



Province of Alberta

## ARCHITECTS ACT

# ARCHITECTS ACT GENERAL REGULATION

### **Alberta Regulation 200/2009**

With amendments up to and including Alberta Regulation 219/2010

### Office Consolidation

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(Consolidated up to 219/2010)

**ALBERTA REGULATION 200/2009**

**Architects Act**

**ARCHITECTS ACT GENERAL REGULATION**

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### **Definitions**

- 1 In this Regulation,
  - (a) "architect-held corporation" means a corporation in which one or more registered architects hold the beneficial ownership of more than 50% of the voting shares of the corporation;
  - (b) "client" means a person on whose behalf an authorized entity provides or undertakes to provide professional services;

- (c) “engineer” has the same meaning as it has in section 17(1)(b) of the Act;
- (d) “engineering work” means engineering work as defined in the *Administrative Items Regulation* (AR 16/2004);
- (e) “environmental separation” means the part of the exterior shell of a building that controls the transfer of heat, air, water or moisture between the interior of a building and the external environment;
- (f) “firm” means a practice arrangement referred to in section 26;
- (g) “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, and
  - (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;
- (h) “licensed interior designer-held corporation” means a corporation in which one or more licensed interior designers hold the beneficial ownership of more than 50% of the voting shares of the corporation;
- (i) “partnership” means any partnership of authorized entities or authorized entities and other persons that engages in the practice of architecture, interior design, or both;
- (j) “practice review” means a review of the practice of an authorized entity;
- (k) “professional services” means services

- (i) within the practice of architecture that are provided by a registered architect, an architects corporation, an architects and engineers firm, a visiting project architect or a restricted practitioner, or
  - (ii) within the practice of interior design that are provided by a licensed interior designer, an interior design corporation or a visiting project interior designer;
- (l) “reviewer” means a person authorized by the Practice Review Board under section 58 to review the practice of an authorized entity.

## **Part 1 Registration**

### **Registration form**

**2** An application for registration under the Act must be made on a form approved by the Council.

### **Registration Committee**

#### **Chair, vice-chair**

**3** The Council must designate a member of the Registration Committee as chair and may designate one or more members as vice-chairs.

#### **Quorum**

**4(1)** Subject to subsection (2), a quorum of the Registration Committee is 2 of its members.

**(2)** When the Registration Committee is considering an application for registration as a licensed interior designer, a quorum is 2 members of the Registration Committee, one of whom must be a licensed interior designer.

#### **Power and duties**

**5(1)** In accordance with the Act and this Regulation, the Registration Committee must consider and decide on an application for registration as a registered architect or licensed interior designer.

**(2)** The Registration Committee must perform any other functions assigned to it by the Council.

## **Registered Architects and Licensed Interior Designers**

### **Eligibility for registration as Registered Architect**

**6(1)** An applicant for registration as a registered architect who meets the requirements of subsection (2) is eligible for registration as a registered architect if the applicant provides proof satisfactory to the Registration Committee that the applicant

- (a) is of good character, and
- (b) is at least 18 years old.

**(2)** An applicant meets the academic and training requirements necessary for registration as a registered architect if

- (a) the applicant
  - (i) has a university degree acceptable to the Council or has completed a substantially equivalent post-secondary program acceptable to the Council,
  - (ii) has completed at least 2 years of practical training in the practice of architecture acceptable to the Registration Committee, and
  - (iii) has completed the examinations approved by the Council,

or

- (b) the applicant is registered as an architect in a jurisdiction recognized by the Council.

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### **Eligibility for registration as Licensed Interior Designer**

**7(1)** An applicant for registration as a licensed interior designer who meets the requirements of subsection (2) is eligible for registration as a licensed interior designer if the applicant provides proof satisfactory to the Registration Committee that the applicant

- (a) is of good character, and
- (b) is at least 18 years old.

**(2)** An applicant meets the academic and training requirements necessary for registration as a licensed interior designer if

- (a) the applicant



- (i) has a degree in interior design acceptable to the Council or has completed a substantially equivalent post-secondary program acceptable to the Council,
- (ii) has completed at least 2 years of practical training in the practice of interior design acceptable to the Registration Committee, and
- (iii) has completed the examinations approved by the Council,

or

- (b) the applicant is registered as a licensed interior designer or the equivalent, as recognized by the Council, in a jurisdiction recognized by the Council.

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#### **Training credit**

**8** An applicant for registration as a registered architect or licensed interior designer who, before graduation or completion of education satisfactory to the Council, had practical training in some or all of the practical experience requirements of the Intern Architect Program or the Intern Licensed Interior Designer Program, or a substantially equivalent program recognized by the Registration Committee, may apply to the Registration Committee for all or part of that training to be considered as a credit toward all or part of the period of practical training required under section 6(2)(a)(ii) or 7(2)(a)(ii).

