



Designation Intentions Report  
**BC Society of Landscape Architects**

July 2022

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## Introduction

The Office of the Superintendent of Professional Governance (OSPG) has the mandate under the Professional Governance Act (PGA) to provide oversight of the professions designated under the PGA and to ensure that regulatory bodies are governing their professions in compliance with the PGA, and in the public interest. Section 85(3) of the PGA provides the Superintendent with the authority to consider applications for designation of other professions under the PGA. Designation assessments will typically be undertaken in response to applications from professions or organizations requesting consideration of designation. Some investigations are in response to requests within government, and other cases the Superintendent identifies an occupation or profession that warrant consideration for designation.

The OSPG undertook an investigation<sup>1</sup> of the landscape architecture profession following a designation application from the BC Society of Landscape Architects (BCSLA) on July 7, 2021 to consider inclusion of landscape architecture under the PGA. In accordance with the PGA, notice of the commencement of this investigation was provided in the Gazette on August 27<sup>th</sup>, 2021.

This report provides the high-level findings of the investigation and the recommendations being considered by the Superintendent on whether it is in the public interest to designate the profession and transition the BCSLA to come under the PGA. Part one of this report provides a summary of OSPG's investigation process, the assessment factors used, and the individuals and organizations engaged during the process. Background information on the profession of landscape architecture and BCSLA can be found in part two of this report. Part three of this report provides a discussion and analysis of the risks and challenges to the profession and its governance, as well as considerations for the designation of the profession. The report is supplemented by further detailed information in appendices.

This report provides a preliminary indication of the direction being considered by the Superintendent and gives an opportunity for interested parties to provide feedback regarding any impacts that may result from this direction. Please submit your feedback to [OSPGEnquiries@gov.bc.ca](mailto:OSPGEnquiries@gov.bc.ca) by August 12, 2022.

## Part One: Investigation Process

### Investigation Process

Government can designate professions under the PGA following an investigation and recommendation by the Superintendent. In conducting an investigation, the Superintendent can work with the applicant to seek further information, seek advice of other associations, organizations or persons, and hold hearings as needed<sup>2</sup>.

In an investigation, the Superintendent must determine whether it would be in the public interest to designate a profession under the PGA. In doing so, the Superintendent may evaluate:

- the degree of risk to the environment and to the health or safety of the public from incompetent, unethical or impaired practice of the profession,

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<sup>1</sup> Recent amendments to the PGA have updated the terminology from 'investigation' to 'designation assessment'. However, as this investigation was carried out prior to the terminology change coming into force, investigation terminology is used in this report.

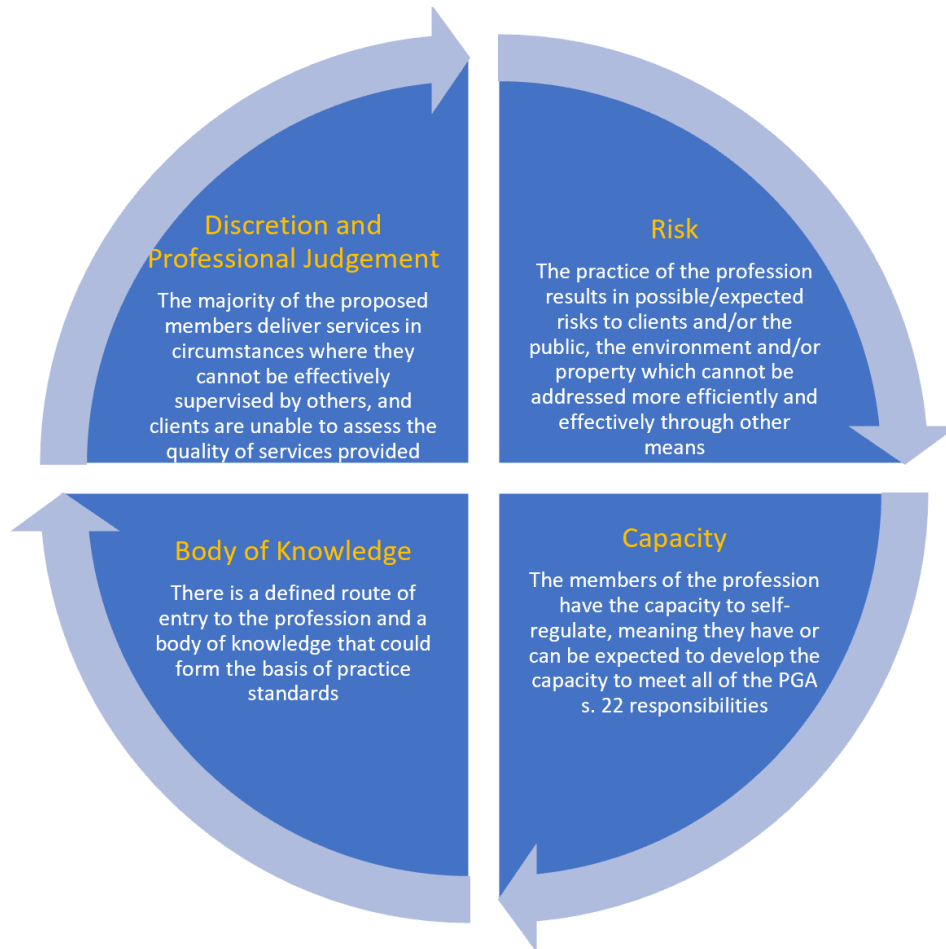
<sup>2</sup> See PGA section 86 for the investigation authorities

- the degree of supervision that may be necessary or desirable for a person practising the profession,
- the degree of supervision that a person practising the profession receives with respect to that practice, and
- the educational programs that may exist in BC or elsewhere for educating and training persons with respect to the practice of the profession and the contents of those programs<sup>3</sup>.

When an application for designation, or a request to consider designation is received, the Superintendent will apply the criteria in Figure 1 at a very high level to inform a decision about whether to proceed with undertaking an investigation. The Superintendent must then give public notice of the investigation in the Gazette and on the OSPG website<sup>4</sup>.

