

**Construction Lien Act Review Consultation Meeting Summary
Association of Registered Interior Designers of Ontario**

November 12, 2015 (1:00 p.m. to 4:00 p.m.)

Attendees: Sharon Portelli, Bruce Reynolds, Sharon Vogel, James Little

Sheryl Cornish, Counsel at the Ministry of the Attorney General, attended the meeting to record a summary.

For the introduction provided by the Review, please see document titled BLG Consultation Introduction.

General Comments from the Association of Registered Interior Designers of Ontario

The feedback is very brief for members of the Association of Registered Interior Designers of Ontario ("ARIDO") because they are not typically in situations where they need to file a lien or where a lien has been registered on a property. The interior design profession provides design of the interior environment.

In Ontario there are 1,100 registered interior designers. In order to be an interior designer, you have to be registered with ARIDO. The Association does not have the ability to restrict practice. An individual can practice without being a member but they cannot hold themselves out as an interior designer unless they are registered. The academic and experience requirements include a degree, two years of work experience and an examination requirement. This process takes about seven to eight years.

Scope of Practice of Interior Designers

There is often confusion about what interior design is. An interior designer's scope of practice exists within the *Architects Act* (s.11(3)), which describes situations where an architect is not required to carry out design of interior space.

The scope of practice in the *Architects Act* is very specific. Interior designers can create the design of an interior space, including drawings of the space that includes finishings, fixed furnishings, and partitioning. The important thing is that because of the exemption in the *Architects Act*, whatever they do cannot impact the structural integrity of a building. If it does, they have to call in an architect.

Interior designers cannot do anything that involves a fire safety system or fire protection. They can hire an architect to do it but cannot get into that area of practice. In addition, they cannot do construction or relocation of an exterior wall. They could separate a room and put up a wall. They could also work with an acoustics consultant to ensure that the acoustics meet the needs of the client. They will work on space planning and placement of certain departments in a way that makes sense. Interior designers will create a design solution and recommend trades, but the client hires the trade.

Interior designers may be required to file for a building permit. There is a Building Code Identification Number (“BCIN”) certification process under the Building Code. They are trained for houses, small or large buildings. The need for BCIN certification depends on the type of project. Interior designers are the largest user of the BCIN program.

Also, interior designers may be under the oversight of the architect who has designed the building. They are brought in as a sub consultant. Interior designers never hire contractors or subcontractors and have minimal involvement in construction. They create the design concept, but the client hires the contractor and subcontractor. The interior designer will be a consultant to the client, but is not as heavily involved as the other professions might be.

ARIDO’s Comments on the Act

ARIDO explained that the Act does not have a huge impact on the profession. Interior designers are involved in discussions with other professions, such as general contractors who may have issues they want addressed.

Some stakeholders had suggested to the Review that home renovations should be taken out of the Act and that claims of \$25,000 or less be addressed through the small claims court. ARIDO has not heard from members who do residential work on this issue, and thus has no view. For interior designers, residential is not the primary area of business (30 percent of members do residential work). A small percentage (5 percent) of ARIDO members do strictly residential projects. They mostly do corporate-commercial work, including offices, restaurants, hotels, condominiums, and buildings under supervision of architect. Some members do schools, hospitals, and clinics.

Some members of the consulting stakeholder community have noted the concept of “scope creep” as an issue where a lot of additional work comes up that otherwise did not make up part of the project. When discussing this concept, these stakeholders suggested that holdback should reflect the full scope of the value of the work at that point in time. This includes deficiencies or other aspects of the project that cause more work.

ARIDO is concerned that there is no recourse for the owner to get the contractor to come back to complete the work. Members have been in situations where there is a lien and then everything is released and it is hard to get the contractor back to do the work. The assumption is that this happens because the contractor is doing other work. What could have been a small delay becomes a larger delay. No solutions have been put forward by members.

ARIDO concurs with the adoption of phased substantial completion and/or phased release of holdback. The interior designer’s work is done at the front end, so they have to wait a long time to have the holdback paid out. This depends on the size of the project. A very large project is different than an office that could be done in seven to eight months. The designer will work with the client to come up with a design solution and then it goes to the construction/project manager. The designer will then come back

at the end of the project to ensure that the work has been done to the drawings or deal with any deficiencies.

ARIDO supports the principles of Bill 69 where it is a solution that is encompassing of all professionals and stakeholders, including interior designers. It does not know what a solution that fits everyone will look like. There may not be a solution that is one-size fits all.

ARIDO has not been hearing about people not being paid promptly. They are looking to get data on this over the next year. Anecdotally, members say there is a 10 to 20 day delay in being paid. It is never a long period of time where they are not being paid for design services.

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