#### **Exemption**

**9** The Registration Committee may, where it is of the opinion that an applicant's qualifications, knowledge and experience so merit, grant an exemption from all or part of the registration requirements set out in

- (a) section 6(2) to an applicant for registration as a registered architect, or
- (b) section 7(2) to an applicant for registration as a licensed interior designer.

### **Architects Corporations, Interior Design Corporations**

#### **Preliminary letter of approval**

**10(1)** The Council may grant a preliminary letter of approval for a corporation to be registered as an architects corporation if

- (a) the Council is satisfied that the proposed incorporation documents include provisions
  - (i) that no transfer of shares may take place without the approval of the board of directors of the corporation,
  - (ii) that no transfer of shares may take place which would contravene this Regulation or any regulation substituted for it,
  - (iii) that no business will be carried on which would contravene this Regulation or any regulation substituted for it,
  - (iv) that no director or officer may be appointed if the appointment would contravene this Regulation or any regulation substituted for it, and
  - (v) that no bylaw may be enacted by the directors in contravention of the Act or any regulation or bylaw enacted under the Act,

and

- (b) the Council is satisfied that the proposed name of the corporation meets the requirements set out in section 27.

**(2)** The Council may grant a preliminary letter of approval for a corporation to be registered as an interior design corporation if

- (a) the Council is satisfied that the proposed incorporation documents include provisions
  - (i) that no transfer of shares may take place without the approval of the board of directors of the corporation,
  - (ii) that no transfer of shares may take place which would contravene this Regulation or any regulation substituted for it,
  - (iii) that no business will be carried on which would contravene this Regulation or any regulation substituted for it,
  - (iv) that no director or officer may be appointed if the appointment would contravene this Regulation or any regulation substituted for it, and
  - (v) that no bylaw may be enacted by the directors in contravention of the Act or any regulation or bylaw enacted under the Act,

and

- (b) the Council is satisfied that the proposed name of the corporation meets the requirements set out in section 28.

**Incorporation under Business Corporations Act**

**11(1)** Within 45 days or a longer period that the Council permits, a recipient of a preliminary letter of approval must apply for incorporation under the *Business Corporations Act*.

**(2)** When the proposed corporation is incorporated under the *Business Corporations Act*, the corporation must send to the Registrar

- (a) a certificate of incorporation issued by the Registrar of Corporations,
- (b) evidence of the names of the corporation's directors, officers and shareholders, and
- (c) any other evidence required by the Council to satisfy the Council that the requirements of this Regulation have been and will continue to be complied with.

**Approval of registration of architects corporation**

**12** The Council must approve the registration of a corporation as an architects corporation if it is satisfied that the corporation meets all of the following requirements for architects corporations:

- (a) the corporation has one or more full-time permanent employees or shareholders who are registered architects who will assume direct personal supervision, direction and control of the practice of architecture in which the corporation proposes to engage;
- (b) the beneficial ownership of
  - (i) more than 50% of the corporation's voting shares is vested in
    - (A) one or more registered architects,
    - (B) one or more architect-held corporations, or
    - (C) a combination of registered architects and architect-held corporations,

or

- (ii) not less than 50% of the corporation's voting shares is vested in
  - (A) one or more registered architects,
  - (B) one or more architect-held corporations, or
  - (C) a combination of registered architects and architect-held corporationsand the beneficial ownership of any remaining voting shares is vested in either licensed interior designers or professional engineers, or both;
- (c) a majority of the directors and officers of the corporation are registered architects;
- (d) any shareholders of the corporation who are not registered architects, licensed interior designers or professional engineers are of good character and are satisfactory to the Council.

#### **Approval of registration of interior design corporation**

**13** The Council must approve the registration of a corporation as an interior design corporation if it is satisfied that the corporation meets all of the following requirements for interior design corporations:

- (a) the corporation has one or more full-time permanent employees or shareholders who are licensed interior designers who will assume direct personal supervision, direction and control of the practice of interior design in which the corporation proposes to engage;
- (b) the beneficial ownership of
  - (i) more than 50% of the corporation's voting shares is vested in
    - (A) one or more licensed interior designers,
    - (B) one or more licensed interior designer-held corporations, or
    - (C) a combination of licensed interior designers and licensed interior designer-held corporations,or
  - (ii) not less than 50% of the corporation's voting shares is vested in

- (A) one or more licensed interior designers,
  - (B) one or more licensed interior designer-held corporations, or
  - (C) a combination of licensed interior designers and licensed interior designer-held corporations,  
and the beneficial ownership of any remaining voting shares is vested in registered architects;
- (c) a majority of the directors and officers of the corporation are licensed interior designers;
  - (d) any shareholders of the corporation who are not licensed interior designers or registered architects are of good character and are satisfactory to the Council.

**Renewal of permits**

**14(1)** A permit issued to an architects corporation under section 20(3) of the Act shall not be renewed unless the Council is satisfied that the architects corporation meets the requirements of section 12.

