

Sean Caulfeild, B.A., JD, MBA

Incorporation for Ontario-Licensed Engineers - Best Practices

Oct 23rd, 2023

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3. How to Create a Professional Engineer Ontario

a. Steps for Incorporating:

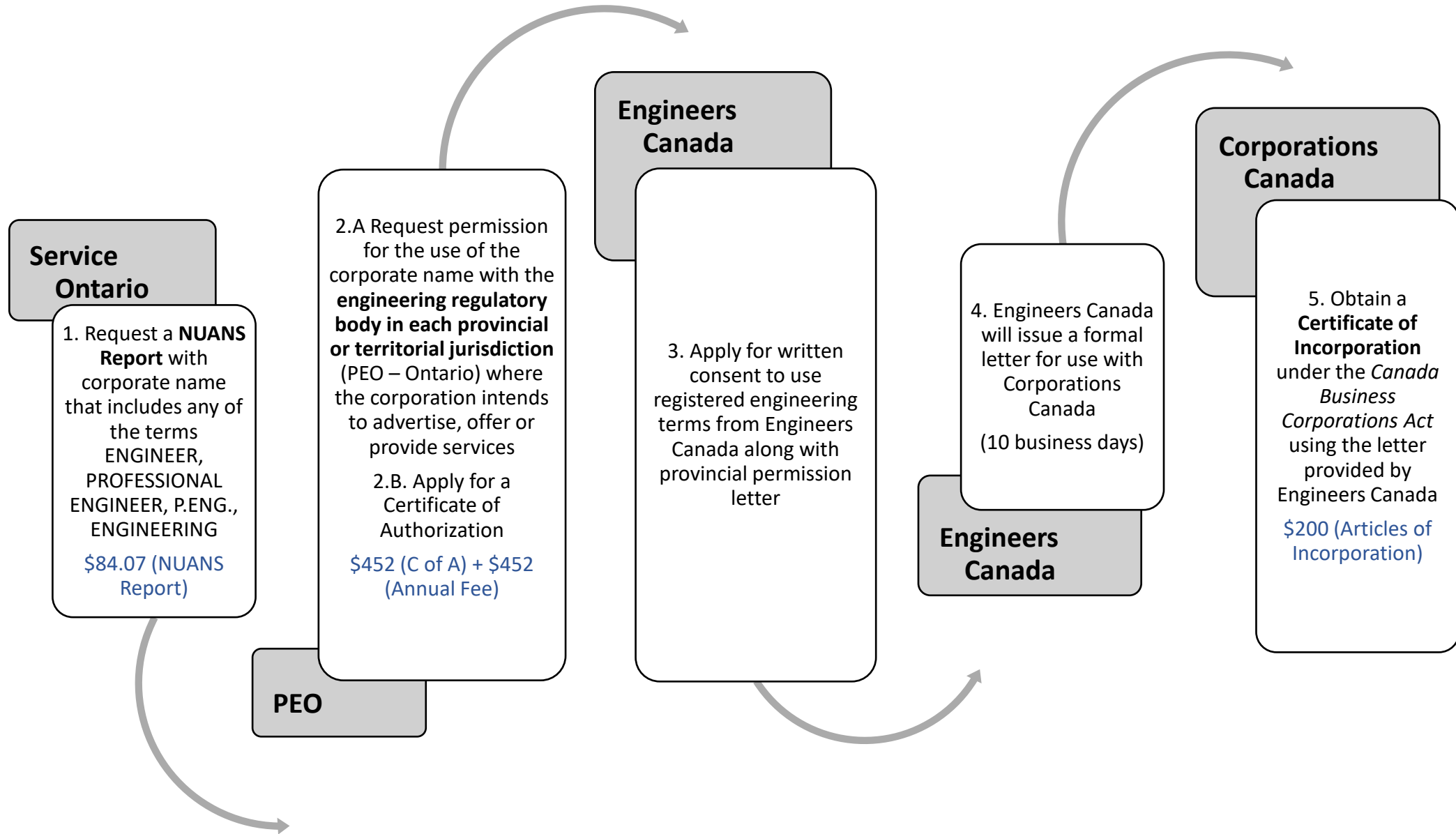
1. Request a NUANS Report with corporate name that includes any of the terms ENGINEER, PROFESSIONAL ENGINEER, P.ENG., ENGINEERING (\$84.07).
- 2.A. Request permission for the use of the corporate name with the engineering regulatory body in each provincial or territorial jurisdiction where the corporation intends to advertise, offer or provide services.
- 2.B. Apply for a Certificate of Authorization (\$452 – C of A + \$452 Annual Fee).
3. Request an unconditional written consent from Engineers Canada along with the provincial permission letter.
4. Request a Certificate of Incorporation with Corporations Canada, using the formal letter provided by Engineers Canada (\$200 Articles of Incorporation).

b. Key Regulatory Requirements:

1. **PEO (Ontario):** Paragraph (1) of section 47 of Regulation 941 made under the *Professional Engineers Act* requires that an applicant for a C of A designate at least one of the following people in the firm to assume professional responsibility for the services provided: a professional engineer, a temporary licence holder, a limited engineering licensee, or a licensed engineering technologist (LET) who has met the experience requirement of section 46(1)2 of O. Reg. 941/90 (if the application for the limited licence was made on or after the July 1, 2015).

