



Community Associations Institute ("CAI")
Canada Chapter

Comments on the Proposed Regulations under
the Condominium Management Services Act,
2015

February 23, 2017

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The Ministry of Government and Consumer Services
Condominium Management Services Act, 2015 (“CMSA”)
56 Wellesley Street West, 6th Floor, Toronto, ON, M7A 1C1

Re: **Community Associations Institute (CAI) Comments on the Proposed Regulations under the Condominium Management Services Act, 2015 – Proposal 16-MGCS023**

To Whom It May Concern:

The Community Associations Institute (CAI) submits the following comments in support of the Ontario Ministry’s proposed regulations under the Condominium Management Services Act, 2015. CAI applauds the Ontario Ministry for an excellent first draft of the proposed regulation to establish the licensing regime for the condominium management profession. Ontario has seen tremendous growth in the development of condominiums in the last 30-40 years with more and more residents making their home in a condominium. It is indeed vital that this area of the housing market be high functioning with appropriate consumer protections for those calling a condominium their home.

CAI offers the comments in the spirit of cooperation with the tremendous amount of work that has gone into the development and enactment of the new law as well as these regulations.

As you read through our comments, please be assured that we are willing to work with the Ontario Ministry in any way possible to ensure options are made available in the marketplace for condominium managers to obtain licensing in a fair and equitable manner and so consumers have the adequate protection of competent condominium managers. CAI’s vision is to provide resources and guidance so the Ministry may release the most comprehensive and best regulations offering clear direction and options for the condominium management profession and protection to consumers.

The Profession of Condominium Management

Successful condominium managers must possess knowledge and skills relating to finance, strategic planning, maintenance, personnel management, insurance, human relations, laws and regulations, communications and covenants enforcement. More than manage, these professionals must also provide sound advice on the vast array of topics addressed by the volunteers who serve on condominium boards.

The profession of condominium management has become increasingly specialized and challenging as communities have become more complex and demanding. The position has

taken on even greater importance as governments have ceded more responsibility to condominium corporations— from road maintenance and street lighting to recreational amenities, communications, shared facilities and cost sharing agreements.

It was with these responsibilities in mind that CAI developed the only certification program designed specifically for condominium managers. Created in 1995 and administered by the Community Association Manager International Certification Board (CAMICB), the program established condominium management as a distinct profession and continues to offer professional development opportunities specifically tailored to the professionals who choose this career path. The Certified Manager of Community Associations (CMCA) examination, is a psychometrically developed certification examination measured against international standards of testing development to assess the competency of a condominium manager.

CAI provides educational opportunities toward even more advanced accreditation, such as the Association Management Specialist (AMS), Large-Scale Manager (LSM) and the Professional Community Association Manager (PCAM). All are designed to elevate the professional abilities of condominium managers. Tens of thousands of managers have earned CMCA certification and AMS, LSM and PCAM designations in the U.S. and around the world.

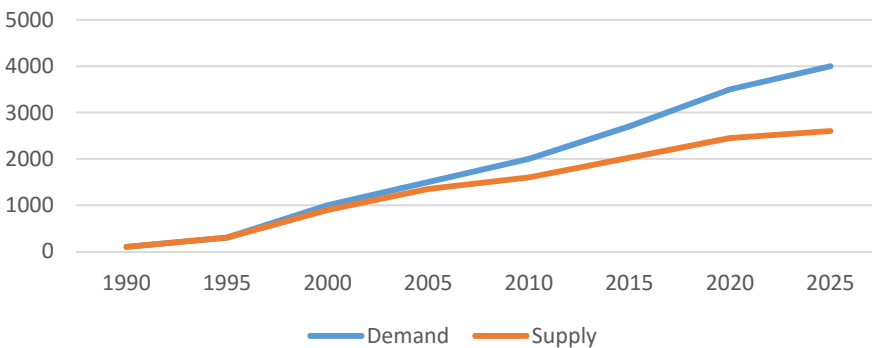
The condominium management profession has proven to be a stable profession for those who have found themselves in this growing market. In the last 40 years, the number of condominium corporations in Ontario has increased dramatically, and so has the need for qualified condominium managers. Further, condominium corporations will always be in need of professional management. As a result, the profession has proven to not be impacted negatively by a recessed economy. Additionally, during a recessed economy condominium managers must have a stronger toolbox of knowledge and expertise to help condominiums corporations navigate economic challenge related to the possibilities of homeowners' individual financial challenges.