### Assessment Factors

Figure 1. Assessment Criteria



<sup>3</sup> See PGA section 87

<sup>4</sup> See [NOTICE OF INVESTIGATION – BC Society of Landscape Architects | Office of Professional Governance \(professionalgovernancebc.ca\)](https://www.professionalgovernancebc.ca)

This investigation process involved gathering information from BCSLA in their application, reviewing application information, seeking additional information through meetings with key BCSLA staff and Regulatory Review Task Force members, identifying other contacts within the profession, academic community, local government representatives, and government ministries, and holding interviews with identified contacts.

### Individuals and Organizations Engaged

To learn more about BCSLA and the profession of landscape architecture, OSPG had 14 engagement meetings with the following groups using a question-and-answer approach:

- **Government Ministries** (Ministry of Advanced Education, Skills and Trades, Ministry of Transportation, Ministry of Environment and Climate Change Strategy – BC Parks & Integrated Pest Management, Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Resource Stewardship & Riparian Areas, Office of Housing and Construction Standards)
- **Local governments** (Vancouver Park Board, Metro Vancouver Regional Parks)
- **Educational institutions** (UBC School of Architecture and Landscape Architecture, Kwantlen Polytechnic University, Simon Fraser University)
- **Landscape architecture firms**

The intent of the engagement meetings was to determine:

- Strengths and any concerns with BCSLA’s governance challenges
- Concerns regarding the current legislative framework
- The adequacy of the routes of entry into the profession
- Strengths and any gaps in BCSLA’s continuing education program
- Relationships with other professionals and regulators
- Overlapping scope of practice with other professions
- Risks to the public and/or environment due to current self-regulation

Based on OSPG’s assessment and taking into consideration feedback on the impacts of a decision to designate the profession, the Superintendent will make a recommendation to the Minister regarding designation. The Minister will then make a decision about the designation and notify applicants in writing of the decision. If the Minister’s decision is in favour of designation, it must be approved by Cabinet<sup>5</sup>.

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<sup>5</sup> See PGA section 87

## Part Two: Organization Background

### Landscape Architecture

BCSLA bylaw 3.87(f) defines landscape architecture as the planning and design of natural, rural and urban exterior environments to integrate human and natural systems, and includes: site planning and development, the design of spaces, sequential experiences, and elements in landscapes, but excludes the architecture of buildings or engineering of built works.

Municipal jurisdictions in B.C. commonly require that a registered landscape architect prepare, submit, and stamp and seal documents that form part of development permits and/or building permit applications. Many municipal agencies, developers, and other institutional clients such as universities and hospitals require landscape architects on design teams for projects (required via the Request For Proposal process).

### British Columbia Society of Landscape Architects (BCSLA)

The British Columbia Society of Landscape Architects (BCSLA) was incorporated under the *Societies Act* on April 21, 1964, and became a self-governing profession in 1968 with the passing of an 'Act Respecting Landscape Architects'. The current version of *Architects (Landscape) Act* (Act) came into force in 1979.

The objects of BCSLA, as defined in their Act are:

- to uphold public health, safety and welfare as it relates to the professional practice of landscape architecture in British Columbia;
- to nurture and further the professional application of landscape architectural knowledge and technique as it relates to the planning, design, development, preservation, protection, restoration, reclamation, rehabilitation, enhancement and management of the environment;
- to advance landscape architectural knowledge and technique; and
- to further and maintain proper standards of professional landscape architectural practice in British Columbia.

BCSLA administers a process of formal recognition that an individual has demonstrated sufficient knowledge, skill and ability to practice the profession without endangering the health, safety and welfare of the public. The licensure process bestows legal professional privileges and responsibilities and allows the licensee to use the title "landscape architect". The individual is also included in a publicly accessible register located on the BCSLA website.

Detailed information gathered about the organization of BCSLA, administrative roles and processes, organizational affiliations and linkages, as well as information on regulation in other jurisdictions can be found in appendices A, B and C.

## Part Three: Discussion and Analysis

### Risks and Challenges to the Profession and Governance

The OSPG heard about several risks and challenges faced by landscape architects that were repeated through meetings with BCSLA and engagement interviews with firms, local governments, and government ministries.

These risks and challenges included:

- Areas of overlapping or intersecting practice with other professions that are not identified in regulation
- The inability to define the terms of coordination with other professionals due to a lack of a defined scope of practice
- The inability for landscape architects to take full responsibility for their work due to lack of recognition in the BC Building Code and related legislation
- Delays in appointments to the BCSLA Board of Examiners, leading to delays in awarding registration
- Managing BCSLA's administration and status relative to the Architects (Landscape) Act and the Societies Act

Some, but not all these challenges could potentially be resolved through designation under the PGA.

### Considerations for Designation

When carrying out the investigation regarding regulation of landscape architecture, the Superintendent has considered three key questions:

- 1) Should there be a regulatory regime for a profession or occupation?
- 2) What right touch regulation options are appropriate?
- 3) Is the PGA appropriate? If not, what is the Superintendent's recommendation?

### Public Interest Need for a Regulatory Regime

To examine the first question, the OSPG reviewed information related to the following:

- Risks from the practice of the profession
- Discretion and professional judgment
- Body of knowledge
- Capacity of the regulator

#### *Risks from the Practice of the Profession*

There can be a high degree of risk to public health and safety, environmental health and safety as well as to public trust posed by *some* of the work of Landscape Architects. Both public and private infrastructure and site improvements can be at stake, along with the safety of people who use that space. There can also be a risk to public welfare and community building, as landscape architecture encourages people to engage in their surroundings and facilitates many human activities and functions, such as efficient traffic flow, parking, playground use, waste disposal/recycling, water use/drainage, air quality, and optimal use of space.

For example, landscape architects use their knowledge of bike trail design criteria to prevent loss of control of bicycles and accidents. They also use knowledge of width, alignment, slopes, and surface requirements to prevent loss of control of bicycles and accidents. Improper design of pedestrian and bicycle circulation systems can result in injury or death and damage to property

Landscape architects also play a role in mitigating the risks posed by climate change, as the practice of landscape architecture extends to planning and detail design during construction, and guidance on site maintenance and management of natural resources. Landscape architects consider how climate change affects habitats and species, how shoreline projects consider sea level rise, and ways to reduce the use of non-renewable resources.

