

PB-26

PROFESSIONAL INVOLVEMENT ON BUILDING PROJECTS

INTRODUCTION

The Alberta Association of Architects¹ (AAA) is regularly asked about when an architect or licensed interior designer is legally required to be involved on a building project. This practice bulletin highlights variations in the applicable Alberta legislation used to determine professional involvement requirements. It also provides guidance about how the *Architects Act* specifically applies.

APPLICABLE LEGISLATION

In Alberta, the criteria for determining when an architect or licensed interior designer shall be involved on a building project are provided in both the *Architects Act* and the *Alberta Building Code* as enabled through the *Safety Codes Act*.

In support of its mandate to protect the public interest, the *Architects Act* provides the exclusive self-governing authority to the AAA to register, designate titles and regulate the practices of all architects and licensed interior designers providing design services on Alberta building projects. Except under certain limited circumstances, only architects and licensed interior designers registered through the AAA are permitted to provide design services on all building projects in Alberta. Similarly, the *Safety Codes Act / Alberta Building Code* requires an architect or licensed interior designer to be involved on all building projects except under certain circumstances.

The *Architects Act* is administered and enforced by the AAA whereas the *Alberta Building Code* is administered by Alberta Municipal Affairs and enforced by safety codes officers as identified in the *Safety Codes Acts*. There are subtle variations that exist between the methods used in the *Architects Act* and *Safety Codes Act / Alberta Building Code* for determining the professional involvement requirements of architects or licensed interior designers as highlighted throughout this document.

The AAA has observed situations relating to the assessment of professional involvement requirements where only the *Safety Codes Act / Alberta Building Code* has been applied or where neither *Act* has been correctly applied. In many instances, this has occurred since the methods for determining the building size are very similar but not identical.

While the *Safety Codes Act* exempts its officers against liability for damages resulting from advice provided in good faith on matters relating to the application of the *Safety Codes Act / Alberta Building Code*, an awareness and application of all other laws, including the *Architects Act*, is required. The AAA seeks the recognition and support from the public, owners, AAA membership and building code authorities by identifying potential violations of the *Architects Act*.

THE MEANING OF PROFESSIONAL INVOLVEMENT IN THE ARCHITECTS ACT

The involvement of professional architects and licensed interior designers is prescribed by the *Architects Act* which is directly referenced by the *Safety Codes Act / Alberta Building Code*. Under the *Architects Act*, architects and licensed interior designers are responsible for the “...*personal supervision, direction and control*...” in the “...*planning, design or giving advice on the design*...” for the “...*the erection, construction or alteration of or addition to a building*” except for buildings smaller than the occupancy types and sizes noted. These obligations extend to the production of all instruments of

service, such as construction drawings, specifications and sketches, and to the monitoring of construction for compliance with the instruments of service. Professional services must be provided in a way that complies with all other legislation.

COMPARISON OF METHODS FOR DETERMINING PROFESSIONAL INVOLVEMENT

Methods for determining professional involvement requirements in both the *Architects Act* and the *Safety Codes Act / Alberta Building Code* are based on a combination of the building uses or occupancies and the building size as measured in terms of area and height. Appendix A provides a side by side comparison between these Acts that identify the limits below which professional involvement may not be required.

Unless otherwise noted in this policy document, the *Architects Act* utilizes definitions already provided by the *Safety Codes Act / Alberta Building Code* including *building, storey, firewall, fire separation, environmental separation* and *exit*.

Both the *Architects Act (Act)* and *Safety Codes Act / Alberta Building Code (ABC)* use a combination of the building size and occupancy factors for determining professional involvement but in slightly different ways. The key variances include:

- ▶ The use of “gross area” in the AA versus “building area” in the ABC; and
- ▶ Different methods for measuring the vertical size of the building.

1. Building Occupancy

The building occupancy categories used in the *Architects Act* are nearly identical to the building occupancies used in the *Safety Codes Act / Alberta Building Code*.

