



The Alberta
Association of
Architects

THE ARCHITECTS ACT

General Regulation and Bylaws

Credits

Author: Darryl Douglas

Reviewers: Doug Campbell, Architect, AAA, Doug Campbell Architect Inc.
Brian J. Curial, LLP, Miller Thomson

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AFTERWORD



INTRODUCTION

Act

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This booklet is part of The Alberta Association of Architects' Continuing Education Program, which is mandatory for all registered architects, licensed interior designers and restricted practitioners in the province. Its purpose is to further acquaint members with a subject very important to every aspect of their practice: the provisions of the *Architects Act* and the General Regulation and bylaws passed pursuant to it. This is an important topic as it is the *Architects Act* and its subordinate legislation that governs the activities of all registered architects and licensed interior designers in Alberta.

This booklet will discuss important provisions of the Act, regulation and bylaws, and their application to practitioners. The format will be a topical one, integrating materials from each piece of legislation together according to their subject matter. It is hoped that by doing this a clearer picture will emerge of the content and nature of the Act, regulation and bylaws. The booklet will be divided into the following chapters: Scope of Practice, Code of Ethics, Practice Review and Discipline, Regulations on Practice, Registration and Membership, Education, Training and Continuing Competence and The Association.

The purpose of this booklet is to acquaint members with the major topics of the legislation governing registered architects and licensed interior designers, emphasising the areas most important in their daily practice. It is not meant to act as a replacement for a thorough reading of the Act, General Regulation (GR), and bylaws. Rather it is meant to function as a catalyst for a more detailed reading of this legislation. Remember that it is the Act, General Regulation and bylaws that govern the practice of architecture and licensed interior design in Alberta, not this booklet.

However, before jumping into the provisions of the legislation, it is important to put this discussion into its proper perspective. In order to do this, there will be a brief discussion of the underlying rationale behind the Act as well as the goals and characteristics of self-governing professions generally. Finally a brief summary of the content of the Act, the bylaws and the General Regulation will be provided.



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The Rationale behind the Act

The *Architects Act* is a piece of provincial legislation, authorized by section 92(13) of the *Constitution Act 1867*, which grants the provinces the right to legislate with regard to “*property and civil rights in the Province*” and which courts have interpreted to include professions and trades. The Act establishes architecture as a self-regulating profession. The term “self-regulation” refers to the legislative delegation of a profession’s governance to a body controlled by members of that profession. These members are usually elected by their peers. For architects and licensed interior designers, this governing body is *The Alberta Association of Architects*.

Members of self-regulating professions are often granted important rights. The most important of these rights is “monopoly of practice”, meaning that only those authorized by the profession’s governing body are entitled to practice that profession. The *Architects Act* grants the AAA the right to set requirements for those wishing to practice architecture in the province. Those who do not meet these requirements cannot practice in Alberta. While the Act does not grant licensed interior designers a monopoly of practice, it does provide them with an important competitive advantage over their unregistered peers. Their licensed status informs potential clients that they have met certain educational and training requirements and are thus competent to provide the services they offer.

However, the protection of the public, not the provision of benefits to members of certain professions, should be seen as the dominant objective behind self-governing legislation such as the Act.¹ The common denominator present in most self-regulating professions is the high degree of potential harm to both individuals and society when they are practiced incompetently or dishonestly. The improper practice of architecture, medicine or engineering are not only inconvenient, they can also be dangerous. Therefore, these professions require rigorous regulation to protect the public interest.

The most convenient way for governments to establish strict guidelines for professions is through self-governance. Legislation establishes a governing body for a profession and sets out its powers and obligations. Within these parameters, the governing body then regulates the profession. One of the obligations placed upon this governing body is enforcement of standards of competence and conduct of its members. As the body is composed virtually exclusively of members of the profession, it is uniquely qualified to deal with these matters due to the extensive technical knowledge and practical expertise of its members.



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		<p>When reading this booklet you will see concern for the public interest reflected repeatedly throughout the Act, regulation, and bylaws. It begins with the strict requirements set for registration as a registered architect or licensed interior designer and continues after registration through the extensive regulation of professional practices. The Mandatory Continuing Competence program, the Code of Ethics and the provisions dealing with complaint and practice review also owe their existence to concerns for the public. The Association is granted significant powers in order to carry out complaint and practice review. If a violation of professional or ethical standards is found, it can result in stiff penalties. These powers are justified by the public's interest in seeing that architecture and interior design are practiced competently and with integrity.</p>
		<h3>The Architects Act</h3> <p>The centrepiece of the regulatory system for architects and licensed interior designers in Alberta is the <i>Architects Act</i>. The Act defines what constitutes architecture and who is entitled to practice. It designates architecture as a self-regulating profession, and establishes The Alberta Association of Architects as its governing body.</p>
1(c)		<p>Furthermore, the Act sets out the basic structure and governance of the Association, its mandate, and creates a registration system for individuals, corporations and joint firms entitled to practice architecture in Alberta. Those registered under the Act are known collectively as “authorized entities.” An “authorized entity” is defined in section 1(c) of the Act as a “registered architect, architects corporation, architects and engineers firm, visiting project architect, restricted practitioner, licensed interior designer, interior design corporation and visiting project interior designer.” It is these individuals, partnerships and corporations and only these that are entitled to practice architecture in Alberta.</p>
71, 72		<p>The Act also establishes mechanisms for the investigation of complaints against members and former members, and an examination of how they conduct their practices. A range of sanctions is available for unskilled or unprofessional conduct, including suspension or cancellation of registration. In addition, under s. 71 of the Act any violation of its provisions is a quasi-criminal offence, subject to fines and, for three time offenders, imprisonment. Any prosecution for a violation of the Act must occur within 2 years of the alleged offence.</p>
		<p>The original Act was written before interior designers could become licensed with the Association, thus it made little mention of them in any of its provisions. However, amendments to the Act now include licensed interior designers under the definition of an authorized entity, and reference to them is now incorporated throughout the Act.</p>
66		<p>Under s. 66(1), the Act, regulation and “any other [applicable] law” apply to the relationship between registered members and their clients.</p>



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Act	GR	Bylaws
9,10		<p>Section 66(2) makes it clear that the Act, regulation and bylaws continue to apply to authorized entities personally, regardless of their affiliation with an architects corporation, interior design corporation or joint firm as a “shareholder, director, officer or employee.” This provision exists in order to prevent an architect or licensed interior designer who is a shareholder or employee from hiding behind the corporation to avoid professional liability. The architect or licensed interior designer will always be liable for his or her professional conduct.</p> <h3 data-bbox="508 641 991 678">The Regulation and Bylaws</h3> <p>The Act, however, does not set out all of the rules governing architecture and licensed interior design. Its purpose is to define broad powers and obligations for the profession, and set up the organization to carry them out. Responsibility for many of the particulars is delegated to the Association. Sections 9 and 10 of the Act grant the Council, the governing body of the Association, the right to make regulations and bylaws. The regulation and bylaws are <i>subordinate legislation</i>: their goal is to aid in accomplishing the purposes of the Act. They provide details to the general framework set out in the Act. The power to enact bylaws and regulations is an important feature of a self-governing profession. However, this power is subject to clear limits. Council may only make bylaws and regulations dealing with the subjects set out in sections 9 and 10. In addition, since the authority to make subordinate legislation emanates from the Act, all bylaws and regulations passed pursuant to this power must be consistent with both the individual provisions of the Act and its broader objectives. If they do not meet these criteria, they are invalid and of no force or effect.</p>
9,10		<p>106</p> <p>The purpose of the bylaws is to order the internal workings of Association, while the regulation deals more with the rules governing the practice of architecture and licensed interior design. Section 10(1) of the Act provides Council the power to enact bylaws on its own volition. However, s. 106 of the bylaws qualifies this power, stating that any proposed additions, amendments or repeals to the bylaws must be approved by a majority of the registered architects and licensed interior designers in attendance at an annual or special general meeting of the Association. Bylaw s. 106 also gives members the power to propose, pass, or amend bylaws at annual or special general meetings of the Association.</p> <p>Regulations require government ratification. Section 9(2) of the Act stipulates that before a regulation may be enacted, Council must receive the approval of both a majority of voting members of the Association at a general meeting or through a mail vote and the Lieutenant Governor in Council (i.e. the provincial cabinet). The procedures for enacting, amending or repealing bylaws and regulations will be discussed in more detail in Chapter 7.</p> <p>When discussing the various provisions of the bylaws and the regulation, this booklet will set out the authority by which they are made under sections 9 and 10 of the Act. It should be noted the authority for all regulations relating to the practice of interior design is found in a single provision, s. 9(1)(t) of the Act.</p>



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		<h2>The Bylaws</h2> <p>As mentioned above, the function of the bylaws is to set out the manner in which the Association will be governed and carry out its responsibilities under the Act. The major subjects covered are:</p> <ul style="list-style-type: none">• management and conduct of the affairs of the association• issuance of seals and stamps• composition and procedures regarding the Council, committees and meetings• establishment of membership categories and registers
		<h2>The General Regulation</h2> <p>The General Regulation covers key areas of the Act's mandate.</p>
9(1)(a)	Part 1	<h3>Part 1: Registration</h3> <p>Section 9(1)(a) of the Act grants Council the right to make regulations <i>“respecting the academic qualifications of and training requirements for applicants for registration as registered architects; and licensed interior designers.”</i> Part 1, ss. 10-22 of the General Regulation set out the requirements for “Architects Corporations” and “Interior Design Corporations” to become registered under the Act, and the process by which “Visiting Project Architects” (architects not registered in the province) and “Visiting Project Interior Designers” (interior designers not registered in the province) can gain permission to work on a project in Alberta.</p>
9(1)(p)		<h3>Part 2: Practice Arrangements & Part 3: Regulation of the Practice of Architecture and the Practice of Interior Design</h3> <p>Section 9(1)(p) of the Act grants Council the right to make regulations <i>“respecting...the practice arrangements of authorized entities”</i>. Parts 2 and 3 of the General Regulation set out the practice arrangements of both architecture and interior design.</p>
9(1)(f)		<p>Section 9(1)(f) authorizes regulations setting out <i>“technical standards for the practice of architecture.”</i> These rules are found in Parts 2 and 3 of the General Regulation. They deal with such diverse areas as prohibition on practice arrangements, dealings with people in the building industry and business names/letterheads.</p>



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9(1) (l),(m),(r)		<p>Part 4: Complaint Review Committee</p> <p>This part addresses the constitution of the Complaint Review Committee, duties of the registrar and the procedures respecting complaints, preliminary investigations and publishing notice. The authority for these regulations is found in sections 9(1)(l),(m),(r) of the Act. Section 9(1)(m) of the Act grants Council authority to make regulations governing the procedures for hearings by the Complaint Review Committee.</p>
9(1) (l),(m),(o)		<p>Part 5: Practice Review Board</p> <p>Part 5 of the General Regulation sets out in detail the procedures and powers of the Practice Review Board. The Board's role is to develop for Council's approval, professional and educational standards applicable to authorized entities, and to conduct practice reviews. The authority for this area of the regulation is found in s. 9(1)(k),(m),(n) and (o) of the Act.</p> <p>Part 6: Miscellaneous</p> <p>This part of the General Regulation addresses miscellaneous provisions such as the service of notices and quorum for Council meetings.</p>
9(1)(g)		<p>Schedule – Code of Ethics</p> <p>Section 9(1)(g) of the Act authorizes Council to create a code of ethics respecting the practice of architecture and interior design to maintain <i>“the dignity and honour of the profession”</i> and to protect the <i>“public interest.”</i> These rules are found in the schedule to the General Regulation entitled <i>“Code of Ethics”</i>.</p>



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Abbreviations and Quotations from the Act

In order to avoid repetition this booklet will use the following abbreviations when referring to certain words or phrases.

Words or Phrases

The Alberta Association of Architects

Schedule Code of Ethics

Complaint Review Committee

General Regulation

Licensed Interior Designer

Practice Review Board

Section

Sections

Abbreviations

AAA

CE

CRC

GR

LID

PRB

s.

ss.

Furthermore, a quotation of sufficient length from the Act, regulation or bylaws will be placed in both quotations and italics to identify it as a direct quote from the Act.

(Endnotes)

1. J.T. Casey, *The Regulation of Professions in Canada*, looseleaf (Scarborough, Carswell, 1994) 2-12.



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Introduction

The first part of The Architects Act is of fundamental importance to architects and licensed interior designers in Alberta.

Architecture

The Act begins by defining the scope of the practice of architecture. It then grants to a specific group of professionals - individuals, firms and corporations - the exclusive right to practice this scope, and the exclusive right to refer to themselves by the terms “*registered architect*” or “*architects corporation*”. This is the very basis of professional architectural practice in the province.

Having defined the full scope of the practice of architecture, the Act then sets out a number of exceptions – work that may be done by non-architects.

Licensed Interior Design

The Act limits the scope of the practice of interior design to the definition contained in the General Regulation. In addition, the GR permits properly qualified interior designers to become licensed members of the Association. Each of these areas will be examined in detail below, beginning with the definition of architecture provided in the Act.



Chapter 1

Act	GR	Bylaws
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1(l)

Definition of “Architecture” and Exclusive Scope of Practice

The “**practice of architecture**” includes:

- Planning, designing or giving advice on the design of or on the erection, construction or alteration of or addition to a building.
- 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
- Inspecting work and assessing the performance of work under a contract for the erection, construction, or alteration of or addition to a building of specified size, configuration and use as determined in the Act.

2(1)

In the arcane wording of the Act, no person except an “*authorized entity*” may engage in the practice of architecture, except as otherwise provided.

1(c),
2.1(1)

ss. 33,34

An “*authorized entity*” is defined as “*a registered architect, architects corporation, architects and engineers firm, visiting project architect and restricted practitioner, licensed interior designer, interior design corporation and visiting project interior designer,*” and ss. 33 and 34 of the GR expands the definition to include partnerships. Provided their registration is in good standing, authorized entities are generally allowed to practice the full scope of architecture. However, under s. 2.1(1) of the Act, “*a licensed interior designer, visiting project interior designer or interior design corporation may not engage in the practice of architecture beyond that portion of the practice of architecture that is defined as interior design in the regulations.*”



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Definition of “Interior Design” and Limited Scope of Practice

The practice of “interior design” is defined by the GR as:

“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.”*

Licensed Interior Designers are thus granted the right to practice that portion of the practice of architecture that is defined above. Any work outside this defined scope infringes on the exclusive domain of architects and is prohibited.



Chapter 1

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	1(g)	<h2>Licensed Interior Designers</h2> <p>The GR sets up a licensing system for interior designers within the province. An interior designer, meeting the educational and training requirements set out in the GR, can apply to the Association for registration as a licensed interior designer. The different categories of registration include: licensed interior designers, visiting project interior designers, and interior design corporations. These categories will be discussed in detail when we deal with registration requirements.</p> <p>The benefits of being licensed, therefore, flow from the ability to practice a larger scope of work, and the obvious competitive advantages it provides. Furthermore, when clients deal with licensed interior designers, they can do so with the knowledge that the designers have met certain educational and training requirements and are thus qualified to perform the services they provide. In addition, registration with the AAA indicates an individual or corporation is subject to the strict professional and ethical requirements set out in the GR.</p> <p>Only a licensed interior designer, visiting project interior designer or interior design corporation may represent themselves as such through title, description, name, abbreviation, letter or symbol.</p>
2.1(3), (4)		<h2>Restricted Practitioners</h2> <p>Restricted practitioners, as the name implies, are permitted to practice <i>only</i> the scope of architecture specifically accorded to them in the register, and must clearly indicate their restricted status in their business dealings and practice.</p>
2(4)		<h2>Enforcement</h2> <p>The Act provides a mechanism for enforcement of the above provisions. The Association may get an injunction to prevent people or organizations from practicing architecture (or using the designated title) without being registered or licensed.</p>
4		<h2>Penalties</h2> <p>Violations of the Act are quasi-criminal offences, subject to fines and, for repeat offenders, incarceration. It is important to note that this applies to the entire Act, not just specific provisions. Therefore, whenever a person violates a provision of the Act, he or she may be prosecuted.</p>
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Exceptions to Exclusive Scope of Practice

There are two exceptions to the exclusive scope of practice. In these cases, people who are not “authorized entities” may do work that is included in the definition of the “practice of architecture” above. The exceptions fall into two categories: certain categories of individuals, and buildings of specified sizes and types.