The improper practice of landscape architecture can also lead to a potential significant economic risk to local governments, as they carry liability in owning and managing assets in public parks and spaces.

A list of potential risks can be found in Table 1 below. Please note that this table does not represent an exhaustive list. BCSLA’s risk assessment can be found in Appendix D.

Table 1. Potential Risks of the Practice of Landscape Architecture

Topic Area of Risk	Potential Risk
<b>Public Health and Safety</b> <b>Environmental Health and Safety</b>	Potential health or safety hazards related to the structure and property or its associated utilities and functions including unacceptable fall heights from play structures, reduced visibility of cyclist or pedestrian traffic, unsafe gradient of accessible surfaces, improper safety buffers, etc.
	Failure to recognize environmentally sensitive areas of a site proposed for design and development to avoid irreparable environmental disruption and harm.
<b>Public Trust</b>	Exposure to unethical practice or behaviour with an unregulated practitioner.
	Incompetent or inadequate services provided on the design and construction of a project resulting in additional or corrective services required
	Failure of the landscape architect to recognize the stewardship of natural environments and of human communities to enhance social, economic, psychological, cultural and physical functioning, now and in the future
<b>Economic Risk</b>	Economic risk to local governments due to liability for improper landscape architectural design or development in public spaces.

#### *Discretion and Professional Judgment*

Information received from BCSLA and interviewees indicated a large degree of discretion and professional judgement is required in the exercise of a landscape architect’s work.

OSPG heard that the supervision requirement for interns is a sufficient length. However, interviewees emphasized there is room for improvement in ensuring that interns receive a high level of mentorship and gain the necessary experience.

Because landscape architects are not included in the BC Building Code or *Builders Lien Act*, there are no requirements for stamp and sign off on letters of assurance for landscape architects. However, some municipalities require landscape architects to sign and seal plans.



### *Body of Knowledge*

Representatives from academic institutions mutually agreed that there is a rich body of knowledge that the profession of landscape architecture is built on. There are six accredited Landscape Architecture university programs in Canada and one candidacy program at Dalhousie University (B.Tech Landscape Architecture). As well there are over 100 accredited Landscape Architecture university programs in the United States.

There is a rigorous examination process that is standardized across the United States and Canada. BCSLA is the only landscape architecture regulatory society in Canada to have an oral exam with parts specific to the BC context. The level of educational and examination requirements for licencing demonstrates that some level of regulation of the profession is necessary.

While much of the work of landscape architecture is distinct, there are areas of overlapping practice with other professions, such as architects, biologists, engineers, foresters, horticulturalists, and planners. As a result, determining a defined scope of practice and reserved practice may pose a challenge.

BCSLA developed their own standards of professional conduct and practice, which set out the principles of the profession, competency standards, and professional compliance standards. The standards provide examples of what conduct will be consistent with the principles of the profession under certain circumstances. The standards are organized under two fundamental qualities expected of a landscape architect: integrity and competence.

### *Capacity of the Regulator*

For this criterion<sup>6</sup> the focus is on whether the members of the profession have the capacity to carry out all the responsibilities outlined in PGA s. 22. In evaluating an organization, OSPG may assess whether:

- they are sufficiently well-organized and have the financial and human resources needed to assume responsibility for compliance under the PGA;
- they have demonstrated a commitment to democratic principles, including principles of fundamental justice, in their dealings with one another, clients and the general public; and
- they have demonstrated they are able to act collectively in the best interests of clients and the general public.

BCSLA has a small member base with 417 registered landscape architects and 193 interns, which may limit their capacity to carry out all the responsibilities outlined in the PGA. OSPG heard that BCSLA has begun to set aside funds for the transition to come under the PGA. BCSLA also provided OSPG with a business case outlining identified changes that they would make in a transition to governance under the PGA. This includes restructuring the board and staff positions to meet the requirements of the PGA and evaluating and restructuring its advocacy activities relative to all regulatory obligations. BCSLA has also identified a priority to reduce barriers to licensure so landscaped architecture can better serve the public interest in development, and in protection of environmental values.

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<sup>6</sup> [Designation-criteria-web-20210309.pdf \(professionalgovernancebc.ca\)](#)

BCSLA appears to be managing effectively and efficiently in their current circumstances. However, compliance with the PGA brings increased administrative and regulatory requirements which may tax the resources of a small regulatory body.

Their business case outlines anticipated growth in landscape architecture, and therefore registrants, over the next five years based on a fast-growing economy in BC and the role landscape architects play in sustainable development. “Projects include public open spaces at all scales which are proving to be even more important to health, safety, and welfare during extreme weather events. Landscape architects are also key members of teams planning and executing the development of cultural institutions, tourist destinations and housing. In all these areas of practice landscape architecture focuses on adaptation to climate change....On a national basis, the estimated contribution of landscape architecture to Canada’s GDP was over \$1 billion between 2015 and 2022 with a growth rate of 10% per year. The Landscape Architecture industry has an economic multiplier effect across Canada of 2.1<sup>7</sup> and [BCSLA] believes regulation of landscape architecture under the PGA will contribute to an ongoing increase in registrants”<sup>8</sup>

#### Key Findings for Public Interest Need

1. There can be varying degrees of risk to public health and safety, environmental health and safety, as well as to public trust posed by some of the work of Landscape Architects.
2. The improper practice of Landscape Architecture can lead to economic risk to local governments, as they carry liability in owning and managing assets in public parks and spaces.
3. A large degree of discretion and professional judgement is required in the exercise of a landscape architect’s work.
4. There is a defined route of entry to the profession of landscape architecture and a rich body of knowledge that the profession is built on.
5. BCSLA has a small member base with 417 active registered landscape architects and 193 interns compared to other regulatory bodies under the PGA, which may limit their capacity to carry out all the responsibilities outlined in the PGA. Growth projections indicate that the member base may increase under the PGA, which would provide increased funding for BCSLA’s governance functions and operations. BCSLA has a good awareness of organizational restructuring needed to meet regulatory obligations under the PGA.
6. The majority of people interviewed felt that the public would benefit from having further government oversight to the profession of landscape architecture through designation under the PGA.