**(2)** A permit issued to an interior design corporation under section 20(4.3) of the Act shall not be renewed unless the Council is satisfied that the interior design corporation meets the requirements of section 13.

**Visiting Project Architects and Visiting Project Interior Designers****Application for registration as visiting project architect**

**15** An individual who wishes to apply for registration as a visiting project architect must apply to the Council in writing and provide the following:

- (a) the applicant's full name;
- (b) evidence that the applicant is
  - (i) a registered member in good standing with a professional association, and
  - (ii) entitled to practise architecture

in another jurisdiction that possesses standards of registration, licensing and professional practice acceptable to the Council;

- (c) the name and location of the project in respect of which the applicant wishes to become registered as a visiting project architect;
- (d) the name of the registered architect with whom the applicant will be collaborating;
- (e) a letter signed by the registered architect referred to in clause (d) describing the responsibilities that will be allocated to the applicant and to the registered architect, the fees that will be paid to the registered architect and acknowledging that the registered architect will collaborate with the applicant and be responsible for the matters allocated to the registered architect;
- (f) the estimated length of the design and construction period for the project;
- (g) the warranty period for the project;
- (h) any other information that may be required by the Council.

#### **Approval of visiting project architect**

**16** The Council may approve the registration of an individual as a visiting project architect if it is satisfied as to the matters referred to in the application, the suitability of the project and the eligibility of the applicant.

#### **Application for registration as visiting project interior designer**

**17** An individual who wishes to apply for registration as a visiting project interior designer must apply to the Council in writing and provide the following:

- (a) the applicant's full name;
- (b) evidence that the applicant is
  - (i) a registered member in good standing with a professional association, and
  - (ii) entitled to practise interior designin another jurisdiction that possesses standards of registration, licensing and professional practice acceptable to the Council;

- (c) the name and location of the interior design project in respect of which the applicant wishes to become registered as a visiting project interior designer;
- (d) the name of the licensed interior designer with whom the applicant will be collaborating;
- (e) a letter signed by the licensed interior designer referred to in clause (d) describing the responsibilities that will be allocated to the applicant and to the licensed interior designer, the fees that will be paid to the licensed interior designer and acknowledging that the licensed interior designer will collaborate with the applicant and be responsible for the matters allocated to the licensed interior designer;
- (f) the estimated length of the design and construction period for the project;
- (g) the warranty period for the project;
- (h) any other information that may be required by the Council.

#### **Approval of visiting project interior designer**

**18** The Council may approve the registration of an individual as a visiting project interior designer if it is satisfied as to the matters referred to in the application, the suitability of the project and the eligibility of the applicant.

#### **Fees**

**19(1)** A visiting project architect must pay the following fees in respect of each project for which the visiting project architect is registered:

- (a) the registration fee set by the Council and payable on registration;
- (b) the annual fee set by the Council and payable on registration and thereafter on renewal in accordance with section 20.

**(2)** A visiting project interior designer must pay the following fees in respect of each project for which the visiting project interior designer is registered:

- (a) the registration fee set by the Council and payable on registration;

- (b) the annual fee set by the Council in accordance with the bylaws and payable on registration and thereafter on renewal in accordance with section 21.

#### **Visiting project architect licence renewal**

**20(1)** A visiting project architect must renew his or her licence to engage in the practice of architecture as a visiting project architect for the project described in the licence each year until the later of the following occurs:

- (a) one year has passed since the project has been completed;
- (b) the warranty period for the project has expired.

**(2)** An application for renewal of a licence must include the annual fee and satisfactory proof that the visiting project architect continues to be entitled to engage in the practice of architecture in the jurisdiction in which he or she was a member at the time of his or her application for registration as a visiting project architect.

#### **Visiting project interior designer licence renewal**

**21(1)** A visiting project interior designer must renew his or her licence to engage in the practice of interior design as a visiting project interior designer for the project described in the licence each year until the later of the following occurs:

- (a) one year has passed since the project has been completed;
- (b) the warranty period for the project has expired.

**(2)** An application for renewal of a licence must include the annual fee and satisfactory proof that the visiting project interior designer continues to be entitled to engage in the practice of interior design in the jurisdiction in which he or she was a member at the time of his or her application for registration as a visiting project interior designer.

#### **Reinstatement of registration**

**22** If a visiting project architect or visiting project interior designer whose registration is cancelled is subsequently reinstated, the visiting project architect or visiting project interior designer must apply for registration and pay the same registration fee payable as if the applicant were registering for the first time.



## Reinstatement

### Examination

**23** If a registered architect, licensed interior designer or restricted practitioner has been suspended, or if the registration of the registered architect, licensed interior designer or restricted practitioner has been cancelled, for one year or more, the registered architect, licensed interior designer or restricted practitioner may be required by the Council to take such examinations as may be prescribed by the Council before the reinstatement becomes effective.