Exceptions as to Individuals

Employees of authorized entities may perform architectural work in the course of their employment.

Exceptions as to Building Type and Size

The Act also permits non-professionals to work on buildings of certain sizes and types – generally smaller, less complex projects – set out in the following chart.

	Type of Building	Single Story	Two Story	Three Story
2(6)(a)	A building for “assembly, occupancy, or institutional occupancy”	300 sq. m. or less	150 sq. m. or less on each floor	100 sq. m. or less on each floor
2(6)(c)	A building for “residential occupancy as a hotel, motel or similar use”	400 sq. m. or less	200 sq. m. or less on each floor	130 sq. m. or less on each floor
2(6)(d)	A building for “warehouse, business and personal services occupancy for mercantile occupancy or individual occupancy”	500 sq. m. or less	250 sq. m. or less on each floor	165 sq. m. or less on each floor
2(6)(b)	Single-family dwellings or multiple family dwellings provided they have no more than 4 units.			
2(6)(e)	Farm buildings provided they are not for public use.			
2(6)(f)	Relocatable industrial camp buildings.			



Chapter 1

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2(2)

Use of Names

In keeping with the exclusive scope of practice, the Act is very strict about the use of the name “Architect.” It clearly prohibits any person from representing himself or herself *expressly or by implication* to be an architect, or from leading others to believe that he or she is registered under the Act unless it is true. The purpose is to prevent unqualified individuals from deceiving members of the public.

Exclusive Use of Names

Individuals and corporations who are not registered under the Act may not refer to themselves as architects, registered architects, visiting project architects, architects corporations, or architects and engineers firm, or use abbreviations or symbols that refer to these registered designations. Furthermore, they are prohibited from holding out to others, either expressly or by implication, that they are allowed to practice architecture.

While the term “architect” is a protected title, the protection of this title is limited to the practice of architecture. The protection extends only to the use of the word as it relates to architectural practice. In a recent 2003 decision, the Alberta Court of Appeal held that the proper test is whether the public is likely to be deceived, confused or jeopardized by the use of the name.

The Act also makes the following specific exceptions for professional engineers:

“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, Geological and Geophysical Professions Act, unless it holds a certificate or authorization under this Act or the Engineering, Geological and Geophysical Professions Act permitting it to do so.”

Section 3(2) states that this does not apply to a person who is registered as a professional engineer under the Engineering, Geological or Geophysical Professions Act and has been granted authority by the Council of the AAA to apply for a permit, authorized by the regulations under the Safety Codes Act.

Please click [here](#) to complete the Question and Answer for this chapter.

3(1) &
3(2)



Act	GR	Bylaws
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9(1)
(g)

CE 1-14

Introduction

The Architects' Act allows for the creation of a code of ethics respecting the practice of architecture or interior design to maintain the "***dignity and honour of the profession***" and protect the public interest. In addition to preserving the integrity of the profession and protecting clients, the code is important for another reason. As discussed in the next chapter on Practice Review and Discipline, a violation of the Code of Ethics may be found to constitute either unskilled practice of architecture or interior design or unprofessional conduct. Either of these findings exposes the wrongdoer to a wide range of penalties, including fines, suspensions, or cancellation of registration.

The Code of Ethics applies to:

- registered architects
- visiting project architects
- architects corporations
- architects and engineers firms
- restricted practitioners and their engineering firms
- licensed interior designers
- visiting project interior designers
- interior design corporations



Chapter 2

Act

GR

Bylaws

CE 1

Obligations

Integrity

“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.”

CE 2

Responsibility to the Profession Generally

“An authorized entity must assist in maintaining the integrity of the profession.”

CE 3

Competence and Quality of Service

“An authorized entity must

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

CE 4

Advising Clients

“An authorized entity must be both candid and honest when advising its clients.”

CE 5

Avoiding Questionable Conduct

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

When considering the obligations in this rule, it is important to do so with this provision in mind. It means that even if behaviour does not violate the strict wording of a rule in the code, it may still be considered a breach of the code if it violates the spirit of the rule. The purpose of this provision is clearly reflected in its title *“Avoiding Questionable Conduct.”* By expanding the reach of the rules in the code of ethics beyond their strict literal interpretation, an incentive is provided to avoid “questionable” or borderline conduct.



Chapter 2

Act	GR	Bylaws
	CE 6	<p>Confidentiality</p> <ol style="list-style-type: none">1. <i>“An authorized entity must hold in strict confidence all information respecting the business and affairs of a client</i>2. <i>An authorized entity shall not disclose any information respecting the business and affairs of a client unless the authorized entity is</i><ul style="list-style-type: none">• <i>expressly or impliedly authorized to do so by the client, or</i>• <i>required to disclose the information by an enactment or an order of a court..”</i>
	CE 7	<p>Fees</p> <ol style="list-style-type: none">1. <i>“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:</i><ul style="list-style-type: none">• <i>the time and effort required to be spent on the project;</i>• <i>the complexity of the project;</i>• <i>whether special skill or service is required and provided;</i>• <i>the customary charges of other authorized entities of equal standing in the locality in like matters and circumstances;</i>• <i>the cost of the work involved in the construction of the project;</i>• <i>such other special circumstances, including loss of other employment, uncertainty of reward and urgency, as may apply with respect to a particular project.</i>2. <i>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).”</i>
	CE 8	<p>Withdrawal of Services</p> <p><i>“An authorized entity shall not withdraw professional services except for good cause and with notice that is appropriate in the circumstances.”</i></p>



Chapter 2

Act	GR	Bylaws
	CE 9	<p>Impartiality and Conflict of Interest</p> <ol style="list-style-type: none">1. <i>“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.</i>2. <i>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.</i>3. <i>An authorized entity must, if a conflict of interest arises, immediately disclose it personally to the client.</i>4. <i>For the purposes of this rule, “conflict of interest” means a situation</i><ul style="list-style-type: none">• <i>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</i>• <i>That might prompt an authorized entity to prefer the authorized entity’s own interests over the interests of a client or prospective client.”</i>
	CE 10	<p>Guarantee of Estimates</p> <p><i>“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.”</i></p>
	CE 11	<p>Knowledge and Skills</p> <p><i>“An authorized entity must maintain currency in the knowledge and skills necessary to provide professional services.”</i></p>



Chapter 2

Act	GR	Bylaws
	CE 12	<p>Prohibition on Practice</p> <p>1. <i>“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</i></p> <ul style="list-style-type: none"><i>• directly or indirectly engage in the practice of architecture or the practice of interior design,</i> <p><i>or</i></p> <ul style="list-style-type: none"><i>• 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.”</i> <p>2. <i>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.”</i></p>
	CE 13	<p>Outside Interests</p> <p><i>“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.”</i></p>
	CE 14	<p>Advertising</p> <p>1. <i>“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.</i></p> <p>2. <i>An authorized entity must ensure that the advertising serves the public interest by reporting accurate and factual information which neither exaggerates nor misleads. ”</i></p>



Chapter 2

Act

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Bylaws

Flexibility of the Code

The broad wording found in the rules meets the objectives of a self-governing profession, providing a guide by which members may judge their conduct while leaving the profession as a whole significant freedom to craft these obligations according to changing conditions of practice and policy objectives.

By setting out broad principles such as the obligation to maintain the integrity of the profession, those designated to judge behaviour are given freedom to interpret the rules in a way that best serves the profession and the public. However, the broad wording of these rules will always leave a grey area. This is where the section on *“Avoiding Questionable Conduct”* becomes especially valuable. It provides a strong incentive for members to avoid borderline behaviour.

Please click [here](#) to complete the Question and Answer for this chapter.



Practice Review and Discipline

Act

GR

Bylaws

Introduction

As discussed in this course's Introduction, one of the characteristics of self-governing professions is rigorous regulation of the conduct of its members. By including these stringent rules in the legislation establishing these professions, the legislature intends to protect the public interest. While this is evident throughout the Act, General Regulation and bylaws, it is most apparent in the portions dealing with practice review, the investigation and discipline of members and in the regulation of practice.

This chapter outlines the provisions in the Act and General Regulation dealing with complaint and practice review. It begins with definitions of unskilled practice and unprofessional conduct – the very actions that set the review processes in motion. These concepts are very important for, if a member is found to have committed either, he or she becomes subject to potentially harsh penalties.

It then continues with a discussion of general procedural rules in effect in hearings before these bodies: the evidence that can be heard, and the procedural protections designed to ensure fair and even-handed hearings for investigated persons.

The major part of the chapter deals with the powers and procedures of the Practice Review Board, the Complaint Review Committee and Council, and the process for appeals of their decisions.

Finally, relevant issues not found in the Act or the GR are discussed. These include the common law rules on procedural rights, the availability of judicial review and court decisions that have interpreted the Act.



Chapter 3

Act	GR	Bylaws
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Part 5

Establishment of the Complaint Review Committee and Practice Review Board

Practice Review and Discipline provisions are found in Part 5 of the Act which establishes two review panels:

- the **Complaint Review Committee**, to investigate complaints and, if necessary, discipline members, and
- the **Practice Review Board**, to review the professional practices of members and to make recommendations to these members or to Council.

9(1)(k), (l),
(m), (o)
and (p)

Part 4, 5

Council has authority to make regulations dealing with the composition, procedures and proceedings of these bodies as well as on *“the review of the practice of authorized entities generally”*. Regulations addressing these areas are contained in the GR under Part 4: Complaint Review Committee, and Part 5: Practice Review Board. As licensed interior designers are included in the definition of *“authorized entities”*, both architects and licensed interior designers are subject to the same complaint and practice review processes.

A Note on Interpretation

Before beginning however, a note is required on the use of the term “review panel.” A “review panel” is defined in the Act as *“the (Complaint Review) Committee or the (Practice Review) Board, as the case may be”*. When the term is used in the body of the Act, it is difficult to determine whether it refers to the Committee or the Board or both. It is also difficult to determine with certainty which rules and procedures apply to which body.

29(d)

To avoid confusion, we will use the term “review panel” to refer to *both* the Committee and the Board. When referring to one of these bodies only, the name of that body will be used. Finally, a discussion of the most likely interpretations will be included whenever it is unclear which body the term “review panel” is referring to.



Chapter 3

Act

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Bylaws

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Cooperation of Members

An authorized entity must cooperate in all matters pertaining to reviews conducted by the Council, the Registration Committee, the Complaint Review Committee and the Practice Review Board as set out in s. 44 of the GR.

Unskilled Practice and Unprofessional Conduct

Unskilled practice and unprofessional conduct are defined as an act or omission of an authorized entity that “a review panel or, on appeal, the Council” determines:

- To be detrimental to the best interests of the public interest.
- To be a violation of the applicable code of ethics.
- Will harm or tend to harm the standing of the profession(s) of architecture or interior design.
- Will 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 or interior design.

Conduct that meets the above criteria is considered to be unskilled practice or unprofessional conduct “**whether or not that conduct is disgraceful or dishonourable**”. Furthermore, a failure to comply with any part of the Act, regulation or bylaws can also constitute unprofessional conduct if the Complaint Review Committee or the Council considers it a serious violation.

Rules of Evidence in Hearings before the Committee, Board or Council

Evidence is, of course, the basis upon which decisions are made by the Complaint Review Committee, the Practice Review Board and Council. The Act is clear about the types of evidence that can be introduced and the powers of the tribunals in obtaining it.



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Presentation of Evidence

Evidence may be presented at a hearing in any way in which the “review panel” or Council considers appropriate. They are not bound to follow the rules of evidence applicable to courts of law. This is normal practice for administrative tribunals such as the Complaint Review Committee, the Practice Review Board and Council, for a very important reason. One advantage of administrative tribunals is that they are quicker and less expensive forums for the settlement of disputes than courts. The complex rules of evidence applicable in judicial proceedings can make proceedings slow, expensive and formal. Therefore, their application to the proceedings of administrative tribunals would work to defeat the very rationale behind the tribunal’s existence.

For the purposes of an investigation, each member of a review panel or Council is given the power of a commissioner for oaths. Witnesses can be sworn in so that their testimony is taken under oath.

68(1)

Certificate of Registration

Section 68(1) of the Act establishes presumptions applicable to hearings. A presumption means that when evidence of one fact is presented, another fact is presumed to be true. The presumptions are as follows:

- A certificate allegedly signed by the Registrar stating that as of a certain date or during a certain period, an individual was or was not a registered architect, visiting project architect, restricted practitioner, licensed interior designer, visiting project interior designer, officer of the association or a member of the Council, or that a corporation was or was not an architects corporation, a joint firm or interior design corporation, is conclusive proof of these facts unless contrary evidence is presented. Furthermore, the Registrar’s signature is deemed authentic in the absence of contradictory evidence.
- If contradictory evidence is presented, the presumption cannot be relied upon and the above facts must be proved in the same manner as any other relevant fact.



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Witnesses

In judicial proceedings, policy considerations dictate that certain individuals cannot be compelled to testify in certain situations. In administrative hearings however, the dominant policy consideration is allowing the tribunal or body to have access to all relevant information so that it may make an educated decision. Therefore, all witnesses who have relevant information are usually required to testify. The following rules apply:

- The individual under investigation and anyone else thought to have relevant information may be compelled (ordered) to give evidence.
- Witnesses may be questioned on any relevant matter regardless of whether their responses may:
 - Incriminate them, or
 - Subject them to potential liability under Part 5 of the Act (*Practice Review and Discipline*) or in a civil proceeding.
- However, in order to ensure candour and the receipt of accurate information, witnesses' testimony at a hearing may not be used against them in a civil proceeding, a prosecution for violation of the Act (recall that s. 71 makes violation of the Act a quasi-criminal offence), or in a proceeding under any other Act. This does not mean that a witness cannot be prosecuted for any actions discussed in their testimony, but merely that the testimony itself cannot be used as evidence. The only exception to this rule is in prosecutions for perjury or the giving of contradictory evidence as it is the witnesses' testimony that forms the subject matter of the charge.
- It is only the witnesses' *testimony* that cannot be admitted at subsequent proceedings. Other kinds of evidence relating to the prior hearing, including the rulings of Council or a review panel, may be admitted provided they are otherwise admissible.¹
- The AAA may apply to the Court of Queen's Bench for a commission to obtain evidence from an out-of-province witness. The court *may* grant the commission. If it does, the evidence is then taken in accordance with the *Alberta Rules of Court*.