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<sup>7</sup> Report on the Study of the Value of the Profession of Landscape Architecture on Canadian Society, Canadian Society of Landscape Architects, November 6, 2015

<sup>8</sup> Business Case for Designation for BCSLA under the Professional Governance Act, BCSLA, June 10, 2022

## Right Touch Regulation

The Superintendent also has to consider which oversight functions are needed for landscape architecture based on the risks present from the practice of the profession, and whether the benefits of regulation outweigh the costs.

Under its current legislation, BCSLA is already delegated responsibility by government to provide oversight functions related to credentialling, setting practice requirements, monitoring and enforcing compliance with those standards. Details about BCSLA's regulatory functions and an assessment of BCSLA's efforts respecting transparency and accountability as a regulator is included in appendix E and F.

Landscape Architecture currently has reserved title protection but no reserved practice. Landscape architects often work in multidisciplinary teams with other professionals under the PGA and have areas of overlapping practice not identified in regulation. If a decision to designate the profession is made, further examination of the rights required to appropriately protect the public interest will be warranted; additional rights could be authorized in the future.

Recent amendments to the PGA have increased flexibility in applying or limiting the authorities of a regulatory body to regulate its profession(s) to ensure that it has the right level of oversight. If a decision to designate the profession is made, further examination of the PGA authorities to be applied or disappplied would be carried out during the transition period.

In assessing whether the benefits of regulating the profession outweigh the costs, OSPG reviewed Indigenous Gender Based Analysis (IGBA+) considerations, labour mobility impacts, business and economic costs, impacts on labour supply and competition. The IGBA+ analysis can be found in appendix G.

## Key Findings for Right Touch Regulation

1. Credentialing requirements for landscape architecture appear to be appropriate.
2. Landscape architects often work with other professionals governed by the PGA and at a minimum should be subject to the same types of practice requirements and accountabilities of the other professions. It appears appropriate for BCSLA to retain the oversight functions that it currently exercises.
3. Because BCSLA already operates to regulate the profession, OSPG found little impacts related to labour mobility, business and economic costs, labour supply or competition that may occur if there is a decision to designate landscape architecture under the PGA.

## Regulatory Approach

The Superintendent also has to consider whether the PGA is an appropriate regulatory framework for landscape architecture. BCSLA registrants work on multidisciplinary teams that involve coordinating with engineers and architects in the main, but also working alongside other PGA professions. Consistency in how professionals working on multidisciplinary teams are regulated was a driver for the creation of the PGA. In addition, OSPG has reported observed benefits related to increased collaboration and sharing of best practices amongst the existing PGA regulatory bodies since coming under the PGA.

Status quo regulation under the *Architects (Landscape) Act* was also considered as well as the probability of getting on the legislative agenda to modernize the statute and reflect best practices in professional governance.

#### Key Findings for Regulatory Approach

1. The key components of the PGA could be usefully applied and enhance landscape architecture and its service to the public. That is, BCSLA could benefit from the PGA regulatory oversight framework, particularly regarding practice rights, code of ethics, continuing education, and complaints and discipline processes.
2. Landscape architect professionals working on multidisciplinary teams of professionals could benefit from a consistent regulatory framework and BCSLA could benefit from increased interaction and collaboration with the PGA regulatory bodies.

## Conclusion

The Superintendent has considered findings in this report and supports a recommendation for designating the landscape architect profession under the PGA.

The initial recommendation is subject to further input from interested parties and the profession. A final recommendation and Superintendent's report will be produced following the review of input and will be subject to the Minister's decision.

Please provide written comments to OSPG via email at [OSPGEnquiries@gov.bc.ca](mailto:OSPGEnquiries@gov.bc.ca) by August 12, 2022.

## Appendix A: BCSLA Organization and Administration

### Staff Roles

BCSLA currently has three full-time staff who provide various support roles to the council:

- Executive Director
- Member Services Coordinator
- Regulatory Coordinator

### Council Roles

The council for BCSLA is currently known as the Board of Directors, and is comprised of 12 voting members and three non-voting members as follows:

- President (1 year term)
- Registrar (2-year term)
- Treasurer (2-year term)
- President Elect (1 year term)
- Past President (1 year term)
- 4 Directors at Large (2-year term)
- Director - Interior Representative (2-year term)
- Director - Vancouver Island Representative (2-year term)
- Canadian Society of Landscape Architects (CSLA) Representative (non-voting) (2-year term)
- School of Architecture and Landscape Architecture (SALA) Representative (non-voting) (2-year term)
- Intern and Associate Member Representative (non-voting) (2-year term)
- Student Representative (non-voting) (1 year term)

### Election Process

Section 3 of the BCSLA bylaws detail the election of Directors. This is done by secret ballot and may be conducted by mail or through electronic means. The Board is also empowered to submit any other question affecting the business of the Society to the membership at large for consideration on the ballot.

The ballot must be designed for certification of the right to vote, and for confidentiality of voting. For example, a mail-in ballot could be marked and placed in an envelope, and then the ballot envelope placed in a second envelope, which also contains a voting declaration certifying good standing and the sole vote of the signatory. Voting by mail or electronic ballot for the election of directors and the officers, and general resolutions affecting the business of the Society, will be passed by a majority of the votes cast. Special Resolutions on other matters may be included separately.

Board members are required to be BCSLA members in good standing who are familiar with bylaws and standards of practice. Only Registered Landscape Architects and Landscape Architects in good standing at a meeting of members are entitled to vote.