The *Architects Act* refers to an “Institutional” occupancy whereas the *Alberta Building Code* uses a “Group B – Care, Treatment and Detention” occupancy which results in the same determination of professional involvement using this criterion alone.

While *relocatable industrial camp buildings* do not require the involvement of an architect or licensed interior designer under the *Safety Codes Act / Alberta Building Code* or *Architects Act*, the AAA has observed public interest concerns resulting from the absence of full professional involvement for buildings that include design elements beyond the limits of ABC Part 10. In accordance with the *Architects Act*, once professional involvement is required for any aspect of a building beyond ABC Part 10, professional involvement is required for the entire building.

2. Building Size Comparisons

“Gross area,” as used in the *Architects Act*, is substantially different from “building area” in the *Safety Codes Act / Alberta Building Code*. The AAA defines “gross area” as the total of all horizontal areas of all floors capable of accommodating any building occupancy as measured to the outside of building surfaces at the floor level of all storeys. The “gross area” considers the area of each floor across all building storeys whereas the *Safety Codes Act / Alberta Building Code* considers the area of the largest floor above grade to the centerline of firewalls and may exclude below grade, mezzanine and service room floor levels under certain circumstances.

The AAA interprets “gross area” to include all of the following areas that may result in substantially different assessments of the professional involvement requirements:

- ▶ mezzanine floors, bridges, tunnels and links and occupied roof areas
- ▶ service room, floors, stairways, walkways and platforms
- ▶ attached decks, connecting walkways, patios or balconies
- ▶ stairways, shafts and vertical service spaces, and
- ▶ interconnected floor areas, but
- ▶ excluding horizontal service spaces.

The AAA has observed situations where some code authorities, owners, developers and / or various unauthorized design entities not duly registered with the AAA have utilized building elements and design concepts such as fire compartments, superimposed occupancies, connecting links, tenant suites, and strata spaces to subdivide a building into smaller parts for the purpose of attempting to avoid professional involvement. These methods do not create separate smaller buildings and are illegal as they violate both the *Safety Codes Act / Alberta Building Code* and the *Architects Act*.

3. Variations Summary

The above-noted subtle yet relevant differences between the *Architects Act* and *Safety Codes Act / Alberta Building Code* may result in assessments where professional involvement is required by the *Architects Act* but not by the *Safety Codes Act / Alberta Building Code* in which case professional involvement is required since **both Acts apply**.

Whenever an architect or licensed interior designer is involved on a project, they are obligated to apply their signature, seal and permit to practice in accordance with other sections the *Architects Act*, *General Regulation* and *Bylaws*. Refer to the separate practice bulletin, *PB15 – Documents Authentication* regarding acceptable authentication methods and the documents to which such authentication is required to be applied.

The AAA has observed situations where attempts to avoid professional involvement have used an oversimplified “rule of thumb” referenced by some in the design and construction industry as the “5,000 square foot / 500 square meter rule.” This rule has no legitimate bearing in legislation. The *Architects Act* and the *Safety Codes Act / Alberta Building Code* are the only legal references that should be used for determining professional involvement requirements.

ADDITIONAL PROFESSIONAL INVOLVEMENT CLARIFICATIONS

1. Authorities Having Jurisdiction Determination

The professional involvement requirements highlighted in this document are in no manner intended to limit the ability for building code authorities to require professional involvement on buildings or portions of buildings that would otherwise be exempted by the *Architects Act* and the *Safety Codes Act / Alberta Building Code*. In fact, the AAA strongly encourages code authorities to require professional involvement for all buildings classified as disaster service buildings regardless of occupancy or building size.