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Attendance of Witnesses and Production of Documents

- The Registrar may issue a notice to an individual requiring him or her to attend a hearing. This notice must contain the time and date and place of the hearing.
- The Registrar may also require the person to bring any relevant documents, such as plans or drawings, to the hearing.
- Upon receiving a written request, the Registrar must deliver notices to any individuals that the investigated person or their counsel wish to have testify at the hearing.
- Witnesses who are required to attend a hearing are entitled to the same fees as a witness in Court of Queen's Bench.

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Failure to Attend or Give Evidence at a Hearing

A person who does not comply with a notice to attend a hearing, does not produce requested documents or refuses to be sworn in or answer a question may be charged with civil contempt of court. If the guilty party is the individual under investigation, the Complaint Review Committee or the Council may find this non-compliance to constitute unprofessional conduct.

Procedural Protections for Investigated Persons

Parties in judicial proceedings are entitled to significant procedural protections such as the right to counsel and the right against self-incrimination. Due to the desire for more informality and flexibility in administrative hearings, the full range of protections applicable in court proceedings are not generally available to those under investigation. However, those under investigation by the Committee, Board or Council are entitled to treatment in accordance with “natural justice.” Natural justice has been defined as “fairness writ large and juridically. It has been described as ‘*fair play in action*.’”² It may include, among other things, the right of investigated persons to be notified of the case against them, to make submissions to the decision-maker(s) and to be represented by a lawyer.

The level of procedural protections or “natural justice” accorded to an investigated person varies with the nature of the proceeding. In *Kane v. University of British Columbia*,³ the Supreme Court of Canada determined that a high level of natural justice is required in professional discipline hearings due to the potentially serious consequences to the individual under investigation.⁴ As a result, those whose conduct is under investigation are entitled to significant procedural protections in hearings before the Complaint Review Committee or Council as both of these bodies have the authority to discipline members. However, these bodies are not courts and are given significant freedom to devise their own procedures, provided the hearing is fair.



Chapter 3

Act	GR	Bylaws
41(1), 42(1) and 47		<p>However, the importance of “natural justice” to this discussion is minimized by the fact that the Act and GR accord significant procedural protections to investigated persons. Many of these protections meet or exceed the common law requirements of “natural justice,” rendering them superfluous. These provisions are set out below.</p> <p>Right to Notice and to be Present at Hearing</p> <p>The Registrar must provide the investigated person with a notice indicating the date and time of the hearing. This notice must summarize the particulars of the “complaint or conduct” in issue to allow the investigated person to know the case against him or her, and to give the investigated person a sufficient opportunity to respond.</p> <p>Both the accused and the AAA may be present and represented by counsel. The review panel itself may also have a lawyer for advice.</p> <p>The “review panel” or Council may proceed with a hearing in the absence of the investigated person if proof is provided that they were given notice.</p>
52-3 and 39(3)		<p>Written Decision</p> <p>A “review panel” or Council must prepare a written decision including the findings it has made, the reasons for these findings and any order made. Furthermore, the Registrar must forward copies of this decision to the person under investigation and the chair or vice-chair of the review panel. These individuals, as well as Council on appeal, are also entitled to examine the formal record of the hearing or any mechanical, written or tape recorded records of testimony.</p> <p>Complainants are not entitled to a copy of the decision but are entitled to receive notice of the decision reached.</p> <p>This does not appear to apply to the reports of the Practice Review Board (for reasons set out below). However, the Board must submit a written report to Council at the conclusion of a practice review. Whether or not the person under review is entitled to this report is unclear. However, given that transparency is always a good policy for administrative bodies such as the Board, it would be well advised to provide those subject to a review with a copy of its reports.</p>



Chapter 3

Act	GR	Bylaws
41(2)		<h2>Privacy of Hearings and Confidentiality</h2> <p>Hearings before the Complaint Review Committee or the Council must be held in private. The Practice Review Board, its reviewers and all other Association staff must keep confidential all reports and files related to a review as well as any other information gathered while carrying out a review.</p>
31(1) and (2)	51	<h2>Complaint Review</h2> <h3>Initial Handling of Complaints</h3> <p>Complaints about the conduct of an authorized entity are made to the Registrar. The Registrar must do his or her best to get the complaint in writing, and may ignore any complaint that is anonymous or not in writing. However, there are occasions when the Registrar becomes aware of improper conduct but it is not possible to obtain a written complaint. In these circumstances the Registrar can commence the complaint review process. Complaints dealing with the activities of an authorized entity whose registration has already been cancelled can be dealt with provided they are made within one year of cancellation.</p> <p>After receiving a written complaint, if the Registrar determines that mediation may be viable in the circumstances, the Registrar may inform the complainant and the authorized entity subject to the complaint that mediation is available. If mediation is not viable, the Registrar informs them that the complaint has been forwarded to the chair or vice-chair of the Complaint Review Committee.</p>
31(3)		<h3>Mediation</h3> <p>If it is determined that mediation is viable and <u>both</u> parties agree to mediation, then Council appoints a mediator to work with the parties toward resolution. If no settlement is reached within 30 days of receipt of the complaint (or a longer period agreed upon by the parties) and the mediator believes one unlikely, the mediator forwards the complaint promptly to the chair of the Committee.</p>
32	52	<h3>Receipt of Complaint by the Chair or Vice-Chair</h3> <p>The Registrar, mediator or “any other person” can refer complaints to the chair. When the chair receives a written complaint, he/she must inform the authorized entity that a complaint has been received and it will be investigated. The chair must review a complaint within 30 days of receipt; however he/she can ask Council for an extension.</p>



Chapter 3

Act	GR	Bylaws
32 (3)	53	
33		
34, 35		

i. Preliminary Investigation

a. Initiation and Conduct of Investigation

The chair may conduct a preliminary investigation into the conduct of an authorized entity at any time, not only when a complaint has been received. The chair may conduct the investigation personally or appoint someone else to do it. If someone other than the chair or vice-chair conducts the investigation, they must report their findings to the chair or vice-chair as soon as possible after completing the inquiry.

b. Conclusion of Initial Review

When the initial review of a complaint in writing is completed, the chair must make at least one of the following orders:

- Refer the complaint to the Committee if he/she believes that the Committee should evaluate it. In the case of a complaint not made in writing or an initial review not initiated by the complainant, the chair may refer the matter to the Committee if he/she believes it deserves further consideration.
- Direct that no further action be taken if he/she believes the complaint is “frivolous or vexatious” or is not supported by adequate evidence of unskilled practice or unprofessional conduct. A frivolous complaint is one so minor that it is not reasonable to proceed further. A vexatious complaint is a mean-spirited or hurtful accusation. It should be noted, however, that even though a complaint may be made out of anger, it may still relate to improper conduct that can be reviewed.

c. Notice and Appeal

The Chair must notify the complainant and the person under investigation of his/her decision. If it has been decided that no further action will be taken, the complainant may appeal the decision to Council by notifying the Registrar within 30 days of receiving notice. Council then decides if the chair’s decision was correct or whether the Committee should consider the matter. There is no provision allowing those under investigation to appeal the chair’s decision to forward a complaint to the Committee.



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Act	GR	Bylaws
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37, 40
and 42(1),
(2) and
(3)

42(4) and
(5)

52, 53

ii. Hearing before the Complaint Review Committee

a. Investigation, Hearing and Suspension

The Committee must investigate and hold a hearing within 30 days of the receipt of a complaint when the chair or Council refers a matter to it. The investigated person must be given sufficient notice of the time, location and subject matter of the hearing. Council may grant one or more 30-day extensions to this deadline if the chair submits a written request.

S. 40 of the Act allows the chair of a “review panel” to suspend the registration of an authorized entity pending its decision. While the title above s. 40 (Suspension Pending Committee or Board Decision) suggests it applies to both the Practice Review Board and the Complaint Review Committee, this is unlikely due to the finding in *Chandler v. The Alberta Association of Architects* that the Board has no authority to discipline members. Therefore, s. 40 likely applies only to the Complaint Review Committee.

b. Notice and Subject Matter of the Hearing

A “review panel” or Council on appeal may hear any other matter concerning the conduct of the person under investigation that arises during a hearing. However prior to doing so, they must:

- Declare their intention to hear the matter.
- Allow the person under investigation an adequate opportunity to prepare their response to the new matter.

iii. Decision of the Committee

a. Written Decision and Notice

As mentioned earlier, the Committee or the Council on appeal must prepare a written decision outlining the findings made, the reasons for these findings and the orders made. This decision is given to the Registrar who gives copies to the investigated person and the chair or vice-chair of the panel. The complainant is provided with “**notice of the nature of the decision.**”



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48, 49
and 50

70

b. Conclusion and Orders

At the conclusion of the hearing or appeal, the Committee or Council decides if the conduct of the investigated person constitutes either unskilled practice or unprofessional conduct. If so, the Committee or Council has the authority to make any order they find appropriate. Some of the possible orders are as follows:

- A reprimand may be issued.
- The registration of the person may be suspended. This suspension may be from either architecture or interior design in general or from any area or areas of these professions.
- The person's registration may be suspended, either in general or in specific areas, until they complete required courses or supervised practical experience or until the Committee or Council is satisfied that they are competent in the relevant areas.
- The person may be required to limit their practice to certain areas.
- Conditions may be placed on a person's right to practice including:
 - Requiring them to practice under supervision.
 - Prohibiting them from engaging in sole practice.
 - Requiring periodic inspections of their practice.
 - Ordering them to report to the Committee or Council on certain matters.
- The person may be ordered to complete certain courses or otherwise satisfy the Committee or Council as to their competence either in general or in a particular area.
- A suspension until the Committee or Council is convinced a disability or addiction has been dealt with.
- The person may be required to undergo counselling.
- The person may be ordered to waive, reduce or refund fees charged for services that were done improperly.
- The person's registration may be cancelled.

iv. Suspension, Cancellation, Costs and Fines

a. Practice Prohibitions

Any authorized entity whose registration has been cancelled or suspended cannot practice architecture ***“or directly or indirectly associate the entity with the practice of architecture with any authorized entity”*** without Council's permission.



Chapter 3

Act	GR	Bylaws
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63 (1)

Furthermore, no authorized entity may “*associate in the practice of architecture directly or indirectly*” with a person whose registration has been cancelled or suspended, or employ this person in any capacity relating to their practice without Council’s permission. If Council allows an authorized entity to employ this person, employment is subject to any stipulations Council wishes to set.

b. Cancellation of Falsely Obtained Registration

In addition to the reasons listed above, Council must cancel a person’s registration if it believes they have become registered through false or fraudulent representation(s). However, it must hold a hearing before doing so. All the procedures outlined above for the hearing of complaints apply to these hearings as well.

c. Surrender of Certificates and Conduct While Registration is Cancelled or Suspended

Once the registration of an authorized entity has been cancelled or suspended, any certificates of registration, annual certificates, licenses or permits previously issued are also considered cancelled or suspended and must be returned to the Registrar if he/she requests them. Furthermore, any seals or stamps must be returned to the Registrar.

If a person whose registration has been suspended or cancelled represents to another that they are a member in good standing of the AAA, they may be found to have committed unprofessional conduct in accordance with the Act.

d. Reinstatement of Registration

Only Council or the Court of Appeal can reinstate a registration that has been cancelled for any of the above reasons. Registration may not be reinstated until one year has passed since cancellation. If cancellation was suspended pending an appeal to the Court of Appeal, reinstatement cannot occur until one year after the Court confirmed the cancellation.

Council members who are part of a committee formed to hear applications for reinstatement are not precluded from participating or voting in proceedings of Council related to requests for reinstatement.

The AAA’s lawyer can take part in any proceedings before Council dealing with requests for reinstatement.

64(1) and 65

64(2), (3) and (4)



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Act	GR	Bylaws
9(1)(r)	55	
10(1)(p)		
51 (1)(a) and (3)		
51(b), (c), (2) and (4)		

e. Publication of Suspension or Cancellation

Council has the right to make regulations “**governing the publication of a notice of the suspension or cancellation of the registration of an authorized entity.**”

- Notice of suspension or cancellation of the registration of an authorized entity shall be published by the Council in any manner it considers appropriate. The notice must contain the name of the individual or corporation whose registration has been suspended or cancelled and the length of any suspension. No mention is made in the Act whether or not the reasons for suspension or cancellation be included in the notice.
- It is not permissible to publish a notice that a member has been disciplined by means other than suspension or cancellation; however, it is the Association’s practice to prepare anonymous case summaries of these discipline hearings for the education of the membership.

f. Costs

Section 10(1)(p) of the Act gives Council the right to make bylaws governing the nature of the costs which a “*Discipline Committee* (interpreted by the court as referring only to the Complaint Review Committee) *or, on appeal, the Council*” may award. Therefore, the Practice Review Board may not award costs.

The Committee or Council can order the investigated person to pay part or all the costs of a hearing or appeal. If Council finds a complaint to be “**frivolous or vexatious**,” it can order the complainant to pay the costs of the preliminary investigation and hearing before Council. Costs can be granted on their own or in addition to any other penalties under s. 50.

While s. 55 of the Act allows an investigated person to appeal an order for costs, there is no comparable provision allowing a complainant to appeal an order of costs made against him/her.

g. Fines

The Committee or Council may order an investigated person to pay fines of up to \$10,000 for each finding of unskilled practice or unprofessional conduct. These may be alone or in addition to an order for costs.

If costs or fines are not paid within the allotted time, the Committee or Council may suspend registration until they are paid. Money owed for costs or fines may be the subject of a civil action for debt.



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Appeals and Reviews

If a member believes that a fair result was not achieved through the complaint/disciplinary process then, there are two avenues of recourse.

First, if the member feels that a disciplinary action was unwarranted or unjust *based on the facts and merits of the case*, he or she may appeal. There are two levels of appeal:

- Appeal to Council and then
- Appeal of the Council's decision, in turn, to the Court of Appeal of Alberta.

Second, if the objection is that the disciplinary *process* was improper, the member may apply to the court for a judicial review to examine the procedures and jurisdiction of the disciplinary body.

i. Appeals to Council

a. Notice of Appeal

The person under investigation may appeal to Council a finding of unskilled practice or unprofessional conduct or an order made by the Committee regarding unskilled practice or unprofessional conduct, or payment of costs and fines. Note that a complainant (the person who made the complaint) has no right to appeal a decision of the Committee.

The Act also grants a right to appeal a finding that a member's conduct was *not* unskilled nor unprofessional. Why the person would choose to appeal such a finding is not clear.

b. Written Notice

If the person under investigation wishes to appeal a decision of the Committee, he/she must notify Council in writing within 30 days of receiving the decision. This notice must set out the finding or order under appeal and the reasons for appeal. The Registrar will then give a copy of the notice of appeal to all members of Council. When it is received, Council will order the Registrar to serve the appellant and Council with notice of the date, time and place of the appeal hearing.

Council must hear the appeal within 30 days of receiving the notice of hearing. However, it may extend this period one or more times if it receives a request from the Registrar or the appellant. Each extension can be no longer than 30 days.

55(1)

48

55(2)-(5)
and 56



Chapter 3

Act	GR	Bylaws
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54

c. Suspension of Registration Pending Appeal

A review panel may suspend the registration of a person who has lodged an appeal until Council has made its decision. If a decision of Council is appealed to the Court of Appeal, Council may also suspend a registration pending the Court's verdict.

In either case, the appellant may apply to Queen's Bench to have the suspension lifted. The Court cannot hear this application until ten days after having received it. After hearing it, the Court can lift the suspension subject to any conditions it considers appropriate.