### Committees

There are six core committees of the board comprised of not less than one director and two members:

- Credentials Committee (chaired by the Registrar)
- Public and Professional Relations Committee (chaired by the President Elect)
- Finance Committee (chaired by the Treasurer)
- Nominations Committee (chaired by the Past President)
- Bylaws and Standards Committee (chaired by the President)
- Continuing Education Committee

### **Sub-Committees and Working Groups**

Several sub-committees, working groups, and task forces have been set up to undertake specific functions as follows:

- Advisory Design Panel Sub-Committee: acts as an independent advisory review body without authority for approval of projects but rather through a democratic process either expressing a position of support or non-support. Appointments and re-appointments to the ADP originate from this sub-committee, which forwards a member application for review and approval by the municipal or city council.
- Intern and Associate Sub-Committee: composed of BCSLA Interns and Pre-Intern Associates. They plan and facilitate activities and workshops for BCSLA Interns and Associates.
- Regulatory Review Task Force: formed in 2018 to research, advance, and oversee the PGA application process and to maintain contact with the OSPG.
- Sitelines Editorial Advisory Board: plans and oversees the publication of semi-annual Sitelines Magazine. Sitelines has been published by BCSLA since the 1970s.

### **Annual Operating Budget**

BCSLA establishes an annual operating budget which is developed and adopted by the Board of Directors and presented to the membership at the Annual General Meeting along with the audited books for the previous year.

Membership dues are charged for one calendar year beginning on January 1st. Registered Landscape Architects, Landscape Architects, Interns and Pre-Intern Associates also pay membership dues to the national body, the Canadian Society of Landscape Architects (CSLA).

In addition to membership dues, BCSLA receives revenue from:

- Sponsorship for the trade show at the annual conference
- Funding from federal and provincial governments for licensure programs and labour mobility
- Grants to fund programs from the Real Estate Foundation of BC
- Advertising revenue including posting of career opportunities

### **Overview of Current Bylaws**

The Act stipulates the power of the Board to make bylaws for all purposes relating to the affairs, business, property and objects of BCSLA. The bylaw provisions in the Act cover registration, annual meetings, qualifications of Directors, filling of vacancies on the board, appointments of officers and their

remuneration, committees, record keeping and reporting, contract making, custody and use of seal, registration fees, and general conduct of the affairs of BCSLA. Any amendments to the bylaws must be published in one issue of the Gazette.

In comparing the bylaws to the requirements of the PGA, some identified gaps include audit and practice reviews, public disclosure, and indictable offenses. BCSLA may also need to separate the ethical principles in their Standards of Professional Conduct and Practice to form a separate code of ethics.

The BCSLA Board must provide a review, amendments and consolidation of the BCSLA bylaws at least once every three years.

#### **Decision-Making Process – Voting and Requirements for Ratification of Bylaws**

Only Registered Landscape Architects and Landscape Architects in good standing at a meeting of members are entitled to vote. Voting for all other business transacted at an annual general meeting is by show of hands unless a secret ballot is requested and approved by a majority of those present and entitled to vote.

The Board may provide for the election of Directors by mail or electronic ballot, and the Board has the power to submit any other question affecting the business of the Society to the membership at large for consideration on the ballot. Voting by mail or electronic ballot for the election of Directors and the officers, and general resolutions affecting the business of the Society, are passed by a majority of the votes cast.

For business passed at general meetings, there is a quorum of 20 members who are entitled to vote. All resolutions passed at an annual general meeting are passed by ordinary resolution of a majority. For special business, such as amendments or alterations to bylaws, a special resolution of 75% of the voting members is required to pass. The Act states that bylaw amendments must be filed in duplicate with the Registrar of Companies.

#### **Advocacy Activities**

Advocacy activities of BCSLA include speaking at conferences, such as the Union of BC Municipalities (UBCM), Buildex Conference, and Grow West - BC Landscape and Nursery Association (BCLNA). BCSLA undertakes some recruitment activities, participated in a Career Trek video project and contributed to updates of details regarding the profession for the WorkBC website in the fall of 2021. BCSLA also maintains an online atlas of landscape architectural projects located in a Google map environment on their website.

BCSLA awards scholarships to university students enrolled in a Landscape Architecture program. Additionally, BCSLA is forming a volunteer working group to explore the feasibility of expanding outdoor learning in BC Public Schools.

BCSLA also organizes and distributes several awards to members, government agencies/NGOs, public servants, contractors, corporations, and individuals in the community who have contributed to the local landscape or campaigned to preserve a portion of the environment.

The 2017 Strategic Plan also identifies and confirms that the BCSLA is the regulating and advocacy body for landscape architects across British Columbia with the goal of protecting the public's health, safety and welfare.

## Appendix B: Organisational Affiliations and Linkages

### **Linkages with PGA Regulatory Bodies**

BCSLA participates in the BC Land Summit with other regulatory bodies, including the founding partners of the BC Institute of Agrology (BCIA), Land Surveyors, Planning Institute, Appraisal Institute of Canada – BC Chapter, and the Real Estate Institute of BC. Other partners include Architectural Institute of BC (AIBC) and Engineers and Geoscientists BC (EGBC).

BCSLA has also been represented on the BC Professional Associations Adaptation Working Group (PAAWG) since 2015. This group is comprised of:

- Association of BC Forest Professionals (ABCFFP)
- College of Applied Biology (CAB)
- Association of Professional Biologists
- Planning Institute of BC (PIBC)

Members and staff of BCSLA volunteer with the Adaptation Learning Network, which aims to increase British Columbia's capacity to prepare for and adapt to climate change. Representatives include members and staff from ABCFFP, CAB, EGBC, and PIBC, among others.

### **Linkages with Non-PGA Professions**

Landscape architects collaborate with non-PGA professionals on projects involving planners, horticulturalists, and environmental professionals, among others.

BCSLA is active in the Professional Regulators and Associations of BC (PRABC). The PRABC facilitates discussion, collaboration, and action on relevant topics of mutual interest at the senior leadership level.

### **Linkages with Government Agencies and Ministries**

As a regulatory society, BCSLA is currently overseen by the Ministry of Advanced Education and Skills Training and is registered as a society under the *Societies Act*. However, the Ministry does not play a significant role in administering the *Architects (Landscape) Act* and BCSLA has not required the attention of the Ministry over the past several years. Additionally, BCSLA's bylaws do not need to be filed with the Ministry.

The BCSLA and the BC Nursery Trades Association (BCNTA) introduced the BC Landscape Standard in the early 1980s. The Landscape Standard has since been incorporated into the Master Municipal Construction Documents (MMCD) and the BC Ministry of Transportation and Infrastructure (MOTI) specifications for highway construction. Local municipalities, including Vancouver, Burnaby, West and North Vancouver and Richmond, have adopted it as a reference and requirement for Development Permit (DP) applications, for parks, greenways, and urban forestry guidelines.

