

INTRODUCTION

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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>
		<h2>The Architects Act</h2> <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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		<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>
9,10		<h3>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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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.



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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.



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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.			



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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)