57

d. Procedure and Council's Powers on Appeal

The Association's lawyer may be present at an appeal before Council. Council members who are also members of a "review panel" can participate in the hearing, but cannot vote. Council can do any of the following in the course of an appeal:

- It can adjourn the proceedings or reserve judgement until a future meeting.
- It may hear new evidence after granting leave for this purpose.
- It may come to different factual determinations and make different findings than those of the Committee.
- It may refer the matter back to the Committee.
- As mentioned above, s. 50(2) of the Act grants Council the authority to make any additional order appropriate in the circumstances. However, it is obliged to make its decision within 30 days of the end of the hearing, and do at least one of the following:
 - a) Make the finding it believes should have been made by the Committee;
 - b) Quash (set aside), vary or confirm an order of the Committee or substitute it for one of its own;
 - c) Refer the matter back to the Committee to hear in accordance with any instructions Council wishes to make.

Council may also order a person who appeals to pay part or all of the costs of the appeal.

57(5)

e. Council's Authority to Hear New Matters on Appeal

A review panel or Council on appeal can hear any other matter regarding the conduct of the person under investigation that arises during a hearing. However, before doing so they must notify the individual of their intention to hear this matter and grant them an adequate opportunity to prepare to address it. In such a case, all of the provisions dealing with discipline apply to the review of the further matter.

42(4) and
(5)



Chapter 3

Act

GR

Bylaws

58 - 60

ii. The Court of Appeal

a. Appeal and Stay

The investigated person may appeal a decision of Council to the Court of Appeal. The appeal must be filed and served within 30 days of receiving a copy of Council's decision. The appellant may apply for an order suspending all or part of Council's decision until the appeal is resolved. The Association is the respondent in this appeal and its lawyer may make submissions at the hearing.

b. Material in Support of the Appeal

Certified copies of Council's decision and the record of the proceedings must be filed in support of the appeal. The Registrar must provide the appellant with as many copies of these documents as he or she requires, provided the Appellant covers the cost.

61

c. Powers of the Court

The Court has the authority to do any of the following:

- It may make any finding that it feels should have been made by Council.
- It can quash (set aside), vary or confirm any part of the Council's decision.
- It may send the matter back to Council for a new hearing to be held in accordance with any directions set out by the Court.
- It can direct that a new trial be held in Queen's Bench to deal with any unresolved issues of mixed law and fact.
- It may make an order for costs.

62

The wording of s. 62 is somewhat deceptive, implying that the Court of Appeal will overturn any order it disagrees with. In reality, there will be many decisions that the Court will be reluctant to interfere with. This is particularly the case with findings of fact. Appellate courts do not hear testimony; the only information they receive is from the record of the prior proceedings and the submissions of the parties.

Furthermore, appellate courts consider tribunals such as the AAA Council to be the experts on matters dealing with the professional conduct of their own members, and are reluctant to replace the Council's opinion as to what is unskilled or unprofessional conduct with their own. As a result, an appeal court will interfere with findings of fact only if there is absolutely no evidence to support a finding or if the evidence diametrically opposes the conclusions reached.



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When the question at issue is one of law, the court is more inclined to intervene. However, the degree of willingness varies depending on the question at hand. The court is most apt to intercede when dealing with a “pure” question of law

iii. Judicial Review

Those who feel aggrieved by a decision of the Complaint Review Committee or Council may also seek judicial review. Judicial review is not a right granted in legislation and, therefore, there is no mention of it in the Act. It is the inherent right of superior courts (in Alberta, the Court of Queen’s Bench) to oversee the administrative actions of statutory delegates. The Association is a statutory delegate, having been granted certain powers by the legislature. The role of the courts in judicial review is to ensure that the delegate exercises only those powers granted to it in the legislation and does so in a proper manner. Therefore, judicial review is not concerned with the merits of a decision. Rather it is concerned with whether a statutory delegate has exceeded its *jurisdiction* by acting outside its statutory authority.

The *Chandler v. The Alberta Association of Architects* issue before the Alberta Court of Appeal in 1985 provides an example of a jurisdictional issue. In this case, the Court determined the Act did not grant the Practice Review Board the authority to discipline members. In other words, the Board acted outside of the jurisdiction granted to it by the Act. The court quashed the decision because the Board had made a jurisdictional error.

Another example of a jurisdictional error is where there has been a denial of natural justice. Courts believe that when the legislature grants powers to a delegate it is understood that these powers are to be exercised fairly. Therefore, when a delegate exercises them in a way that violates natural justice, it is a jurisdictional error that can be dealt with on judicial review.

Judicial review is a flexible tool as there are many remedies the court may grant. One of these remedies is *certiorari*, in which a court orders a tribunal to present to it the record of a prior proceeding. If the court finds an error on the face of this record, it may set aside the tribunal’s ruling. Another remedy is an *injunction* where an individual or organization is prohibited from performing certain actions. Judicial review is a very complicated remedy and any further analysis is beyond the scope of this booklet. The purpose in mentioning it here is to let members know that it may be available in certain situations. Those who wish further information on this topic and how it relates to professional regulation are advised to consult Casey’s *The Regulation of Professions in Canada*.⁵



Chapter 3

Act	GR	Bylaws
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38 and 39

39(1)

1(j)

39(1)(b)

58

Practice Review

Practice review is defined as the review of *“the practice of an authorized entity.”* However, while the review of the practices of individual members is the primary function of the Board, it also has other more general functions.

The Board is empowered to review the following matters and advise Council of its findings:

- It may assess existing standards of education and experience required for registration and consider the development of new standards.
- It can evaluate the desired standards of competence for the professions of architecture and interior design as a whole.
- It may inquire into any other matter Council believes appropriate to its mandate of ensuring the competent practice of architecture and interior design.
- It may review the practice of an authorized entity.

i. Practice Review of an Individual

a. Review

The Practice Review Board must conduct an individual practice review in the following circumstances:

- When the review is part of a program of regular or periodic reviews of the practice of all authorized entities established by the Council,
- or
- if the authorized entity, the Complaint Review Committee or 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.



Chapter 3

Act	GR	Bylaws
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	56, 58	
	59	
4	60	
39(3)	61	
50 – 53		

ii. Review Procedures

a. Appointment and Powers of a Reviewer

The Council must designate the chair and vice-chair of the Practice Review Board. After the Board has decided that a review should be conducted, it may appoint a person to conduct a review of the practice of an authorized entity.

- In order for them to carry out their duties, reviewers are authorized to request production of, review and copy **“any plan, drawings, detail drawings, specifications, books, papers and other documents in the possession, custody or control of the authorized entity”**.

b. Procedures Prior to Sending the Report to the Board

When a review is completed, the reviewer must prepare a report in the form established under the bylaws. Before sending the report to the Board, the reviewer must do the following:

- provide a copy of the report to the authorized entity;
- discuss the report with the authorized entity
- note on or attach to the report any comments or responses that the authorized entity wishes to have noted.

c. Recommendations or Directions

The Board must consider the report provided by the reviewer together with the member’s representations, and then may either:

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

d. Inconsistencies in the Act and General Regulation Regarding Role of Practice Review Board

Unfortunately, there are mixed signals within the Act itself as to whether the Board can discipline members. For example, s. 39 speaks of procedures for inquiries held by the Board and ss. 50-53 of the Act, state that a “review panel” may make any of the orders included in those sections. As mentioned earlier, s. 29(d) of the Act states that a “review panel” can refer to either the Committee or the Board. Therefore, the Act is unclear as to whether the Practice Review Board may discipline members.

The Alberta Court of Appeal resolved this issue in *Chandler v. The Alberta Architects Association*.⁶



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Act

GR

Bylaws

60(1) (b)

This decision confirmed the role of the Practice Review Board is that of an investigatory and advisory body; it is to investigate matters and advise Council of its findings. If the PRB believes that a member has acted in a way which may constitute unprofessional conduct or unskilled practice, its only recourse is to forward the matter to the Complaint Review Committee. Section 60(1)(b) of the GR provides for such referral to the CRC for serious matters including:

- a lack of co-operation of an authorized entity in the course of a practice review or a follow-up review,
- a failure to comply with the Act, the GR or the bylaws,
- a failure to adopt and implement the recommendations respecting desired improvements in the practice of the entity concerned, and
- any apparent fraud, negligence or misrepresentation, or any disregard of the generally accepted standards of practice.

55(1)

Can Practice Review Board Recommendations Be Appealed?

As mentioned above, the Board cannot make orders regarding unskilled practice or unprofessional conduct, or costs and fines - it has no authority to discipline. Therefore, there is likely no right to appeal its recommendations. The right of appeal appears to apply only to decisions of the Complaint Review Committee.

Please click [here](#) to complete the Question and Answer for this chapter.

1. See *Spectra Architectural Group v. St. Michael's Extended Care* (2001), 10 C.L.R. (3d) 286.
2. *Furnell v. Whangarei High Schools Board*, [1973] A.C. 660 at 669.
3. 110 D.L.R. (3d) 311 (S.C.C.).
4. *Casey*, supra. note 1 at 7-3.
5. *Casey*, supra. note 1 (see Chapter 15).
6. *Chandler v. The Alberta Association of Architects* (1985), 62 A.R. 72.



Chapter 4

Regulations on Practice

Act	GR	Bylaws
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9(1)(f)

9(1)(t)

Parts 1,
2, 3

Introduction

This chapter discusses the controls placed on the practice of architecture and interior design in Alberta. Chapter 2 set out the more *general* restrictions established in the codes of ethics. This chapter will discuss the more *specific* restrictions on practice contained in the Act, regulation and bylaws. Section 9(1)(f) and section 9(1)(t) (for licensed interior designers) of the Act gives Council the right to make regulations governing “**technical standards for the practice of architecture.**” In addition, many other provisions in s. 9 of the Act give Council the authority to make regulations on practice. The majority of the rules governing the practice of authorized entities are found in various provisions of the GR.

A major topic of discussion will be the rules governing registered architects and licensed interior designers. While Part 1 of the GR deals extensively with establishing various business vehicles, s. 66 of the Act confirms that the provisions of the Act, GR and bylaws apply to all registered architects and restricted practitioners whether or not they are acting as an employee of one of these firms. Other topics covered by Parts 2 & 3 of the GR include the requirements regarding names and letterhead, competitions, the business dealings of members with their clients and with others in the building industry as well as the use of seals and stamps.



Chapter 4

Act	GR	Bylaws
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9 (1)(p)

1, 19, 26

Fees, Licenses and Unauthorized Persons

Fees and Licenses

Council has the authority to make regulations regarding licensing. These regulations require each architectural and interior design firm to acquire a license, pay the license fee and forward to Council any information required under the bylaws. The word “firm” is defined in the GR as **“a practice arrangement as referred to in section 26.”** Under section 26 of the GR, these practice arrangements include a sole proprietor, a partnership, an architect corporation, an architect and engineer firm, or an interior design corporation.

Unauthorized Persons

Authorized entities are forbidden from making arrangements which permit someone not entitled to practice architecture or interior design to practice these professions or hold themselves out as being permitted to practice them.

36

Conditions of Practice:

Architects Corporations and Interior Design Corporations

Architects corporations and interior design corporations can only practice architecture or interior design under their corporate name or another name approved by Council. A corporation must inform the Registrar of the names of all its shareholders, directors, and officers and must promptly notify the Registrar of changes to this information. All plans, drawings, detailed drawings and specifications which are stamped by the corporation must also be signed and stamped or sealed by the architect or interior designer who had **“personal supervision, direction and control over their preparation.”** This rule also applies to joint firms. See Chapter 5 of this booklet for requirements/process for registering corporations.

25,
26.1(1)

Joint Firms

A Joint firm can practice architecture and engineering under the names of its partners, its corporate name or any other name approved by Council pursuant to the regulations. Joint firms must keep the Registrar informed of the names of all their shareholders, directors or officers and all engineers or registered architects working for the firm. A joint firm can only represent itself as an “architects and engineers” firm or vice-versa if it has both architects and engineers as either shareholders or partners in a manner satisfactory to either Council or the council of the Engineers Association. Having employees only, and not partners or shareholders who are architects or engineers, is not sufficient.

26



Chapter 4

Act

GR

Bylaws

28

Safety Codes Act Permits

Upon the recommendation of the Joint Board (discussed in Chapter 5), Council may allow a professional engineer to apply for a permit under the *Safety Codes Act* “**without the final design drawings and specifications of the building having the seal of a registered architect.**”

Partnerships

This section deals with the regulations placed on partnerships that practice architecture or licensed interior design. A “partnership” exists when three factors are present:

1. A relationship between two or more people;
2. Carrying out a business in common;
3. With a view to generating a profit.

Unlike an individual or corporation, a partnership has no separate legal existence; the law simply views it as a group of individuals or corporations carrying out a business in common. There is no provision in the Act, regulation or bylaws providing for the registration of partnerships with the Association.

32

However, s. 32 of the GR does require partnerships to acquire a license from the Association in order to practice. In addition, much of the GR governs the activities of partnerships practicing architecture or interior design. The most important of these provisions is in s. 25 of the GR, which states that architects and licensed interior designers cannot enter into a partnership or other arrangement without complying with the Architects Act and the GR.

25

However, a quick word of warning is required before beginning this discussion. The rules set out below indicate what constitutes a *permissible partnership under the Act*. They in no way set out the requirements for the existence of a partnership. Partnerships require no legal formalities; they come into existence simply when the three criteria set out above are met. Furthermore, the intention of the parties is not determinative. For example, an agreement between individuals that states explicitly that there is to be no partnership between them is irrelevant if their agreement meets the criteria of a partnership. Given the substantial implications of a finding that a partnership exists, including the liability of each partner for all of the debts of the partnership, careful consideration should be given to any business arrangements. If two or more architects or firms work on a project together they could be deemed to constitute a partnership.



