

### ILLEGAL PRACTICE OF ARCHITECTURE AND DEVELOPMENT PERMIT APPLICATIONS

The Alberta Association of Architects (AAA) regulates the practice of architecture in the Province of Alberta. This includes providing oversight and direction when our members bring to our attention any unauthorized practice under the Architects Act and Regulations. Only licensed architects in Alberta own the right to perform professional services for buildings that exceed the limitations under Part 9 of the Alberta Building Code and other specific areas.

#### **Increase in applications by non-professionals**

In recent months, there has been a disturbing increase of development permit applications to municipalities by individuals or organizations who are not *authorized entities* under the Architects Act. These individuals and companies are illegally involved in projects that under the Alberta Building Code require the professional involvement of an architect.

Unfortunately, this situation arises more than necessary, since some municipalities do not confirm professional involvement at the early stages of a project, when it is nevertheless required.

The veracity of many applications is often not even tested by the authority having jurisdiction until later in the jurisdictional approval process. This is because proof of professional involvement (i.e. the execution of the Alberta Building Code Schedules A, B, and later, C) is often not required by a municipality until the building permit stage. As such, illegal practice may remain undetected during the initial development stage, including the award of a development permit.

While we understand the Municipal Government Act (MGA) does not require municipalities to specifically police such matters, the MGA also does not endorse other acts of law being violated by unauthorized entities who provide planning or design services for buildings outside the limits set out under the Architects Act and the Alberta Building Code at any stage of a project.

#### **Your assistance appreciated**

While it is not the position of the AAA to request that municipalities change their policies *per se*, the purpose of this notice and its attached Practice Bulletin, **PB-26 When is an Architect or Licensed Interior Designer Needed on a Project**, is to appeal to municipalities across Alberta to assist the AAA in its quest to proactively address the issue of unauthorized practice by being aware of and reporting to the AAA any future application that you believe in your normal review procedures may need clarification as to whether professional involvement is either required or being provided on a given project.

If we are able to establish a clear line of communication in this regard, the AAA can and will better fulfill its duty to protect the public interest by assisting you and if necessary proactively address these “suspect” files.

In acting out its duty to protect the public interest by enforcing the Architects Act, we are asking all jurisdictions in Alberta to also enforce professional involvement when it is required on a project as soon as it is discovered.

#### **When professional involvement is required**

Professional involvement is required when the limits of a building size or type is exceeded, both in accordance with the Architects Act and under the Alberta Building Code. When this occurs, only registered and licensed architects in the province of Alberta are entitled to undertake this work. This is clearly explained in the attached practice bulletin that has also been distributed to our members. It is the professional duty of our members to report to the AAA any projects that are being prepared where professional involvement is required but is not being provided. As of this early date, we are already reaping positive results in this regard.

The following detail clarification may be of interest:

A key distinction to be made is that professional involvement when required, extends to the *outset* of a project. Professional involvement is NOT triggered at the building permit stage where a professional stamp or seal is usually affixed to the Building Permit construction documents for approval by the *authorities having jurisdiction*. The lack of any requirement for a seal to be applied to development permit drawings (or for that matter, any other stage of a project) by a municipality, is not to be construed as a similar lack of any requirement for professional involvement when and if it is necessary.

In other words, while some municipalities may not require a stamp or seal until the building permit stage, and despite this process resting at the sole discretion of the authority having jurisdiction, *it does not obviate the requirement for professional involvement at the beginning of a project where and when it is required*.

Further, the preparation of drawings by a non-authorized entity practicing illegally and the use of these drawings for building permit applications may result in the “purchase” of a professional stamp by the illegal entity and this does not legitimize the process. This also constitutes illegal and unauthorized practice and is actionable by the AAA.

We recommend this kind of activity be carefully monitored since it can expose a municipality to unwanted liability. Thus, we appeal to your better judgement upon receiving development applications whenever possible to:

1. Verify if professional involvement is required, and
2. If so, ensure that applications provide sufficient evidence of professional involvement in this regard and
3. If this is not possible, reject the application and report such application to the AAA. This will go a long way to protect municipalities from inadvertently aiding and abetting illegal practice.

Municipalities across the entire province of Alberta are also valued and important clients. We trust that by working more closely together, we will improve the quality of the built environment in your jurisdiction by first ensuring that professional involvement, where mandatory under the Alberta Building Code, is fully deployed.

Sincerely,



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Enclosure