The BC Landscape Standard has been revised and expanded and is now a national document. The current document is called the Canadian Landscape Standard and is jointly administered by the Canadian Nursery Landscape Association and the Canadian Society of Landscape Architects.

### **Affiliations with National and International Bodies**

BCSLA is associated with, the Canadian Society of Landscape Architects (CSLA), and the Council of Landscape Architectural Registration Boards (CLARB). CSLA is an advocate for its members on issues



such as urban design, urban renewal, sustainable development, human health and well-being, climate change and cultural heritage. BCSLA has close reliance on CLARB, who prepares, administers and scores the Landscape Architect Registration Exam (LARE). The exam assesses the ability of prospective licensees to protect the public's health, safety and welfare.

## Appendix C: Regulation in Other Jurisdictions

All provinces and territories in Canada, apart from the Yukon, have a landscape architecture association that regulates landscape architects. However, only Alberta, BC, and Ontario have a title act for landscape architects. Regulatory frameworks for Alberta, Ontario and Quebec are described below.

### **Alberta Association of Landscape Architects (AALA):**

AALA is governed under the Professional and Occupational Associations Registration Act (POARA) and the Landscape Architect Regulations. POARA is a title act and stipulates that only full members of the AALA are eligible to refer to themselves as a 'Landscape Architect'. However, they do not have reserved practice.

AALA has seven membership categories. Members are required to follow a code of ethics and may follow a Voluntary Code of Conduct for Invasive Species. AALA also has a mandatory Continuous Education Program requirement for members.

Landscape architecture is also included in the professions under the Professional Governance Act (Bill 23), which is very similar to the Professional Governance Act in BC and has gone through second reading in Alberta at the time of writing this report.

### **Ontario Association of Landscape Architects (OALA):**

OALA operates under the Ontario Association of Landscape Architects Act. The act provides title rights, but not practice rights. OALA has six membership categories. Members are required to follow a Code of Ethics and Standards of Professional Conduct. OALA also has a mandatory Continuous Education Program requirement for members.

### **Association des Architectes Paysagistes du Quebec:**

Quebec does not have a title act for landscape architects. Members are required to follow a code of ethics and professional conduct, as well as carry professional liability insurance.

50 US states, the District of Columbia and Puerto Rico regulate landscape architecture through licensure. Regulatory frameworks for California and Maine are described below.

### **California Landscape Architects Technical Committee (CLATC):**

CLATC sits under the California Architects Board. It regulates the practice of landscape architecture through the enforcement of the *Landscape Architects Practice Act*, which was the first practice act of its kind established in North America in 1953. It establishes both title and practice rights of landscape architects.

Landscape architects are required to follow rules of professional conduct, which covers competency, misconduct, conflict of interest, full disclosure, and copyright infringement.

It has a voluntary a continuous education program, rather than a mandatory program for members.

### **Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers:**

Maine has a statute on the regulation of architects, landscape architects and interior designers, which sets out the qualifications for licensure and use of title restrictions. It establishes title rights, but not practice rights for landscape architects.

# Appendix D: BCSLA Risk Matrix

British Columbia Society of Landscape Architects Professional Risk Matrix									
Headline Risk	Description of Risk	Likelihood	Impact	Inherent Risk Factor	Identify Existing Controls and Effectiveness of Mitigation	Likelihood	Impact	Residual Risk Factor	Risk Owner
1 Public Safety	Registrants fail to minimize and/or eliminate unexpected risk to the public in the design of outdoor spaces. These could include the gradient of accessible surfaces, possible fall heights from play structures, flow and visibility of pedestrian or cyclist traffic, proximity to natural features, safety buffers between distinct use areas, etc.	3	4	12	Adherence to recognized industry standards and best practices. Mandatory Internship period to gain technical expertise and build on post secondary educational requirements.	4	4	16	Registrant
3 Environmental Impact	Failure to recognize environmentally sensitive areas of a site proposed for design and development. As every site is unique it is necessary for registrants to identify all of the factors that make that site unique and contribute to the complexities that must be considered in the design response to avoid irreparable environmental disruption and harm.	4	3	12	Testing through both the Landscape Architectural Registration Exams and the Jurisprudence exam prior to becoming registered as a professional landscape architect	4	3	12	Registrant
4 Public Welfare	The failure of the registrant to recognize the stewardship of natural environments and of human communities in order to enhance social, economic, psychological, cultural and physical functioning, now and in the future.	4	4	16	Ongoing requirement for Continuing Education on an annual basis with current topics and/or legislative changes highlighted by the BCSLA for follow up by registrants.	4	3	12	Public
5 Community Building and Efficiencies	The failure of the registrant to build community and improve quality of life in the design and construction of a project. By creating attractive, functional places, Landscape Architecture encourages people to engage in their surroundings, strengthening social cohesion, which in turn results in healthier, more dynamic, more resilient communities at the local, national and global levels. Landscape Architecture enables people to function more effectively in their environments. On a practical, day-to-day level, landscape architecture facilitates many human activities and functions such as efficient traffic flow, parking, waste collection/recycling, water use/drainage, air quality, optimal use of space.	4	4	16	Testing through the Landscape Architectural Registration Exams and completion of a minimum two years of a mentorship program to document and confirm competencies in all aspects of landscape architecture.	3	4	12	Public

Risk Matrix	IMPACT					
	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic	
LIKELIHOOD	5 Almost Certain	5	10	15	20	25
	4 Likely	4	8	12	16	20
	3 Possible	3	6	9	12	15
	2 Unlikely	2	4	6	8	10
	1 Rare	1	2	3	4	5