### Committee of reinstatement

**24(1)** An authorized entity whose registration has been cancelled as a result of a decision of the Complaint Review Committee or Council may apply to the Council to be reinstated.

**(2)** The Council may establish a committee of reinstatement to consider the application and make recommendations to Council.

## Part 2 Practice Arrangements

### Prohibition on practice arrangements

**25** An authorized entity shall not enter into a practice arrangement for the practice of architecture or interior design except as provided in this Regulation or under the Act.

### Information on practice arrangements

**26** An authorized entity that engages in the practice of architecture or interior design on a full-time, part-time or limited basis

- (a) as a sole proprietor,
- (b) as a partner in a partnership that is referred to in section 33(1) or (3) or 34(1) or that is a joint firm, or
- (c) through a corporation that is an architects corporation, an architects and engineers firm or an interior design corporation,

must ensure that the information relating to that practice arrangement that is required under this Part and under the bylaws is provided to the Council each year.

**Architect firm names**

**27(1)** An authorized entity that engages in the practice of architecture through a firm may only do so if the name of the firm

- (a) meets the requirements set out in this section,
- (b) contains the word “architect”, “architects”, “architectural” or “architecture”,
- (c) is not self-laudatory or misleading to the public, and
- (d) is approved by the Council.

**(2)** If the names of one or more individuals are included in the name of a firm referred to in subsection (1),

- (a) the names must only be of individuals who are
  - (i) partners or shareholders in the firm, and
  - (ii) registered architects, licensed interior designers, engineers or restricted practitioners,

and

- (b) at least one of the names must be the name of a registered architect who is a partner or shareholder in the firm.

**(3)** The name of a firm referred to in subsection (1) must not include

- (a) the word “architects” or any other term that implies that more than one architect is involved in the firm unless more than one registered architect works with the firm as a partner or shareholder, or
- (b) the words “licensed interior designers” or any other term that implies that more than one licensed interior designer is involved in the firm unless more than one licensed interior designer works with the firm as a partner or shareholder.

**(4)** If the name of a registered architect is included in the name of a firm referred to in subsection (1), the name of that firm may continue to contain that registered architect’s name after the registered architect dies or retires if

- (a) the registered architect was a partner or shareholder of the firm for more than 3 years,

- (b) the registered architect or the registered architect's estate has agreed, in writing, to allow the registered architect's name to continue to be used in the name of the firm, and
- (c) in the case of a retired registered architect, the registered architect does not practise architecture in Alberta or any other jurisdiction.

**(5)** Notwithstanding subsection (1)(b), a restricted practitioner shall not engage in the practice of architecture through a firm if the name of the firm includes the word "architect", "architects", "architectural" or "architecture", unless a registered architect is a partner or shareholder of the firm.

**(6)** The Council shall not approve a name for the purposes of this section if, in the opinion of the Council, the name does not meet the requirements of this section or is contrary to the Act.

#### **Interior design firm names**

**28(1)** An authorized entity that engages in the practice of interior design through a firm may only do so if the name of the firm

- (a) meets the requirements set out in this section,
- (b) contains the words "licensed interior design" or "licensed interior designer",
- (c) is not self-laudatory or misleading to the public, and
- (d) is approved by the Council.

**(2)** If the names of one or more individuals are included in the name of a firm referred to in subsection (1),

- (a) the names must only be of individuals who are
  - (i) partners or shareholders in the firm, and
  - (ii) registered architects, licensed interior designers, engineers or restricted practitioners,

and

- (b) at least one of the names must be the name of a licensed interior designer who is a partner or shareholder in the firm.

**(3)** The name of a firm referred to in subsection (1) must not include the words "licensed interior designers" or any other term that implies that more than one licensed interior designer is

involved in the firm unless more than one licensed interior designer works with the firm as a partner or shareholder.

**(4)** If the name of a licensed interior designer is included in the name of a firm referred to in subsection (1), the name of that firm may continue to contain that licensed interior designer's name after the licensed interior designer dies or retires if

- (a) the licensed interior designer was a partner or shareholder of the firm for more than 3 years,
- (b) the licensed interior designer or the licensed interior designer's estate has agreed, in writing, to allow the licensed interior designer's name to continue to be used in the name of the firm, and
- (c) in the case of a retired licensed interior designer, the licensed interior designer does not practise interior design in Alberta or any other jurisdiction.

**(5)** Notwithstanding subsection (1), an authorized entity may engage in the practice of interior design through a firm that meets the requirements of section 27.

**(6)** The Council shall not approve a name for the purposes of this section if, in the opinion of the Council, the name does not meet the requirements of this section or is contrary to the Act.

#### **Approval of letterhead and business cards**

**29(1)** No authorized entity shall use a letterhead or a business card unless it has first been approved by the Council.

**(2)** No change to a letterhead or business card shall be made by an authorized entity until the change has been approved by the Council.