2. Applicability to Professional Engineers

Section 3 of the *Architects Act* and Article 2.4.2.1.(7) in Division C of the *Safety Codes Act / Alberta Building Code* provides a mechanism for professional engineers not also holding a license to practice architecture to seek authorization from AAA Council to submit permit documents as defined by the *Alberta Building Code* in the absence of a design prepared by an architect or licensed interior designer. This mechanism requires an engineer interested in applying for a permit under the *Safety*

Codes Act / Alberta Building Code to obtain the approval from AAA Council. Unfortunately, these sections have been incorrectly interpreted by some code authorities and engineers to represent the ability for an engineer to provide architectural services or as a default position without actually going through the AAA Council approval process. This practice bulletin confirms that in no way should these sections be interpreted to imply that a professional engineer may submit a design to obtain a permit that excludes the involvement of an architect or licensed interior designer without the written authorization of the AAA Council on a project by project basis.

3. Coordinating Professional of Record

Architects and licensed interior designers typically carry the responsibility for those aspects of the building design that integrate the technical and performance requirements of the entire project in accordance with the professional duty of care as enabled through the *Architects Act*. Therefore, it is most common for the architect or licensed interior designer to serve in a design coordination role and thus should also serve in the role of the Coordinating Professional of Record as defined in the *Safety Codes Act / Alberta Building Code*.

In situations where a building is strictly impacted by only the engineering scopes of work, as in the instance of many limited mechanical or electrical upgrade projects, the involvement of an architect or licensed interior designer may not be required and one of the professional engineers of record is permitted to also serve in the capacity of the Coordinating Professional of Record.

The AAA cautions that building performance is characterized by the sum of its elements and systems and it is common for many different aspects of the design such as building envelope performance, access to exits, fire safety design requirements, that fall under the exclusive authority of the *Architects Act*, may be inadvertently impacted by engineering system upgrades thus requiring the professional involvement of an architect or licensed interior designer.

4. Authorized Scope of Practice for Architects and Licensed Interior Designers

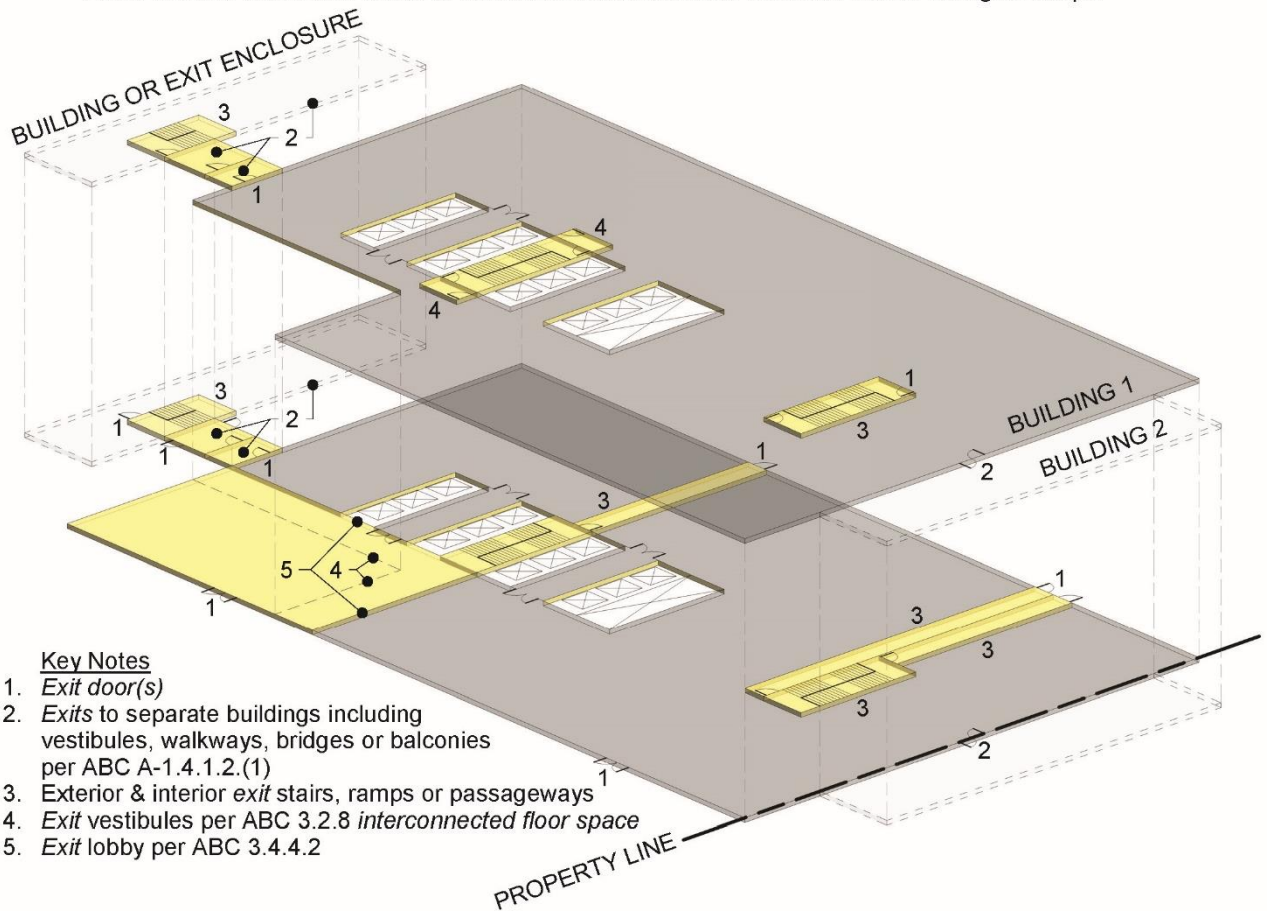
Architects and licensed interior designers are authorized entities under the *Architects Act* respectively authorized to engage in the “practice architecture²” or “practice of interior design².”

