

Bill No. 106 of 1952.

A BILL TO AMEND THE ALBERTA ARCHITECTS
ACT.

NOTE.

This Bill amends *The Alberta Architects Act*, being chapter 285 of the Revised Statutes of Alberta, 1942.

Section 2 is amended to provide that the Act shall not apply with respect to private residences.

Section 7 is amended. The effect of this amendment is to increase the number of ordinary members of the Council from two to a number not exceeding eight.

Subsection (4) of section 8 is struck out. This subsection referred to persons who on the thirty-first day of March, 1938, were registered as members of the Association and who were not domiciled in the Province. Such persons by this subsection were deemed to be licensed architects and their licenses were to continue for such period as the council may determine.

Section 10 is repealed.

Section 21 is added. Subsection (1) sets out the buildings which under the Act require that the plans, drawings or specifications therefor be signed by an architect before they may be approved or accepted by any authority appointed to pass, approve or accept such plans. Subsection 2 restricts the application of subsection (1) to those buildings set out in subsection (1). Section 22 is new and provides that no architect's signature shall be required for the plans, drawings or specifications of a public or municipal building or structure where the plans have been approved by an employee of the Provincial Government or municipality in the course of his duties. Section 23 is a redraft of the former section 10, subsection (7).

Section 24 is the former section 10, subsection (1) re-drafted and without the provision prohibiting persons employing, retaining or contracting with a person not a registered architect to do any kind of architectural work.

Section 25 is new and provides that an architect who charges a fee for his services shall render a statement to his client itemizing his charges. Subsection (2) fixes the maximum fee where a fee is charged on a percentage basis to that percentage of the actual cost, or estimated cost agreed upon, whichever is the lesser.

Section 26 is new. Subsection (1) provides that a client shall be furnished with blueprints of plans prepared for him by an architect. Subsection (2) restricts the client's use of the blueprints to his own purpose unless he receives the consent of the architect concerned. Subsection (3) requires that the client be supplied with a set of blueprints upon the completion of his building.

Section 27 is new. It provides that an architect who charges a fee for supervision of a building shall be financially responsible for a period of two years for any claims arising out of a deviation from the plans unless the deviation was consented to by the client.

Section 28 is new. It provides that an architect who charges a fee for supervision and who fails to exercise the supervision is guilty of an offence.

Section 29 is new and provides that section 24 shall not apply to a registered engineer practising his profession or to a dominion or provincial land surveyor.

Section 30, subsection (1) is a redraft of the former section 10, subsection (2) with no substantial change. Subsection (2) is the former section 10, subsection (3).

This Bill comes into force on the 1st day of July, 1952.

J. W. RYAN,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 106 of 1952.

An Act to amend The Alberta Architects Act.

(Assented to _____, 1952.)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Alberta Architects Act*, being chapter 285 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. Section 2 is amended by adding immediately after subsection (2) the following new subsection: Section 2 amended

“(3) Nothing in this Act shall apply to private residences.”. Private residences

3. Section 7 is amended by striking out the words “two other members” and by substituting the words “not less than two and not more than eight other members”. Section 7 amended

4. Section 8 is amended by striking out subsection (4). Section 8 amended

5. Section 9 is struck out and the following is substituted: Section 9 amended

“**9.** (1) The Council shall enter into an arrangement with the General Faculty Council for the conduct of examinations. Conduct of examinations

“(2) The examinations of candidates shall be under the control of the University of Alberta.

“(3) The General Faculty Council shall prescribe the subjects, regulations and fees for such examinations as are required by this Act.

“(4) The examinations shall be held at such times and places as the General Faculty Council may direct.”.

6. The heading “Right to Practise” and section 10 are repealed. Section 10 repealed

7. The following new sections are added immediately after section 20: New sections 21 to 28 inclusive

“**21.** (1) Notwithstanding a provision to the contrary contained in an Act, ordinance or a by-law of a city, town, village or other local authority, no plans, drawings or specifications for the erection, enlargement or alteration of,— Exemptions