#### **Letterhead**

**30(1)** The letterhead of a firm shall indicate the names of all individuals and corporations

- (a) that
  - (i) are partners or shareholders in the firm, or
  - (ii) hold the beneficial ownership of the voting shares of a corporation that is a partner or shareholder of the firm,

and

- (b) that are involved in the practice of the firm.
- (2) If the letterhead of a firm indicates the name of
- (a) a registered architect who engages in the practice of architecture through the firm, the name must be immediately followed by the words “Architect, AAA”,
  - (b) a licensed interior designer who engages in the practice of interior design through the firm, the name must be immediately followed by the words “Licensed Interior Designer, AAA”,
  - (c) an engineer who engages in the practice of engineering through the firm, the name must be immediately followed by the words “Professional Engineer”,
  - (d) a restricted practitioner who engages in the practice of architecture through the firm, the name must be immediately followed by the words “Restricted Practitioner in Architecture, AAA”, or
  - (e) any other person, the name must be immediately followed by words describing that person’s role in the firm.
- (3) A firm shall not use a letterhead that lists as an architect an individual or corporation that is not permitted to engage in the practice of architecture.
- (4) Notwithstanding subsection (3), if a firm is using the name of a deceased or retired architect in the firm name, the letterhead shall list that name and clearly indicate that the architect is deceased or retired.

#### **Business cards**

- 31(1)** A registered architect may only use a business card with the words “Architect, AAA” appearing immediately after the registered architect’s name.
- (2) A licensed interior designer may only use a business card with the words “Licensed Interior Designer, AAA” appearing immediately after the licensed interior designer’s name.
- (3) A restricted practitioner may only use a business card with the words “Restricted Practitioner in Architecture, AAA” appearing immediately after the restricted practitioner’s name.

#### **Requirements of firm**

- 32** A firm must annually

- (a) obtain a licence, and
- (b) forward to the Council any information relating to the firm that is required under this Regulation and the bylaws.

#### **Partnership to practise architecture**

**33(1)** A registered architect may practise architecture as a partner in a partnership only if the partnership meets all of the following requirements:

- (a) one or more registered architects or architects corporations hold
  - (i) more than 50% of the interest in the partnership, or
  - (ii) not less than 50% of the interest in the partnership, if the remainder of the interest in the partnership is held by licensed interior designers or professional engineers, or both;
- (b) the partners in the partnership who are not authorized entities
  - (i) do not engage in the practice of architecture,
  - (ii) are of good character, and
  - (iii) are satisfactory to the Council.

**(2)** If at any time a partnership described in subsection (1) no longer meets the requirements of that subsection, the registered architects who are partners in the partnership, or who hold shares in an architect's corporation that is a partner in the partnership, must immediately advise the Council and apply to the Council for permission to continue to operate as a partnership for a period not exceeding 21 days, or any longer period that the Council permits, while the partnership is reorganized so as to comply with subsection (1).

**(3)** Subject to section 3 of the Act and notwithstanding subsection (1), a registered architect may enter into a partnership with one or more engineers or engineers firms, as those terms are defined in section 17 of the Act.

#### **Partnership to practise interior design**

**34(1)** A licensed interior designer may practise interior design as a partner in a partnership only if the partnership meets all of the following requirements:

- (a) one or more licensed interior designers or interior design corporations hold
  - (i) more than 50% of the interest in the partnership, or
  - (ii) not less than 50% of the interest in the partnership, if the remainder of the interest in the partnership is held by registered architects;
- (b) the partners in the partnership who are not authorized entities
  - (i) do not engage in the practice of interior design,
  - (ii) are of good character, and
  - (iii) are satisfactory to the council.

(2) If at any time a partnership no longer meets the requirements set out in subsection (1), the licensed interior designers who are partners in the partnership, or who hold shares in an interior design corporation that is a partner in the partnership, must immediately advise the Council and apply to the Council for permission to continue to operate as a partnership for a period not exceeding 21 days, or any longer period that the Council permits, while the partnership is reorganized so as to comply with subsection (1).

#### **Restriction on practice of registered architect**

**35** If a registered architect is employed by or otherwise engaging in practice through a firm that is

- (a) an interior design corporation, or
- (b) a partnership that meets the requirements of section 34,

the registered architect may only practise interior design through that firm.

### **Part 3 Regulation of the Practice of Architecture and the Practice of Interior Design**

#### **Prohibition on practice**

**36** Unless otherwise permitted by the Act, no authorized entity shall make any arrangement or agreement whereby a person who is not entitled to engage in the practice of architecture may

- (a) directly or indirectly engage in the practice of architecture, or
- (b) hold himself or herself out as being able, directly or indirectly, to engage in the practice of architecture.

**Competitions**

**37** An authorized entity may not take part in an architectural competition or a limited architectural competition unless the conditions of the competition or limited competition are in accordance with the standards approved by the Council.

