

June 2, 2023

**VIA EMAIL:** [MVernon@aibc.ca](mailto:MVernon@aibc.ca)

Mark Vernon  
Chief Executive Officer  
Architectural Institute of BC

Reference Number: 06/05/2023-AIBC-02

Dear Mark Vernon:

By way of this letter, I am confirming that the bylaws delivered to the superintendent by the Architectural Institute of BC on May 19, 2023, have been filed with minister on June 2, 2023.

I hereby order that these bylaws are in force effective June 5, 2023, as per my authority under s.38 of the *Professional Governance Act*.

Sincerely,



Kate Haines  
Superintendent  
Office of the Superintendent of Professional Governance  
Province of British Columbia

# OSPG Bylaw Submission Cover Sheet

Bylaw Information			
Regulatory Body:	Architectural Institute of British Columbia		
Contact Person:	Thomas Lutes	Email:	tlutes@aibc.ca
Description of contents:	<p>Full set of Bylaws, amendments include:</p> <ul style="list-style-type: none"> <li>• replacing “Council” and “Councillor” with “Board” and “Board Member”;</li> <li>• replacing “Registrant Councillor” and “Lay Councillor” with “Registrant Board Member” and “Lay Board Member”;</li> <li>• replacing “President” and “Vice President” with “Board Chair” and “Board Vice Chair”;</li> <li>• new Bylaw 2.92 in relations to the Registrar’s authority to establish Forms;</li> <li>• new Bylaw subparagraph 4.25.3 regarding reinstatement interview requirement;</li> <li>• Bylaw amendment to 4.78 to delete a duplicate phrase;</li> <li>• Bylaw amendments to 4.98 and 5.20 to clarify revocation obligation in relation to digital seal;</li> <li>• new Bylaws 5.19 and 5.23 in relation to suspension, cancellation of registration, and reinstatement for CES non-compliance;</li> <li>• new Bylaw subparagraph 8.5.2.3 to add information to Register in relation to Firms associated with Individual Registrants;</li> <li>• new Bylaw subparagraph 8.5.7 to add information to the Register in relation to any extraordinary action to protect the public; and</li> <li>• corrections to subheadings and necessary renumbering of Bylaws.</li> </ul>		

(full set of bylaws, repeal and replacement of single bylaw, etc)

Bylaw Approval Date:	May 18, 2023
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## Purpose of Delivery




I, the below signed, affirm that the attached bylaw(s) are delivered to the Superintendent in accordance with section 37(1)(a) of the *Professional Governance Act* and have been approved by the council of the Architectural Institute of British Columbia.



**OSPG**

Office of the Superintendent  
of Professional Governance

President Name:	Stuart Rothnie Architect AIBC
Signature:	
Date:	May 18, 2023

## Council Members

Name:	Position:
Marguerite Laquinte Francis Architect AIBC	Vice-President
Sean Rodrigues Architect AIBC	Treasurer
John Scott Architect AIBC	Councillor
Sama Abri Architect AIBC	Councillor
Manoochehr Azizi Architect AIBC	Councillor
Jana Foit Architect AIBC	Councillor
Andy Guiry Architect AIBC	Councillor
Matthew Halverson Architect AIBC	Councillor
Ann McLean Architect AIBC	Councillor
Heather Deal	Lieutenant Governor Appointee
John D. Crawford, FCPA, FCA, ICD.D, CFE, CA (Scotland)	Lieutenant Governor Appointee
Dr. Michael Racich, DMD	Lieutenant Governor Appointee
Laura Wilson	Lieutenant Governor Appointee



**OSPG**

Office of the Superintendent  
of Professional Governance



**ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA**

# **Bylaws**

## **Architectural Institute of British Columbia**

**In Force Effective June 5, 2023**

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# 1.0 Definitions and Interpretation

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## Definitions

1.1 The following definitions apply in these Bylaws:

**“Administrative Guidelines”** means guidance documents to assist the AIBC in decision-making and related regulatory functions, as approved by the Board under these Bylaws;

**“Advisory Resolutions”** means any resolutions proposed by Architects in Good Standing for consideration at a General Meeting;

**“AIBC”** means the Architectural Institute of British Columbia;

**“Annual General Meeting”** means the General Meeting required under Section 33(1) of the PGA;

**“Applicant”** has the same meaning as in Section 1(1) of the PGA;

**“Architect”** means an individual registered in the Architect category;

**“Architects Regulation”** means the *Architects Regulation*, B.C. Reg. 33/2023;

**“Architect’s Seal”** or **“Seal”** means the physical or digital seal issued by the AIBC to be used by an Architect in accordance with these Bylaws including applicable Professional Standards;