The *Architects Act General Regulation* defines the scope of professional services that a licensed interior designer is authorized to provide. Neither an architect nor a licensed interior designer is permitted to provide engineering services unless also registered to do so under the *Engineering and Geoscience Professions Act*. Similar to other design professionals, licensed interior designers hold the responsibility to assess when the involvement of other professionals is required. A licensed interior designer may provide the same services as an architect except on all matters that affect the exterior shell of a building, environmental separations and exits.

The AAA relies upon the definition of *exit* from 1.4.1.2, Division A of the *Safety Codes Act / Alberta Building Code* and as graphically-represented by the following diagram and the Part 5, Division B description of an *environmental separation*. Environmental separations are construction assemblies between dissimilar environments for the purpose of controlling or limiting condensation and the transfer of heat, air, moisture, gases and sound.

Exit Notes

- Exits (in yellow, labelled 1-5): Architect scope only
- Floor areas (in grey / all areas except exits and shafts): Architect or Licensed Interior Designer scope
- Paths of travel within floor areas or access to exit: Architect or Licensed Interior Designer scope



Key Notes

1. Exit door(s)
2. Exits to separate buildings including vestibules, walkways, bridges or balconies per ABC A-1.4.1.2.(1)
3. Exterior & interior exit stairs, ramps or passageways
4. Exit vestibules per ABC 3.2.8 interconnected floor space
5. Exit lobby per ABC 3.4.4.2

5. Applicability to Building Owners

The AAA recognizes the need for various public and private organizations acting as building owners to undertake operational and business-related planning activities for new buildings or when additions or renovations to an existing building is anticipated.

The business planning activities **for** a building are unique and distinct from the statutory activities of “...*planning, designing or giving advice on the design...*” of projects intended **to** create, expand or alter a building. Unless registered as an authorized entity with the AAA, building owners and operators are prohibited by law to provide the statutory services described in the *Architects Act*.

Professional involvement is required on all buildings, except as noted in the *Architects Act*, where the planning, design or giving advice on the design will result in the construction of new buildings or building additions or alterations to an existing building. The ownership or operational responsibility of a building does not permit the professional involvement requirements of the *Safety Codes Act / Alberta Building Code* or the *Architects Act* to be circumvented.

6. Additional Cautionary Notes

Some unauthorized individuals, business entities and engineering firms not duly registered with the AAA have illegally advertised themselves and/or implied a capability to provide the professional

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services of a registered architect or licensed interior designer through various inappropriate drawing, association and naming representations.

