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THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 90

THE ARCHITECTS ACT, 1980

THE MINISTER OF HOUSING AND PUBLIC WORKS

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Second Reading

Committee of the Whole

Third Reading

Royal Assent

THE ARCHITECTS ACT, 1980

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BILL 90

1980

THE ARCHITECTS ACT, 1980

(Assented to _____, 1980)

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

1 In this Act,

- (a) “architects corporation” means a corporation that holds a permit under section 20;
- (b) “Association” means The Alberta Association of Architects;
- (c) “authorized entity” means a registered architect, architects corporation, architects and engineers firm, visiting project architect and restricted practitioner;
- (d) “Board” means the Practice Review Board established under section 38;
- (e) “building” means a building as defined in *The Alberta Uniform Building Standards Act*;
- (f) “Committee” means the Complaint Review Committee established under section 36;
- (g) “Council” means the Council of the Association;
- (h) “Joint Board” means the Joint Board of Practice established under *The Department of Housing and Public Works Act*;
- (i) “joint firm” or “architects and engineers firm” means a firm of architects and engineers that holds a certificate of authorization under section 20;
- (j) “Minister” means the Minister of Housing and Public Works;
- (k) “practice of architecture” means

Explanatory Notes

1 Definitions.

- (i) planning, designing or giving advice on the design of or on the erection, construction or alteration of or addition to a building,
- (ii) preparing plans, drawings, detail drawings, specifications or graphic representations for the design of or for the erection, construction or alteration of or addition to a building, or
- (iii) inspecting work and assessing the performance of work under a contract for the erection, construction or alteration of or addition to a building;
- (l) “registered architect” means an individual who holds a certificate of registration under section 20 and an annual certificate under section 22;
- (m) “Registrar” means the Registrar appointed under section 7;
- (n) “Registration Committee” means the committee established under section 12;
- (o) “restricted practitioner” means an individual who holds a certificate of authorization under section 76;
- (p) “visiting project architect” means an individual who holds a licence under section 20(2).

PART 1

SCOPE OF PRACTICE

- 2(1)** Except as otherwise provided in this Act, no person except an authorized entity shall engage in the practice of architecture.
- (2)** No person except a registered architect, visiting project architect, architects corporation or architects and engineers firm shall
 - (a) use any one or more of the names architect, registered architect, visiting project architect, architects corporation or architects and engineers firm, or any title, description, abbreviation, letter or symbol representing those names, alone or in combination with any other name, title, description, abbreviation, letter or symbol, that represents expressly or by implication that he is a registered architect, visiting project architect or it is an architects corporation or architects and engineers firm,
 - (b) represent or hold out, expressly or by implication, that

2 Exclusive scope of practice and use of name.

(i) he or it is entitled to engage in the practice of architecture,
or

(ii) he is a registered architect, visiting project architect or
it is an architects corporation or architects and engineers firm,

or

(c) affix the seal or stamp of a registered architect or the stamp
of a visiting project architect, architects corporation or architects
and engineers firm, or permit that seal or stamp to be affixed,
to a plan, drawing, detail drawing, specification or other docu-
ment or a reproduction of any of them unless

(i) that plan, drawing, detail drawing, specification, other
document or reproduction was prepared by or under the per-
sonal supervision, direction and control of, and

(ii) the seal or stamp is affixed with the knowledge, consent
or in accordance with the direction of

the registered architect or visiting project architect to whom or
the architects corporation or architects and engineers firm to
which the seal or stamp was issued by the Registrar.

(3) Subsection (1) does not apply to a person engaged in the practice
of architecture in the course of his being employed or engaged by
a registered architect, visiting project architect, architects corporation
or architects and engineers firm.

(4) A restricted practitioner is not authorized by the operation of
subsection (1) to engage in the practice of architecture beyond the
scope of the practice that is specified in the register in respect of the
individual concerned.

(5) Subsection (1) does not apply to a person who engages in

(a) planning, designing or giving advice on the design of or on
the erection, construction or alteration of or addition to,

(b) preparing plans, drawings, detail drawings, specifications
or graphic representations for the design of or for the erection,
construction or alteration of or addition to, or

(c) inspecting work or assessing the performance of work under
a contract for the erection, construction or alteration of or addition
to

a building that is a building in a category or type of building described
in *The Alberta Uniform Buildings Standards Act* as set out in sub-
section (6).

(6) The categories or types of buildings referred to in subsection (5) are the following:

(a) a building, 3 storeys or less in height, for assembly occupancy or institutional occupancy that,

(i) in the case of a single storey building, has a gross area of 300 square metres or less,

(ii) in the case of a 2 storey building, has a gross area of 150 square metres or less on each floor, or

(iii) in the case of a 3 storey building, has a gross area of 100 square metres or less on each floor;

(b) a building for residential occupancy that

(i) is a single family dwelling, or

(ii) is a multiple family dwelling containing 4 dwelling units or less;

(c) a building, 3 storeys or less in height, for residential occupancy as a hotel, motel or similar use that,

(i) in the case of a single storey building, has a gross area of 400 square metres or less,

(ii) in the case of a 2 storey building, has a gross area of 200 square metres or less on each floor, or

(iii) in the case of a 3 storey building, has a gross area of 130 square metres or less on each floor;

(d) a building, 3 storeys or less in height, for warehouse, business and personal services occupancy, for mercantile occupancy or for industrial occupancy that

(i) in the case of a single storey building, has a gross area of 500 square metres or less,

(ii) in the case of a 2 storey building, has a gross area of 250 square metres or less on each floor, or

(iii) in the case of a 3 storey building, has a gross area of 165 square metres or less on each floor;

(e) a building that is a farm building not for public use;

(f) a relocatable industrial camp building.

(7) Subsection (1) does not apply to a member of a class of persons designated in the regulations who is engaged in interior design as defined in the regulations.

3(1) No individual, corporation, partnership or other entity may engage in both the practice of architecture and the practice of engineering or hold out that it is entitled to engage in both the practice of architecture and the practice of engineering as defined in *The Engineering and Related Professions Act*, unless it holds a certificate of authorization under this Act or *The Engineering and Related Professions Act* permitting it to do so.

(2) Nothing in section 2(1) applies to an individual registered as a professional engineer under *The Engineering and Related Professions Act* who has been granted authority by the Council to apply for a permit under *The Alberta Uniform Building Standards Act* in respect of a project for a building of a type described in section 4.4 of that Act.

4 The Court of Queen's Bench, on application by the Council by way of originating notice, may grant an injunction enjoining any person from doing any act that is in contravention of section 2 or section 3(1), notwithstanding any penalty that may be provided by this Act or the regulations in respect of that contravention.

PART 2

ASSOCIATION

5(1) The Alberta Association of Architects is continued as a corporation.

(2) In addition to the powers vested in it by this Act, the Association has the powers expressed in section 14 of *The Interpretation Act* and the power to

(a) acquire and hold real property and to sell, lease or otherwise dispose of it, and

(b) borrow money for the purposes of the Association and to mortgage or charge real or personal property of the Association or its sources of funds as security.

6(1) There is hereby established a governing body of the Association called the Council.

(2) The Council shall manage and conduct the business and affairs of the Association and exercise the powers of the Association in the name and on behalf of the Association.

(3) The Council shall annually submit to the Minister a report on those matters of the business and affairs of the Association that

3 Application of Act to professional engineers.

4 Injunction to ensure exclusive scope of practice, use of name and seal.

5 Alberta Association of Architects.

6 Council.

the Minister may require in a form satisfactory to him.

(4) The Minister shall, on receipt of the annual report of the Association, lay it before the Legislative Assembly, if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

7 The Council may by resolution appoint or revoke the appointment of an individual as Registrar for the purposes of this Act.

8(1) The Council shall consist of

(a) at least 9 registered architects or a greater number that may be prescribed by the by-laws, each of whom shall be elected by and from among registered architects, at the time, in the manner and for the period provided for by the by-laws, and

(b) when the number of elected registered architects does not exceed 10, one member of the public, or when the number of elected registered architects is more than 10 but not more than 20, 2 members of the public, who shall be appointed by the Minister after consultation with the Association for a one year term of office.

(2) The members of the Council under subsection (1) shall elect from among themselves the officers of the Association specified in the by-laws in the manner and for the term prescribed in the by-laws.

(3) A member of the Council referred to in subsection (1)(b) continues to hold office after the expiry of his term of office until he is reappointed or his successor is appointed.

(4) The Minister may, after consultation with the Council, revoke the appointment of a member of the Council referred to in subsection (1)(b).