**“Architectural Technologist”** means an individual registered in the Architectural Technologist category;

**“Auditor”** means the individual or business appointed by the Board under these Bylaws;

**“Board”** and **“Board Member”** have the same meaning as in Section 1(1) of the PGA;

**“Board Advisory Group”** means a subgroup of the Board established in accordance with these Bylaws;

**“Board Chair”** means the Registrant Board Member elected to the office of chair of the Board;

**“Board Policy”** means Board-approved policy in relation to the operations of the Board, limitations the Board places on the CEO performance, and the relationship between the Board and the CEO;

**“Board Rules”** or **“Rules”** means procedural or administrative rules approved by the Board as permitted under these Bylaws;

**“Board Vice Chair”** means the Registrant Board Member elected to the office of vice chair of the Board;

**“Broadly Experienced Applicant Program”** means the program administered by the AIBC to assess alternative qualifications for admission as an Architect”;

**“Broadly Experienced Foreign Architect Program”** means the program administered by the Canadian Architectural Certification Board to assess the competency for registration of internationally-trained architects;

**“Canadian Architectural Certification Board”** means the federally-incorporated entity that certifies educational and professional qualifications for individual architectural graduates and accredits professional architecture programs at Canadian universities;

**“Canadian Architectural Regulator”** means a Canadian regulatory body other than the AIBC established by statute for the regulation of the profession of architecture in Canada;

**“Certificate of Practice”** means the certificate issued to a Firm Registrant or Temporary Licensee (Architect) that confirms the entitlement to practice the profession of architecture by the Firm Registrant and by any Temporary Licensee (Architect) authorized under the Certificate of Practice;

**“CES Participant”** means Architects, Intern Architects, and Architectural Technologists in relation to the Continuing Education System;

**“CES Reporting Period”** means the two-year period ending on June 30 of every even year and commencing on July 1 for the next two-year period;

**“Chief Executive Officer”** or **“CEO”** means the individual appointed as the Executive Director under Section 32(1)(a) of the PGA, which person also serves as Registrar;

**“Citation”** has the same meaning as in Section 1(1) of the PGA;

**“Client”** means the person or entity identified as such in a Client-Architect Contract, and any individual(s) designated by the Client;

**“Client-Architect Contract”** means a contract with a Client for the provision of architectural services as required in the Code of Ethics and Professional Conduct;

**“Committee”** has the same meaning as in Section 1(1) of the PGA;

**“Complaint”** means information, assertion or allegation provided by a Complainant about a Registrant or Former Registrant, who may have committed a Discipline Violation;

**“Complainant”** means any person or entity, including the AIBC, who submits a Complaint;

**“Completed Alternative Complaint Resolution”** means an agreement under Section 74 of the PGA and these Bylaws whose terms have been satisfied by the Respondent;

**“Conduct Unbecoming a Registrant”** has the same meaning as in Section 1(1) of the PGA;

**“Continuing Education System”** and **“CES”** mean the program established in these Bylaws related to ongoing education and training of Individual Registrants;

**“Core”** means a structured learning activity relating to the design or construction of buildings; use and maintenance of buildings; documentation and presentation techniques; social and environmental responsibilities; professional practice; professional conduct and ethics; or other topics as approved by the Registrar in the Practice Guidelines;

**“Costs”** means a monetary amount agreed to or ordered under the PGA and these Bylaws in relation to costs of an investigation, Reprimand or Remedial Action by Consent, Consent Order, Alternative Complaint Resolution, or a Discipline Hearing;

**“Credentials Committee”** means the Committee established pursuant to Bylaw 3.4;

**“Deputy Registrar”** means any individual so appointed by the Board under Section 31(1) of the PGA;

**“Digital Certificate”** means an AIBC approved electronic credential used by Architects for securing documents, including those requiring a Seal;

**“Direct Supervision”** means supervision by an Architect of the Regulated Practice by a non-Architect;

**“Discipline Committee”** means the committee established pursuant to Bylaw 3.8;

**“Discipline Hearing”** is a hearing pursuant to Section 75 of the PGA;

**“Discipline Hearing Panel”** means a Panel of at least three members of the Discipline Committee, including at least one Lay Committee Member, established for the purpose of conducting a Discipline Hearing;

**“Discipline Record”** means any admission or determination of a Discipline Violation by a Registrant, and includes records of any disciplinary violation under the Former Act;

**“Discipline Violation”** means an admission or determination that a Registrant has committed one or more of Professional Misconduct, Conduct Unbecoming a Registrant, or Incompetent performance of duties, or a breach of the PGA, its regulations or these Bylaws;