Chapter 4

Act	GR	Bylaws
3	26, 33/34	<p>Permissible Partnerships</p> <p>Architects may enter into a partnership with any combination of registered architects or architect corporations.</p> <p>Licensed interior designers may enter into a partnership with any combination of licensed interior designers or interior design corporations.</p>
	33(3)	<p>Partnerships with Engineers Firms (Joint Firms)</p> <p>Architects can enter into partnerships with engineers' firms or any number of engineers. However, they must get a permit to practice in both areas under the Act or the <i>Engineering, Geological and Geophysical Professions Act</i>, and must meet the registration requirements for joint firms as set out in the Act and the GR.</p>
	33, 34	<p>The Majority Rule</p> <p>Architects may enter into partnerships with non-architects provided that the architects in the firm hold a majority interest.</p> <p>In addition, any non-architects who enter into a partnership with architects must meet certain requirements. They must be of good character, must not practice architecture and must be found satisfactory to the council.</p> <p>The above rules also apply to licensed interior designers who enter into partnerships with other individuals or corporations.</p>
	33(1), 34(1)	<p>Exception to the Majority Ownership Rule</p> <p>Special rules apply when architects and licensed interior designers form partnerships with members of certain professions. If an architect or architects enter into a partnership with licensed interior designers, professional engineers or both, then they need only hold a 50% interest in the partnership rather than a majority. However, if anyone other than a member of these three professions becomes a partner, then the architects must comply with the majority ownership rule.</p> <p>Likewise, if a licensed interior designer or licensed interior designers enter into a partnership with registered architects, they need only hold a 50% interest in the partnership rather than a majority.</p>



Chapter 4

Act	GR	Bylaws
9(1)(h)	33(2), 34(2)	<p>Dissolution of Partnership</p> <p>In relation to a partnership which requires one or more architects or licensed interior designers to hold a majority interest, the partnership is terminated if they cease to hold a majority interest.</p> <p>However, the partnership can apply to Council for permission to continue operating while it reorganizes to comply with the majority rule. If granted, this period lasts for a maximum of 21 days or for any other period Council authorizes.</p> <p>Names</p> <p>The Act allows for regulations <i>“governing the names under which authorized entities may engage in the practice of architecture.”</i> The detailed regulations are found in s. 27 and 28 of the GR.</p> <p>Firm Names</p> <p>An authorized entity engaging in the practice of architecture or licensed interior design may only engage in practice if the name of the firm meets the following criteria:</p> <ul style="list-style-type: none"> • meets the requirements as set out in the GR under ss. 27, 28 • contains the word “architect”, “architects”, “architectural” or “architecture” for an architect firm or • contains the words “licensed interior design” or “licensed interior designer” for an interior design firm • is not self-laudatory or misleading to the public, and • is approved by Council. <p>The name of the firm can only include the name of one or more individuals if these individuals are: partners or shareholders in the firm, and registered architects, licensed interior designers, engineers or restricted practitioners. In addition to this, at least one of the names included in the firm name must be a partner or shareholder in the firm who is a registered architect (for architect firms), or who is a licensed interior designer (for an interior design firm).</p> <p>Council shall not approve a name for the purposes of ss. 27 or 28 if the name of the firm does not meet the requirements of these sections or is contrary to the Act.</p> <p>Use of Plural</p> <p>The name of an architect firm must not include 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.</p>
	27(1), (2) and (6), 28(1), (2) and (6)	27(3)



Chapter 4

Act	GR	Bylaws
	28(3)	<p>The name of an licensed interior design firm 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.</p>
	27(4), 28(4)	<p>Retired or Deceased Architects or Licensed Interior Designers</p> <p>Firm names may include the names of deceased or retired architects or licensed interior designers provided:that individual</p> <ol style="list-style-type: none">1. was a shareholder or partner in the firm for longer than 3 years,2. that individual or his/her estate has given permission in writing for his or her name to continue to be used and3. if the architect or licensed interior designer is retired, he or she must not be practicing this profession in any jurisdiction.
	27(5)	<p>Restricted Practitioner</p> <p>If the name of a firm includes the word “architect”, “architects”, “architectural” or “architecture”, a restricted practitioner may not engage in the practice of architecture through this firm, unless a registered architect is a partner or shareholder of the firm.</p>
		<p>Requirement for Trademark</p> <p>Although there is no specific requirement for trademark registration noted in the Act or bylaws, there are circumstances where such registration is required in order to ensure transparency and protection of the public interest, and to meet the requirement in sections 27(1)(c) and 28(1)(c) that the name not be “misleading to the public”.</p> <p>Some rules regarding the requirement for the use of trademarks include:</p> <ul style="list-style-type: none">• A firm name that contains the name of an architect who is not registered in Alberta is not permissible. Using the names of individuals who have never been registered in Alberta is branding. A firm can use the name, but must make it official by registering a trademark. Otherwise, the firm would be allowed to ride on the goodwill of the names from elsewhere, and mislead the public into assuming the architects in the name were involved in the Alberta firm.• It is permissible to continue to use the name of members who have died or retired so long as the requirements of ss. 27(4) and 28(4) of the GR are met and there continues to be some affiliation with the firm. When involvement does end, the name becomes a brand and must be trademarked.• If the firm name is commercially recognizable as part of a multi-location firm, then the applicant must register a trademark or provide proof of permission to use the already registered trademark as an indication to the public of the affiliation with the parent company.



Chapter 4

Act	GR	Bylaws
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29

Letterhead and Business Cards

Council must approve the letterhead and business cards of a firm before they are used and must approve any subsequent changes made to them.

Content

The content of letterhead must conform to the following rules:

30

- The letterhead of a firm must show the names of all individuals and corporations who are partners or shareholders, or the individuals and corporations who hold the beneficial ownership of the voting shares of a corporation that is a partner or shareholder of the firm and that are involved in the practice of the firm. If two or more professions are being practiced within the firm, the names of these professions and the individuals entitled to practice them must be listed.
- If the letterhead or business cards of a firm includes the name of:
 - A registered architect, the name must be followed by the words “Architect, AAA”
 - A licensed interior designer, the name must be followed by the words “Licensed Interior Designer, AAA”
 - An engineer, the name must be followed by the words “Professional Engineer”
 - A restricted practitioner, the name must be followed by the words “Restricted Practitioner in Architecture, AAA” or
 - Any other person, the name must be followed by a description of the person’s role in the firm.
- A firm cannot list as an architect any person or corporation not allowed to practice architecture.
- If the firm name includes the name of an architect who is retired or deceased, the firm’s letterhead must clearly show that the architect is retired or deceased.

30, 31



Chapter 4

Act

GR

Bylaws

The Business of Practice

The following rules deal with the involvement of authorized entities in the building industry. The purpose of most of these rules is to prevent conflicts of interest in which a member may be tempted to put their own interests or the interests of another over the interests of his/her clients. The rules set out below are not an exhaustive list of prohibited conduct. The codes of ethics requires architects and licensed interior designers to promptly inform clients of any potential conflict of interest, not just in the specific situations set out below.

Competitions

37

Authorized entities cannot participate in a competition unless the competition or limited competition conditions comply with the standards approved by Council.

Trading in the Building Industry

38

Authorized entities hired by a client for a project may not act as contractors or engage in “*supplying building materials, furnishing, accessories or systems*” to be used in the work either “*directly or indirectly.*”

The above rule does not apply if an authorized entity are acting for themselves “*in a personal manner*” or have prior written permission from the client to act as a contractor or supplier.

Advising Contractors

39

Authorized entities may act as advisors to a “*contractor, manufacturer, supplier or other person*” engaged in a business related to building systems or materials provided they are not 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 contract out work or employ certain contractors, systems, furnishings, materials or accessories in a project.

Written Agreements

41

Authorized entities may only perform professional services for a client with a written agreement describing the services provided and the method for determining remuneration. The only exceptions to this rule are when Council issues a direction stating that no written agreement is needed or, in the case of authorized entities, if they are participating in a competition conforming to the standards in s. 37 of the GR.

37



Chapter 4

Act	GR	Bylaws
	42	<p>Site Reviews</p> <p>Authorized entities are required to perform site inspections during construction of a building they have designed unless:</p> <ol style="list-style-type: none">1. they notify, in writing, the authority granted jurisdiction under the building code that is in force in the area where the project will be constructed, that they will not be doing such inspections.2. they notify, in writing, the building's owner of the potential consequences of not performing such inspections.
	43	<p>Successor Architects or Licensed Interior Designers</p> <p>An authorized entity who wants to work on a project that another authorized entity was formerly working on must inform the other authorized entity and Council of this intention in writing. Before accepting an offer to work on the project, the authorized entity must be satisfied that any prior agreement between the client and the other authorized entity has ended.</p>
10(1)(n)		<p>Use of Seals and Stamps</p> <p>Seals and stamps signify the exercise of professional authority, and the Act sets out specific rules on their use. Alberta legislation requires that certain documents for certain projects must be stamped or sealed by a professional. Only designated professionals are entitled to exercise this important privilege.</p>
2(2)(c)		<p>Exclusive Use of Seals and Stamps</p> <p>Only registered architects, visiting project architects, architects corporations, architect and engineering firms can affix or allow someone else to affix their seal or stamp to an original or copy of a “plan, drawing, detail drawing, specification or other document,” unless the work was prepared under their direction and the seal or stamp was affixed with their permission.</p> <p>Similarly, an authorized interior designer may not affix the stamp of a licensed interior designer, interior design corporation or visiting project interior designer unless the same conditions are met.</p>
	98.1	<p>Use of Seals and Stamps</p> <p>A seal issued to an authorized entity must at all times remain under the direct control of the authorized entity and must be applied by the authorized entity or by a person acting under the immediate and direct control of the authorized entity to all plans, specifications, reports or documents of a professional nature that have been authored by the authorized entity, or where it has been prepared under the supervision of the authorized entity and for which the authorized entity assumes professional responsibility.</p>



Chapter 4

Act	GR	Bylaws
		<p data-bbox="394 435 457 459">84-96</p> <p data-bbox="506 427 1787 483">A seal must be accompanied by the signature of the authorized entity to whom it is issued and the date on which the seal is applied.</p> <p data-bbox="506 529 1402 553">A seal may only be used while the authorized entity is registered pursuant to the Act.</p> <p data-bbox="506 599 1787 691">A registered architect must either press the seal over his/her signature or sign over the seal impression each time the seal is used, so that the signature and the stamp/seal are combined. The same rules apply when a restricted practitioner, licensed interior designer or visiting project interior designer uses his/her stamp.</p> <p data-bbox="506 737 1770 794">In addition to using their stamps, visiting project architects must also impress documents with the seal issued to them in the jurisdiction where they are permitted to practice architecture.</p> <p data-bbox="506 839 1797 932">In the case of an architect corporation, both the corporation's stamp and the seal of the registered architect responsible for the work must be placed on documents that require a seal or stamp. For an interior design corporation, the responsible licensed interior designer and the corporation must both stamp the documents.</p> <p data-bbox="506 1187 1283 1211">Please click here to complete the Question and Answer for this chapter.</p>



Act	GR	Bylaws
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9 and 10

Introduction

This chapter covers all topics relevant to registration and membership, including the establishment and maintenance of registers, and registration requirements; rules governing the issuance of stamps, seals, certificates and licenses to members; and the various categories of membership established under the bylaws and the rights and obligations applicable to each.

Council has numerous powers to enact regulations and bylaws governing these areas. It may make regulations:

- applying “**some or all of the provisions**” of the Act, regulations and bylaws “**to members of classes or categories of membership in the Association,**” and
- governing “**registration, licensing, permits and certificates of authorization.**”



Chapter 5

Act	GR	Bylaws
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10(1) (q)		Part 6
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Registers

Council has the authority to make bylaws governing 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.*”

11(1)		59
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The Registrar must establish and maintain registers for the following groups: registered architects, visiting project architects, architects corporations, joint firms, restricted practitioners, licensed interior designers, interior design corporations and visiting project interior designers. These groups represent the individuals and corporations that can be registered and therefore practice architecture or licensed interior design (defined as a portion of the practice of architecture). The information pertains to each member who must be included in each register is discussed in ss. 60 to 64.3 of the Bylaws. The member must notify the Registrar in writing of any changes to this information.

60 to
64(3)
66(2)

11(2), 23		65
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The Registrar must add to the appropriate register the names of persons whose application for registration has been accepted. The Registrar must allow anyone who wishes to inspect the registers to do so during office hours.

Registration of Registered Architects and Licensed Interior Designers

The Registration Committee considers applications for registration in accordance with the rules set out in the Act, bylaws and GR. It may approve applications, reject them or defer them until the applicant has completed additional training. After considering an application, the Committee must notify the applicant in writing of its decision. Section 51(3) of the Bylaws provides that notices of approved architectural and licensed interior design applicants must be published in a manner made generally available to membership.

12-13	6, 7	51(3)
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Appeals

- Any existing registered architect or licensed interior designer can appeal the Committee’s decision to accept an applicant for registration as a registered architect or licensed interior designer within 15 days of the above notice being published.
- In order for the appeal to proceed, written notice must be given to the Registrar outlining the reasons why Council should review the decision. This notice is then forwarded to Council. Upon receipt of this written request, the acceptance of the applicant is stayed pending Council’s decision.
- Applicants whose applications have been refused by the Committee may also appeal to Council. Their written requests for review must be received within 30 days and must set out why they believe their application should be approved.

12(4)-(6)		
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Chapter 5

Act	GR	Bylaws
13		<p>Reviews by Council</p> <p>When Council receives one of the above appeals, it must review the matter. Those who are members of both the Registration Committee and the Council may participate in the Council hearing but cannot vote.</p> <p>When a registered architect or licensed interior designer has protested the acceptance of an applicant, both the protestor and the applicant are to receive notice of the Council hearing and may appear with legal counsel and make submissions. The same rules apply to an applicant appealing a decision of the Committee.</p> <p>The Registration Committee or the Council on appeal <i>must</i> approve the application of a registered architect or licensed interior design applicant if they are eligible for registration under the Act and regulation.</p>
14(1), 16.1(1)		
15(1)-(2), 16.2(1)-(2)	15, 16	<p>Visiting Project Architects</p> <p>Council considers applications for Visiting Project Architect status. If the applicant is eligible for registration under the Act and regulation and Council “<i>is satisfied as to the matters referred to in the application</i>” and “<i>the suitability of the project</i>” it <i>may</i> approve the application. Council has a discretion here that is not present when considering applications of registered architects; however, the rules of natural justice require the decision to be reasonable or a rejected applicant could apply for judicial review.</p> <p>Council also approves the project that the applicant wishes to work on as well as the proposed relationship between the applicant and the registered architect they will be collaborating with.</p>
15(1)-(2)	17, 18	<p>Visiting Project Interior Designers</p> <p>Council considers applications for the registration of an individual as a visiting project interior designer. If the applicant is eligible for registration under the Act and regulation and Council “<i>is satisfied as to the matters referred to in the application</i>” and “<i>the suitability of the project</i>” it <i>may</i> approve the application.</p> <p>Council also approves the project that the applicant wishes to work on as well as the proposed relationship between the applicant and the licensed interior designer they will be collaborating with.</p>
67		<p>Exemption from Municipal License</p> <p>Municipalities may not require practitioners to obtain licenses to practice architecture or interior design within their boundaries. This is intended to maintain registration as the exclusive criteria for the practice of architecture or licensed interior design in the province.</p>



Chapter 5

Act	GR	Bylaws
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14(2) & 16.1(2), 15(3) & 16.2(3), 16(2) & 16.3(2) and 19(3)		
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23		
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Effective Date of Registration

There are different effective dates of registration for the different categories of applicant. They are as follows:

- For registered architects and licensed interior designers: date the Registration Committee approves their registration.
- For architects corporations, licensed interior design corporations, visiting project architects and visiting project licensed interior designers: date Council approves their registration.
- For joint firms: date Council approves their registration (unless the application is one which has to be approved by both the AAA Council and the council of the Engineers Association. The registration of joint firms is explored further below under the heading “Joint Firms”).

Suspension of Registration and Other Entries

An authorized entity’s registration is suspended or cancelled when **“a decision to suspend the registration is made in accordance with (the) Act.”** The Registrar must enter a memorandum of the suspension or cancellation in the register, including the reasons for suspension or cancellation and, for a suspension, the duration. None of these memoranda may be removed without complying with the bylaws. Section 10(1)(r) of the Act permits Council to make bylaws dealing with the removal of memorandums added to the register due to cancellation, suspension or death.

If a registered architect, visiting project architect, restricted practitioner, licensed interior designer, or visiting project interior designer dies, a memorandum of this fact is entered in the applicable register.

Cancellation and Reinstatement of Registration

Voluntary Cancellation of Registration

The Registrar may not grant a member’s request for cancellation of his or her registration without Council’s permission. If Council approves, the Registrar cancels the registration and the authorized entity returns their seal or stamp and, if requested, their certificate of registration, annual certificate, license, permit or certificate of authorization.

Cancellation

The Registrar may cancel the registration of an authorized entity in default of any fees, dues or levies owed to the Association. Before cancellation however, the Registrar must serve notice of the arrears on the authorized entity, and notice that the registration may be cancelled unless the problem is rectified. If the arrears remain after one month, the Registrar may cancel the registration.