British Columbia Society of LANDSCAPE ARCHITECTS

Score	Likelihood (A)	Definition	Impact (B)	Descriptor
5	Is highly likely to occur at some time in normal circumstances.	Very High >80%	Critical long term damage or harm to service users/public Critical reputation impact Intervention by other agencies Huge financial impact	Catastrophic All potential benefits lost
4	Likely to occur at some time in normal circumstances.	High 0-80%	Major damage or harm to service users/public High reputation impact – national press and TV coverage Minor regulatory enforcement Major financial impact	Critical Loss of 80-100% of benefits
3	Likely to occur in some circumstances or at some time.	Medium 40-60%	Noticeable damage or harm to service users/public Extensive reputation impact due to press coverage External criticism likely High financial impact	Significant Loss of 50-80% of benefits
2	Is unlikely to occur in normal circumstances, but could occur at some time.	Low 20-40%	Minor damage or harm to service users/public Minor reputation impact Moderate financial loss	Marginal Loss of 25-50% of benefits
1	May only occur in exceptional circumstances, highly unlikely.	Very low <20%	Insignificant damage or harm to service users/public Little or no loss of front line service No reputation impact	Negligible Loss of <25% of benefits

## Appendix E: BCSLA Regulatory Functions

### **Credentiailling**

To become a landscape architect in B.C. and register with BCSLA, potential registrants must fulfill the following requirements:

- Completion of an accredited (or otherwise approved) degree program in landscape architecture
- Intern completion of training courses or professional education courses
- Work experience under a Qualified Mentor for a minimum of two years
- Completion of the landscape architecture registration examination (LARE)

In the OSPG's interviews, representatives from academic institutions stated that supervision requirements for landscape architect interns is sufficient, but there is room for improvement in ensuring that interns receive a high level of mentorship and gain the necessary work experience.

The registration examination consists of the following components:

- BCSLA Oral Examination
- Jurisprudence examination administered by the BCSLA Board of Examiners

The examination process is standardized across the United States and Canada. BCSLA is the only Landscape Architecture society in Canada to have an oral exam, which has parts specific to the BC context.

There are six accredited Landscape Architecture university programs in Canada and one candidacy program at Dalhousie University (B.Tech Landscape Architecture):

1. Université de Montréal (MLA)
2. University of British Columbia (MLA)
3. University of Calgary (MLA)
4. University of Guelph (BLA and MLA)
5. University of Manitoba (MLA)
6. University of Toronto (MLA)

As well, there are about 100 accredited Landscape Architecture university programs in the United States.

### **Alternative Stream**

An alternative stream allows for an individual who has been employed for six years under approved conditions to be considered as an intern without a formal degree, provided that professional education coursework, intern training and standard examination requirements are completed.

The BCSLA uses the International Credential Evaluation Service (ICES) to evaluate degrees earned by internationally educated applicants. <https://www.bcit.ca/ices/about-ices/>.

### **Principles of the Profession and Standards of Practice**

BCSLA does not have a separate code of ethics. However, sections 1.2 to 1.14 of their bylaws outline the duties of a landscape architect to the public, the client, to the environment, to the profession, and to themselves. These principles of the profession parallels many of the ethical principles established in the PGA. For example, section 1.3 in their bylaws states that landscape architects have a duty "to uphold

public health, safety, and welfare in solutions which will improve built environments.” BCSLA also has an oath requirement in their bylaws for members to comply with the principles and standards of the profession.

### ***Principles of the Profession***

The principles set out the duty of Landscape Architects to serve the federal, provincial, and local governments through adherence to the law.

Landscape Architects have a duty to provide clients and employers with impartial professional judgment, and use due skill, care and diligence to, maintain current competencies in their fields of consultation; recognize personal and professional limitations; obtain relevant facts, and consider relevant principles, before providing professional services.

Landscape Architects must have due regard to the duties of a steward for the quality of environments, and to better integrate built and natural environments. Landscape Architects also have a duty to the profession with conduct that demonstrates candor, fairness, courtesy and respect, as the conduct of one reflects on all members of the profession.

### ***Standards of Practice***

Bylaw 1.15 requires the Board to establish and maintain standards of practice for the profession. These are published as the [Standards of Professional Conduct and Practice](#). The Standards highlight common elements of professional integrity such as honesty and impartiality. However, the Standards do go into further detail in specific matters such as:

- Making public statements
- Financial responsibility
- Public safety and health violations
- Use of others’ work and intellectual property
- Business promotion
- Conflicts of interest
- Competency
- Professional compliance

### **Complaints and Discipline Process**

BCSLA’s bylaw 1.19 (b) states that anyone may deliver a written complaint to the Registrar alleging:

- i. breach of the Act, bylaws, principles or standards of the Society by a Landscape Architect, Associate or firm,
- ii. unprofessional conduct, or
- iii. incompetent practice.

Complainants must submit their concerns in writing (by letter or email) to the Registrar to start the complaints process. The Registrar determines whether the concern is serious enough to continue with the complaints process.

If the Registrar continues with the process, a notice is sent to the member in question, who then has 14 days to respond. From this point, the Registrar may conduct an investigation or undertake arbitration

with the member. If the complainant is not satisfied with the result, the Registrar will forward the complainant's concerns to the BCSLA Board of Directors for further review.

The Board may then take one of three actions:

- Refer the complaint to the Bylaw Committee for further investigation
- Refer the complaint to the President for further investigation
- Refer the complaint to two directors for further investigation

The member in question has the opportunity to launch a defence, with or without representation. If the outcome results in the member being suspended or expelled, the Registrar notifies public agencies. Currently, complaints and discipline outcomes are not available on the BCSLA website for access by the public.

BCSLA addresses up to half a dozen Use of Title issues by email or phone call each year along with one or two complaints and grievances that require legal counsel. However, none of the seven complaints made to BCSLA between 2012 and 2022 resulted in formal sanction. Matters were resolved informally, were not pursued due to lack of evidence, or were addressed through the courts.

The following chart summarizes BCSLA's complaints process.

### COMPLAINT PROCESS CHART (BCSLA Bylaws [April 1, 2017] 1.30 to 1.62 – Complaints)

1. Complainant makes a written or digital complaint to Registrar.
2.
 

<p>a) Registrar considers the complaint serious or Complainant dissatisfied with solution to minor complaint: Registrar requests that Complainant submit the complaint in writing.</p>	<p>b) Registrar considers complaint minor and proposes solution.</p>
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3.
 

