

Act	GR	Bylaws
-----	----	--------

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
-----	----	--------

10(1) (q)		Part 6
-----------	--	--------

11(1)		59 60 to 64(3) 66(2)
-------	--	-------------------------------

11(2), 23		65
-----------	--	----

12-13	6, 7	51(3)
-------	------	-------

12(4)-(6)		
-----------	--	--

## 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.”**

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.

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.

## 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.



# Chapter 5

Act	GR	Bylaws
13		<p><b>Reviews by Council</b></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><b>Visiting Project Architects</b></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><b>Visiting Project Interior Designers</b></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><b>Exemption from Municipal License</b></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
-----	----	--------

14(2) & 16.1(2), 15(3) & 16.2(3), 16(2) & 16.3(2) and 19(3)		
---	--	--

23		
----	--	--

24		
----	--	--

27		
----	--	--

## 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.



# 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><b>Reinstatement by Council</b></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
-----	----	--------

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
-----	----	--------

13

- 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.

11

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.

20



# Chapter 5

Act	GR	Bylaws
-----	----	--------

## 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.

32

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.

33, 34

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)

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:

18(1-2)

- 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.



# Chapter 5

Act	GR	Bylaws
18(3)		<ul style="list-style-type: none"><li>• Whether “<b>any ownership interests in the applicant will give rise to conflicts with the professional responsibilities of the firm.</b>”</li><li>• 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>.</li><li>• Whether the applicant being allowed to practice both professions will harm the public interest.</li></ul> <p><b>Recommendations</b></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"><li>• 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.</li><li>• If the application is from a proposed architects and engineers firm or <u>any other applicant</u>, the recommendations are sent to both councils.</li></ul>
19		<p><b>Certificate of Authorization</b></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
-----	----	--------

## 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
-----	----	--------

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 31<sup>st</sup> 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.