24		
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27		
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Chapter 5

Act	GR	Bylaws
9(1)(s), 27.2(1), 27.2(2)	22, 23, 24	<p>These rules also apply to architects corporations or interior design corporations that have shareholders, directors or officers in non-compliance with the regulations or joint firms that do not employ at least one registered architect and one professional engineer to take responsibility for the architectural and engineering duties of the firm.</p> <p>If the Registrar concludes that registration should be cancelled due to the authorized entity not complying with the requirements of the continuing competence program, the Registrar may give written notice of the intention to cancel registration to the authorized entity. If the authorized entity does not comply with the notice by the time specified in the notice, the Registrar may cancel their registration. For a full discussion of these provisions, see Chapter 6.</p> <p>The Registrar can cancel any registration entered by mistake.</p> <p>If the registration of an authorized entity is cancelled, their stamp or seal must be returned to the Registrar. Furthermore, any documents verifying their membership are invalid and must be returned to the Registrar if the Registrar requests it.</p> <p>The Complaint Review Committee or Council may cancel the registration of an authorized entity if it is found they have been guilty of unprofessional conduct or unskilled practice.</p> <p>Reinstatement by Council</p> <p>Council can order the Registrar to reinstate a registration cancelled for any of the above reasons subject to any conditions it wishes and order that stamps, seals and the relevant registration documents be re-issued.</p> <p>In the case of an authorized entity whose registration has been cancelled for non-payment of fees, duties or levies, s. 27.2(2) of the Act states that Council may reinstate their registration if an application is made for reinstatement accompanied by the payment of all arrears.</p> <p>If the registration of a visiting project architect or visiting project interior designer is cancelled and subsequently reinstated, then the visiting project architect or visiting project interior designer must apply and pay the same registration fee as if they were registering for the first time.</p> <p>If the Complaint Review Committee or Council has cancelled the registration of an authorized entity (as in the case of a finding of unskilled practice or unprofessional conduct), only Council can reinstate the registration. Council may establish a committee to consider applications for reinstatement and make recommendations to Council.</p>



Chapter 5

Act	GR	Bylaws
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2(1), 9(1)
(e.1)

10-14

10

12

If the registration of a registered architect, licensed interior designer, or restricted practitioner has been suspended or cancelled for one year or longer, Council may require the completion of examinations before registration is reinstated.

Registration of Architects and Interior Design Corporations

A corporation may not practice architecture or licensed interior design unless it is registered under the Act. Council may make regulations governing the eligibility of applicants for registration as architects' or licensed interior design corporations. The procedures and requirements for registration of corporations are set out in the Act and in ss. 10-14 of the GR.

Preliminary Approval

It is important that a member who wishes to establish an architects corporation or a licensed interior design corporation first submit a package of proposed corporate documents to the Registrar for preliminary approval prior to proceeding to registration at Corporate Registry. In this way the member can be advised of, and correct any deficiencies or non-compliance with the Act and GR prior to incurring registration costs.

- The Registrar inspects these documents on behalf of Council and determines whether the articles of incorporation contain provisions which will ensure the following:
 - That no transfer of shares will take place without the approval of the board of directors of the corporation;
 - That no transfer of shares will take place that would contravene the GR;
 - That no business will be carried out that would contravene the GR.
 - That no director or officer will be appointed in contravention of the GR.
 - That no bylaw will be enacted that violates the Act, the GR or bylaw enacted under the Act.
- The Registrar also confirms that the proposed name of the corporation complies with ss. 27/28 of the GR.

In addition to these requirements regarding the content of the articles of incorporation and corporate name, Council must also be satisfied that the proposed corporation meets the following ownership requirements:

- The corporation must have at least one full-time employee or shareholder that is either a registered architect or licensed interior designer who will ***“assume direct personal supervision, direction and control of the practice”*** of architecture or interior design carried out by the corporation.
- One or more registered architects, architect-held corporations, or a combination of registered architects and architect-held corporations must be the beneficial owners of a majority of the voting shares of an architects corporation.



Chapter 5

Act	GR	Bylaws
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13

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- In the case of architects corporations, if all of the voting shares are owned by registered architects, licensed interior designers or professional engineers then registered architects must own only 50% of the voting shares instead of a majority.
- For an architects corporation, Council must be satisfied that any individuals involved who are not registered architects, licensed interior designers or professional engineers **“are of good character and are satisfactory to the Council.”** For interior design corporations, these requirements apply to all individuals involved who are not licensed interior designers or registered architects.
- One or more licensed interior designers, licensed interior designer-held corporations, or a combination of licensed interior designers and licensed interior designer-held corporations must be the beneficial owners of a majority of the voting shares of an interior design corporation.
- For interior design corporations, if licensed interior designers and registered architects own all the voting shares, then only 50% of the voting shares need be held by licensed interior designers.
- A majority of the directors and officers of the corporation must be registered architects or licensed interior designers.

If the above requirements are met, the Registrar, on behalf of Council will issue the applicant a preliminary letter of approval. The applicant must then apply for incorporation under the Business Corporations Act within 45 days unless Council approves a longer period. After incorporation, the corporation must send the Registrar:

- a certificate of incorporation issued to it by the Registrar of Corporations,
- evidence of the names of the corporations’ directors, officers and shareholders and
- any other evidence Council requires to assure itself that all requirements of the GR have been complied with.

Final Approval of Registration

If Council is satisfied that the above requirements are met, it will approve the registration of the corporation. The Registrar then places the corporation in the appropriate register and issues a permit and a stamp in accordance with s. 20 of the Act.



Chapter 5

Act	GR	Bylaws
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	32	
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Registration of Partnerships (Firms)

As noted in Chapter 4, a group of architects or *licensed interior designers* may choose to practice together as an unincorporated entity - a partnership or firm. The firm must be registered and licensed with the Association as a mode of practice and must thereafter obtain an annual license and keep Council apprised of changes in information pertinent to the registration.

	33, 34	
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The ownership requirements for architectural and *licensed interior design* partnerships are similar to those for corporations. The general rule is that a registered architect or architect corporation must have a majority interest in an architectural firm (and *licensed interior designers* in an *licensed interior design* firm) under ss. 33/34 of the GR. If there are partners who are not authorized entities, they may not practice architecture or interior design, and must be of good character and satisfactory to Council.

The requirements regarding names, letterhead and business cards set out in ss. 27-31 of the GR apply to partnerships.

Registration of Joint Firms

Joint firms (also referred to as “architects and engineers firms”) are firms entitled to practice both architecture and engineering. In order to practice both professions these firms must be registered as a joint firm.

17(2)		
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The following individuals and firms may make an application to become a joint firm: an engineer, a registered architect, an engineers firm, an architects firm, a proposed architects and engineers firm and **“a partnership or corporation...that the Joint Board considers a suitable applicant for a certificate of authorization.”** Applicants apply to different bodies depending on their “prime activities.” If the prime activity of the applicant is architecture, application is made to Council. If the main activity of the applicant is engineering, the application is made to the council of the Engineers Association.

Approval by the Joint Board

Both Councils submit all applications to the Joint Board of Practice (Joint Board) for consideration **“with or without comments from that council.”** The Joint Board then considers the following:

- Whether the applicant is entitled to make an application under s. 17(2) of the Act.
- If the applicant employs at least 1 full-time architect and 1 full-time engineer to carry out the architectural and engineering work of the firm.

18(1-2)		
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Chapter 5

Act	GR	Bylaws
18(3)		<ul style="list-style-type: none">• Whether “any ownership interests in the applicant will give rise to conflicts with the professional responsibilities of the firm.”• Whether the granting of a certificate of authorization would lead to unauthorized practice or any other violation of the Act or the <i>Engineering, Geological and Geophysical Professions Act</i>.• Whether the applicant being allowed to practice both professions will harm the public interest. <p>Recommendations</p> <p>After considering the application, the Joint Board makes a recommendation as to whether to grant a certificate of authorization to the applicant.</p> <ul style="list-style-type: none">• These recommendations are made to Council if the application is from an engineer or engineers firm. If the application is from a registered architect or an architects firm, they are made to the council of the Engineers Association.• If the application is from a proposed architects and engineers firm or <u>any other applicant</u>, the recommendations are sent to both councils.
19		<p>Certificate of Authorization</p> <p>If the Council receives recommendations from the Joint Board, it can approve the registration if it is eligible under the regulations. If recommendations have been sent to both councils, (as is the case with applications from any applicant other than an engineer, engineers firm, architect or architects firm) both must agree to approve the application and sign the certificate of authorization before it may be issued to the applicant.</p>



Chapter 5

Act	GR	Bylaws
10(1) (n) and (u)		81-98
19 and 20		
21		
22, 22.1		

Certificates, Licenses, Stamps and Seals

Council has the authority to make bylaws concerning the information to be found on seals and stamps and the form of *“a certificate of registration, a license, a permit, a certificate of authorization, an annual certificate and any other form or document”* required by the Act, regulation or bylaws.

Issuance of Stamps, Seals and Documents

Authorized entities are issued certain items depending on the particular category under which they are registered. The items distributed are as follows:

Category	Items Issued
Registered Architects	Certificate of Registration and a seal if requested.
Licensed Interior Designers	Registration Certificate and a seal.
Visiting Project Architects and Visiting Project Interior Designers	License from Council to work on the project and a stamp.
Architects Corporations and Interior Design Corporations	Permit and a stamp.
Architects and Engineers Firms (Joint Firms)	Certificate of Authorization and a stamp.
Restricted Practitioners	Certificate of Authorization (detailing limited scope of practice) and a stamp.

Terms of Licenses, Permits or Certificates

The term of these documents is one year from the date of issue. With Council's approval, they can be renewed for further periods up to one year provided the necessary fees are paid.

Annual Certificates

Registered architects and licensed interior designers are required to pay an annual fee every year. Upon payment of this fee, registered architects and licensed interior designers are entitled to practice until the end of the calendar year, provided registration is not cancelled or suspended.



Chapter 5

Act	GR	Bylaws
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Membership and Fees

A distinction between registration and membership must be made. AAA members are not entitled to practice architecture unless they are also registered architects, visiting project architects or “**otherwise permitted to engage in the practice of architecture under the Act**” - they must also be registered. Registered architects, licensed interior designers and restricted practitioners are registered and members of the Association. Therefore, in addition to the benefits of membership, these individuals may practice by virtue of the fact that they are also registered. Architects corporations, interior design corporations, joint firms, visiting project architects and visiting project interior designers are registered and may practice but are not considered members of the Association. Conversely, Associate Members, Intern Architects and Interior Designers, Student Members, Retired Architects, Retired Licensed Interior Designers, Honorary Members, Life Members, Affiliate Members and Syllabus Students are members but may not practice, as they are not registered.

25, 26

A further distinction must be made between registration and licensing. Every practicing architect, LID and restricted practitioner must practice through a licensed mode of practice. The individual must either be licensed as:

- a sole practitioner;
- firm or partnership;
- corporation or
- joint firm

or work for one of these entities that is properly licensed in Alberta. There is no such thing as a “freelancing architect or LID” - all architects and LIDs must work through a licensed entity.

This licensing requirement is designed to ensure that the practice of architecture in Alberta is appropriately monitored by the registering body in the public interest.

Membership Categories

The category of “registered architect” and “licensed interior designer” are created in the Act. Furthermore, the Act gives Council the right to create additional categories of membership by bylaw, and assign rights and duties to each. The following additional categories of membership are established in the Bylaws: associate member, intern architect, intern interior designer, student member, retired member, retired licensed interior designer, honorary member, life member, affiliate member and syllabus student in training.

10(1) (g)

66(4)



Chapter 5

Act	GR	Bylaws
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10(1) (o)

100-105

Fees, Dues and Levies for Members

- Council may make bylaws governing the “*fixing of fees, dues and levies payable to the Association*” by those who are registered with or members of the AAA. Council determines the amount of all fees, dues and levies applicable to each membership category.
- For certain categories of members, if the member registers after July 1, the annual fee is halved.
- Council may extend deadlines for payments of fees for compassionate or any other satisfactory reasons.

Qualifications for Membership, Rights and Obligations

67-76.1

The qualifications for membership and the privileges and responsibilities applicable to members of each membership category are set out in the Bylaws.

Fees for Corporations, Joint Firms, Restricted Practitioners, Visiting Project Architects and Visiting Project Interior Designers

9(1)(i)

19, 20,
21, 22

100-102.3

While architects corporations, interior design corporations, joint firms, visiting project architects and visiting project interior designers are not considered members of the Association, they are still registered and therefore pay fees.

- Joint firms, architects corporations and interior design corporations must pay a registration fee and an annual fee. Annual fees are payable upon registration and on or before the anniversary of registration each year.
- If a joint firm, architects corporation or interior design corporations registration is cancelled and subsequently reinstated, they must pay the same registration fees as those of joint firms or corporations registering for the first time. This same rule applies also to visiting project architects and visiting project interior designers.
- Visiting Project architects and visiting project interior designers must pay a registration fee and an annual fee payable on registration and on or before the anniversary of registration each year. Registration fees cannot be more than those charged to a registered architect. The annual fee must be paid for the duration of the project as well as until the later occurs: for one year following the project’s completion, or the warranty period for the project has expired.
- Restricted practitioners pay a registration fee and an annual fee payable on registration and on or before December 31st of each year. These fees cannot be more than those charged to a registered architect.

Please click [here](#) to complete the Question and Answer for this chapter.



Act	GR	Bylaws
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9(1)(a) –
(e.1)

6-9

Introduction to Education and Training

One of the most important functions of the Association is to set requirements for the entry of new members into the profession. The Act grants to Council the authority to make regulations concerning:

- academic qualifications and training requirements for those who wish to be registered as architects or licensed interior designers.
- **“residence, age and character requirements.”**
- evaluation of these requirements by the Registration Committee, the Practice Review Board, Council or **“any other committee or board established”** for this purpose, and
- eligibility of applicants for registration as visiting project architects, visiting project interior designers and restricted practitioners.



Chapter 6

Act

GR

Bylaws

6(1), 7(1)

Criteria for Registration

All architects and interior designers who wish to be registered must be at least 18 years old and of good character.

Education and Training Requirements

Architects

In order to meet the requirements necessary for registration as a registered architect, an applicant must:

- have a university degree acceptable to Council or have completed a substantially equivalent post-secondary program acceptable to Council;
- have completed at least 3 years of practical training in the practice of architecture acceptable to the Registration Committee, and
- have completed the examinations approved by Council.

If the applicant is registered as an architect in a jurisdiction recognized by Council, then they may apply for registration by virtue of the inter-recognition and reciprocity agreements in place with these jurisdictions.

Licensed Interior Designers

In order to meet the requirements necessary for registration as a licensed interior designer, an applicant must:

- have a university degree in interior design acceptable to Council or have completed a substantially equivalent post-secondary program acceptable to Council;
- have completed at least 3 years of practical training in the practice of interior design acceptable to the Registration Committee, and
- have completed the examinations approved by Council.

If the applicant is registered as an interior designer or the equivalent, in a jurisdiction recognized by Council, then Council may apply its discretion.