Supply Gap of Qualified Condominium Managers

While condominium management is a stable and rewarding profession, the supply of condominium corporations has exceeded the supply of professional managers. This supply gap is one of concern that guides several of our comments. As such, burdensome regulations and expensive fees will create a further gap in the supply of professional condominium managers as the barrier to entry into the profession may be too great to overcome. Below you will find a graph illustrating the supply gap concern.

Management Staff Demand vs. Supply

*Figures are for illustration purposes only



Note: Condominium Corporation are growing to be more sophisticated and complex

Professional Occupational Licensing

Best practices in occupational licensing allow governments to safeguard consumers while maintaining a modernized regulatory system that meets the needs of workers and businesses. This simple statement creates a high threshold for a regulatory agency to balance the process to ensure it is not overly burdensome, difficult, or expensive to obtain for workers and companies while adequately protecting consumers.

Any licensing program makes it harder to enter a profession. Work in that occupation is only available to those with the time and means to fulfill licensing requirements. By making it harder to enter a profession, licensing can reduce employment opportunities, lower wages for excluded workers, and increase costs for consumers. **Therefore, there will be an impact on employment within the profession and increased cost for consumers.** Condominium management is considered a low- to middle-wage job. The education and experience requirements and the fees related to the licence must be affordable enough to allow workers to enter the field while providing real protection to consumers. Further, because licensing excludes people who would work in an occupation if the barrier to entry were lower. Research finds that more restrictive licensing raises prices for goods and services provided by licenced professionals by between 3 and 16 percent. The benefits of licensing need to be balanced against these impacts and increased costs.

Real protection to consumers occurs when a professional is able to demonstrate they are competent and may practically apply the core knowledge required to be successful. **The most common way to demonstrate competency is through an assessment using an examination that is specifically designed to assess abstract knowledge of the profession.** Coursework examinations test concrete knowledge. Psychometric examinations test abstract (practical) knowledge and therefore tests an individual's ability to apply what they know in a real life situation. The Certified Manager of Community Associations (CMCA) examination is the only international examination developed for the profession to assess an individual's ability to

practically apply the core competencies of condominium management for their client corporations.

It is beneficial for the Ministry to adopt and recognize existing coursework and examinations that meet high standards and regulatory needs. Creating new coursework and examinations is a costly endeavor for all regulatory agencies. Adopting and recognizing existing coursework and examinations **will save a tremendous amount of tax payer dollars, extra fees on licencees and increased costs on consumers.**

Comments on the Proposed Regulations under the Condominium Management Services Act, 2015

Part 1. Exemptions from Licensing

It is appropriate and best practice to provide exemptions for a licensing regime when it is recognized that the individual (or entity) in question does not meet the spirit of the definition of the profession. In this case, the statutory definition of “condominium management services” is broad and may apply to people who work in a management office or a condominium office, but do not have the full authority of a condominium manager.

The specific area of concern with the exemption is in #16. “An individual who is employed by a licenced condominium management provider or a condominium corporation or who acts on behalf of the corporation if... ”

The three points proposed in the regulation contemplates one manner in which common expense fees are paid by unit owners to the condominium corporation. This section does not contemplate the arrangement of a centralized accounting system within a management firm. The lack of clarity in the exemption leaves additional support staff exposed to the possibility of requiring, unnecessarily, to earn a licence.

Recommendation:

Add the following language to the exemptions from licensing that will clarify the provisions shall not be construed to apply to:

- An employee of a duly licenced general licencee condominium manager or duly licenced condominium management provider from providing services within the scope of the employee’s employment by the duly licenced general licencee manager or licenced condominium management provider.

Part 1. Condominium Managers, Limited Licence, Condominium Managers General Licence; and Condominium Managers, Transitional Licence

The proposed regulations call for a graduated licensing system outlining fewer restrictions (and authority) on a limited licence manager and greater restriction (and authority) on a general licence manager and licensure of the management company.

This scheme may be applicable to a manager who may qualify for a limited licence and transition to a general licence condominium manager. However, there are several scenarios where this structure may not apply the way it is intended. For example, you may have a senior executive with high-quality, transferable skills and experience who has the qualifications to be a high-functioning professional condominium manager. They will not be able to earn a general licence and will therefore have no choice but to earn the limited licence and assume the “label” that may accompany the limited licence (i.e. less experienced, assistant-level, at best).