**Trading in building industry**

**38** An authorized entity that is hired to provide professional services in respect of a project may not, without the prior written approval of the client, act as a contractor or otherwise directly or indirectly engage in the business of supplying building materials, furnishings, accessories or systems for incorporation or use in, or in association with, that project.

**Advising contractors**

**39** An authorized entity may act as an advisor to a contractor, manufacturer, supplier or other person in the business, trade or occupation of buying, selling or otherwise trading in

- (a) systems to be incorporated in or to be used in association with a building or project, or
- (b) building materials,

but if the authorized entity does act as an advisor, the authorized entity shall not be paid by commission, salary, sales, profit or in a similar manner.

**Inducement to employ or use material**

**40** No authorized entity shall accept any form of remuneration or inducement to

- (a) employ a particular contractor or use a particular system or material in or in association with a building or project, or
- (b) contract out work of any nature.



**Agreements**

**41(1)** Subject to subsection (2), an authorized entity may provide professional services to a client only if the authorized entity and client have executed a written agreement that

- (a) provides for a method of determining the fee or other consideration to be charged, and
- (b) describes the professional services to be provided.

**(2)** Subsection (1) does not apply if an authorized entity is providing professional services

- (a) in an architectural competition conducted in accordance with the standards referred to in section 37, or
- (b) in accordance with a direction by the Council.

**Site reviews**

**42** When a project that an authorized entity has designed is to be constructed, the authorized entity must

- (a) perform site reviews during the construction, or
- (b) if the authorized entity will not be performing site reviews during construction, notify in writing
  - (i) the authority having jurisdiction pursuant to the building code that is in force in respect of the area in which the project is to be constructed that the authorized entity will not be performing site reviews, and
  - (ii) the owner, as defined in the *Safety Codes Act*, of the project regarding the potential ramifications of the authorized entity not performing site reviews.

**Successors**

**43(1)** An authorized entity proposing to undertake a project on which another entity is employed must notify in writing

- (a) the employed authorized entity, and
- (b) the Council.

**(2)** Before accepting employment on a project on which another authorized entity was formerly employed, the successor authorized entity must satisfy itself that the agreement between the authorized entity formerly employed and the client has been terminated.

**Co-operation**

**44** An authorized entity must co-operate in all matters pertaining to reviews conducted by the Council, the Registration Committee, the Complaint Review Committee and the Practice Review Board.

**Bankruptcy, general assignment, receivership**

**45(1)** An authorized entity must forthwith inform the Registrar in writing of the following:

- (a) the receipt by the authorized entity of a petition to declare the authorized entity bankrupt;
- (b) the making of a general assignment by the authorized entity for the benefit of its creditors;
- (c) the appointment of a receiver for the authorized entity.

**(2)** An authorized entity must, when subsection (1) applies, indicate to the Registrar the manner in which the entity intends to discharge its professional responsibilities.

**Compulsory continuing competence program**

**46** Registered architects, licensed interior designers and restricted practitioners must

- (a) comply with the continuing competence program rules approved by the Council,
- (b) obtain the continuing competence hours required by the Council in each calendar year by completing continuing competence activities approved by the Council and the core competency courses required by the Council,
- (c) maintain accurate and complete records of activities in the continuing competence program,
- (d) report on the completion of continuing competence activities in a manner approved by the Council, and
- (e) on the request of the Registrar, submit documentation in a form approved by the Council that demonstrates compliance with the continuing competence program rules.

**Program rules**

**47(1)** An education committee established by the Council by bylaw may recommend to the Council rules governing the

operation of the continuing competence program, which include the following:

- (a) rules governing the continuing competence hours that may be earned for each continuing competence activity;
- (b) rules governing the type and category of continuing competence activities that an authorized entity must undertake in a calendar year;
- (c) rules limiting the number of continuing competence activities within a specific category for which a member may earn continuing competence hours;
- (d) rules governing additional continuing competence activities for which continuing competence hours may be earned;
- (e) other rules, as required, governing the continuing competence program.

(2) The Council may establish rules and amendments to the rules and must

- (a) send notice to all registered architects, licensed interior designers and restricted practitioners that the rules have been established or amended, and
- (b) provide copies of the rules and any amendments to the rules to the public, the Minister and to any other person on request.

#### **Code of ethics**

**48** The code of ethics in the Schedule is established as the code of ethics respecting the practice of architecture and interior design, the maintenance of the dignity and honour of the profession of architecture and interior design and the protection of the public interest.

## **Part 4 Complaints**

### **Complaint Review Committee**

#### **Chair, vice-chair**

**49** The Council must designate a member of the Complaint Review Committee as chair and may designate one or more members as vice-chairs.

**Quorum and proceedings**

**50(1)** Subject to subsection (2), a quorum of the Complaint Review Committee is 3 of its members.

**(2)** When the Complaint Review Committee is holding a hearing in respect of a complaint made concerning a licensed interior designer, a visiting project interior designer or an interior design corporation, a quorum is 3 members of the Complaint Review Committee, one of whom must be a licensed interior designer.