(5) The Minister may pay to a member of the Council referred to in subsection (1)(b) travelling and living expenses incurred by that member for his attendance at any meeting of the Council while away from his usual place of residence and fees in an amount prescribed by the Minister.

(6) The powers, duties and operations of the Council under this Act, the regulations and the by-laws are not affected by

(a) the fact that no member of the public is appointed as a member of the Council pursuant to subsection (1)(b),

(b) the revocation, under subsection (4), of the appointment

7 Registrar.

8 Council membership and election of officers.

of a member of the Council, or

(c) the resignation from the Council of a member of the public.

(7) Subject to the regulations prescribing a quorum of the Council, the failure of a member of the public appointed pursuant to subsection (1)(b) to attend a meeting of the Council shall not be construed to affect or restrict the Council from exercising any powers or performing any duties under this Act, the regulations and the by-laws at that meeting.

PART 3

REGULATIONS AND BY-LAWS

9(1) The Council may make regulations

(a) respecting the academic qualifications of and training requirements for applicants for registration as registered architects;

(b) establishing conditions respecting the registration of an applicant referred to in clause (a), including residence, age and character requirements;

(c) providing for the evaluation by the Registration Committee, the Practice Review Board, any other committee or board established or designated under the regulations, or for the evaluation by the Council, of the academic qualifications of and training requirements for applicants for registration as registered architects, visiting project architects or restricted practitioners, and the examination of those applicants with respect to those qualifications or requirements;

(d) respecting the eligibility of applicants for registration to engage in the practice of architecture

(i) as visiting project architects, including their relationship with registered architects who will collaborate on projects approved by the Council, or

(ii) as restricted practitioners;

(e) prescribing the requirements of eligibility of applicants to engage in the practice of architecture as architects corporations, including

(i) the number of full time permanent employees or shareholders who must be registered architects and who will as-

9 Regulations subject to approval of Lieutenant Governor in Council.

- sume personal supervision, direction and control over the practice of architecture,
- (ii) the required amount of beneficial ownership of voting shares of the applicant that must be vested in registered architects and the number of directors or officers of the applicant who must be registered architects, and
 - (iii) the persons or qualifications of persons who are beneficial owners of any of the issued shares of the applicant or who may be employees of the applicant but are not registered architects;
- (f) prescribing technical standards for the practice of architecture;
 - (g) establishing and providing for the publishing of a code of ethics respecting the practice of architecture, the maintenance of the dignity and honour of the profession of architecture and the protection of the public interest;
 - (h) governing the names under which authorized entities may engage in the practice of architecture;
 - (i) respecting the fixing of fees, dues and levies payable to the Association by visiting project architects and restricted practitioners;
 - (j) prescribing how many members of the Council constitute a quorum of the Council and the number of registered architects which constitutes a quorum at meetings of the Association;
 - (k) governing, subject to this Act, the operation and proceedings of the Registration Committee, the Complaint Review Committee and the Practice Review Board, the designation of chairmen and vice-chairmen, the appointment of acting members and the procedures for filling vacancies in the offices of chairman and vice-chairman and in the membership of either Committee or the Board, the appointment of ex officio members of either Committee or the Board and prescribing their powers, duties and functions;
 - (l) respecting the procedures for hearings of the Complaint Review Committee, of the Practice Review Board and of the Council in matters relating to the conduct or practice of authorized entities, whether or not a complaint has been made;
 - (m) respecting reviews of the practice of an authorized entity by the Board or a person authorized by the Board;
 - (n) respecting registration, licensing, permits and certificates of authorization, the review of complaints, the practice of architecture and the review of the practice of authorized entities, generally;

- (o) respecting the establishment by the Council of a compulsory continuing education program for registered architects and restricted practitioners;
 - (p) governing the publication of a notice of the suspension or cancellation of the registration of an authorized entity in a form and manner prescribed by the Council;
 - (q) respecting committees of inquiry for reinstatements under Part 5;
 - (r) for the purposes of section 2(7),
 - (i) designating a class of persons engaged in interior design, and
 - (ii) defining interior design.
- (2) A regulation under subsection (1) does not come into force unless it has been approved by
- (a) a majority of the registered architects
 - (i) present at a general meeting, or
 - (ii) voting in a mail vote conducted in accordance with the by-laws,
 - and
 - (b) the Lieutenant Governor in Council.

10(1) The Council may make by-laws

- (a) for the government of the Association and the management and conduct of its affairs;
- (b) determining the location of the head office of the Association;
- (c) respecting the calling of and conduct of meetings of the Association and the Council;
- (d) respecting the nomination, election, number and term of office of Council members and officers of the Association and the appointment of individuals as ex officio members of the Council and of any committee or board established by the Council, and prescribing their powers, duties and functions;
- (e) providing for the appointment of acting members of the Council and procedures for the election of registered architects and the nomination of members of the public for appointment

10 By-laws.

by the Minister;

(f) providing for the division of the Province into electoral districts, and prescribing the number of Council members to be elected from each district;

(g) establishing classes or categories of membership in the Association in addition to registered architects, and prescribing the privileges and obligations of the classes or categories of membership so established;

(h) providing for the appointment and the revocation of the appointment of an individual as an Acting Registrar who has all of the powers and performs all of the duties of the Registrar under this Act, the regulations and the by-laws when the Registrar is absent or unable to act or when there is a vacancy in the office of Registrar;

(i) governing the establishment, operation and proceedings of chapters;

(j) respecting the delegation of any powers or duties of the Council with or without conditions to a committee established by the Council;

(k) prescribing fees and expenses payable to members of the Council and of committees and boards for attending to the business of the Association;

(l) respecting the establishment of and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit programs that the Council considers appropriate;

(m) governing the information to be engraved on and the use to be made of

(i) seals and stamps by registered architects, and

(ii) stamps by visiting project architects, restricted practitioners, architects corporations and joint firms;

(n) respecting the fixing of fees, dues and levies payable to the Association by registered architects, architects corporations and joint firms;

(o) respecting the establishment, content and maintenance of registers of authorized entities and of records of other classes or categories of membership to be recorded by the Registrar;

(p) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the regulations to indicate

(i) the suspension or cancellation of the registration of an authorized entity, or

(ii) the death of a registered architect, visiting project architect or restricted practitioner,

including the removal of the name of the individual or corporation concerned;

(q) governing the publication of the names of applicants for registration as registered architects approved by the Registration Committee;

(r) requiring authorized entities to maintain a business address in Alberta and to inform the Registrar in writing of that address and of any change in that address forthwith after the change occurs;

(s) authorizing the Council to prescribe the form of a certificate of registration, a licence, a permit, a certificate of authorization, an annual certificate and any other form or document that may be required for the purposes of this Act, the regulations and the by-laws.

(2) *The Regulations Act* does not apply to by-laws of the Association.

PART 4

REGISTRATION OF MEMBERS

Registers

11(1) The Registrar shall maintain, in accordance with the by-laws and subject to the direction of the Council, a register for each of the following:

- (a) registered architects;
- (b) visiting project architects;
- (c) architects corporations;
- (d) joint firms;
- (e) restricted practitioners.

(2) The Registrar shall enter in the appropriate register the name of a person

11 Registers.

(a) whose registration to engage in the practice of architecture has been approved

(i) in the case of a registered architect, by the Registration Committee or, on review, the Council,

(ii) in the case of a visiting project architect or architects corporation, by the Council,

(iii) in the case of a joint firm, by the Joint Board and the Council, or

(iv) in the case of a restricted practitioner, in accordance with section 76,

and

(b) who has paid the fee prescribed in the regulations or by-laws, as the case may be.

Registration Committee and Council Reviews

12(1) The Council shall, by by-law, establish a Registration Committee consisting of those registered architects appointed by the Council as members of the Registration Committee.

(2) The Registration Committee shall, in accordance with this Part, the regulations and the by-laws, consider applications for the registration of applicants as registered architects, and may approve or refuse to approve the registration or defer the approval of registration until it is satisfied that the applicant has obtained further experience as required by the Registration Committee.

(3) On approving, refusing or deferring the registration of a registered architect under this Part, the Registration Committee shall cause a written notice of the approval, refusal or deferral to be sent to the applicant, and in the case of an approval shall cause a notice of the approval to be published to registered architects in the manner prescribed in the by-laws.

(4) A registered architect may, within 15 days of publication of a notice of approval under subsection (3), request the Council to review the application and approval by serving on the Registrar a written request for review by the Council setting out the reasons why, in his opinion, the registration of the applicant concerned should be reviewed.