Further, this structure does not recognize the practical work-flow between a managers to a non-manager. A manager may delegate the work or purchase authority to a front-desk clerk of a condominium to fulfill supply order or other ministerial duty that are approved by the condominium board. To require a front-desk clerk or admin to obtain a licence would be an overreach in the intent of the licence. Consideration should be made as to the role of condominium management support staff, property administrators and assistant property managers.

Recommendation:

Remove the limited licence.

If the Ministry does not see it fit to remove the limited licence, perhaps establish a limited licence and general licence and make it very clear that the limited licence is for an individual who is entering the profession and has not yet had time to earn the experience and take the requisite coursework and examination.

Part 1. Condominium Managers, Limited Licence, Condominium Managers General Licence; and Condominium Managers, Transitional Licence – Specifically Application Requirements

The proposed regulations recognize competency through experience – five years for a general licensee – membership in a professional trade organisation, and successful completion of related coursework.

Real protection to consumers occurs when a worker is able to demonstrate their competency by their ability to practically apply the core knowledge required to be successful in their profession. The most common way to demonstrate applied knowledge competency is through an assessment using an examination that is specifically designed to assess applied-and not concrete-knowledge of the profession. Coursework examinations test concrete knowledge (i.e.

definitions). Psychometric examinations test applied (practical) knowledge and therefore tests an individual's ability to apply what they know in a real life situation for consumers. The Certified Manager of Community Associations (CMCA) examination is the only international examination developed for the condominium profession to assess an individual's ability to practically apply the core competencies of condominium management for their client corporations. Further, the standards for testing are internationally recognized through CAMICB, a National Commission for Certifying Agencies (NCCA) accredited organisation.¹

Hands-on work experience is undoubtedly very helpful for a condominium manager to learn how to apply their coursework in practical circumstances for their client condominiums. However, hands-on experience does not translate to competency. Further, five years of experience for a general licensee is significantly greater than the requirement for a lawyer looking to practice law in Ontario. **Ontario lawyers require 10 months of experience prior to sitting for their bar examination.** Lawyers would likely be considered high-wage earners and as stated previously, condominium managers would likely be considered low- to middle-wage earners. The threshold of five years' experience is a requirement that will undoubtedly limit the supply of managers and increase costs to consumers. After reviewing a sampling of regulatory requirements, specifically related to experience, the requirement of five years' experience for a mid-level trade seems to be a significant barrier to entry. (See appendix A).

Recommendation: To recognize the true assessment of competency for professional condominium managers, the licensure requirements might be better balanced by incorporating the following changes; including the elimination of the experience requirement and reliance on the competency assurance examination.

Recommended changes are illustrated in the following chart:

¹ See *Resources* for more information.

Condominium Corporation Manager	Limited Licence	General Licence	Notes
Experience as a condominium manager	None	None	If an individual passes coursework and an examination, they are deemed competent as a condominium manager.
Complete Legal Name or Business Name	•	•	
Application Form	•	•	
Fee	•	•	
Police Record Check (from last 6 months and notification of changes)	•	•	
Education and Exam Requirements	None	Successful completion of specific coursework on comprehensive condominium corporation management issues as currently outlined and offered by ACMO and applicable courses offered by Community Associations Institute (CAI).	
Continuing Education Requirements (annually)	16 hours	16 hours	
Comprehensive Exam Requirements	None	Must successfully pass the international version of the Certified Manager of Community Associations Examination	
Named Equivalent Licences in the Regulations	Not applicable	RCM, Certified Manager of Community Associations (CMCA), Association Management Specialist (AMS), and Professional Community Association Manager (PCAM)	
Length of Licence	May not hold more than two years. Must earn a general licence.	Renews as directed by the Ministry.	

Part 1. Condominium Managers, Limited Licence, Condominium Managers General Licence; and Condominium Managers, Transitional Licence – Specifically Application Requirements related to Educational and Examination Requirements

It is in the best interest of the professional manager, the condo board members, and the residents to have clear and specific direction regarding the educational and examination requirements for licensure. The general statements included in the proposed regulations must be clarified and specific in the final regulations throughout all of the licensure requirements. In all appropriate references to educational and examination requirements; including limited, general, and transitional; the final regulations should include specific coursework/titles offered by specific organisations so professionals do not have to wait for an individual analysis of their application. The approved coursework specifically listed in the final regulations should include the following:

- Community Associations Institute’s M-100: The Essentials of Community Association Management
- Community Associations Institute’s M-201: Facilities Maintenance
- Community Associations Institute’s M-204: Community Governance
- Community Associations Institute’s M-205: Risk Management
- Community Associations Institute’s M-206: Financial Management
- Community Associations Institute’s Ontario Law Course*

The examination should be clearly defined as a psychometrically developed examination designed to test the competency of a condominium manager. Specifically, the Certified Manager of Community Associations (CMCA) Examination should be named as an examination option.