**Registrar's duties**

**51** On receipt of a written complaint the Registrar shall, or on receipt of an anonymous complaint or other information, the Registrar may

- (a) notify the complainant, if known, in writing that
  - (i) if the complaint is capable of being the subject of mediation that it will be referred to a mediator if both parties so agree in accordance with section 31(3) of the Act, or
  - (ii) the complaint has been referred to the chair or a vice-chair of the Complaint Review Committee under section 32(1) of the Act,

and send the complainant a copy of the relevant sections of the Act and this Regulation that pertain to complaints and complaint review proceedings, and

- (b) notify in writing the authorized entity that the complaint has been made and the action that will be taken if both parties agree under clause (a)(i) or that the matter has been referred to the chair or a vice-chair of the Complaint Review Committee.

**Complaint made to chair or vice-chair**

**52** If a complaint is made or comes to the attention of the chair or vice-chair of the Complaint Review Committee under section 32(1)(a) of the Act and the complaint is in writing, the chair or vice-chair must notify the authorized entity concerned that a complaint has been made and that it will be reviewed.

**Preliminary investigation report**

**53** If a person other than the chair of the Complaint Review Committee conducts a preliminary investigation, that person must forthwith, on concluding the investigation, report in writing to the chair of the Complaint Review Committee.

**Committee loses member**

**54** If, after the Complaint Review Committee has started to investigate or hear any matter under section 37 of the Act, a member of the Committee resigns or is unable to act for any reason, the remaining members may continue to act or may, with the consent of the investigated person, request the Council to appoint a person to act in place of that other member.

**Notice of suspension or cancellation**

**55(1)** If the Complaint Review Committee suspends or cancels the registration of an authorized entity, the Council must publish a notice of the suspension or cancellation in any manner it considers appropriate.

**(2)** A notice published under subsection (1) must include

- (a) the name of the authorized entity, and
- (b) the period of suspension, if applicable.

## **Part 5 Practice Review Board**

**Chair, vice-chair**

**56** The Council must designate the chair and vice-chair of the Practice Review Board.

**Quorum and proceedings**

**57(1)** Subject to subsection (2), a quorum of the Practice Review Board is 3 members of the Board.

**(2)** When the Practice Review Board is conducting a review of the practice of a licensed interior designer, a visiting project interior designer or an interior design corporation, a quorum is 3 members of the Practice Review Board, one of whom must be a licensed interior designer.

**(3)** The Practice Review Board may establish its own rules of procedure.

**Practice review**

**58** The Practice Review Board must appoint a person to conduct a review of the practice of an authorized entity under section 39(1)(b) of the Act if

- (a) the review is part of a program of regular or periodic reviews of the practice of all authorized entities established by the Council, or
- (b) an authorized entity, the Complaint Review Committee or the Council requests in writing that the review be conducted and the Practice Review Board considers that the authorized entity should be the subject of a practice review.

#### **Reviewable documents**

**59** In the course of a practice review a reviewer may request the production of, and review any plans, drawings, detail drawings, specifications, books, papers and other documents in the possession, custody or control of the authorized entity and take any copies of them that are necessary for the practice review.

#### **Completion of review**

**60(1)** On completion of a review of the practice of an authorized entity, the reviewer

- (a) must prepare a report in the form established under the bylaws, and
- (b) may refer to the Complaint Review Committee for investigation any matter of a sufficiently serious nature, including
  - (i) the lack of co-operation of an authorized entity in the course of a practice review or a follow-up review,
  - (ii) a failure to comply with the Act, this Regulation or the bylaws,
  - (iii) a failure to adopt and implement the recommendations respecting desired improvements in the practice of the entity concerned, and
  - (iv) any apparent fraud, negligence or misrepresentation, or any disregard of the generally accepted standards of practice.

**(2)** Before sending the report under subsection (1)(a) to the Practice Review Board, the reviewer must

- (a) provide a copy of the report to the authorized entity,
- (b) discuss the report with the authorized entity, and

- (c) note on or attach to the report any comments or responses that the authorized entity wishes to have noted.

#### **Report considered by Board**

**61** The Practice Review Board must consider the report provided under section 60 and any representations made by or on behalf of the authorized entity that is the subject of the review and may

- (a) determine that it has no recommendations to make with respect to the practice of the authorized entity, or
- (b) make directions or recommendations to improve the practice of the authorized entity.

## **Part 6 Miscellaneous**

#### **Service of notices**

**62(1)** If a notice is permitted or required to be served under the Act or this Regulation, it may be served by registered mail, or pre-paid courier with proof of delivery, addressed to the person at the last known address as recorded in the records or register of the Association.

**(2)** If notice must be served on the Registrar, the Registration Committee, Complaint Review Committee or Practice Review Board or any member of it or the Council, it must be served at the head office of the Association.