**“EGBC”** means Engineers & Geoscientists BC;

**“Election Certificate”** means the Board election results document signed by the Returning Officer and CEO pursuant to these Bylaws;

**“Electronic Board Resolution”** means a matter put to the Board for electronic vote between Board meetings, in accordance with these Bylaws;

**“Eligible Voter Data”** means confidential and/or private information related to the identity of Eligible Voters in a Board election;

**“Eligible Voters”** means those Registrants permitted to vote in a Board election in accordance with these Bylaws;

**“Executive Director”** means the individual appointed by the Board under Section 32(1)(a) of the PGA, who also serves as Registrar and Chief Executive Officer of the AIBC;

**“Fee” or “Fees”** means and includes any fees, fines, debts, special assessments, or levies owed to the AIBC;

**“Final CES Deadline”** means the date specified in Board Rules by which CES Participants must earn and report Learning Units or face suspension from the Register;

**“Final Investigation Report”** means the report prepared by the Investigator(s) at the conclusion of an investigation;

**“Firm”** has the same meaning as in Section 1(1) of the PGA;

**“Firm Continuing Education”** means those requirements related to continuing education programs applicable to Firm Registrants in these Bylaws, Board Rules, and as required by Section 57(1)(g) of the PGA;

**“Firm Registrant”** means a Firm that is registered with the AIBC and includes Architectural Firm, Sole Proprietorship, General Partnership, Limited Partnership, Limited Liability Partnership, Architectural Corporation, Architectural-Engineering Corporation, and Inactive Architectural Firm;

**“Firm Representative”** means the Architect designated by the Firm Registrant under Bylaw 4.30;

**“Firm Update”** means the mandatory information required of Firm Registrants under these Bylaws;

**“Former Act”** means the *Architects Act*, RSBC 1996 c 17, now repealed;

**“Former Registrant”** means an individual or firm previously registered with the AIBC under the PGA or the Former Act, including historical members and recent historical members as defined in the *General Regulation*;

**“Form”** means a Form established by the Registrar for the purposes of these Bylaws;

**“General Meeting”** means both an Annual General Meeting and a Special General Meeting;

**“General Regulation”** means the *Professional Governance General Regulation*, B.C. Reg. 107/2019;

**“Good Standing”** means the state of registration of any Registrant in which all of the following conditions apply:

- a) The Registrant is not suspended or under a restriction, term, condition, or limitation of practice that specifically removes the Registrant from Good Standing;
- b) The Registrant is compliant with all Continuing Education System requirements by the Final CES Deadline;
- c) The Registrant is compliant with all applicable Audit and Practice Review requirements;
- d) If a Firm Registrant, is in compliance with all Certificate of Practice, professional liability insurance, Firm Continuing Education, and Firm Update requirements; and
- e) The Registrant has no Fees owing to the AIBC that are past due.

**“Honorary Registrant (Legacy)”** means an individual registered in the Honorary Registrant (Legacy) category;

**“Immediate Past Board Chair”** means the Registrant Board Member who served as Board Chair immediately prior to the current Board Chair;

**“Incompetent”** has the same meaning as in Section 1(1) of the PGA;

**“Individual Registrant”** means any Registrant not registered as a Firm;

**“Intake Process”** means the process of receiving and collecting information for the Investigation Committee to determine how to proceed with a Complaint;

**“Intake Report”** means the report prepared by the Registrar for the Investigation Committee following the Intake Process;

**“Intern Architect”** means an individual registered in the Intern Architect subcategory;

**“Internship in Architecture Program”** means the program established by Canadian Architectural Regulators that establishes common admission standards of education, experience, and examination for architectural internship leading to registration as an Architect;

**“Investigation Committee”** means the Committee established pursuant to Bylaw 3.6;

**“Investigator”** means an individual appointed to such role under Section 68 of the PGA;

**“Lay Board Member”** means a Board Member who is not a Registrant and is appointed under Section 27(1) of the PGA;

**“Lay Committee Member”** has the same meaning as Section 21 of the PGA;

**“Lead Investigator”** means the Investigator assigned to an investigation under Bylaw 6.17;

**“Learning Unit”** and **“LU”** means the unit of measurement or credit for the earning and reporting of Continuing Education, with one LU consisting of one hour of eligible educational activity;

**“Letters of Assurance”** means standardized, mandatory accountability documents for building Projects issued by authorities and endorsed by the AIBC;

**“Local Collaborating Architect”** means an Architect who agrees to collaborate with a Temporary Licensee on a specific Project in compliance with these Bylaws;

