

1968 Bill 42

First Session, 16th Legislature, 17 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 42

An Act to amend The Alberta Architects Act

THE MINISTER OF PUBLIC WORKS

First Reading

Second Reading

Third Reading

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BILL 42

1968

An Act to amend The Alberta Architects Act

(Assented to _____, 1968)

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* is hereby amended.
- 2.** Section 2 is amended by striking out clause (e) and by substituting the following:
 - (e) "Universities Co-ordinating Council" means the Universities Co-ordinating Council established under *The Universities Act*.
- 3.** Section 9, subsection (2) is amended
 - (a) by striking out wherever they occur the words "General Faculty Council" and by substituting the words "Universities Co-ordinating Council",
 - (b) by striking out the words "the University of Alberta" and by substituting the words "a university under *The Universities Act*".

Explanatory Notes

1. This Bill amends chapter 16 of the Revised Statutes.

2. This change is a consequence of the enactment of The Universities Act, Statutes of Alberta 1966, chapter 105 and the repeal of The University Act by chapter 105. Certain functions and duties were shifted from boards existing under the old Act to new ones set up under the new Act. Section 2 (e) presently reads:

(e) "General Faculty Council" means the General Faculty Council of the University of Alberta.

3. Section 9 presently reads:

9. (1) All persons domiciled in the Province who were members of the Association immediately before the passing of this Act continue to be members of the Association and they and all the persons who become registered as members of the Association in accordance with subsection (2) shall so long as they remain members in good standing be known as "registered architects".

(2) The following persons, if domiciled in the Province, may upon payment of the proper fees become registered as members of the Association:

- (a) all members of associations of architects incorporated by special Act of any other province of Canada;
- (b) all members or associate members of the Royal Institute of British Architects and of foreign associations of architects approved by the General Faculty Council;
- (c) any person who holds a degree in architecture from the University of Alberta or from any university approved by the General Faculty Council or who is a graduate from a school of architecture or technology approved by the General Faculty Council if the course of studies followed by such person has taken not less than four years and such person has
 - (i) served as a student for one year under a principal approved by the General Faculty Council,
 - (ii) submitted evidence satisfactory to the General Faculty Council that he has had such practical experience in architecture as is equivalent thereto, or
 - (iii) passed such a practical qualifying examination as may be required by the General Faculty Council;
- (d) any person who is a graduate in architecture from the Provincial Institute of Technology and Art and who has
 - (i) served as a student for three years under a principal approved by the General Faculty Council or who has worked for a like period as an architectural draughtsman, and
 - (ii) passed such a comprehensive qualifying examination in architecture as may be required by the General Faculty Council;
- (e) any person not less than twenty-one years of age who has either
 - (i) served as a student for not less than five years with a principal approved by the General Faculty Council,
 - (ii) worked for a period of not less than six years as an architectural draughtsman, or
 - (iii) had such other practical experience in architecture as in the opinion of the General Faculty Council is equivalent thereto,and who has passed such a comprehensive qualifying examination in architecture as may be required by the General Faculty Council;
- (f) any person who has practised architecture as a principal for a period of not less than seven years either in the Province before the thirty-first day of March, 1938, or elsewhere at any time, who submits evidence satisfactory to the General Faculty Council that he is suitably qualified to practise as an architect and who, if required by the General Faculty Council to do so, passes such qualifying examinations as may be required by the General Faculty Council.

These changes are all a consequence of the passing of The Universities Act and the repeal of The University Act, all done by Statutes of Alberta 1966, chapter 105.

4. Section 11 is repealed.

5. Sections 27 and 28 are struck out and the following are substituted:

27. (1) An architect who charges a person a fee for services shall, if requested to do so by the person, render a detailed statement indicating the charges made for each item of service performed.

(2) Where an architect charges a fee on a percentage basis the fee payable shall be calculated by multiplying the agreed percentage by

(a) the contract cost of the work, or

(b) the amount of money which represents the architect's final estimate of the cost of the work,

whichever is less.

(3) Nothing in this section shall be deemed to prevent the proper assessment, by an architect, of additional fees in respect of supplementary design work required as a result of changes in plans or the addition of extras to the contract.

(4) In this section

(a) "cost of work"

(i) means the total cost to the client including the contractor's overhead and profit, necessary to complete the work for which the architect has prepared drawings and specifications or for which he is responsible, but

(ii) does not include the architect's fees, fees of other special consultants, or the salary or wages of a clerk of works or other person performing a similar function;

(b) "final estimate" means the estimate of the cost of the work made by the architect and submitted to the client the nearest in time to the calling of tenders.

28. (1) Where an architect receives a fee from a person for designing or drawing plans he shall, upon completion of the building or structure in respect of which the designing or drawing plans were made, furnish to the person a record set of prints of the designing or drawing plans.

(2) A person who receives plans pursuant to subsection (1) shall not sell or otherwise dispose of them for further use without the consent of the architect who supplied them.

6. This Act comes into force on the day upon which it is assented to.

4. Section 11 presently reads:

11. (1) The Council shall enter into an arrangement with the General Faculty Council for the 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 directs.

Provision for the conduct of examinations is now authorized by section 61 of The Universities Act, chapter 105 of the Statutes of Alberta, 1966 which reads:

61. Where any Act respecting a profession or calling gives to the Universities Co-ordinating Council jurisdiction to appraise the adequacy of the academic qualifications of persons applying for membership in a body incorporated under that Act, the Universities Co-ordinating Council is, notwithstanding anything in that Act, empowered to

- (a) enter into such arrangements with the body corporate as the Council considers desirable for the fulfilment of the Council's powers, duties and functions under that Act,
- (b) require persons whose qualifications are in doubt to pass examinations or to take any course of instruction as the Council considers necessary in order to establish adequate qualifications,
- (c) provide for the setting and marking of examinations for that purpose,
- (d) waive a requirement for an examination where it is satisfied as to the adequacy of the qualifications from other evidence,
- (e) establish and appoint a board of examiners with respect to that profession or calling and delegate to the board of examiners such of the Council's powers, duties and functions with respect to that profession or calling as the Council sees fit, and
- (f) authorize the board of examiners to appoint an executive committee from its own number to deal with such matters as the board of examiners delegates to it.

5. Sections 27 and 28 presently read:

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

(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 less.

28. (1) 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.

(2) The blueprints obtained from a registered or licensed architect shall not, without the consent of the architect concerned, be sold or otherwise disposed of for further use by some person other than the person originally entitled thereto.

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

These sections, as re-enacted, (a) make it clear that an account must be rendered only upon request, (b) spell out the formula upon which percentage fees are to be based, and (c) revise the requirement for the architect in respect of supplying record copies of drawings to clients.