Chapter 6

Act	GR	Bylaws
	8	<p>Training Credits and Exemptions</p> <p>If an applicant for registration as a registered architect or licensed interior designer has had previous training in the practical experience requirements of the Intern Architect Program or the Intern Licensed Interior Designer Program, or an equivalent program as recognized by the Registration Committee, they may apply to the Registration Committee for that training to be considered for credit going towards all or part of the practical training required under section 6(2)(a)(ii) or 7(2)(a)(ii) of the GR.</p>
	9	<p>Exemptions</p> <p>Where the Registration Committee is of the opinion that an applicant's qualifications, knowledge and experience merit, the Committee may grant an exemption from all, or part of, the registration requirements as set out in section 6(2) of the GR for registration as a registered architect, or section 7(2) of the GR for registration as a licensed interior designer.</p>
		<p>Purpose and Use of Log Books</p> <p>120.2(1) Log books are used to aid the Registration Committee in quickly determining the following questions:</p> <ul style="list-style-type: none">• The name of the applicant,• The individual who is supervising the applicant and• The length and sufficiency of the practical training in each of the required areas. <p>120.2(2) The Registration Committee is not obliged to use logbooks. It may use another method to determine the sufficiency of training if the logbooks are not practical in a particular situation. While logbooks are primarily used by the Registration Committee in determining eligibility for membership, they are also used by the Committee and the Practice Review Board as an aid in determining whether an intern is receiving sufficient practical training.</p> <p>120.3 Review of Log Books</p> <p>The Registration Committee or the Practice Review Board may request an intern architect to send the individual's logbook to the Committee or the Board for review. If the Registration Committee or the Practice Review Board is not satisfied that an intern architect is gaining appropriate training and experience it may:</p> <ul style="list-style-type: none">• notify the intern architect and his employer or either of them accordingly;• issue a warning and provide guidance for future practical training;• endorse the log book with such comments as it considers appropriate.



Chapter 6

Act	GR	Bylaws
9(1)(q), 27(1)	46, 47	<p>If an intern architect fails to comply with the guidance provided by the Registration Committee or the Practice Review Board, or if the intern architect fails to qualify for registration as a registered architect within 5 years of their registration as an intern architect (or such longer period as may be permitted by Council), the Registration Committee or the Practice Review Board may recommend to Council that their membership as an intern architect be terminated and Council may make its decision accordingly.</p> <h3>Introduction to the Continuing Competence Program</h3> <p>The Architects Act under s. 9(1)(q) allows the Association to create and enforce a continuing competence program for members. This continuing education is designed to ensure that members are kept up-to-date on training and education requirements. The GR details the continuing education procedures that registered architects, licensed interior designers and restricted practitioners must comply with. The Act sets out the cancellation procedures for members that do not comply with the mandatory continuing competence program.</p> <p>Although s. 27 of the Act refers to authorized entities generally, practically speaking the requirement for continuing competence applies to:</p> <ul style="list-style-type: none">• registered architects• licensed interior designers and• restricted practitioners. <h3>Responsibilities of Members</h3> <p>Registered architects, licensed interior designers and restricted practitioners must:</p> <ul style="list-style-type: none">• comply with the continuing competence program rules approved by the Council• obtain the continuing competence hours required by the Council in each calendar year by completing continuing competence activities approved by Council and the core competency courses required by the Council• maintain accurate and complete records of activities in the continuing competence program• report on the completion of continuing competence activities in a manner approved by Council, and• on the request of the Registrar, submit documentation in a form approved by Council that demonstrates compliance with the continuing competence program rules.
	46	



Chapter 6

Act	GR	Bylaws
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47

52

Establishment of the Education Committee

The Education Committee is established by the Council of The Alberta Association of Architects to administer educational programs, including the Mandatory Continuing Competence program as directed by Council, and to advise Council on policies respecting such programs.

47

Duties of the Education Committee

The Education Committee may make recommendations to the Council regarding rules governing the operation of the continuing competence program, which include:

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

46

Compulsory Continuing Competence Program Guide

The specifics of the Continuing Competence requirements can be found on the AAA website at <http://www.aaa.ab.ca> under the Membership, Continuing Education options. In this section, members are able to access the Continuing Education (CE) Program Guide produced by the Education Committee. This document describes in detail various components of the continuing competency program including:

- A list of available core competency courses
- The number and type of learning units that must be reported per calendar year
- Forms
- The annual requirements for a member living and working outside of Alberta
- The different types of acceptable learning activities
- Failure to comply with continuing competence requirements
- New member continuing competence requirements



Chapter 6

Act

GR

Bylaws

27(3)-(7)

Consequences for Failure to Comply with Continuing Competency Requirements

It is mandatory that registered architects, licensed interior designers and restricted practitioners comply with the requirements of the continuing competence program. Should an individual fail to comply with the requirements, the Registrar may serve written notice to the member that the Registrar intends to cancel the member's registration.

The notice of cancellation served on the member by the Registrar must include:

- reasons for the Registrar's decision
- that the authorized entity must complete the requirements of the continuing competence program within a specified time, which may not be less than 30 days from the date the notice is served on the authorized entity
- that the Registrar may cancel the authorized entity's registration unless the authorized entity completes the requirements of the continuing competence program within the time specified in the notice and
- that the authorized entity is entitled to request a review of the Registrar's decision under s. 27.1 of the Architects Act.

If the authorized entity does not comply with the written notice by the time specified, the Registrar may cancel the registration of the authorized entity.

Once the registrar has cancelled the registration, the certificate of registration and annual certificate, licence, permit or certificate of authorization of that authorized entity is deemed to be cancelled. These items, along with any seal or stamp must be surrendered by the member to the Registrar upon request.

Review of Decision

When served with a written notice of cancellation under section 27(3), a registered architect, restricted practitioner or licensed interior designer may, within 30 days after being served notice, request the Council to review the decision of the Registrar. The authorized entity must include in the request to Council the reasons why, in their opinion, the decision of the Registrar should be reviewed. This request for review acts as a stay on the Registrar's decision to cancel the authorized entity's registration.

The Registrar has 30 days, upon being served with a request for review, to notify the authorized entity of the date, time and place at which the Council will conduct the review.

27.1(1) to
27.1(6)



Chapter 6

Act

GR

Bylaws

Both the authorized entity and the Registrar may appear with or without counsel while making representations to the Council at a review.

Once Council has completed the review, it may confirm, reverse or vary the decision of the Registrar and make any decision the Registrar may have made, and can further make any orders the Council considers necessary for carrying out the decision.

Council must provide the applicant as well as the Registrar a written copy of its decision including reasons for the decision.

Please click [here](#) to complete the Question and Answer for this chapter.



Act	GR	Bylaws	
5		2	<p>Introduction</p> <p>This chapter examines the provisions of the Architects Act, the regulation and bylaws dealing with the AAA. The Act establishes the AAA as the governing body for architects and licensed interior designers in the province and it is through this association that the abstract principles of self-governance find concrete expression. The AAA is granted many powers to govern the practices of its members. A Council composed virtually exclusively of members of the two professions, and elected by their colleagues governs the AAA and has the authority to make bylaws and regulations (subject to the approval of the membership and in the case of regulations, the provincial cabinet) governing the professions. Given the AAA’s central role in self-governance and its wide-ranging authority over the practice of architecture and licensed interior design in Alberta, its structure, rules and institutions are of obvious interest to the members whose actions it regulates.</p> <p>This chapter examines the provisions of the Act, regulation, and bylaws dealing with the structure, powers and responsibilities of the AAA and the various bodies within it. Coverage of many of these topics is quite sparse within the Act itself. However, s. 10 of the Act enables Council to enact bylaws dealing with virtually every aspect of the AAA’s operations. The most important provision is s. 10(1)(a), which permits bylaws dealing with “<i>the government of the Association and the management and conduct of its affairs.</i>” This chapter will focus largely on material found in the Bylaws, where most of the relevant information is found.</p> <p>Creation</p> <p>The AAA is established as a corporation in s. 5(1) of the Act. A corporation is a legal entity with all of the rights, powers and privileges of a natural person. Therefore, incorporation gives the AAA many of the legal rights accorded to individuals, including, as noted specifically in s. 5(1), the right to own property and borrow money. It also enables it to pursue legal actions in its own name. These powers are necessary if the AAA is to carry out its mandate of regulating architecture and licensed interior design in Alberta. Section 10(1)(b) allows Council to determine the location of the Association’s head office which is established in s. 2 of the Bylaws as Edmonton.</p>



Chapter 7

Act	GR	Bylaws	
10(1)(c)			<p>Association Meetings</p> <p>Council may make bylaws regarding the <i>“calling of and conduct of meetings of the Association and the Council.”</i> These provisions are set out below and in the section of this chapter dealing with Council.</p> <p>Annual General Meetings</p> <p>4-5 The AAA must hold an annual general meeting every year. The location of the meeting is determined either at the preceding annual general meeting or at a special general meeting. If for some reason no meeting location is specified by either of the above methods, Council can specify its location.</p> <p>At least 15 days before the annual general meeting the Executive Director must send each voting member a notice of the meeting and audited statement of the revenue and expenditures of the AAA for the past year.</p> <p>5(2), 106(1) Only registered architects and licensed interior designers (voting members) may vote at the annual general meeting unless the Bylaws state otherwise. Section 106(1) of the Bylaws states that voting members may vote on proposed additions, amendments or repeals to the bylaws.</p> <p>Special General Meeting</p> <p>6,7 Council may call a special general meeting of voting members at any time it wishes. However, Council <i>must</i> call a special general meeting if at least 25 voting members submit a request that one be held. This request must include the reason for the meeting. Council must then call the meeting within 45 days of receiving this request. If Council calls a special general meeting for the purposes of considering the enactment, amendment or appeal of bylaws, all voting members must be given a notice setting out the time, location and purpose of the meeting at least 15 days before it is to be held. If Council calls a meeting for any other purpose, at least 7 days notice must be provided.</p> <p>Again, unless the bylaws provide otherwise, only voting members may vote at special general meetings.</p> <p>Quorum and Procedure</p> <p>8-9 Council may make bylaws governing the number of voting members required to constitute a quorum at Association meetings. Section 8 of the bylaws states that the quorum for annual and special general meetings is at least 50 voting members. The rules of procedure at these meetings are the <i>“normally accepted rules of order and procedure governing meetings of a like nature.”</i> If there is disagreement as to what these rules are, the chair of the meeting decides the matter and this decision is final.</p>
10(1)(k)			



Chapter 7

Act	GR	Bylaws
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6

Council

Council is the governing body of the AAA and manages the Association's affairs, exercises its powers and reports to the responsible Minister through an annual report that is presented to the legislature.

Constitution of Council

8

Section 8 of the Act establishes the right to make bylaws governing the constitution of Council but sets out some requirements that must be met. They are as follows:

- There must be at least 9 registered architects on Council elected by registered architects and licensed interior designers.
- There must be at least 1 licensed interior designer on Council elected by licensed interior designers and registered architects.
- There must be public members (individuals who are not architects or licensed interior designers) on Council, the minimum number of which varies depending on Council's size. When the number of registered architects on the Council is less than 10, only one public member is required. If there are more than 10 but less than 20 registered architects on Council, there must be two public members.
- The Minister chooses public members in consultation with the AAA. The Minister may pay the travel and living expenses of public members incurred in the course of attending meetings and being away from his/her residence as well as any fees the Minister thinks necessary.
- Council still retains all of its powers and duties under the Act if a public member has not been appointed, has resigned or been removed. This principle also applies if a public member fails to attend a meeting.



Chapter 7

Act	GR	Bylaws
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Rules on Council Constitution set out in the Bylaws

29

The specific rules regarding the constitution of Council are found in s. 29 of the bylaws, as follows:

- Nine registered architects resident in Alberta sit on Council.
- The past president, one public member and one licensed interior designer also sit as voting members.
- *Ex officio* members (members by virtue of their offices):
- Dean of the Faculty of Environmental Design at the University of Calgary or his/her designate.
- An AAA intern member in good standing may be elected by the AAA membership to become an ex-officio member of Council.
- A student enrolled in their final year with the Faculty of Environmental Design, Architecture program at the University of Calgary or a student enrolled in their final year in the Interior Design Program at Mount Royal College may be appointed by Council as ex-officio members.

29.1

29.2

Council Meetings

9(1)(j)

63

39-42

Council must meet at least 6 times per year. At least 6 members of Council or 5 members of Council and the public member are required for a quorum. The President may call a meeting anytime he/she wishes. However, the Executive Director of the Association must give each Council member notice of the meeting at least 24 hours before it is to be held. Unless Council directs otherwise, a member who misses 3 consecutive meetings is removed from Council and a vacancy is created.

The normal rules of order for these types of bodies govern Council meetings. In the case of disagreement over what these rules are, the Chairman has the final word. When called upon by the President to do so, the Council may make a resolution through the process of e-mail voting.



Chapter 7

Act	GR	Bylaws
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10(1)
(d)-(f)

10

Council Elections

The Act grants to Council the right to make bylaws governing the conduct of Council elections. Only the major rules set out in the Bylaws will be covered here.

Right to Vote or Run in Council Elections

Only registered architects or licensed interior designers whose membership is not suspended or cancelled can run in Council elections. Registered architects and licensed interior designers may vote for Council members.

Nominations

11

A nominating committee is appointed each year to handle nominations. The Past-President is the chair and appoints one registered architect from the southern half of the province and one from the northern half (the southernmost part of Red Deer being the dividing line) and one licensed interior designer. The chair may also appoint any other registered architects or licensed interior designers he/she deems necessary.

The committee prepares a list of nominees of at least that number of individuals required to fill the vacancies on Council. These nominations are then mailed to all voting members at least 90 days before the annual general meeting where the election results will be announced.

Between 90 and 60 days before the meeting, any combination of 4 or more voting members may nominate additional candidates who are not on the list of candidates. The nominee must agree in writing and the Executive Director must receive the nomination at least sixty days before the meeting.

12

Nominees may withdraw if they notify the Executive Director at least 35 days before the annual general meeting.

14

If a nominee dies or is disqualified *before* nominations close, the nominating committee must nominate another registered architect or licensed interior designer *if* there are more vacancies than nominees. If there are not, the committee has the discretion to nominate or not.

13

If a nominee dies or is disqualified *after* the close of nominations but before the results are known and the remaining candidates number less than the available seats then that nominee is considered elected but only for the purposes of s. 37(2). This section permits Council to appoint another registered architect or licensed interior designer to replace one who has died or is no longer a member. Council may also leave the seat vacant.



Chapter 7

Act	GR	Bylaws	
		15	If there are no more candidates than vacancies at the close of nominations, all candidates are elected by acclamation.
			Voting
		16	Ballots are mailed to all voting members at least 30 days before the meeting. The ballots must list the candidates alphabetically by surname and contain a note explaining to voters the number of candidates they may vote for and that their ballot is void if this number is exceeded. With the exception of these requirements, Council determines the form of the ballots and may also authorize short biographies of each candidate be sent out with the ballots.
		17/18	Each voting member gets one vote per vacancy and can only vote for a candidate once. They do not have to use all of their votes. The voting period is from the day the ballots are mailed out until noon on the day before the annual general meeting unless Council directs otherwise. Candidates cannot campaign during the voting period.
		19/20	Election is by secret ballot. Ballots are marked with an X and are placed in a sealed envelope marked “Ballot”. This envelope is then placed in another envelope, which is signed by the voter and mailed to the Executive Director. If the envelope is not signed, it is destroyed unopened.
			Election Procedures
		20-28	The procedures for vote handling and tabulation are contained in ss. 20-28 of the bylaws and ensure the maintenance of the secret ballot and the accurate counting of votes. If there is a tie vote, s. 25 states that the tie is broken by the “most recent past-President who is a voting member.”
		26	When tabulation is completed, the three scrutineers give a sealed envelope containing the results to the Executive Director. At the annual general meeting, the Director gives the envelope to the President who announces the results and then presents a motion that all election materials be destroyed. Councillors are elected for a two (2) year term. The Council, so constituted, remains in place until the close of the next annual general meeting.
		33(5) 31	



Chapter 7

Act	GR	Bylaws
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10(1)(d)

30(1), (2)

Elected Officers

The Act grants to Council the power to make bylaws setting out the elected offices of Council and their function. The Elected offices of the AAA are:

- The President
- The Immediate Past President
- The Vice President (Finance) (formerly the Secretary/Treasurer)
- The Vice President (Education)
- The Vice President (Practice Resource)
- The Vice President (Voice)
- Council elects one of the Vice Presidents as the First Vice President.