Further, and similar to 37 other professions and trades, the Ministry should consider recognizing a third-party organisation such as CAMICB as the governing body for testing and examinations through the approved testing centers across Ontario.

Conclusion

Strong consumer protection fundamentally needs regulations that efficiently protects consumers, creates an attractive industry for business entry and growth, and supports open-market competition contributing to a better society. Therefore, CAI believes it is imperative that the Ministry focus their efforts away from regulating education, and focus on developing strong licensing, testing and work experience regulations.

With 34,000 members that represent more than 400,000 communities worldwide, CAI is confident that with the recognition of our professional management development program and the CMCA international credential, the Ministry will be providing condominium managers the most efficient pathway achieve gain their licence while protecting condominium.

We look forward to meeting with the Ministry independently to discuss these concepts and to share access to our education and examination materials. On behalf of the CAI Canada Chapter, and in conjunction with Community Associations Institute (CAI) International and the Community Association Managers International Certification Board (CAMICB).

Please contact us with any questions.

Very truly yours,



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About Community Associations Institute

Established in 1973, Community Associations Institute (CAI) is an international membership organisation dedicated to building better communities. With more than 34,000 members, CAI works in partnership with 62 chapters, including a chapters in Canada and South Africa, as well as with housing leaders in a number of other countries, including Australia, Canada, the United Arab Emirates and the United Kingdom. CAI provides advocacy, information, education, and resources to the homeowner volunteers who govern communities and the professionals who support them. CAI members include board members and other homeowner leaders, condominium managers, management firms and other professionals who provide products and services to condominium corporations.

CAI Canada (the Canadian chapter of CAI) was formed to represent the Canadian interests of the broader industry, and to ensure that Canada is part of the conversations related to setting standards and sharing industry-wide best practices. Additionally, CAI Canada will follow in CAI's footsteps by advocating at the federal, provincial and municipal level across Canada.

The primary focus for CAI in the short term is Ontario, hence this formal submission in response to the Proposed Regulations under the Condominium Management Services Act, 2015. We have the full support of the CAI headquarters which has extensive experience in industry advocacy, best practices, competency assurance, and standard setting.

Resources and Links

[Community Associations Institute Professional Management Development Program](#)

Through this program, CAI provides the most comprehensive, expert education courses for condominium managers seeking to increase their skills, knowledge and job opportunities. For a list of courses, schedules, and learning objectives, visit www.caionline.org/pmdp

[Community Association Managers International Certification Board \(CAMICB\) administers the Certified Manager of Community Associations \(CMCA®\)—The Essential Credential™.](#)

CAMICB is the professional accreditation body for more than 16,000 community association managers worldwide. CMCA's manage condominium associations, homeowner associations, resort communities and commercial tenant associations.

CAMICB adheres to the National Commission for Certifying Agencies' (NCCA) guidelines. The CMCA credential is accredited by the National Commission for Certifying Agencies which means it complies with NCCA's stringent standards for a professional certification program. NCCA accreditation provides independent validation that the CMCA program meets or exceeds twenty-one standards concerning various aspects of the certification program including its purpose, structure, governance, psychometric foundation, policies and procedures. Accreditation validates the integrity of the program and is a mark of quality.

Learn more here: www.camicb.org

[The Institute for Credentialing Excellence \(ICE\) & National Commission for Certifying Agencies \(NCCA\).](#)

ICE is a professional membership association that provides education, networking, and other resources for organisations and individuals who work in and serve the credentialing industry. ICE is a leading developer of standards for both certification and certificate programs and it is both a provider of and a clearing house for information on trends in certification, test development and delivery, assessment-based certificate programs, and other information relevant to the credentialing community. ICE created the NCCA in 1987. NCCA's Standards for the Accreditation of Certification Programs, which were created in the mid-1970s, were the first standards developed by the credentialing industry for professional certification programs. The NCCA Standards were developed to help ensure the health, welfare, and safety of the public. They highlight the essential elements of a high-quality program.

