



**Professional Engineers
Ontario**

September 16, 2005

The Honourable John Gerretsen
Minister of Municipal Affairs and Housing
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Dear Minister Gerretsen:

RE: Our Conversation at Lorenzo Berardinetti's Event

It was nice to see you at the event with Lorenzo Berardinetti in Scarborough last week!

We greatly appreciate your offer to speak with Attorney General Michael Bryant regarding the legislative conflict that remains in respect of Bill 124, the Building Code Statute Law Amendment Act and our self-regulatory regime established through the Professional Engineers Act.

As we discussed, the amendment to the Ontario *Building Code Act (OBCA)*, subsection 15.11(5) introduces a statutory prohibition on the practice of professional engineering in the building sector that previously did not exist. Furthermore, we believe that the enabling legislation encroaches and therefore undermines the powers and the regulatory regime established under the *Professional Engineers Act*. If allowed to stand, this legislation will set in motion a precedent to regulate the already regulated professions. Such action sends the unfair message to the public that the existing self-regulatory public statutes are ineffective in providing the requisite public protection and accountability established well over 80 years and prior to what the *OBCA* now purports to provide. Why does the current government want to associate itself with such drastic intervention that in essence usurps and denigrates the existing legal instruments? Has the government lost faith in the self-regulatory statutes? Would such unwarranted intervention be accepted in other self-regulatory bodies? In addition, if the two regulatory regimes are to remain intact, the current language in the *OBCA* sets up the potential for a public accountability conflict. Which Ministry will assume the political accountability for this unprecedented regulatory scheme?

For your information, we met with representatives of the Ontario Architects Association last week and they too share our concerns regarding the Building Code legislation and believe there is similar duplication with the Ontario Architects Act.

Association of Professional
Engineers of Ontario

We greatly appreciate any assistance you can provide to address these legislative conflicts with the Attorney General.

Please do not hesitate to contact me if you require any additional information. Thank you for your attention to this matter.

Yours truly,

A handwritten signature in black ink, appearing to read 'K Allen', written in a cursive style.

Kim Allen, P.Eng.
CEO and Registrar

cc: The Honourable Michael Bryant, LL.B., LL.M., Attorney General
David Zimmer, LL.B., Parliamentary Assistant to the Attorney General
Brian Watkinson, Ontario Architects Association
Johnny Zuccon, Deputy Registrar, PEO
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