#### **Quorum for Council meetings**

**63** A quorum at meetings of the Council is

- (a) 6 registered architects who are members of the Council, or
- (b) 5 registered architects who are members of the Council and one member of the public who is appointed to the Council.

## **Part 7 Repeals, Expiry and Coming into Force**

#### **Repeals**

**64** The *Code of Ethics* (AR 240/81), *Education and Training Regulation* (AR 241/81), *Interior Design Regulation* (AR 174/83),

*Practice Review Regulation (AR 175/83) and Professional Practice Regulation (AR 242/81) are repealed.*

### **Expiry**

**64.1** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on October 31, 2021.

AR 219/2010 s4

### **Coming into force**

**65** This Regulation comes into force on the coming into force of the *Architects Amendment Act, 2006*.

## **Schedule**

### **Code of Ethics**

#### **Integrity**

**1** An authorized entity must discharge, with honesty, courtesy and good faith, the duty that it owes to its client, to the public and to the profession.

#### **Responsibility to the profession generally**

**2** An authorized entity must assist in maintaining the integrity of the profession.

#### **Competence and quality of service**

- 3** An authorized entity must
- (a) act in the best interests of its client,
  - (b) provide professional services with integrity, objectivity and independence,
  - (c) serve its clients in a conscientious and efficient manner, and
  - (d) provide a quality of service at least equal to that which would generally be expected from a competent authorized entity in a similar situation.

#### **Advising clients**

**4** An authorized entity must be candid and honest when advising its clients.



**Avoiding questionable conduct**

**5** An authorized entity must observe the spirit as well as the letter of the rules set out in this Code.

**Confidentiality**

**6(1)** An authorized entity must hold in strict confidence all information respecting the business and affairs of a client.

**(2)** An authorized entity shall not disclose any information respecting the business and affairs of a client unless the authorized entity is

- (a) expressly or impliedly authorized to do so by the client, or
- (b) required to disclose the information by an enactment or an order of a court.

**Fees**

**7(1)** The fee charged by an authorized entity should be disclosed to the authorized entity's client and must be fair and reasonable taking into consideration such of the following factors as are relevant:

- (a) the time and effort required to be spent on the project;
- (b) the complexity of the project;
- (c) whether special skill or service is required and provided;
- (d) the customary charges of other authorized entities of equal standing in the locality in like matters and circumstances;
- (e) the cost of the work involved in the construction of the project;
- (f) such other special circumstances, including loss of other employment, uncertainty of reward and urgency, as may apply with respect to a particular project.

**(2)** A fee will be fair and reasonable if it is one which can be justified in light of all pertinent circumstances, including the factors mentioned in subsection (1).

**Withdrawal of services**

**8** An authorized entity shall not withdraw professional services except for good cause and with notice that is appropriate in the circumstances.

**Impartiality and conflict of interest**

**9(1)** An authorized entity must act impartially and should not favour the authorized entity's own interests over the legitimate interests of the client or the public.

**(2)** An authorized entity shall not act or continue to act for a client if a conflict of interest arises or is likely to arise unless the authorized entity explicitly explains the conflict to the client and the client, with full knowledge of the conflict, requests that the authorized entity continue to act.

**(3)** An authorized entity must, if a conflict of interest arises, immediately disclose it personally to the client.

**(4)** For the purposes of this rule, "conflict of interest" means a situation

- (a) that would be likely to adversely affect the judgment of the authorized entity on behalf of, or its loyalty to, a client or prospective client, or
- (b) that might prompt an authorized entity to prefer the authorized entity's own interests over the interests of a client or prospective client.

**Guarantee of estimates**

**10** An authorized entity shall not guarantee an estimate of the cost of construction, furnishings, fixtures and equipment, whether prepared by the authorized entity or not.

**Knowledge and skills**

**11** An authorized entity must maintain currency in the knowledge and skills necessary to provide professional services.

**Prohibition on practice**

**12(1)** An authorized entity shall not make any arrangement or agreement whereby a person who is not entitled to engage in the practice of architecture or the practice of interior design may

- (a) directly or indirectly engage in the practice of architecture or the practice of interior design, or
- (b) represent or hold out, expressly or by implication, that the person is entitled to engage in the practice of architecture or the practice of interior design.

(2) An authorized entity must bring to the attention of the Council any individual or corporation involved in the unlawful practice of architecture or the unlawful practice of interior design.

**Outside interests**

**13** An authorized entity that engages in another profession, business or occupation concurrently with the practice of architecture or the practice of interior design shall not allow that other profession, business or occupation to jeopardize that authorized entity's professional integrity, independence or competence in the practice of architecture or the practice of interior design.

**Advertising**

**14(1)** An authorized entity may promote or advertise the authorized entity's abilities if the advertising does not impair the dignity of the profession and fees are neither quoted nor implied.

(2) An authorized entity must ensure that the advertising serves the public interest by reporting accurate and factual information which neither exaggerates nor misleads.