(5) A request for review under subsection (4) acts as a stay of the approval of registration by the Registration Committee.

12 Registration Committee.

(6) An applicant whose application for registration in accordance with this Part has been refused may, within 15 days of receiving a notice of refusal and the reasons for the refusal, request the Council to review the refusal by serving on the Registrar a written request for review by the Council setting out the reasons why, in his opinion, his registration as a registered architect should be approved.

13(1) The Council shall, after receipt of a request for review under section 12(4) or (6), review the request so received.

(2) A person who requests a review pursuant to section 12(4) and the applicant for registration or, on a request under section 12(6), the applicant alone

(a) shall be notified in writing by the Council of the date, place and time that it will consider the matter requested to be reviewed, and

(b) is entitled to appear with counsel and make representations to the Council when it considers the matter under review.

(3) A member of the Registration Committee who is also a member of the Council may participate at a review by the Council under this section but shall not vote in a decision of the Council at a review under this section.

Registered Architects, Visiting Project Architects and Architects Corporations

14(1) The Registration Committee or, on review, the Council shall approve for registration as a registered architect an individual who has applied under this Act and is eligible in accordance with this Act and the regulations to be registered as a registered architect.

(2) An individual becomes entitled to be registered as a registered architect when the Registration Committee or the Council, as the case may be, approves his registration.

15(1) The Council may approve the registration of an individual who has applied under this Part and is eligible in accordance with this Act and the regulations to be registered as a visiting project architect for the purpose of a project approved by the Council.

(2) The Council may, for the purposes of this section, approve

(a) a project described in an application for registration under this section, and

13 Review by Council.

14 Registration of individual as registered architect.

15 Registration of individual as visiting project architect.

(b) subject to the regulations, the proposed relationship between the applicant for registration as a visiting project architect and a registered architect who will collaborate on the project approved under clause (a).

(3) An individual becomes entitled to be registered as a visiting project architect when the Council approves his registration.

16(1) The Council may approve the registration of a corporation incorporated or registered under *The Companies Act* that has applied under this Part and is eligible under the regulations to be registered as an architects corporation.

(2) A corporation becomes entitled to be registered as an architects corporation when the Council approves its registration.

Architects and Engineers Firms

17(1) In this section and sections 18, 19 and 26,

(a) “architects firm” means a partnership or corporation

(i) that

(A) confines its practice to providing architectural consulting services, or

(B) if it does not confine its practice to providing architectural consulting services, engages in a practice satisfactory to the Joint Board,

and

(ii) in which registered architects

(A) hold a majority interest, and

(B) control the partnership or corporation,

and that is otherwise entitled to engage in the practice of architecture;

(b) “engineer” means an individual who is registered as a professional engineer under *The Engineering and Related Professions Act* and who actively practises engineering in Alberta;

(c) “Engineers Association” means the Association of Professional Engineers, Geologists and Geophysicists under *The Engineering and Related Professions Act*;

16 Registration of architects corporation.

17 Joint Firms.

(d) “engineers firm” means a partnership or corporation

(i) that

(A) confines its practice to providing engineering consulting services, or

(B) if it does not confine its practice to providing engineering consulting services, engages in a practice satisfactory to the Joint Board,

and

(ii) in which professional engineers

(A) hold a majority interest, and

(B) control the partnership or corporation,

and that is otherwise entitled to engage in the practice of engineering under *The Engineering and Related Professions Act*;

(e) “proposed architects and engineers firm” means a partnership or corporation

(i) that

(A) proposes to confine its practice to providing architectural consulting services and engineering consulting services, or

(B) if it does not propose to confine its practice to providing architectural consulting services and engineering consulting services, proposes to engage in a practice satisfactory to the Joint Board,

and

(ii) in which registered architects and professional engineers

(A) hold a majority interest, and

(B) control the partnership or corporation,

and that is otherwise entitled to engage in the practice of architecture or the practice of engineering under *The Engineering and Related Professions Act*.

(2) An application for a certificate of authorization may be made by:

(a) an engineer;

- (b) a registered architect;
 - (c) an engineers firm;
 - (d) an architects firm;
 - (e) a proposed architects and engineers firm;
 - (f) a partnership or corporation that is not referred to in clauses (c), (d) or (e) and that the Joint Board considers a suitable applicant for a certificate of authorization.
- (3) An applicant under subsection (2) shall
- (a) if its prime activity is the provision of architectural consulting services, apply to the Council, and
 - (b) if its prime activity is the provision of engineering consulting services, apply to the council of the Engineers Association.
- 18(1)** Every application under section 17 shall be referred to the Joint Board by the council to which it was made, with or without comment from that council.
- (2) The Joint Board shall consider, with respect to each application referred to it, whether
- (a) the applicant is eligible to apply under section 17(2);
 - (b) the applicant has at least one full time employee who is a registered architect who shall take responsibility for the architectural work of the applicant and at least one full time employee who is an engineer who shall take responsibility for the engineering work of the applicant;
 - (c) the presence of any ownership interests in the applicant will give rise to conflicts with the professional responsibilities of the firm;
 - (d) the granting of a certificate of authorization to the applicant will give rise to unauthorized practice or otherwise lead to circumvention of this Act or *The Engineering and Related Professions Act*;
 - (e) any detriment to the public would result from the applicant becoming entitled to engage in the practice of both engineering and architecture.
- (3) After considering an application for a certificate of authorization referred to it, the Joint Board shall recommend
- (a) in the case of an application by an engineer or engineers

18 Approval of Joint Firm by Joint Board.

firm, to the Council,

(b) in the case of an application by a registered architect or an architects firm, to the council of the Engineers Association, or

(c) in the case of an application by a proposed architects and engineers firm or other applicant, to the Council and to the council of the Engineers Association,

whether or not to grant a certificate of authorization, based on the criteria considered by it under subsection (2).

19(1) On receipt of a recommendation of the Joint Board under section 18 the Council may approve the registration of a proposed architects and engineers firm if that firm is eligible to become registered under the regulations.

(2) When recommendations are made by the Joint Board to both the Council and the council of the Engineers Association with respect to an application for a certificate of authorization, both councils must agree that the certificate should be issued and shall sign the certificate before it is issued.

(3) Subject to subsection (2), an applicant is entitled to be registered as an architects and engineers firm when the Council approves its registration.

Certificates, Licences, Stamps and Seals

20(1) On entering the name of a registered architect in the register, the Registrar shall issue to him

(a) a certificate of registration, and

(b) if requested by him, a seal engraved as prescribed in the by-laws.

(2) On entering the name of a visiting project architect in the register, the Registrar shall issue to him

(a) a licence to engage in the practice of architecture as a visiting project architect for the project approved by the Council and described in the licence, and

(b) a stamp engraved as prescribed in the by-laws.

(3) On entering the name of an architects corporation in the register, the Registrar shall issue to that corporation

19 Certificate of authorization.

20 Evidence of registration for the practice of architecture

- (a) a permit to engage in the practice of architecture as an architects corporation, and
 - (b) a stamp engraved as prescribed in the by-laws.
- (4) On entering the name of an approved firm of architects and engineers in the register, the Registrar shall issue to that firm
- (a) a certificate of authorization to engage in the practice of both architecture and engineering, and
 - (b) a stamp engraved as prescribed in the by-laws.
- (5) A certificate of registration, a licence, a permit and a certificate of authorization issued under this section are subject to this Act, the regulations and the by-laws.

21 The term of a licence, a permit and a certificate of authorization is one year from the date of issue of the licence, permit or certificate, and the licence, permit or certificate may, with the approval of the Council, be renewed for additional periods, each not exceeding one year, on payment of the fees prescribed in the regulations or the by-laws, as the case may be.

22(1) A registered architect engaged in the practice of architecture shall pay to the Association the annual fee prescribed in the by-laws.

(2) The Registrar shall issue an annual certificate in accordance with the by-laws to a registered architect

- (a) whose registration is not under suspension or cancelled, and
- (b) who has paid the annual fee.

(3) An annual certificate entitles the registered architect to engage in the practice of architecture during the year for which the annual certificate is issued.

(4) An annual certificate expires on December 31 of the year for which it is issued.

23(1) The registration of an authorized entity is suspended when a decision to suspend the registration is made in accordance with this Act.

(2) The Registrar shall, after a decision to suspend a registration has been made, enter a memorandum of the suspension of the registration in the appropriate register, indicating

21 Term of licence, permit and certificate.

22 Annual certificates.

23 Entries in registers.

- (a) the period of the suspension, and
- (b) the reason for the suspension.