Note:

- A limited engineering licensee (LEL) may not assume responsibility for the services provided and devote sufficient time and provide personal supervision and direction to the work of the applicant that is within the practice of professional engineering, unless the LEL's application for the limited licence was made on or after July 1, 2015.
 - LELs whose application for the limited licence was made before July 1, 2015 are not eligible to assume responsibility, unless they reapply for a new LEL and are subsequently authorized to be listed to assume responsibility under a C of A
2. **Engineers Canada (Federal):** they require a commitment that the corporation and/or its employees (as required by provincial and territorial engineering legislation) acquire and maintain in force licensure from all the provincial and territorial engineering regulatory bodies in the jurisdictions where the corporation intends to advertise, offer, or provide services.





October 23, 2023

Mr. Peter Pan, P.Eng.
123 Elgin Ave. W.
Kitchener, Ontario N2M 1LS

Dear Mr. Pan:

Re: Proposed Incorporation of Peter Pan Engineering Inc.

I thank you for your e-mail of October 16, 2023, regarding your request that the Association consent to the use of a name containing the word "engineering", pursuant to the *Canada Business Corporations Act*. In your letter, you confirmed that it is your intention to engage in the business of providing professional engineering services to the public through the corporation.

Please note that final decisions regarding the names of federal corporations are within the sole discretion of Engineers Canada. You will require their consent in addition to ours in order to use this name in a federal corporation. We are providing our consent for the benefit of Engineers Canada to assure them that PEO has no objection to the proposed corporate entity carrying on business in the province of Ontario. Engineers Canada will require a request on their prepared form. You will be required to provide:

1. Confirmation of the provincial/territorial jurisdiction(s) where the corporation intends to advertise, offer or provide services.
2. A commitment that the corporation and/or its employees (as required by provincial and territorial engineering legislation) acquire and maintain in force licensure from all the provincial and territorial engineering regulatory bodies in the jurisdictions where the corporation intends to advertise, offer or provide services.
3. Commitment that should the corporation advertise, offer or provide services beyond the jurisdiction(s) identified above, the corporation would request and receive consent to use the corporate name from all the additional provincial and territorial engineering regulatory bodies in the jurisdictions where the corporation is intending to advertise, offer or provide services.
4. Acknowledgement that advertising, offering or providing services under the proposed corporate name cannot be provided in the province of Quebec.
5. Commitment that the corporation will comply with all applicable provincial and territorial statutes, regulations and by-laws governing the regulation of the engineering profession.
6. Attach copies of the permission letter from each engineering regulatory body in the jurisdictions where the corporation intends to advertise, offer or provide services.

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More information about the requirements can be found at <https://engineerscanada.ca/services/registering-canadian-corporation>

Please note that PEO will maintain copies of your letter or e-mail requesting consent, this consent letter, a copy of the Engineers Canada consent letter and the Engineers Canada request form in perpetuity in the event a dispute arises about the corporate name.

Under the provisions of the Ontario *Extra-Provincial Corporations Act*, corporations incorporated under the *Canada Corporations Act* are not required to obtain the consent of PEO to use the word "engineering" in their title as a condition of registering the Canadian corporation with the Ontario Ministry of Government Services to do business in Ontario. However, under the provisions of s. 12(2) and s. 40(3)(a) of the *Professional Engineers Act*, any corporation requires a PEO Certificate of Authorization in order to engage in the business of professional engineering and use the word "engineering" to promote their business activities.

Please note that in the event the corporation's Ontario Certificate of Authorization lapses or is closed, PEO reserves the right to take appropriate legal action against the corporation if it does not voluntarily change its name.

Under these terms, the Association hereby consents to the incorporation of **Peter Pan Engineering Inc.** on the condition that the company maintains in force, a Certificate of Authorization with PEO pursuant to Section 15 of the *Professional Engineers Act*, R.S.O. 1990, c. P. 28, so long as it remains registered as an extra-provincial corporation in Ontario.

If you require any further assistance, please do not hesitate to contact me at 416-840-1075 or 1-800-339-3716, Ext. 1000. I can be e-mailed at chook@peo.on.ca.

Kind regards,



Captain Hook
Enforcement and Advisory Officer
Regulatory Compliance

SH:

Encl



June 26, 2023

The Director, Corporations Canada
Industry Canada
9th Floor, Jean Edmonds Towers South
365 Laurier Avenue West
Ottawa, ON K1A 0C8

Re: Incorporation of a Corporation by the Name: Climes Group Engineering Inc.

Engineers Canada / Ingénieurs Canada hereby consents to the incorporation of a corporation in the name of Climes Group Engineering Inc.

Consent given at Ottawa, on this date, June 26, 2023.

Engineers Canada / Ingénieurs Canada

Per: *S.B. Light Go*

S.B. Light Go
Legal Counsel, Engineers Canada