- “(a) any apartment or residential building containing five or more dwelling units;
- “(b) any hotel or similar occupancy containing eleven or more guest rooms for transient or permanent occupancy;
- “(c) any commercial or industrial building, or combination of same with other occupancies, in excess of five thousand square feet gross area, being the aggregate area of all floors;
- “(d) any one storey building to be used for public assembly wherein,—
 - “(i) the total occupant load exceeds three hundred people; and
 - “(ii) the gross area exceeds three thousand square feet; and
 - “(iii) the unsupported span exceeds thirty feet;
- “(e) any building of more than one storey to be used for public assembly, where the gross area exceeds over two thousand five hundred square feet;
- “(f) any building other than a veterinary hospital, with a capacity of over twelve beds, to be used as a hospital, sanatorium, or home for the aged;
- “(g) any school building containing more than three rooms for the teaching of general or special subjects, or containing a gymnasium or auditorium;
- “(h) any other building in excess of five thousand square feet gross area, being the aggregate area of all floors;
- “(i) any addition or alteration to an existing building which would place the same within the categories contained in clauses (a), (b), (c), (d), (e), (f) (g) and (h);

shall be passed, approved or accepted by any authority appointed to pass, approve or accept such plans, drawings or specifications, unless such plans, drawings or specifications have been approved and signed by a registered or licensed architect.

Approval
of plans

“(2) Notwithstanding anything contained in a municipal by-law, regulation or order only plans, drawings or specifications of such buildings as are specifically mentioned in subsection (1) shall be required to be approved and signed by a registered or licensed architect.

Signature
of architect

“**22.** Notwithstanding anything contained in this or any other Act, no municipal authority shall require that the signature of a registered architect be required on any plans, drawings or specifications for,—

- “(a) a public building or structure; or
- “(b) a municipal building or structure;

which have been approved;

- “(c) in either case by an employee of the Provincial Government;

“(d) in the case of a municipal building or structure, by an employee of a municipality; in the exercise of his duties.

“**23.** The provisions of subsection (1) of section 21 shall not apply to plans, drawings, or specifications, for the erection, enlargement or alteration of any building, which have been prepared or approved by any department of the Provincial Government. Non-application of subsection (1) of Section 21

“**24.** No person, except a registered or a licensed architect shall within the Province of Alberta,— Use of title of architect

“(a) take or make use of the name, title or designation of architect either alone or in connection with any other word, name, title or designation; or

“(b) hold himself out as an architect; or

“(c) practise as an architect.

“**25.** (1) An architect who charges a person a fee for services shall render a detailed statement to the person indicating the charges made for each item of service performed. Statement of fees

“(2) Where a registered or licensed architect charges a fee on a percentage basis the fee payable shall be the agreed percentage of the amount expended upon the building or the agreed percentage of the architect’s estimated cost, whichever is the lesser. Fee on percentage basis

“**26.** (1) In any case where a registered or licensed architect receives a fee from a person for designing or drawing plans of a building, he shall furnish blueprints of the plans to that person who may then use them for his own purposes. Blueprints

“(2) The blueprints detained from a registered or licensed architect shall not be sold or otherwise disposed of for further use by some other person without the consent of the architect concerned. Disposal of blueprints

“(3) The architect, upon completion of the building, shall supply a record set of blueprints to the persons entitled to blueprints under subsection (1) or (2).

“**27.** An architect who charges a fee for supervision shall be held financially responsible for a period of two years for any claim resulting from any deviation from plans and specifications which has not been approved by the owner in writing. Financial responsibility of architect

“**28.** An architect who charges a fee for supervision of construction and who fails to exercise such supervision is guilty of an offence and liable on summary conviction to a fine not exceeding double the amount of the fee charged for the supervision. Offence and penalty

“**29.** Nothing in section 24 applies,— Practice of engineering and surveying

“(a) to a person registered as a professional engineer under any Act of the Province relating to the practice of engineering where the practice of such person is confined to engineering;

“(b) to a provincial or dominion land surveyor practising his profession;

but such engineer or surveyor shall not style or hold himself out as an architect unless he is registered or licensed under the provisions of this Act.

Penalties

“30. (1) Except as otherwise provided, any person not being duly licensed under this Act, who on one or more occasions in contravention of the provisions of this Act,—

“(a) takes or makes use of the name, title or designation of architect; or

“(b) holds himself out as an architect; or

“(c) practises as an architect;

is guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five dollars for the first offence and not exceeding one hundred dollars for every subsequent offence, or in case of a continuing offence, to a fine of not less than twenty-five dollars and not more than fifty dollars per day during the continuance of the offence.

Onus of proof

“(2) In a prosecution under this section the burden of proving that he is registered or licensed under this Act shall rest upon the accused.”.

Coming into force

8. This Act shall come into force on the first day of July, 1952.

No. 106.

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act to amend The Alberta
Architects Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