(3) The registration of an authorized entity is cancelled when a decision to cancel the registration is made in accordance with this Act.

(4) The Registrar shall, after a decision to cancel a registration has been made, enter a memorandum of the cancellation of the registration in the appropriate register.

(5) If the Registrar is satisfied that a registered architect, visiting project architect or restricted practitioner has died, he shall enter a memorandum to that effect in the register.

(6) The Registrar shall not remove from the registers any memorandum made by him under subsection (2) or (4) except in accordance with the by-laws.

(7) The Registrar shall, during regular office hours, permit any person to inspect the registers of the Association.

24(1) The Registrar shall not, at the request of an authorized entity, cancel the registration of the authorized entity unless the request for the cancellation has been approved by the Council.

(2) When a request for cancellation of a registration is approved by the Council

- (a) the Registrar shall cancel that registration, and
- (b) the authorized entity requesting the cancellation shall, on being notified of the approval, surrender to the Registrar the seal or stamp issued by the Registrar and, when requested by the Registrar, the certificate of registration, annual certificate, licence, permit or certificate of authorization, as the case may be.

25(1) An architects corporation may engage in the practice of architecture only in its corporate name or another name that is approved by the Council pursuant to the regulations, and not otherwise.

(2) An architects corporation shall advise the Registrar in writing of the names of the shareholders, directors and officers of the corporation and of any change in the shareholders, directors or officers forthwith after the change occurs.

(3) If an architects corporation causes plans, drawings, detail drawings and specifications to be prepared and to be imprinted with the stamp issued to the corporation, it shall also cause them to be signed

24 Voluntary cancellation of registration.

25 Conditions respecting architects corporations

by and imprinted with the stamp or seal of the registered architect who had personal supervision, direction and control over their preparation.

26(1) A joint firm may engage in the practice of both architecture and engineering in

- (a) the name of the individuals who are its partners,
 - (b) its corporate name, or
 - (c) any other name that is approved by the Council pursuant to the regulations.
- (2) A joint firm shall advise the Registrar in writing of the names of the individual shareholders, directors and officers of the firm and of any change in them immediately after the change occurs.
- (3) If a joint firm causes plans, drawings, detail drawings and specifications to be prepared in its practice of architecture and to be imprinted with the stamp issued to the firm, it shall also cause them to be signed by and imprinted with the stamp or seal of the registered architect who had personal supervision, direction and control over their preparation.
- (4) A joint firm
- (a) may hold itself out as “architects and engineers” or “engineers and architects” only if it has both architects and engineers as partners or shareholders in an arrangement that is satisfactory to the Council or the council of the Engineers Association, as the case may be;
 - (b) shall not hold itself out as “architects and engineers” or “engineers and architects” if the architects or engineers, as the case may be, are employees only and not partners or shareholders, or if the partnership or shareholding arrangement is not satisfactory to the Council or the council of the Engineers Association, as the case may be.

27(1) The Registrar may cancel the registration of

- (a) an authorized entity in default of payment of any fees, dues or levies payable by it under this Act, the regulations or the by-laws;
- (b) a registered architect who has ceased to be ordinarily resident in Alberta;
- (c) an architects corporation that no longer has shareholders, directors or officers in compliance with the regulations;

26 Conditions respecting joint firms.

27 Cancellation of registration.

- (d) a joint firm that ceases to have at least one registered architect and at least one professional engineer to take the responsibility referred to in section 18(2)(b),

after the expiration of one month following the service on the authorized entity of a written notice that the Registrar intends to cancel the registration, unless the authorized entity on whom the notice is served complies with the notice.

(2) The notice under subsection (1) shall state that the Registrar may cancel the registration unless, as the case may be,

- (a) the fees, dues or levies are paid as indicated in that notice, or

- (b) evidence satisfactory to the Registrar has been received by him within the time prescribed in the notice that

- (i) the registered architect continues to be ordinarily resident in Alberta,

- (ii) the architects corporation has shareholders, directors or officers in compliance with the regulations, or

- (iii) the joint firm has at least one registered architect and at least one professional engineer to take the responsibility referred to in section 18(2)(b).

(3) The Registrar may cancel the registration of an authorized entity that was entered in error in the register.

(4) If the registration of an authorized entity has been cancelled under this section, the certificate of registration and annual certificate, licence, permit or certificate of authorization of that authorized entity is deemed to be cancelled, and that authorized entity shall surrender to the Registrar the stamp or seal and, when requested by the Registrar, the certificate of registration, annual certificate, licence, permit or certificate of authorization, as the case may be.

(5) The Council may direct the Registrar, subject to any conditions respecting the payment of arrears and any reinstatement fee that the Council may prescribe,

- (a) to reinstate in the applicable register a registration that was cancelled under subsection (1), and

- (b) to re-issue

- (i) the stamp or seal formerly issued under section 20,

- (ii) in the case of a registered architect, a certificate of registration and annual certificate,

- (iii) in the case of a visiting project architect or architects

corporation, a licence or permit, and

(iv) in the case of a joint firm, a certificate of authorization

to its former holder.

28(1) On the recommendation of the Joint Board, the Council may authorize an individual who is a professional engineer to apply for a permit under *The Alberta Uniform Building Standards Act* for a building of a type described in section 4.4 of *The Alberta Uniform Building Standards Act* without the final design drawings and specifications of the building having the seal of a registered architect.

(2) An authorization under subsection (1) may be granted only in exceptional cases.

PART 5

PRACTICE REVIEW AND DISCIPLINE

29 In this Part,

(a) “chairman” means the chairman of the Committee and includes a vice-chairman;

(b) “conduct” includes any act or omission;

(c) “investigated person” means a person, corporation or other entity with respect to whose conduct a hearing by a review panel is being held or may be held under this Part;

(d) “review panel” means the Committee or the Board, as the case may be.

Unskilled practice and unprofessional conduct

30 Any conduct of an authorized entity that, in the opinion of a review panel or, on appeal, the Council is such as

(a) to be detrimental to the best interests of the public,

(b) to harm or tend to harm the standing of the profession of architecture generally,

28 Alberta Uniform Building Standards Act permits.

29 Definitions.

30 Nature of unskilled practice and unprofessional conduct.

(c) to display lack of knowledge of or lack of skill or judgment in the practice of architecture, or

(d) to display lack of knowledge of or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of architecture,

whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice of architecture or unprofessional conduct, whichever a review panel or, on appeal, the Council determines.

Complaints

31(1) A person may complain to the Registrar about the conduct of an authorized entity, and the complaint shall be dealt with in accordance with this Part.

(2) A complaint respecting the conduct of an authorized entity whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within one year following the date of cancellation of the registration as if the cancellation had not occurred.

(3) A person designated by the Council as a mediator may assist in settling a complaint made to the Registrar if the complainant and the person about whose conduct the complaint was made so agree, but if within 30 days from the date of receipt of the complaint or a longer period agreed to by those persons a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall, if it is in writing, be referred forthwith by the mediator to the chairman.

Initial review by chairman of Committee

32(1) The chairman shall review the conduct of an authorized entity within 30 days from the date on which a complaint respecting that conduct

(a) is brought to his attention by a complainant or any other person, or

(b) when section 31(3) applies, is referred to him by a mediator.

(2) The Council may at the request of the chairman extend the 30-

31 Complaints.

32 Initial review by Committee chairman.

day period mentioned in subsection (1).

(3) The chairman may, at any time during a review under this section, or on a review of conduct when no complaint has been made, conduct a preliminary investigation or appoint a person to conduct a preliminary investigation to ascertain facts relating to the conduct or alleged conduct of an authorized entity.

33(1) The chairman shall immediately on the conclusion of a review of a complaint made in writing

(a) direct that no further action be taken, if he is of the opinion that the complaint is frivolous or vexatious, or

(b) refer the complaint to the Committee, if he is of the opinion that the conduct should be considered by the Committee.

(2) On the conclusion of any other investigation or review the chairman may in writing refer to the Committee any conduct that he concludes should be considered by the Committee.

34 If the chairman, in accordance with section 33,

(a) directs that no further action be taken, or

(b) refers a complaint or conduct to the Committee

he shall serve on the person whose conduct was reviewed by the chairman and on the complainant, if any, a copy of the complaint or description of the conduct and a notice, in accordance with the regulations, that no further action will be taken, or that the complaint or conduct has been referred to the Committee, as the case may be.

35(1) A complainant who is served with a notice under section 34 that the chairman has directed that no further action be taken may, by notice in writing to the Registrar within 15 days of receipt of the notice, appeal that direction to the Council.

