorization is subject to the same terms and conditions prescribed by the regulations that apply to the temporary licence.

Suspension of effect of certificate of authorization

15. (5) A holder of a certificate of authorization ceases to be entitled to offer to the public or to provide to the public services that are within the practice of professional engineering as soon as there is no holder of a licence or a temporary licence who assumes responsibility for and supervises the practice of professional engineering provided by the holder of the certificate of authorization.

Past conduct

15. (8) The Registrar may refuse to issue or may suspend or revoke a certificate of authorization where the Registrar is of the opinion, upon reasonable and probable grounds,

- (a) that the past conduct of a person who is in a position of authority or responsibility in the operation of the business of the applicant for or the holder of the certificate of authorization affords grounds for the belief that the applicant or holder will not engage in the business of providing services that are within the practice of professional engineering in accordance with the law and with honesty and integrity;
- (b) that the holder of the certificate of authorization does not meet the requirements or the qualifications for the issuance of the certificate of authorization set out in the regulations; or
- (c) that there has been a breach of a condition of the certificate of authorization.

Supervision by professional engineer

17. (1) It is a condition of every certificate of authorization that the holder of the certificate shall provide services that are within the practice of professional engineering only under the personal supervision and direction of a member of the Association or the holder of a temporary licence.

Fiduciary, etc., relationship between corporation and client

20. A corporation that holds a certificate of authorization has the same rights and is subject to the same obligations in respect of fiduciary, confidential and ethical relationships with each client of the corporation that exist at law between a member of the Association and his client.

Idem, services of professional engineer

40. (3) Every person who is not acting under and in accordance with a certificate of authorization and who,

- (a) uses a term, title or description that will lead to the belief that the person may provide to the public services that are within the practice of professional engineering; or
- (b) uses a seal that will lead to the belief that the person may provide to the public services that are within the practice of professional engineering,

is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$10,000 and for each subsequent offence to a fine of not more than \$25,000.

From Ontario Regulation 941:

47. The requirements and qualifications for the issuance of a certificate of authorization are:

1. The applicant must designate, as the person or persons who will assume responsibility for and supervise the services to be provided by the applicant within the practice of professional engineering, one or more Members or holders of temporary licences each of whom has at least five years of professional engineering experience following the conferral of a degree described in subparagraph 1 i of subsection 33 (1) or the completion of an equivalent engineering education.
2. The application for the certificate of authorization must state that the persons named in paragraph 1 are,
 - i. the applicant for the certificate of authorization,
 - ii. employees of the applicant,
 - iii. partners in the applicant, or
 - iv. employees of partners in the applicant,and will devote sufficient time to the work of the applicant to carry out the responsibilities set out in paragraph 1.
3. The applicant must certify in a form that will be supplied by the Registrar that,
 - i. the applicant is insured against professional liability in accordance with subsection 74 (1),
 - ii. the applicant is participating in the Indemnity Plan of the Ontario Association of Architects in accordance with clause 74 (2) (a) and the applicant's practice is limited to professional activities covered by that Plan,
 - iii. the applicant has other insurance in accordance with clause 74 (2) (b),
 - iv. the applicant is not required to have professional liability insurance because any such insurance would be in respect of pollution hazards, nuclear hazards, aviation hazards or shipping hazards, or

- v. the applicant will comply with section 74 in the manner provided by that section by notifying each person to whom the applicant intends to provide professional engineering services that the applicant is not insured in accordance with the minimum requirements of that section.

48. (1) A natural person, partnership or corporation that desires a certificate of authorization shall submit an application in the form that shall be provided by the Registrar containing,

- (a) the names and addresses of the natural person, all partners, or all officers and directors, as the case may be, of the applicant;
- (b) the names of the natural person, partners or employees, as the case may be, who hold licences or temporary licences and who will assume responsibility for and supervise the services provided that are within the practice of professional engineering on its behalf;
- (c) the certificate of a person named in clause (b) certifying,
 - (i) that the information contained in the application is true and correct, and
 - (ii) in the case of an application for a general certificate of authorization, that the primary function of the applicant is or will be to provide services in the practice of professional engineering to the public. R.R.O. 1990, Reg. 941, s. 48 (1).

48. (2) The information listed in subsection (1) shall be noted on the registers maintained by the Registrar.

48. (3) The Council may publish the information referred to in subsection (2) from time to time.

49. (1) Subject to earlier expiry under subsection (2), a certificate of authorization,

- (a) is valid from the date of issue and expires one year after the last day of the month in which the certificate was issued; and
- (b) is renewable on the date of expiry, subject to subsection 15 (8) of the Act.

49. (2) Where the natural person, partners or employees named in an application for a certificate of authorization are all holders of temporary licences, a certificate of authorization issued in respect of the application expires on the latest date of expiry of the last to expire of such temporary licences.