



# Guide—Would I need a certificate of authorization if the repeal is proclaimed?

## **Are you offering services to the public or engaging in the business of providing services to the public within the practice of professional engineering?**

The *Professional Engineers Act* states: “no person shall offer to the public or engage in the business of providing to the public services that are within the practice of professional engineering except under and in accordance with a certificate of authorization.” In the act, “person” means an individual or an entity through which services are provided.

## **Is the service professional engineering?**

According to the *Professional Engineers Act*, the “practice of professional engineering” means “any act of planning, designing, composing, evaluating, advising, reporting, directing or supervising that requires the application of engineering principles and concerns the safeguarding of life, health, property, economic interests, the public welfare or the environment, or the managing of any such act”.

1. Are you planning, designing, composing, evaluating, advising, reporting, directing or supervising, or managing any of these acts?
2. Are engineering principles required to carry out the act?
3. Does the act concern the safeguarding of life, health, property, economic interests, the public welfare or the environment?

If you can answer yes to all three questions, the service you are offering or providing is professional engineering.

## **Does the service fall within the exception to holding a certificate of authorization (C of A) set out in Section 12 of the *Professional Engineers Act*?**

- (a) Is it an act that involves designing or providing tools and dies?
- (b) Is it one of certain acts related to buildings of less than 600 square metres in gross area and three storeys or fewer in height (see the *Professional Engineers Act*, s. 12(4)-(5) for details)\*?

If you answered no to either of the above, you must hold a certificate of authorization (C of A) to offer or provide the services. However, if you can answer yes, you do not require a C of A.

\* Note: The professional engineering work excepted from requiring a licence holder to do the work under sections 12(4)-(5) of the *Professional Engineers Act* is identified in Part 9 of the Ontario Building Code as being able to be performed by a licence holder, a business code identification number (BCIN) holder, or an architect. However, although the *Professional Engineers Act* does not require that this work be done by a licence holder, should a PEO licence holder choose to offer these professional engineering services, the licence holder would be required to hold a C of A.

### **Must the certificate of authorization holder carry liability insurance?**

Every holder of a certificate of authorization must not offer or provide to the public services within the practice of professional engineering unless the holder is insured for professional liability in accordance with the provisions in section 74(1) of Regulation 941/90, unless:

- (a) the holder participates in the Indemnity Plan of the Ontario Association of Architects and the holder's practice is limited to professional activities covered by that plan;
- (b) substantially all claims arising out of the service within the practice of professional engineering would be covered by other insurance whose terms of coverage are not materially less than the minimum requirements set out in section 74(1);
- (c) the professional liability insurance would be for pollution hazards, nuclear hazards, aviation hazards or shipping hazards; or
- (d) before entering into an agreement to provide professional engineering services, the holder notifies each person to whom the holder intends to provide the services that the holder is not insured in accordance with the minimum requirements of section 74(1) and receives from each of them written authority to provide the services without that insurance.

**Note: On a day to be named by proclamation of the Lieutenant Governor, regulations will require the certificate of authorization holder to complete a form on the Professional Engineers Ontario (PEO) website for every job where the C of A holder does not have insurance.**

### **What is PEO's Enforcement Policy?**

PEO's policy is to seek compliance with the *Professional Engineers Act*. If compliance is not achieved, or the circumstances represent a more serious violation, PEO will initiate court proceedings. If you have concerns about either the work of an engineer, or suspect that a person or a company is practicing engineering and may not be licensed, you can contact PEO's Enforcement hotline at: 416-224-9528 ext.1444 or 1-800-339-3716 ext. 1444 or [enforcement@peo.on.ca](mailto:enforcement@peo.on.ca).