(2) The Council shall determine whether the complaint is frivolous or vexatious or should be referred by the chairman to the Committee for an investigation and hearing in accordance with this Part and shall notify the complainant and the chairman in writing of its decision accordingly.

33 Power of Committee chairman on initial review.

34 Notice of decision of Registrar on initial review.

35 Appeal by complainant of chairman's decision on initial review.

Complaint Review Committee

36 There is hereby established a committee called the Complaint Review Committee composed of not less than 3 registered architects appointed by the Council in accordance with the regulations to exercise the powers and perform the duties set out in this Part.

37 The Committee shall, on referral to it of a complaint or conduct under section 33, investigate and hold a hearing into the complaint or conduct.

Practice Review Board

38(1) There is hereby established a board called the Practice Review Board consisting of not less than 5 members as follows:

- (a) registered architects who are appointed by the Council,
- (b) persons who have a combination of knowledge and experience suitable for determining academic qualifications and training requirements necessary for a person to continue to engage in the practice of architecture, and who are appointed by the Council, and
- (c) one member of the public who is not a registered architect, a restricted practitioner or a person mentioned in clause (b) and who is nominated by the Council and appointed by the Minister,

in accordance with the regulations to exercise the powers and perform the duties set out in this Part.

(2) The Minister may pay to the member of the Board referred to in subsection (1)(c) travelling and living expenses incurred by that member for attendance at a hearing of the Board away from his usual place of residence and fees in an amount prescribed by the Minister.

(3) The Minister may, after consultation with the Council, revoke the appointment of the member of the Board referred to in subsection (1)(c).

(4) The powers, duties and operations of the Board under this Act, the regulations and by-laws are not affected by

- (a) the fact that no member of the public is appointed as a member of the Council pursuant to subsection (1)(c),

36 Complaint Review Committee.

37 Power of Committee to hear complaints.

38 Practice Review Board.

(b) the revocation under subsection (3) of the appointment of a member of the public, or

(c) the resignation as a member of the Board of a member of the public.

(5) Subject to the regulations prescribing a quorum of the Board, the failure of a member of the public appointed pursuant to subsection (1)(c) to attend a meeting of the Board shall not be construed to affect or restrict the Board from exercising any powers or performing any duties under this Act, the regulations and the by-laws at that meeting.

39(1) The Board

(a) shall, on its own initiative or at the request of the Council, inquire into and report to and advise the Council in respect of

(i) the assessment of existing and the development of new educational standards and experience requirements that are conditions precedent to obtaining and continuing registration under this Act,

(ii) the evaluation of desirable standards of competence of authorized entities generally, and

(iii) any other matter that the Council from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of architecture under this Act and the regulations,

and

(b) may conduct a review of the practice of an authorized entity in accordance with this Act and the regulations.

(2) A person requested to appear at an inquiry under this section by the Board is entitled to be represented by counsel.

(3) The Board shall after each inquiry under this section make a written report to the Council on the inquiry and may make any recommendations to the Council that the Board considers appropriate in connection with the matter inquired into, with reasons for the recommendations.

(4) If it is in the public interest to do so, the Council may direct that the whole or any portion of an inquiry by the Board under this section shall be held in private.

39 Power of Board to inquire into practice of architecture generally and to review the practice of authorized entities.

Suspension pending Committee or Board decision

40 Notwithstanding anything in this Act, the chairman of a review panel may suspend the registration of an authorized entity pending the decision of the review panel with respect to the conduct of the authorized entity.

Reviews and procedures on reviews before Committee, Board or Council

41(1) The Association and the investigated person may appear and be represented by counsel at a hearing before the review panel or at an appeal before the Council.

(2) Proceedings before the chairman or other person conducting a preliminary investigation or before the review panel or the Council shall be held in camera.

42(1) The chairman of a review panel shall direct the Registrar to serve, and the Registrar, on being so directed, shall serve on the investigated person and on any witness at the hearing a notice of hearing stating the date, time and place when the review panel will hold a hearing and giving reasonable particulars of the complaint or conduct in respect of which the hearing will be held.

(2) Within 30 days after the date on which the chairman refers a complaint or conduct to the Committee, the Committee shall hold a hearing on the complaint or conduct.

(3) The Council may, on the written request of the chairman of a review panel, extend the period mentioned in subsection (2) for one or more additional periods, each not exceeding 30 days.

(4) The review panel or, on appeal, the Council may also hear any other matter concerning the conduct of the investigated person that arises in the course of a hearing or on an appeal, but in that event the review panel or the Council shall declare its intention to hear the further matter and shall permit that person sufficient opportunity to prepare his answer to the further matter.

(5) This Part applies to an investigation of a further matter under subsection (4).

43(1) Evidence may be given before the review panel or, on appeal, the Council in any manner that the review panel or Council, as the case may be, considers appropriate, and neither the review panel nor

40 Suspension by chairman pending decision of Committee or Board.

41 Right to counsel, appearance and proceedings in camera.

42 Hearing by Committee, Board or Council.

43 Evidence before review panel or Council.

the Council are bound by the rules of law respecting evidence applicable to judicial proceedings.

(2) A member of the review panel or, on appeal, the Council may administer an oath to a witness who is to give evidence before the review panel or the Council, as the case may be.

44(1) The investigated person and any other person who, in the opinion of the review panel or, on appeal, the Council has knowledge of the complaint or any conduct being investigated is a compellable witness in a hearing or appeal under this Part.

(2) A witness may be examined on oath on all matters relevant to the investigation and shall not be excused from answering any question on the ground that the answer might

- (a) tend to incriminate him,
- (b) subject him to punishment under this Part, or
- (c) tend to establish his liability
 - (i) to a civil proceeding at the instance of the Crown or of any other person, or
 - (ii) to prosecution under any Act or regulations under any Act,

but if the answer so given tends to incriminate him, subject him to punishment or tends to establish his liability, it shall not be used or received against him in any civil proceeding or in any proceeding under any other Act.

(3) For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court of Queen's Bench on an application ex parte by the Association may direct the issuing of a commission for the obtaining of the evidence of the witness, and the commission shall be issued and the evidence taken pursuant to the Alberta Rules of Court.

45(1) The attendance of witnesses before the chairman or a person appointed by him at a preliminary investigation or before the review panel or, on appeal, the Council, and the production of plans, drawings, detail drawings, specifications, books, papers and other documents may be enforced by a notice issued by the Registrar requiring the witness to attend and stating the date, time and place at which the witness is to attend and the plans, drawings, detail drawings, specifications, books, papers and other documents, if any, he is required to produce.

(2) On the written request of the investigated person or of his counsel or agent, the Registrar shall without charge issue and deliver to that

44 Witnesses and documents.

45 Enforcement of attendance of witnesses and production of documents before Committee, Board or Council.

person or his counsel or agent any notices that he may require for the attendance of witnesses or the production of documents.

(3) A witness, other than the investigated person, who has been served with a notice to attend or a notice for the production of documents under subsection (1) or (2) is entitled to be paid the same fees as are payable to a witness in an action in the Court of Queen's Bench.

46(1) Proceedings for civil contempt of court may be brought against a witness

(a) who fails

(i) to attend before a review panel or, on appeal, the Council in compliance with a notice to attend,

(ii) to produce any books, papers or other documents in compliance with a notice to produce them, or

(iii) in any way to comply with either notice,

or

(b) who refuses to be sworn or to answer any question directed to be answered by the chairman of the review panel or, on appeal, the Council.

(2) If the witness referred to in subsection (1) is the investigated person his failure or refusal may be held to be unprofessional conduct as determined by the review panel or, on appeal, the Council.

47 The review panel or, on appeal, the Council, on proof of service on the investigated person of the notice of hearing or appeal, as the case may be, may

(a) proceed with the hearing or appeal, as the case may be, in the absence of the investigated person, and

(b) act, decide or report on the matter being heard or appealed, as the case may be, in the same way as though the investigated person were in attendance.

48 If the review panel or, on appeal, the Council determines that the conduct of an investigated person constitutes neither unskilled practice of architecture nor unprofessional conduct, it shall so find.

49 If the review panel or, on appeal, the Council determines that the conduct of an investigated person constitutes unskilled practice

46 Failure to attend or give evidence before Committee, Board or Council.

47 Hearing in absence of investigated person.

48 Finding by Committee, Board or Council that conduct is neither an unskilled practice nor unprofessional conduct.

49 Determination of unskilled practice or unprofessional conduct by Committee, Board or Council.

of architecture or unprofessional conduct or both, it shall so find and shall deal with that conduct in accordance with this Part.