Accreditation for professional or personnel certification programs provides impartial, third-party validation that your program has met recognized national and international credentialing industry standards for development, implementation, and maintenance of certification programs.

Learn more here: <http://www.credentialingexcellence.org/>

APPENDIX A: Ontario Professional Licensing for Trades – A Sampling for Comparison Purposes

Profession	Experience Requirement	Competency Assessment	Annual Fees
Architect	Yes: 940 hours in Ontario.	<ol style="list-style-type: none"> 1. The person must hold a degree in architecture from a post-secondary institution or must have successfully completed the Royal Architectural Institute of Canada Syllabus. 2. The person must hold a Certificate of Certification issued by the Canadian Architectural Certification Board. 3. The person must have completed the admission course offered by the Association. 4. The person must have successfully completed one of the following: <ol style="list-style-type: none"> i. The Examination for Architects in Canada published by the Association. ii. The Architect Registration Examination of the National Council of Architectural Registration Boards. iii. Any combination of the components of the Examination for Architects in Canada published by the Association and of the Architect Registration Examination of the National Council of Architectural Registration Boards that, considered as a whole, is equivalent to one of those examinations, as approved by the Council. 	Application Fee: \$282.50 Annual Fee (one licensed architect) \$480.82 Each Additional Architect: \$361.04

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Profession	Experience Requirement	Competency Assessment	Annual Fees
Audiologist	Yes: 6-month mentorship in Ontario.	<p>Initial Certificate: 1) The following are non-exemptible registration requirements for an initial certificate of registration:</p> <p>1. Subject to subsection (2), the applicant must satisfy the non-exemptible requirements for a general certificate of registration as set out in subsections 5 (1) and (2).</p> <p>2. The applicant must provide the Registrar with proof that he or she has an offer of employment in Ontario as an audiologist or speech-language pathologist. O. Reg. 21/12, s. 8 (1).</p> <p>(2) The Registrar may issue an initial certificate of registration to an applicant who has not completed the coursework or clinical practicum hours, or both, in a minor area of study if the applicant undertakes to complete the coursework and clinical practicum hours, as the case may be, during the term of the initial certificate of registration.</p> <p>General Certificate: The applicant must have a professional master’s degree in audiology or speech-language pathology or both from,</p> <p>i. a Canadian university program accredited by the Council for Accreditation of Canadian University Programs in Audiology and Speech-Language Pathology or by another accrediting body approved by the Council for that purpose, or</p> <p>ii. a university program, other than one referred to in subparagraph i, that is determined by a panel of the Registration Committee, in accordance with subsection (2), to be equivalent to a program referred to in that subparagraph.</p>	<p>Application Fee: \$100 Registration Fee: \$200 General Certificate: \$728 Initial Certificate: \$364</p>
Chartered Accountants	No	<p>Uniform Evaluation: Canadian Institute of Chartered Accountants Core-knowledge examination: Institute of Chartered Accountants of Ontario School of Accountancy Examination: Institute of Chartered Accountants of Ontario</p>	<p>The full CPA Ontario dues are \$1,084.80 (CPA Ontario \$580.00 + CPA Canada \$380.00 + 124.80 HST).</p>

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Profession	Experience Requirement	Competency Assessment	Annual Fees
Chiropractors	No	Canadian Chiropractic Examining Board (CCEB) Exam Components A,B, and C: Canadian Chiropractic Examining Board College of Chiropractors of Ontario Legislation and Ethics Exam: College of Chiropractors of Ontario	Renewal: \$200
Compulsory Trade (Too many to list)	In order to practice a compulsory trade you have to be a member of the College. In order to use the title “Journeyman” or say that you are a “certified Journeyman” or that you have your “Journeyman ticket” in a compulsory trade, you have to be a member of the Journeymen Class	Not all trades in Ontario are subject to a Certificate of Qualification (C of Q) examination. For a list of trades with C of Q examinations, click here. If your trade is not subject to a C of Q exam and you have a Certificate of Apprenticeship or an approved Trade Equivalency Assessment, you are eligible to apply directly for a C of Q and membership in the Journeymen Class	Apprentice, Journeyman Candidate, Tradesperson: \$67.80 Journeyman: \$135.60 Exam Fee: \$169.50
Engineers	Yes: 12 months of work experience anywhere in the world under the supervision of a Canadian professional engineer, while employed by a company whose head office is in Canada.	Professional Practice Exam: Professional Engineers Ontario	Annual: \$372.90
General Accountants	Yes: 12 months of work experience in Canada.	Professional Applications and Competency Evaluations (PA1): Issues in Professional Practice: Certified General Accountants of Ontario Professional Applications and Competency Evaluations (PA2): Strategic Financial Management: Certified General Accountants of Ontario	