<p>a) Complainant submits complaint in writing.</p>	<p>b) Complainant satisfied: no further action taken.</p>
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4. Registrar forwards written complaint to Member concerned and requests that Member respond in writing to Registrar within 14 days.
5. Registrar forwards a copy of Member's reply to the Complainant and Registrar conducts whatever investigation he/she deems necessary.
6.
 

<p>a) Complainant not satisfied with Registrar's arbitration and exchange of correspondence: Registrar refers complaint to BCSLA Board.</p>	<p>b) Complainant satisfied with Registrar's arbitration and exchange of correspondence: no further action taken.</p>
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7.
 

<p>a) BCSLA Board refers the complaint to the Bylaws Committee for further investigation and resolution.</p>	<p>b) BCSLA Board refers the complaint to President for further investigation and resolution.</p>	<p>c) BCSLA Board refers the complaint to two directors for further investigation and resolution (if no expulsion or suspension contemplated).</p>
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8.
 

<p>a) Bylaws Committee report back to the BCSLA Board.</p>	<p>b) President reports back to the BCSLA Board.</p>	<p>c) Directors report back to the BCSLA Board.</p>
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9.
 

<p>a) BCSLA Board decides that Directors will meet to consider expelling or suspending Member and provides written reason.</p>	<p>b) BCSLA Board is satisfied with the arbitration and exchange of correspondence: Registrar informs Complainant and membership of the Board's decision. No further action taken.</p>
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10. Registrar informs Member, by registered mail, of the time, date, location and reason for the meeting of the Directors (not less than fifteen (15) days before they meet).
11. BCSLA Directors meet to consider expelling or suspending Member for:
  - i. Improper conduct;
  - ii. Conduct unbecoming of a member of the Society;
  - iii. Conduct prejudicial to the interest or reputation of the Society;
  - iv. Conduct prejudicial to the interest or reputation of the landscape architecture profession;
  - v. Willfully breaking the Constitution or By-Laws of the Society.
12. Registrar provides Complainant's original Complaint and the results of any investigations.
13. Member chooses whether or not to defend self to Directors (with or without representation).
14. Directors deliberate and provide a written decision.
15. Registrar informs Member, Complainant, and membership of Directors' decision. (If Member is suspended or expelled, Registrar also notifies public agencies.)

Updated: June 21, 2021

## Appendix F: Transparency and Accountability

Aspects of transparency and accountability have largely been evaluated by examining what is available to the public on the BCSLA website, found at <https://www.bcsla.org/>. This includes latest news and events, other affiliations, public access to bylaws, access to a register, credentialing process, complaints and discipline process, as well as disciplinary outcomes.

### **Register**

BCSLA manages a register on its website that not only allows visitors to search for individual Landscape Architect registrants, but also to search for affiliates, firms, and individuals employed by the public sector in Canada and the US. Registrant search results yield name, number, location, and contact information. However, the website clearly states that “only BCSLA Members who are in Good Standing will appear in the search results”. It does not appear that disciplinary measures associated with the registrant are displayed in the register.

### **Policies and Procedures**

Policies and procedures are easily accessible through the BCSLA website. This includes not only information related to the complaints process, but also information related to bylaws, standards of conduct, and information on the recently updated continuing education program.

### **Complaints and Discipline**

While the website clearly describes the complaints process, the register does not identify registrants who are not in good standing; nor are disciplinary outcomes posted on the website. However, names of members not in good standing are published in BCSLA’s weekly emails to members during the appeal period. Transparency on discipline outcomes is an important shortcoming that would need to be addressed if the profession of landscape architecture were to be designated under the PGA.



## Appendix G: Indigenous Gender Based Analysis+ (IGBA+) Considerations

The PGA incorporates requirements for awareness and support of reconciliation with Indigenous peoples (Section 7(2)(b)(ii)), and for the regulatory bodies to provide continuing education programs or requirements that support reconciliation with Indigenous peoples in British Columbia; (Section 57(1)(f)).

The designation under the PGA of any profession would require the adherence to the OSPG Standards of Good Regulation (SGR)<sup>9</sup> and would bring reconciliation and diversity and inclusion considerations into a profession's governance and oversight. The performance of the regulatory bodies is measured using the SGR and the ones relating to diversity, equity, and inclusion, and reconciliation with Indigenous Peoples are SGR 3 and 4:

OSPG Standard
<b>3. Regulatory body applies a diversity and equity lens to processes and policies that impact its registrants and the people they serve.</b>
<b>4. Regulatory body takes action within its operations to support reconciliation with Indigenous peoples, including supporting the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)</b>

BCSLA conducted a diversity, equity and inclusion survey in 2017. The survey examined age, gender, location and citizenship, but not race/ethnicity or ability. The responses to the survey showed that the members are fairly evenly represented between males and female members. Most respondents (40%) were in the 31-40 age category. Almost all (93.5%) of the members were Canadian citizens, 4.5% were permanent residents and less than 2% were non-permanent residents with work Visas. As for location, the vast majority, nearly 75% of respondents in 2017, lived and worked in the Lower Mainland.

BCSLA developed a Solutions to Access program, which offers information in six languages to improve access to individuals with diverse cultural backgrounds. The program includes GBA+ considerations. It enhances the experience tracking component of the Admission Program to allow a wider scope of experience across the globe. The online application component will allow candidates to apply before arriving in Canada.

The CSLA created a Justice, Equity, Diversity, and Inclusion (JEDI) task force that is liaising with its provincial and territorial components as a first step in developing a strategy for the profession. CSLA members (regular, life, associate (intern) and student) attended a series of 90-minute focus conversations in 2020 and 2021.

Areas where BCSLA could improve include having a diversity, equity and inclusion policy that is publicly available on their website. They could also work on ensuring they have diverse representation on their Board of Directors. If the profession of landscape architecture were to become designated under the

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<sup>9</sup> <https://professionalgovernancebc.ca/app/uploads/sites/498/2021/05/2020-GD-19-Standards-of-Good-Regulation-web-1.1-20210504.pdf>

PGA, BCSLA would need to ensure that their registrants have access to and complete continuing education learning requirements on Indigenous reconciliation