50(1) If the review panel or, on appeal, the Council finds that the conduct of an investigated person constitutes unskilled practice of architecture or unprofessional conduct or both, the review panel or the Council, as the case may be, may make any one or more of the following orders:

- (a) reprimand the investigated person;
- (b) suspend the registration of an investigated person either generally or from any field of the practice of architecture;
- (c) suspend the registration of an investigated person either generally or from any field of practice until
 - (i) he has completed a specified course of studies or obtained supervised practical experience, or
 - (ii) the review panel or Council is satisfied as to the competence of the investigated person generally or in a specified field of practice;
- (d) accept in place of a suspension the investigated person's undertaking to limit his practice;
- (e) impose conditions on the investigated person's ability to engage in the practice of architecture generally or in any field of the practice, including the conditions that he
 - (i) practise under supervision,
 - (ii) not engage in sole practice,
 - (iii) permit periodic inspections by a person authorized by the review panel or Council, or
 - (iv) report to the review panel or Council on specific matters;
- (f) direct the investigated person to pass a particular course of study or satisfy the review panel or Council as to his practical competence generally or in a field of practice;
- (g) direct the investigated person to satisfy the review panel or Council that a disability or addiction can be or has been overcome, and suspend the person until the review panel or Council is so satisfied;
- (h) require the investigated person to take counselling or to obtain any assistance that in the opinion of the review panel or Council is appropriate;

50 Powers of Committee, Board or Council for dealing with complaint or on review of practice of authorized entities.

(i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the review panel or Council, were not rendered or were improperly rendered;

(j) cancel the registration of the investigated person.

(2) The review panel or, on appeal, the Council may make any ancillary order that is appropriate or required in connection with any order mentioned in subsection (1)(a) to (j) or may make any other order that it considers appropriate in the circumstances.

51(1) The review panel or, on appeal, the Council may, in addition to or instead of dealing with the conduct of an investigated person in accordance with section 50, order that the investigated person pay

(a) the costs of the hearing or appeal in accordance with the by-laws,

(b) a fine not exceeding \$10 000 to the Association, or

(c) both the costs under clause (a) and the fine under clause (b).

(2) If the person ordered to pay a fine, costs or both under subsection (1) fails to pay the fine, costs or both within the time ordered, the review panel or Council may suspend the registration of that person until he has paid the fine, costs or both.

(3) A fine or costs ordered to be paid to the Association under this section is a debt due to the Association and may be recovered by the Association by civil action for debt.

52 The review panel and, on appeal, the Council shall, within a reasonable time after the conclusion of a hearing, review or appeal before it, make a written decision on the matter, in which it shall

(a) describe each finding made by it in accordance with this Part,

(b) state the reasons for each finding made by it, and

(c) state any order imposed under this Part.

53(1) When the review panel or Council, as the case may be, has made a decision, the chairman or vice-chairman of the review panel or Council shall immediately forward to the Registrar

(a) the decision, and

51 Committee's, Board's and Council's power to order payment of costs and fines.

52 Decision of Committee, Board or Council.

53 Service of decision of hearing and record of hearing.

(b) the record of the hearing, consisting of all evidence presented before it, including

(i) all exhibits,

(ii) all documents, and

(iii) a transcript of all testimony given before it, whether recorded electronically, mechanically or in handwritten form.

(2) The Registrar shall, on receiving the decision of the review panel or the Council, as the case may be, and the record of the hearing referred to in subsection (1), serve

(a) a copy of the decision on

(i) the investigated person,

(ii) the chairman or vice-chairman of the review panel, and

(iii) each member of the Council,

and

(b) a notice of the nature of the decision on the complainant, if any.

(3) A person served under subsection (2)(a) with a copy of a decision of a review panel or, on appeal, of the Council, is entitled to examine the record or any part of the record of the proceedings before the review panel or appeal before the Council, as the case may be, and to hear any tape recording or examine any mechanical or handwritten form of record of any testimony given before the review panel or the Council, as the case may be.

54(1) Notwithstanding an appeal under section 55, 58 or 59, as the case may be, a review panel or the Council, as the case may be, may, on the conclusion of a hearing, suspend the registration of the investigated person until the time that the Council, the Court of Queen's Bench or the Court of Appeal, as the case may be, makes its decision on the appeal.

(2) An investigated person whose registration has been suspended under subsection (1) may, by filing an originating notice with the Court of Queen's Bench and serving a copy on the Registrar, apply for an order to remove the suspension pending the determination of the appeal under section 55.

(3) The Court of Queen's Bench may hear an application made under this section not less than 10 days after the originating notice

54 Suspension of registration by Committee or Board pending appeal to Council.

has been served on the Registrar.

(4) On hearing an application made under this section the Court of Queen's Bench may, subject to any conditions that it considers proper, remove the suspension pending the determination of the appeal under section 55, 58 or 59, as the case may be.

55(1) An investigated person may appeal to the Council

- (a) a finding made by a review panel in accordance with section 48 or 49,
- (b) any order of the review panel under section 50 or 51, or
- (c) both a finding referred to in clause (a) and an order referred to in clause (b).

(2) An appeal under subsection (1) shall be commenced by a written notice of appeal which shall

- (a) describe the finding or order appealed, and
- (b) state the reasons for the appeal.

(3) If the investigated person appeals a decision of a review panel, he shall serve the notice of appeal on the Registrar within 30 days after the date of service of the decision of the review panel.

(4) The Registrar shall, on receiving a notice of appeal under subsection (3), transmit to each member of the Council a copy of the notice of appeal and of the record of the hearing forwarded to him under section 53(1).

56(1) The Council shall, on being served with a notice of appeal under section 55, direct the Registrar to serve, and the Registrar on being so directed, shall serve on the investigated person and on the members of the Council a notice of hearing of an appeal stating the date, time and place when the Council will hear the matters appealed.

(2) The Council shall hear an appeal within 30 days after the date of service of the notice of hearing of the appeal.

(3) The Council may, on the written request of the investigated person or the Registrar, extend the period mentioned in subsection (2) for one or more additional periods, each not exceeding 30 days.

57(1) The Association's solicitor may participate in the hearing of an appeal before the Council.

55 Notice of Appeal to Council.

56 Appeal before Council.

57 Council's powers on appeal.

(2) A member of a review panel who is also a member of the Council may participate in an appeal before the Council but shall not vote in a decision of the Council on the appeal.

(3) The Council on an appeal may

(a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Council,

(b) on granting special leave for that purpose, receive further evidence,

(c) draw inferences of fact and make a determination or finding that, in its opinion, ought to have been made by the review panel, or

(d) order that the matter be referred back to the review panel.

(4) The Council shall, within 30 days from the date of the conclusion of all proceedings before it,

(a) make any finding that in its opinion ought to have been made by the review panel,

(b) quash, vary or confirm the finding or order of the review panel under this Part or substitute or make a finding or order of its own, or

(c) refer the matter back to the review panel for further consideration in accordance with any direction that the Council may make.

(5) The Council may make any award as to the costs of an appeal that it considers appropriate.

Appeals to Court of Queen's Bench or Court of Appeal

58(1) An investigated person may appeal to the Court of Queen's Bench on mixed questions of law and fact relating to

(a) a finding made by the Council in accordance with section 49,

(b) any order under section 50 or 51 or finding under section 57, or

(c) both a finding referred to in clause (a) or (b), and any order

58 Appeal to Court of Queen's Bench on mixed question of law and fact.

referred to in clause (b).

(2) An appeal under this section shall be commenced

(a) by filing an originating notice with the clerk of the Court of Queen's Bench, and

(b) by serving a copy of the originating notice on the Registrar

both within 30 days from the date on which the decision of the Council is served under section 53.

(3) An appeal under this section shall be dealt with by the Court of Queen's Bench as a new trial.

59(1) An investigated person may appeal to the Court of Appeal only on a question of law relating to

(a) a finding made by the Council in accordance with section 49,

(b) any order under section 50 or 51 or decision under section 57, or

(c) both a finding referred to in clause (a), and any order or decision referred to in clause (b).

(2) An appeal under this section shall be commenced

(a) by filing a notice of appeal with the Registrar of the Court of Appeal in Edmonton or Calgary, and

(b) by serving a copy of the notice of appeal on the Registrar

both within 30 days from the date on which the decision of the Council is served under section 53.

60 The appellant may, after commencing an appeal and on notice to the Registrar, apply to the Court of Queen's Bench or the Court of Appeal, as the case may be, for an order staying all or any part of an order or decision of the Council.