APPENDIX A: Ontario Professional Licensing for Trades – A Sampling for Comparison Purposes

Profession	Experience Requirement	Competency Assessment	Annual Fees
<p>Lawyers</p>	<p>No, but see below:</p> <p>The Licensing Process consists of two components: Licensing Examinations; and the Experiential Training Program</p> <p>In order to complete the Licensing Process, a Candidate must: pass the Licensing Examinations during the Candidate’s Licensing Term; complete the Experiential Training Program during the Candidate’s Licensing Term or such later date established by the Executive Director, Professional Development and Competence pursuant to section 8.5 unless the Candidate is not required to complete that program pursuant to section 8.3; and comply with the Policy.</p> <p>In order to complete the Experiential Training Program a Candidate must: provide to the Society documents in accordance with the Policy; pay all Prescribed Fees required pursuant to the Policy; and complete Articles or the Law Practice Program in accordance with the Policy. A person must be registered into the Licensing Process to commence the Experiential Training Program.</p> <p>Application for Exemption from the Experiential Training Program: A Candidate may request an exemption from the requirement to complete the Experiential Training Program if the Candidate: has been licensed to practice law in a common law jurisdiction, and is currently in good standing in that jurisdiction or has chosen</p>	<p>The Barrister and Solicitor Exams: Law Society of upper Canada</p>	<p>Application fee: \$160 Barrister Licensing Exam: \$750 Solicitor Licensing Exam: \$750</p> <p>Experiential Training Program Fee: Articling Program/Law Practice Program \$2,800 Professional Conduct and Practice in Ontario: \$900</p> <p>Licensing Fee: Call to the Bar Fee: \$250</p>

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Profession	Experience Requirement	Competency Assessment	Annual Fees
	<p>not to maintain their license to practice law in that jurisdiction for reasons other than any disciplinary action; and has had at least 10 months of Common Law Practice Experience in that jurisdiction that addresses the experiential training competencies and requirements for Candidates established by the Society.</p>		

APPENDIX A: Ontario Professional Licensing for Trades – A Sampling for Comparison Purposes

Profession	Experience Requirement	Competency Assessment	Annual Fees
Massage Therapist	No	<p>The applicant must have,</p> <p>i. in the case of an applicant other than an applicant described in subparagraph ii,</p> <p>A. obtained a diploma in massage therapy from a private vocational school in Ontario, or a College of Applied Arts and Technology in Ontario,</p> <p>B. successfully completed a course in massage therapy at an educational institution outside of Ontario that the Registration Committee considers to be equivalent to the educational program currently being taught in schools and colleges referred to in sub-subparagraph A, or</p> <p>C. qualifications equivalent to those provided by the educational program currently being taught in schools and colleges referred to in sub-subparagraph A, or</p> <p>ii. in the case of an applicant who has previously held a certificate of registration under the Act or under a predecessor of the Act which certificate has lapsed, successfully completed a course of training as a massage therapist that, in the opinion of the Registration Committee, is substantially similar, but not equivalent, to the training described in sub-subparagraph A or B of subparagraph i. The applicant must have successfully completed the certification examinations set or approved by the College and complied with all requirements associated with those examinations, including payment of the examination fees.</p> <p>The Certification Examinations consists of a multiple choice question (MCQ) examination and an objectively structured clinical evaluation (OCSE) examination. The OSCE is a practical, hands-on examination. Both examinations were developed by the College.</p>	<p>OSCE: \$700 MCQ: \$500 Application Fee: \$100 January Registration: \$589 (fees prorated per month) Renewal Fee: \$200</p>
Management Accountants	No	<p>Case Exam: Certified Management Accountants of Canada Board Report: CMA Canada Entrance Exam CMA Canada</p>	<p>ASF Fee: \$700</p>

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Profession	Experience Requirement	Competency Assessment	Annual Fees
Source:	http://www.fairnesscommissioner.ca/index_en.php?page=about/current_projects/canadian_work_experience	http://www.fairnesscommissioner.ca/index_en.php?page=about/current_projects/examinations#sec4	