Election of Officers and Terms of Office

32

At the conclusion of an annual general meeting, the Council shall meet and the individual who acts as First Vice President in any Council year becomes President the following year without the need to be re-elected to Council. Likewise, the individual who acts as President in any Council year becomes Immediate Past President the following year without the need to be re-elected to Council. The new Council elects members to any vacant offices the first or second time it meets. Those Council members who do not hold an office are known as “Councillors.”

33

The President and the First Vice President hold office until the first annual general meeting following their election. The Immediate Past President, the Vice President (Finance) and the two other vice presidents hold office until the end of the first annual general following their election. Councillors hold office until the end of the annual general meeting two years after their election. Council may extend the President’s term by one year if it wishes. If it does, it may also extend the term of the Immediate Past President.

A member’s term on Council automatically ends if they cease to be a registered architect or licensed interior designer. If their registration is suspended, their term on Council is also suspended until they are reinstated. If a member of Council takes a leave of absence from practice in accordance with the AAA’s Leave policy, then their membership on Council is suspended during the leave unless council authorizes it to continue during the leave period.



Chapter 7

Act	GR	Bylaws
		<p data-bbox="394 477 457 500">34-37</p> <p data-bbox="510 427 827 449">Absences and Vacancies</p> <p data-bbox="510 472 1791 561">If the President is temporarily absent or unable to fulfil his/her duties, the First Vice President assumes all the President’s duties and obligations during this period. If the First Vice President is unable to act, the Council appoints a member of Council to serve as acting president for so long as is required.</p> <p data-bbox="510 574 1791 664">If an office becomes vacant or an elected member dies, Council may elect a new officer from amongst its members or leave it vacant. If a Council member dies or ceases to be a Council member, Council may appoint a member to fill the vacancy for the remainder of the term, leave the seat vacant, or fill the vacancy at the next annual election.</p> <p data-bbox="510 695 833 717">Duties of Elected Officers</p> <p data-bbox="543 740 720 763">The President</p> <p data-bbox="411 807 443 829">43</p> <ul data-bbox="579 797 1770 956" style="list-style-type: none">• Presides over all Council and AAA meetings.• Signs all registration certificates.• Performs other duties set out in the bylaws or required by Council.• The President is an <i>ex officio</i> member of all committees of the Council and the AAA with the exception of the Complaint Review Committee. <p data-bbox="543 987 852 1010">Vice-President (Finance)</p> <p data-bbox="411 1053 443 1076">45</p> <ul data-bbox="579 1044 1444 1170" style="list-style-type: none">• Signs documents that have been affixed with the AAA’s seal when necessary.• Reports to Council on the state of the AAA’s finances when asked to do so.• Presents the financial statements of the AAA at the annual general meeting.• Performs any other duties set out in the bylaws or requested by Council.



Chapter 7

Act	GR	Bylaws
10(1)(h)		47-50
7		48
		47 & 49
		47 and 50

Appointed Officers and Employees

Council has the right to make bylaws concerning the appointment and dismissal of AAA employees. The appointed officers and employees and their duties are discussed below.

Registrar

The office of the Registrar is the only appointed office created in the Act. Under s. 7, Council may appoint someone to the position or revoke an appointment by resolution. Under s. 10(1)(h) of the Act, Council may appoint a temporary Registrar if there is a vacancy or if the Registrar cannot perform his/her duties.

The Registrar’s duties are to keep the Association’s records and registers current and to perform any other duties prescribed by Council or by the Act, regulation or bylaws.

Executive Director

Council must appoint an Executive Director, who is a full-time employee with duties as follows:

- Prepare agendas for Council meetings and ensuring that the proceedings are recorded.
- Receive and manage the Association’s correspondence.
- Retain custody of the property and account books of the AAA.
- Prepare reports and gather information requested by Council.

The Executive Director reports to and is responsible to Council.

Auditor

Council must appoint an auditor who is a member of the Institute of Chartered Accountants. The duties of the Auditor are as follows:

- Examine all books and accounts of the Association.
- Prepare an audit of the Association’s finances as of the end of each calendar year unless Council requests more frequent audits.
- Prepare a financial statement to be presented at the annual general meeting.



Chapter 7

Act	GR	Bylaws
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Committees

There are three standing committees created by the Act: the **Registration Committee**, the **Practice Review Board** and the **Complaint Review Committee**. The duties of the Complaint Review Committee and the Practice Review Board were discussed in Chapter 3 while those of the Registration Committee discussed in Chapter 5. While the Act contains some requirements for the composition of these committees, s. 9(1)(j) and (l) gives Council the right to make regulations setting out the requirements for the creation, composition, procedure and remuneration of committees in greater detail.

Registration Committee

Council must establish a Registration Committee with appointed chair and vice-chair. Committee members are appointed by Council and must be registered architects or licensed interior designers.

Complaint Review Committee

The Complaint Review Committee's composition is as follows:

- Council appoints members of the Complaint Review Committee and designates a member of Council as Chair.
- The quorum for the Committee is at least 3 of its members, one of whom must be a licensed interior designer if the Complaint Review Committee is holding a hearing in respect of a complaint concerning a licensed interior designer, a visiting project interior designer or an interior design corporation.

Practice Review Board

The Practice Review Board's composition is as follows:

- The Board must consist of at least 6 members. Members must consist of registered architects appointed by Council, at least one licensed interior designer appointed by Council, and persons who have knowledge and experience suitable for determining academic and training requirements necessary to practice architecture. One member of the Board must be a public member nominated by Council and appointed by the Minister. If Council fails to nominate a public member within a reasonable time, the Minister may appoint one unilaterally.
- The Minister may pay the public member fees and reimburse them for travelling or living expenses incurred in order for them to attend meetings away from their place of residence. The Minister can remove a public member after consulting with Council.
- A quorum of the Practice Review Board is 3 members of the Board. A Practice Review Board may establish its own rules of procedure.

12(1)

3-5

36

49, 50

38

56, 57



Chapter 7

Act	GR	Bylaws	
10 (1)(d)			<ul style="list-style-type: none"> If a public member is removed, resigns or has never been appointed, the Board is still free to exercise all its powers provided a quorum of 3 members remains. At least one member of the quorum must be a licensed interior designer.
		54	<p>Other Committees</p> <p>Council has authority to create other committees and boards and determine their composition and functions. The provisions regarding these committees are found in the Bylaws as follows:</p> <ul style="list-style-type: none"> Council has the right to create any committee of Council or the Association it thinks necessary and may appoint anyone it wishes. Membership is not restricted to registered architects or licensed interior designers.
		55	<ul style="list-style-type: none"> Council must appoint chairs and vice-chairs for each body and may revoke these appointments at any time. Vice-chairs act as chairs when necessary. If both chair and vice-chair are unable to act, the committee members elects one of those present to act as chair for the meeting.
		56	<ul style="list-style-type: none"> Council may appoint individual members for any term it wishes. They need not be appointed to uniform terms, and Council may remove them at any time. The Council may delegate to the chair of any committee the ability to appoint or revoke membership in that committee.
		54.1	<ul style="list-style-type: none"> In the case of vacancies, Council may appoint a replacement or leave the vacancy unfilled. The AAA President may make temporary appointments until Council has made a permanent appointment. Vacancies do not prevent a committee from exercising its powers provided a quorum remains.
		57	<ul style="list-style-type: none"> Committee members are entitled to be reimbursed for reasonable travel, living and accommodation expenses while carrying out the business of the Association. However, expenses related to annual or special general meetings are non-compensable, with the exception of the President’s travel, living and accommodation expenses in relation to these meetings. Public members appointed by the Minister must seek compensation from the Minister. Council may establish the procedures of the Committee. If it does not, the normally accepted rules of order prevail. If there is a disagreement over what these rules are, the chair determines the issue. If Council receives a request that an individual be appointed or nominated to a committee or other body of the AAA, it <i>“shall make the appointment if it agrees that the appointment or nomination should be made.”</i> If Council receives a request that an individual be appointed or nominated to a committee or other body of the AAA, it <i>“shall make the appointment if it agrees that the appointment or nomination should be made.”</i>



Chapter 7

Act	GR	Bylaws
10(1)(a)		<p>Part 8</p> <p>Management of the Conduct and Affairs of the Association</p> <p>Council has the authority to make bylaws concerning <i>“the government of the Association and the management and conduct of its affairs.”</i></p> <p>Use of the Common Seal</p> <p>3, 77 The Association’s seal is to include the words “The Alberta Association of Architects, Incorporated 1906”. It is kept by the Executive Director, or if he/she is unable to act or is absent, the President. When the seal is required to be affixed to a document, it must be accompanied by the signature of the President, the VP Finance or any other members of Council the President chooses.</p> <p>Banking</p> <p>78-79 The AAA does its banking at a chartered bank or Treasury Branch chosen by Council. Payments and withdrawals must be signed by 2 members designated for this duty or Council may prescribe by resolution an alternate method if it wishes. The Executive Director keeps a book recording all debits and credits to this account.</p> <p>Scholarships</p> <p>80 Council may enact bylaws dealing with <i>“scholarships, fellowships and any other educational incentive or benefit programs that the Council considers appropriate.”</i> Section 80 of the Bylaws also gives Council the power to create new scholarships. The Cecil Burgess Scholarship may be used each year to provide a scholarship for a student enrolled in an architectural program at the University of Calgary, Mount Royal University, NAIT, SAIT or participating in the Royal Architectural Institute of Canada Syllabus Program. Each year Council determines if the scholarship is to be awarded and the manner in which it is to be awarded.</p>
10(1)(m)		



Chapter 7

Act	GR	Bylaws
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Amendments to Bylaws and Regulations

Bylaws

10

106 and
106.1

While s. 10 of the Act gives Council the right to make bylaws on its own accord, s. 106 of the Bylaws states that any bylaw *changes* must be approved by the membership. The requirements for the enactment, amendment or repeal of bylaws are as follows:

- Bylaws may be enacted, amended or repealed by a majority of voting members present at an annual or special general meeting.
- Registered architects or licensed interior designers can propose the enactment, amendment or repeal of bylaws by providing the Executive Director with a written notice of motion along with a copy of the bylaws, amendments or repeals that he/ she wishes to propose.
- Upon receipt of the proposal, the Executive Director sends copies to all voting members. This must be done at least 15 days before the meeting at which the motion will be presented.
- Voting to approve bylaws may be conducted by mail vote in accordance with Part 12 of the bylaws.
- The above procedures also apply if Council wishes to propose the enactment, amendment or repeal of bylaws. The President provides the necessary information to the Executive Director on behalf of Council.

Regulations

s. 9(2)

106.2

Section 9(2) of the Act states that regulations do not come into force until they have been ratified at a general meeting or by mail vote and are approved by the Lieutenant Governor in Council. There is no provision in the Act or Bylaws allowing individual registered architects and licensed interior designers to propose the enactment, amendment or repeal of regulations. They are only entitled to vote to ratify or reject changes proposed by Council. Mail votes must be conducted in accordance with the rules set out in Part 12 of the Bylaws.

Mail Votes

10(1)(v)

107-109

Council may make bylaws governing mail votes. All voting members are entitled to vote. If Council so directs, voting may be conducted by e-mail. Council determines the form of the “*question*” or “*matter*” to be determined by the vote. This is then mailed out along with notice of the date and time (as determined by Council) that the ballot must be received by the Executive Director and any directions or “*information as background or explanation*” that Council wishes to be provided.



Chapter 7

Act	GR	Bylaws
69(1)		<p>At least 2 scrutineers are appointed by Council to count the votes immediately following the close of the vote. After tabulation, the scrutineers certify the results and give them to the President who informs the membership of the results.</p> <h3>Protection From Liability</h3> <p>Given the important functions carried out by the AAA, it is important that its officers, committees, boards and members operate without the constant threat of civil liability. Therefore, the Act provides protections from liability for those acting pursuant to their duties under the Act.</p> <h4>Actions Done in Good Faith</h4> <p>No action lies against the Association or any of the following individuals for actions done <i>“in good faith while purporting to act under this Act, the regulation or the bylaws”</i>:</p> <ul style="list-style-type: none">• Members of the Registration Committee, Complaint Review Committee, the Practice Review Board, the Registrar or a member of Council.• Any <i>“member, officer or employee of the Association or any person acting on the instructions of any of”</i> the above individuals or entities.
69(2)		<h4>Defamation</h4> <p>No action for defamation can be initiated dealing with a communication pertaining to the conduct of an authorized entity or a complaint against them <i>“if the communication is published to or by”</i> the Association or any of the individuals mentioned above <i>“in good faith in the course of investigating the complaint or conduct in the course of any proceedings under Part 5”</i> (Practice Review and Discipline).</p>



Chapter 7

Act

GR

Bylaws

Required Information, Time Extensions, Inability to Act and Notice

The following “Miscellaneous Provisions” of the Act set out the information that must be annually submitted to the Association and discuss issues regarding deadlines and the appointment of individuals to perform actions.

Required Information

115

All authorized entities must forward the following information to Council:

- The name, addresses and telephone numbers of the individual and firm.
- The names and residences of all partners, directors, shareholders and officers, the share of the business which they own and the firm’s registered office if it is a corporation.

Deadlines and Time Extensions

116

If a deadline for an action falls on a Saturday, Sunday or holiday, the action must be done by the end of the next business day following the deadline. Council may set an alternate deadline if an action required to be done by an individual or Council cannot be done or is not done by the deadline set under the bylaws.

If a deadline is set pursuant to the bylaws and appears to have been set in reference to the performance of an earlier action, if the earlier action is not performed by its deadline, Council can grant an extension for the performance of the related action.

Inability to Act

117

If a person required by the bylaws to do something cannot or will not fulfil this obligation, Council can appoint another person to do it for them.

Notice

118

When notice must be given to an authorized entity or other member of the AAA, it may be given by mailing the notice to the member’s business address as shown on the register or by personal service.

Notice may be given to the Association, Council, the Executive Director or any other officer of the AAA by mailing or hand delivering it to the head office.

Please click [here](#) to complete the Question and Answer for this chapter.



AFTERWORD

Act

GR

Bylaws

This concludes our discussion on the *Architects Act*, General Regulation and the associated bylaws. As we have seen, the practice of architecture and licensed interior design is carefully regulated to protect the public interest. It is hoped that this booklet will help to provide members of these professions with a better understanding of both the content of these rules and the rationale behind them.

If members have any questions about anything they have read in this booklet, they are encouraged to contact the Association. The Association has many resources that further explain many of the topics discussed in this booklet. These resources are there for the benefit of members and they are always entitled and encouraged to utilize them.

Once again, all members are encouraged to take the time to read the Act, General Regulation and bylaws for themselves. These pieces of legislation govern all authorized entities in the province and as such, deserve careful study. The more familiar members are with their content, the more confidently and efficiently they can manage their practice.