61(1) An appeal under section 58 or 59 shall be supported by copies, certified by the Registrar, of the decision of the Council and the record of the appeal before the Council.

(2) The Registrar, on being paid any disbursements and expenses in connection with a request made by the appellant or his solicitor or agent, shall furnish to the appellant or his solicitor or agent the number of copies so requested of the documents mentioned in sub-

59 Appeal to Court of Appeal on question of law only.

60 Order for stay of decision of Council pending appeal.

61 Material in support of appeal to Court of Appeal.

section (1).

62(1) The Court of Queen's Bench or the Court of Appeal, as the case may be, on hearing the appeal may

- (a) make any finding that in its opinion ought to have been made,
- (b) quash, confirm or vary the order or decision of the Council or any part of it, or
- (c) refer the matter back to the Council for further consideration in accordance with any direction of the Court.

(2) The Court of Queen's Bench or the Court of Appeal, as the case may be, may make any award as to the costs of an appeal to it that the Court considers appropriate.

General

63(1) If the Council is satisfied, after a hearing on the matter, that a person whose registration is entered in the register obtained registration by means of any false or fraudulent representation or declaration, either oral or written, the Council shall order that his registration be cancelled.

(2) The provisions of this Part respecting the procedures at a hearing before a review panel apply with all necessary modifications to a hearing held by the Council under subsection (1).

64(1) If the registration of an authorized entity has been cancelled or suspended under this Part, the certificate of registration and annual certificate or licence, permit or certificate of authorization of that authorized entity is deemed to be cancelled or suspended, and that person shall surrender to the Registrar the seal or stamp issued by the Registrar and, when requested by the Registrar, the certificate of registration, annual certificate, licence, permit or certificate of authorization, as the case may be.

(2) If the registration of an authorized entity has been cancelled under this Part, the registration shall not be reinstated in the register except by order of the Council or the Court of Appeal.

(3) No order shall be made under subsection (2) within one year after

- (a) the date on which the registration was cancelled, or

62 Power of Courts on Appeal.

63 Cancellation of falsely obtained registration.

64 Surrender of certificates, licence or permit and reinstatement.

(b) if an order was granted under section 60 staying the imposition of a punishment imposed by the Council, and the punishment is later confirmed by the Court of Appeal under section 62, the date on which that Court made its order confirming the punishment.

(4) A member of the Council who is a member of a committee of inquiry appointed pursuant to the regulations to consider an application under this Part for reinstatement of registration may participate in or vote at any proceedings of the Council under this section, and the Association's solicitor may participate in those proceedings.

65 The conduct of a person who is or was registered as an authorized entity and who represents or holds out that he is registered and in good standing while his registration is suspended or cancelled may be dealt with as being conduct unbecoming an architect in accordance with this Part.

PART 6

GENERAL

66(1) The relationship between an authorized entity in the practice of architecture and a person receiving the professional services of that authorized entity is subject to this Act, the regulations and any other law applicable to the relationship between a registered architect and his client.

(2) The relationship of a registered architect or visiting project architect to an architects corporation or joint firm, whether as shareholder, director, officer or employee of that corporation or firm, does not affect, modify or diminish the application of this Act, the regulations and the by-laws

(a) to him personally as a registered architect or visiting project architect, or

(b) to the relationship between the registered architect and his client.

67(1) A certificate purporting to be signed by the Registrar and stating that a named corporation was or was not, on a specified day or during a specified period, an architects corporation or joint firm, shall be admitted in evidence as prima facie proof of the facts stated in it without proof of the Registrar's appointment or signature.

(2) A certificate purporting to be signed by the Registrar and stating that a named person was or was not, on a specified day or during

65 Conduct while registration is cancelled or suspended.

66 Liability of registered architects and architects corporations or joint firms in dealing with other persons.

67 Certificate respecting registration.

a specified period,

(a) a registered architect, visiting project architect or restricted practitioner, or

(b) an officer of the Association or a member of the Council

shall be admitted in evidence as prima facie proof of the facts stated in it without proof of the Registrar's appointment or signature.

68(1) No action lies against any member of the Registration Committee, the Complaint Review Committee, the Practice Review Board, a member of the Council, the Registrar, the Association or any member, officer or employee of the Association for anything done by him in good faith while purporting to act under this Act, the regulations or the by-laws.

(2) No action for defamation may be founded on a communication that consists of or pertains to conduct of or a complaint regarding an authorized entity if the communication is published to or by the Association, the Registrar, a member of the Council or of the Registration Committee, the Complaint Review Committee, or the Practice Review Board, or any officer or employee of the Association in good faith in the course of investigating the complaint or conduct in the course of any proceedings under Part 5.

PART 7

PROHIBITIONS AND PENALTIES

69(1) An authorized entity whose registration is cancelled or suspended under this Act shall not, without the consent of the Council, engage in the practice of architecture or directly or indirectly associate himself or itself with the practice of architecture with any authorized entity.

(2) No authorized entity shall, except under the authority of the Council, associate in the practice of architecture directly or indirectly with or employ in connection with his practice a person whose registration has been cancelled or suspended under this Act.

(3) The Council may by resolution permit an authorized entity to employ in connection with its practice a person whose registration has been cancelled or suspended under this Act, but the employment shall be in the capacity and subject to the terms and conditions that are prescribed by the Council.

70(1) Every person and every officer, employee or agent of a cor-

68 Protection from liability.

69 Practice prohibitions.

70 Penalties.

poration or firm who contravenes any provision of this Act is guilty of an offence and liable on summary conviction

- (a) for a first offence, to a fine of not more than \$2000,
- (b) for a 2nd offence, to a fine of not more than \$4000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.

(2) A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards.

71 In a prosecution under this Act, the burden of proving that a person is an authorized entity is on the accused.

PART 8

TRANSITIONAL AND CONSEQUENTIAL

72(1) In this section and in sections 73 and 75, “former Act” means *The Architects Act*, being chapter 22 of the Revised Statutes of Alberta 1970.

(2) An individual who is a registered architect under the former Act is deemed to be a registered architect and the holder of an annual certificate under this Act.

(3) A corporation that holds a permit under section 3 of the former Act is deemed to be an architects corporation and the holder of a permit under this Act.

(4) An individual who holds a temporary licence to practise as an architect under section 10 of the former Act is deemed to be a visiting project architect and the holder of a licence under this Act.

(5) The Registrar shall, in the appropriate register established pursuant to this Act,

- (a) register the names of those individuals referred to in subsection (2) and the names of those corporations referred to in subsection (3), and
- (b) unless the Council otherwise directs in a particular case, register the names of those individuals referred to in subsection (4).

71 Onus of proof of registration.

72 Registered architects and holders of permits and temporary licences continued.

73 The members of the Council elected under the former Act are deemed to be members of the Council under this Act, elected for the same period and holding the same office.

74 An application for registration made but not concluded before the coming into force of this Act shall be dealt with under this Act.

75 Any complaints or discipline proceedings that were commenced but not concluded before the coming into force of this Act shall be concluded under the former Act as though this Act had not come into force.

76(1) The Joint Board may recommend to the Council that a certificate of authorization be issued to an individual who is a professional engineer and who

(a) has historically competently provided a service in the practice of architecture in Alberta, and

(b) applies for the certificate within 1 year after the date of the coming into force of section 21.1 of *The Department of Housing and Public Works Act*.

(2) On receipt of a recommendation under subsection (1) the Council may approve the registration of an individual who has applied to the Council and is eligible under the regulations to become registered as a restricted practitioner.

(3) If the Council approves the registration of an individual as a restricted practitioner it shall specify in the register the restricted scope of the practice of architecture in which the individual is permitted to engage.

(4) On entering the name of a restricted practitioner in the register the Registrar shall issue to that individual a certificate of authorization to engage in the restricted scope of the practice of architecture that is specified in the register.

(5) The term of the certificate of authorization issued under this section is one year from the date of issue of the certificate, and the certificate may, subject to the approval of the Council, be renewed for additional periods, each not exceeding one year, on payment of the fees prescribed in the regulations.

(6) A certificate of authorization issued under this section is subject to this Act, the regulations and the by-laws.

77 *The Condominium Property Act is amended by repealing section*

73 Council members continued.

74 Applications for registration continued.

75 Discipline proceedings continued.

76 Certificate of authorization of restricted practitioner.

77 Amends chapter 62 of The Revised Statutes of Alberta 1970.

8(1)(b)(i) and substituting the following:

- (i) a registered architect, visiting project architect, architects corporation or joint firm under *The Architects Act, 1980*.