Such activities have been observed by the AAA to occur independently from or in conjunction with attempts to subdivide a building into separate parts using fire compartments, superimposed occupancies, connecting links, tenant suites, and strata spaces for the purpose of attempting to avoid professional involvement

It has also been reported that some code authorities have provided design advice directly to permit applicants to avoid the statutory professional involvement requirements. These activities are a clear violation of both the *Safety Codes Act* and the *Architects Act* and should be reported to the AAA immediately.

The AAA urges building code authorities to reference the online [AAA Membership Directory](#) and to contact the AAA Registrar directly if there are any questions or concerns about the validity of entities claiming or implying authority to provide the services of an architect or licensed interior designer through any other form than those sanctioned by the AAA.

Some permitting offices have also been known to advise or even encourage applicants about methods and sources for obtaining the signature, seal and schedules of a professional architect or licensed interior designer whose “...*personal supervision, direction and control*...” was not provided in the preparation of the design and construction documents. Such actions equate to a bypassing of the professional involvement requirements embodied in both the *Safety Codes Act* or the *Architects Act* and represent a direct violation of the ethical duty of care owed by an architect or licensed interior designer to the public.

Some permitting offices have also accepted construction documents not submitted in accordance with the *AAA Practice Bulletin PB-15 – Documents Authentication* whereby the mandatory data encryption certification from Notarius on digital records has been most frequently overlooked.

Advice provided by a code authority office that contradicts either the *Safety Codes Act* or the *Architects Act*, especially in light of this Practice Bulletin, may be viewed as advice not provided in good faith and could expose themselves and the municipal jurisdictions they serve to unnecessary legal risk. Practice Bulletins are policies enabled by the *Architects Act*.

AAA members that undertake design work or provide advice on matters in a manner that is contrary to the professional involvement requirements the *Safety Codes Act*, *Architects Act*, or this practice bulletin are subject to potential disciplinary action.

NOTES

¹ AAA = The Alberta Association of Architects. The AAA and the *Architects Act* are utilized interchangeably throughout this document. The *Architects Act* provides the Alberta Association of Architects (AAA) with the authority to establish policies, as represented by this Practice Bulletin, to interpret, elaborate upon and clarify terms of the *Architects Act* as it applies to its membership in the interests of the public.

² The following defined terms are excerpted from the *Architects Act* and *General Regulation*:

The “Practice of architecture” means:

- (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

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

“Interior design” means that portion of the practice of architecture that is limited to:

- (i) planning designing or giving advice on the design of or on the erection, construction or alteration of or addition to the interior of 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 the interior of a building
- (iii) reviewing work and assessing the performance of work under a contract for the erection, construction or alteration of or addition to the interior of a building
- (iv) engaging or coordinating architectural and engineering work within the interior of a building, but does not include engineering work or any work on the exterior shell of a building, environmental separations or exits

The Standata, Director’s Interpretation, DI-97-002R2, as previously published by *Alberta Municipal Affairs*, had addressed similar topics now included in this Practice Bulletin and has not been re-issued. *Alberta Municipal Affairs* recognizes the authority of the Alberta Association of Architects to clarify the professional involvement requirements under the *Architects Act* and the scope of services that may be provided by architect and licensed interior designers.

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Date Approved by Council: May 10, 2018

Practice bulletins are issued by the Alberta Association of Architects as a practice resource or as general interpretations of the requirements in the *Architects Act*, the *General Regulation* under the *Act*, and the AAA Bylaws. Bulletins should be read in conjunction with the *Act*, *General Regulation* and Bylaws and in no way supersede these documents. Bulletins are not intended to be and are not legal advice to the members of the AAA nor to the public/client. Members and the public should consult their own legal, income tax or financial advisors as to the application of the *Architects Act and General Regulation* in specific circumstances.

Appendix A

COMPARISON OF ACTS – LIMITS BELOW WHICH PROFESSIONAL INVOLVEMENT MAY NOT BE REQUIRED							
ARCHITECTS ACT				SAFETY CODES ACT / ALBERTA BUILDING CODE			
Occupancy	# Storeys	Gross Area (m ²)		Occupancy	# Storeys	Building Area (m ²)	
Assembly	1	300	or less	Group A - Assembly	1	300	or less
	2	150	or less on each floor		2	150	or less
	3	100	or less on each floor		3	100	or less
Institutional	1	300	or less	Group B – Care, Treatment and Detention	1	300	or less
	2	150	or less on each floor		2	150	or less
	3	100	or less on each floor		3	100	or less
Warehouse / Industrial	1	500	or less	Group F - Industrial	1	500	or less
	2	250	or less on each floor		2	250	or less
	3	165	or less on each floor		3	165	or less
Business and Personal Services	1	500	or less	Group D – Business and Personal Services	1	500	or less
	2	250	or less on each floor		2	250	or less
	3	165	or less on each floor		3	165	or less
Mercantile	1	500	or less	Group E - Mercantile	1	500	or less
	2	250	or less on each floor		2	250	or less
	3	165	or less on each floor		3	165	or less
Industrial	1	500	or less	Group F - Industrial	1	500	or less
	2	250	or less on each floor		2	250	or less
	3	165	or less on each floor		3	165	or less
Residential - Hotel, Motel or Similar	1	400	or less	Group C – Residential	1	400	or less
	2	200	or less on each floor		2	200	or less
	3	130	or less on each floor		3	130	or less
Occupancy	# Storeys	# Dwelling Units		Occupancy	# Storeys	# Dwelling Units	
Residential – Family Dwellings	N/A	1	N/A	Group C – Residential	N/A	1	or less
	N/A	4	Or less		N/A	4	or less
	<i>The Architects Act does not recognize the SCA / ABC concept of a Secondary Suite</i>				<i>Secondary Suites excluded from # Dwelling Units</i>		

Acts Comparison Summary

AA = Architects Act

ABC = Safety Codes Act / Alberta Building Code

No impact on determination of professional involvement:

1. AA “Institutional” occupancy and ABC “Group B - Care, Treatment and Detention” occupancy – no difference for purpose of assessing professional involvement.

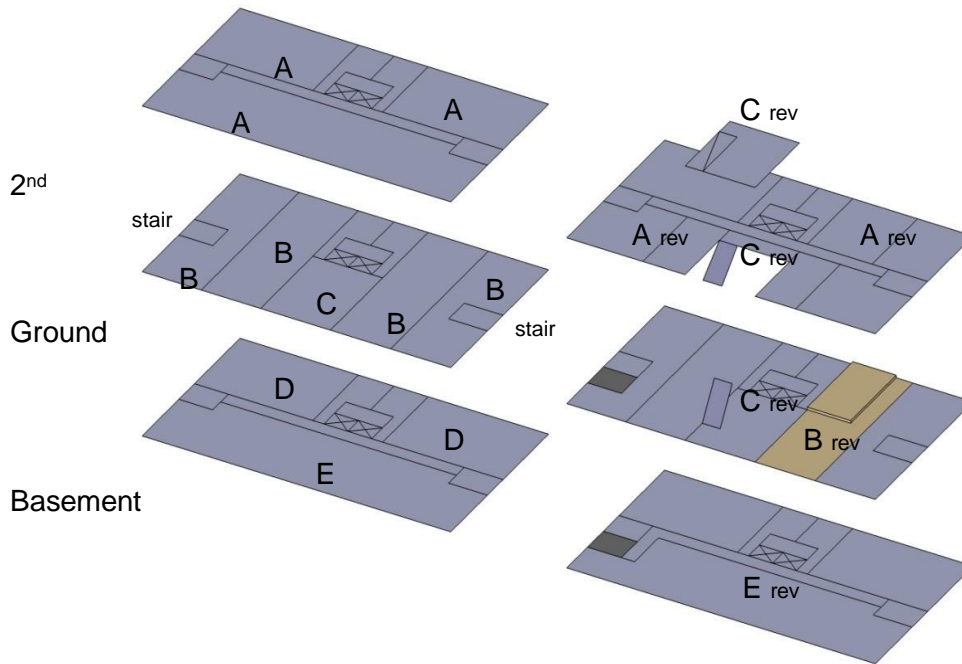
Variations that may result in different professional involvement determinations under each Act:

1. AA uses “gross area” whereas ABC uses “building area” as one determinant of building size. The AA “gross area” includes floor areas that may not be included in ABC “building area.”
2. AA uses all stories in a building whereas the ABC may exclude some storeys for the purpose of determining “building height.”

Both Acts apply.

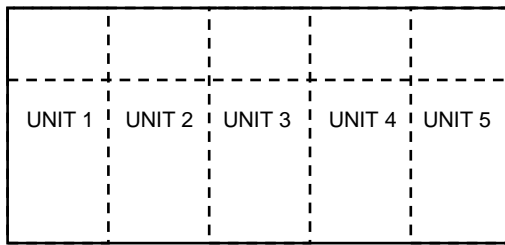
Appendix B - Examples

Example 1 – Office Building

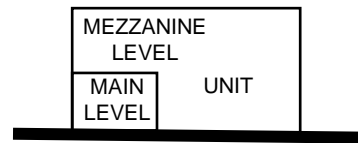


Existing Office Building (Professional Involvement Required)	Proposed Revisions
A – Office Tenant	A rev – Conversion to multi-tenant floor. No impact on exits. Therefore, design by an architect or licensed interior designer is permitted. Design of stairs not forming part of the exit plan in the interconnected floor permitted by an architect or licensed interior designer. Stairs and exit lobby forming part of the exit plan to be designed by an architect.
B – Ground Floor Commercial	B rev – Add new frozen production lab / clean room tenant. No exit impact but space use change results in environmental separation therefore an architect is required.
C – Lobby	C rev – Removal of floor and roof to create interconnected floor space, two feature stairs and new roof deck. Structural framing additions and alterations by engineer only. Architect or licensed interior designer may review exit implications. If exits need to be modified, an architect is required for the design of the exits.
D – Storage and Mechanical Rooms	Design of revisions permitted to be conducted by architect or licensed interior designer.
E – Unassigned	E rev – Addition of an assembly occupancy / fitness center with higher occupant load than original, therefore, exit requirements may be impacted. If no change in exit requirements, then the involvement of either an architect or licensed interior designer is permitted. If exit requirements change, an architect must be involved.

Example 2 – Mixed Use Commercial



PLAN VIEW



CROSS SECTION

Building Description

- Existing 1-storey building shelled with opportunity to fit-up five separate commercial units 480 m² each.
- Building design for potential assembly, personal and business services or mercantile uses.
- Option 1: Build firewall between Units 1&2 to create Unit 1 assembly tenant and Units 2-5 mercantile tenant.
- Option 2: Build firewall between Units 1&2 to create Unit 1 mercantile tenant and Units 2-5 business services tenant.
- Option 3: Construct fire separations between all Units to create 5 separate personal and business services tenancies.

Architects Act

Option 1:

- Unit 1 = 480 m² assembly
- Units 2 - 5 = 1,920 m² mercantile
- Most restrictive occupancy from the perspective of the *Architects Act* applies - assembly.
- Unit 1 gross area > 300 m² therefore professional involvement required.
- Units 2 – 5 gross area > 500 m² therefore professional involvement required.

Option 2:

- Most restrictive occupancy from the perspective of the *Architects Act* applies - mercantile and personal and business services.
- Unit 1 gross area < 500 m² therefore professional not involvement required.