78 *The Department of Housing and Public Works Act is amended by adding the following after section 21:*

21.1(1) In this section,

(a) “Architects Association” means The Alberta Association of Architects under *The Architects Act, 1980*,

(b) “Engineers Association” means the Association of Professional Engineers, Geologists and Geophysicists under *The Engineering and Related Professions Act*.

(2) There is hereby established a Joint Board of Practice composed of

(a) 4 persons appointed by the Council of the Architects Association,

(b) 4 persons appointed by the council of the Engineers Association,

and a chairman appointed by the Minister from among candidates mutually agreed to by both councils.

(3) The function and operation of the Joint Board of Practice shall be prescribed by agreement between the Council of the Architects Association and the council of the Engineers Association, and the agreement shall include at least the following matters:

(a) rules of procedure;

(b) provisions respecting the assessment of applications for a certificate of authorization under *The Architects Act, 1980* and provisions respecting the assessment of applications for a certificate of authorization under *The Engineering and Related Professions Act*;

(c) a procedure under which the Joint Board may act as a mediator of complaints or disputes of an interprofessional nature from members of the Architects Association or the Engineers Association or persons who are not members when the complaint cannot be resolved by each of those Associations individually or both of those Associations jointly;

(d) an undertaking to work on other matters of interprofessional relations, including the co-ordination and publication of guidelines, standards, criteria and performance standards

78 Amends chapter 13 of the Statutes of Alberta, 1975.

in the field of building design and construction;

(e) provisions respecting recommendations on applications for authority to prepare final drawings for buildings with one seal of either an engineer or an architect in cases where the drawings would ordinarily fit within the category of design that requires the seal of both professions under *The Alberta Uniform Building Standards Act*;

(f) a method of recommending to the Association concerned that a qualified certificate of authorization limiting the scope of practice in the other profession by an individual who is a professional engineer or a registered architect may be issued to an applicant

(i) who has historically competently provided that service in Alberta, and

(ii) who applies for the certificate within 1 year after the date of the coming into force of this section;

(g) any other matters agreed to between the councils of both the Architects Association and the Engineers Association.

79 *The Municipal Government Act is amended by adding the following after section 214:*

214.1 Section 214 does not empower a council to make a by-law that has the effect of requiring an architects corporation, a joint firm, a registered architect or a visiting project architect under *The Architects Act, 1980* to obtain a licence to engage in the practice of architecture or to carry on the practice or profession of an architect in the municipality.

80 *The Alberta Uniform Building Standards Act is amended*

(a) *in section 3(3)(c) by adding “subject to section 4.1(1)” after “providing”;*

(b) *by adding the following after section 4:*

4.1(1) Notwithstanding anything in any other Act, in a regulation under any other Act or in a by-law, no permit for

(a) the use,

(b) the occupancy,

(c) the relocation,

(d) the construction, or

79 Amends chapter 246 of the Revised Statutes of Alberta 1970.

80 Amends chapter 85 of the Statutes of Alberta, 1973.

(e) the demolition

of any building shall be issued by a local authority except in accordance with this Act or the regulations.

(2) Notwithstanding anything in any other Act, in a regulation under this Act or in a regulation under any other Act or in a by-law, no person shall submit in support of an application or as an application for a permit under this Act any plans, drawings or specifications for the construction, erection or enlargement of any building that is a category or type of building described in section 4.2, 4.3 or 4.4 unless the plans, drawings or specifications comply with those sections.

4.2(1) In this section and in section 4.3, “gross area” means the area of a building that is contained within the outside surface of the exterior walls of the building.

(2) A local authority may issue a permit to an applicant if the application conforms to this Act and the regulations and the by-laws under section 4(2), and if the application is for a building described in subsection (3).

(3) The buildings referred to in subsection (2) are:

(a) a building, 3 storeys or less in height, for assembly occupancy or institutional occupancy that,

(i) in the case of a single storey building, has a gross area of 300 square metres or less,

(ii) in the case of a 2 storey building, has a gross area of 150 square metres or less on each floor, or

(iii) in the case of a 3 storey building, has a gross area of 100 square metres or less on each floor;

(b) a building for residential occupancy that

(i) is a single family dwelling, or

(ii) is a multiple family dwelling, containing 4 dwelling units or less;

(c) a building, 3 storeys or less in height, for residential occupancy as a hotel, motel or similar use that

(i) in the case of a single storey building, has a gross area of 400 square metres or less,

(ii) in the case of a 2 storey building, has a gross area of 200 square metres or less on each floor, or

- (iii) in the case of a 3 storey building, has a gross area of 130 square metres or less on each floor;
- (d) a building 3 storeys or less in height for warehouse, business and personal services occupancy, for mercantile occupancy or for industrial occupancy that
 - (i) in the case of a single storey building, has a gross area of 500 square metres or less,
 - (ii) in the case of a 2 storey building, has a gross area of 250 square metres or less on each floor, or
 - (iii) in the case of a 3 storey building, has a gross area of 165 square metres or less on each floor;
- (e) a building that is a farm building not for public use;
- (f) a relocatable industrial camp building.

4.3(1) No local authority shall issue a permit with respect to an application for a building described in subsection (2) unless

- (a) the application for the permit is accompanied by plans, drawings or specifications that are
 - (i) imprinted with a stamp or seal affixed by or on behalf of a registered architect or a visiting project architect under *The Architects Act, 1980*, or
 - (ii) imprinted with a seal affixed by or on behalf of one or more professional engineers registered under *The Engineering and Related Professions Act* and qualified to engage in the appropriate combination of those branches of professional engineering that are applicable to building design and construction,

and

- (b) the application complies with this Act and the regulations and the by-laws of the local authority made pursuant to this Act.

(2) The buildings referred to in subsection (1) are:

- (a) a building 3 storeys or less in height for residential occupancy that is a multiple family dwelling containing 20 dwelling units or less, unless another number is prescribed in regulations under section 4.6;
- (b) a building for industrial occupancy, if the occupant load is designated to be at a ratio of 28 square metres per

person or more, unless another number is prescribed in regulations under section 4.6;

(c) a building that is classified for more than one type of occupancy, if

(i) the major use of the building is industrial occupancy and the occupant load is designated to be at a ratio of 28 square metres per person or more, unless another ratio is prescribed in regulations under section 4.6, and

(ii) any type of occupancy, other than the major use, does not extend over an area exceeding 400 square metres, unless another area is prescribed in regulations under section 4.6.

4.4 No local authority shall issue a permit for a building that is not referred to in section 4.2 or 4.3 unless the application is accompanied by architectural and engineering drawings, plans or specifications that are

(a) in the case of architectural drawings, plans or specifications, imprinted with a stamp or seal affixed by or on behalf of a registered architect or visiting project architect under *The Architects Act, 1980*,

(b) in the case of engineering drawings, plans or specifications, imprinted with a seal affixed by or on behalf of a professional engineer registered under *The Engineering and Related Professions Act*, and

(c) in the case of combined architectural and engineering drawings, imprinted with a stamp or seal affixed by

(i) a registered architect or a visiting project architect under *The Architects Act, 1980*, and

(ii) one or more professional engineers registered under *The Engineering and Related Professions Act* and qualified to engage in the appropriate combination of those branches of professional engineering that are applicable to building design and construction

or are submitted by a registered architect or professional engineer who is authorized by the Council under *The Architects Act, 1980* or under *The Engineering and Related Professions Act* to submit those drawings, plans or specifications without the seal of the other professional.

4.5 The classification of buildings shall be determined in accordance with the regulations.

4.6 The Lieutenant Governor in Council may, on the recommendation of the Minister of Housing and Public Works, make regulations prescribing

(a) the maximum number of dwelling units in a building referred to in section 4.3(2)(a);

(b) the occupant load ratio of a building referred to in section 4.3(2)(b);

(c) the occupant load ratio or maximum area, or both, of a building referred to in section 4.3(2)(c).

(c) in section 12(d) by adding “, except sections 4.1, 4.2, 4.3 and 4.4” after “contravenes any provision of this Act”.

81 *The Universities Act is amended in section 61 by adding “or regulation” after “Act” wherever it occurs.*

82 *The Architects Act is repealed on a date or dates to be fixed by Proclamation.*

83 This Act comes into force on a date or dates to be fixed by Proclamation.

81 Amends chapter 378 of The Revised Statutes of Alberta 1970. The amendment will permit the Universities Co-ordinating Council to act in cases where jurisdiction is assigned to it under any Act or under regulation.

82 Repeals chapter 22 of the Revised Statutes of Alberta 1970.