Option 3:

- Gross area: 2,400 m² (5 units @ 480 m² each).
- For all tenant separations not firewalls:
 - Gross area remains unchanged at 2,400 m².
 - Separate buildings or building areas are not created.
 - Professional involvement required.
- Architect or licensed interior designer may assess proposed project impacts on exits:
 - If change in exits, then exit design by architect only
 - If no change in exits, then design by architect or licensed interior designer permitted.

Safety Codes Act / Alberta Building Code (ABC)

Option 1:

- Unit 1 = 480 m² assembly
- Units 2 - 5 = 1,920 m² mercantile
- Unit 1 building area > 300 m² therefore professional involvement required.
- Units 2 – 5 building area > 500 m² therefore professional involvement required.

Option 2:

- Unit 1 = 480 m² mercantile
- Units 2 - 5 = 1,920 m² business and personal services
- Firewall creates two separate *building areas* and two separate *buildings*.

Option 3:

- Building area: 2,400 m²
- Professional involvement required.

Example 3 – Office Tower

<p>Building Description</p> <ul style="list-style-type: none"> • 1 penthouse level: 2,000 m² (mechanical services) • 11 office levels: 2,000 m² each / 4 suites per level: 400 m² each • Level 1 & 2: 2,000 m² each • 2 below-grade parking levels: 2,000 m² each • Project 1: recladding / building envelope upgrade • Project 2: subdivide tenant suite on level 10 • Project 3: create 6 – 350 m² retail suites on level 1 • Project 4: fit-up level 5 vacant suite 	
<p>Architects Act</p> <ul style="list-style-type: none"> • Number of storeys: 16 • Gross area: 16 X 2,000: 32,000 m² • Gross area on each floor: 2,000 m² • Category: Business & Personal Services, Mercantile and Industrial (most restrictive applies) • Building exceeds 3 storeys therefore professional involvement required. • Superimposition of occupancies and separation of tenancies do not create separate buildings for purpose of determining professional involvement. • Project 1 by architect only. • Projects 2 – 4 by architect or licensed interior designer. 	<p>Safety Codes Act / Alberta Building Code (ABC)</p> <ul style="list-style-type: none"> • Number of storeys: 16 • Building height: 13 storeys • Building area: 2,000 m² • Major occupancies: Groups D, E & F3 • Parking garage may be treated as separate buildings for firefighting purposes only if certain conditions met but has no impact on the professional involvement requirements. • Building height > 3 storeys, therefore, professional involvement regardless of tenant suite sizes.

Example 4 – Recreation Centre Renovations

<p>Building Description</p> <ul style="list-style-type: none"> • 56,000 m² recreational facilities / assembly occupancy on grade. • Renovation Project 1: Reconfigure partitions between hot yoga studio and indoor ice rink. • Renovation Project 2: Replace exterior windows. • Renovation Project 3: Reconfigure retail shops and office suite. 	
<p>Architects Act</p> <ul style="list-style-type: none"> • Project 1: architect only - environmental separations. • Project 2: architect only - building envelope. • Project 3: architect or licensed interior designer. 	

Example 5 – Community Center Renovation

<p>Building Description</p> <ul style="list-style-type: none"> • Number of storeys =2 • Level 1: Existing community hall 290m² • Basement level: Proposed office development 290m² 	
<p>Architects Act</p> <ul style="list-style-type: none"> • Gross area: 2 X 290: 580m² • Occupancies: Assembly / Business and Personal Services • Most restrictive occupancy from perspective of <i>Architects Act</i> applies: assembly • Largest floor gross area of all floors: 290m² > 150m² therefore: <p>Professional involvement of an architect or licensed interior designer required by <i>Architects Act</i>.</p>	<p>Alberta Building Code</p> <ul style="list-style-type: none"> • Building area = 290m² • Building height = 1 storey • Major occupancies: Groups A2 & D • Most restrictive occupancy: Group A2 • The code authority may determine professional involvement not required for the basement office as per the <i>Alberta Building Code</i> because building area < 300 m² but may not disregard other legislation, specifically the <i>Architects Act</i>.
<p>Both Acts apply. Therefore, professional involvement required.</p>	