**“Motion”** means an application for relief or direction from a Discipline Hearing Panel with respect to an issue brought before or during the Discipline Hearing that is not a final determination of the whole matter;

**“Mutual Recognition Agreement”** means an agreement between the AIBC and one or more other architectural regulators in a different jurisdiction for mutual recognition of the credentials and qualifications of their respective registrants;

**“Nomination Committee”** means the Committee established pursuant to Bylaw 3.1;

**“Nominee List”** means the list of qualified nominees for the Board election prepared in accordance with the *General Regulation*;

**“Non-Core”** means learning activities relating to topic areas that can be applied to the practice of architecture, and may include Core topics learned through independent activities such as reading, research, pre-recorded seminars without a testing component, or other similar eligible activities;

**“Panel”** means, in relation to a Committee, a subgroup of that Committee, and in relation to Reviews on the Record, the individuals appointed for such purpose;

**“PGA”** means the *Professional Governance Act*, S.B.C. 2018, c. 47;

**“Policy Governance”** means the AIBC’s governance model focusing the Board on leadership, regulatory direction and good policy governance rather than operational matters;

**“Practice Advice Program”** means the program provided by the AIBC to assist Registrants and the public with practice guidance, including addressing professional or ethical issues as required by Section 57(1)(d) of the PGA;

**“Practice Advisor”** means an individual Registrant engaged by the AIBC to provide guidance and information to Registrants and the public as part of the Practice Advice Program;

**“Practice Guideline(s)”** means AIBC guidance documents that support the understanding of and compliance with Professional Standards and provide interpretations of regulatory requirements;

**“Proceeding”** means an application, pre-hearing conference, or Discipline Hearing;

**“Professional Engineer”** means an individual registered by EGBC in the Professional Engineer category;

**“Professional Misconduct”** has the same meaning as in Section 1(1) of the PGA;

**“Professional Standards”** means the standards of competence and professional and ethical conduct for Registrants established and Published by the AIBC, in the Code of Ethics and Professional Conduct under these Bylaws;

**“Project”** means a commission of engagement for the provision of architectural services;

**“Publish”** and **“Publication”** means the posting by the AIBC of the most recent version of a document, notice, or other information on the AIBC public website, and may include additional distribution of such material to Registrants and the public;

**“Receipt Date”** means the day any notice, decision, or other communication is sent electronically, or the actual day of receipt of any communication if sent by other means;

**“Transition Date”** means February 10, 2023;

**“Registrant”** has the same meaning as in Section 1(1) of the PGA and includes Former Registrants of the AIBC;

**“Registrant Board Member”** means a Board Member under Section 23(2)(a) of the PGA;

**“Registrar”** means the person appointed by the Board as the registrar pursuant to Section 31(1) of the PGA, which person also serves as Chief Executive Officer and Executive Director;

**“Regulated Practice”** has the same meaning as in Schedule 1, Section 7 of the PGA;

**“Reserved Practice”** has the same meaning as prescribed by the *Architects Regulation*;

**“Respondent”** means the Registrant who is the subject of a Complaint;

**“Retired Architect”** means an individual registered in the Retired Architect category;

**“Returning Officer”** means the person appointed by the Registrar pursuant to Bylaw 2.67;

**“Review on the Record”** means the review process required by Section 48 of the PGA and established in these Bylaws;

**“Special General Meeting”** means a general meeting that is not the Annual General Meeting, called by the Board under the PGA Section 33(3) or (4);

**“Supplementary Report”** means the report prepared by the Investigator(s) at the direction of the Investigation Committee pursuant to Bylaw 6.15;

**“Temporary Licence”** means a licence under these Bylaws allowing a Temporary Licensee (Architect) and Local Collaborating Architect to provide architectural services for one or more Projects;

**“Temporary Licensee (Architect)”** means an individual registered in the Temporary Licensee category;

**“Treasurer”** means the Board Member elected to the office of treasurer of the Board;

**“Vote Notification”** means the notification provided to Eligible Voters about the Board election;

**“Voting Data”** means information and data related to the Board election, including Eligible Voter Data, managed in accordance with these Bylaws;

## **Interpretation**

- 1.2 Words and expressions in these Bylaws have the same meaning as in the PGA unless otherwise specified.
- 1.3 All headings, numbered or otherwise, and references in italicized text in square brackets are for convenience and do not constitute part of the Bylaws.

## **Notice and Delivery of Documents**

- 1.4 All notices to Registrants required or allowed under these Bylaws may be provided or delivered by the AIBC:
  - 1.4.1 to Individual Registrants, to the most recent email address provided by the Registrant to the AIBC; and
  - 1.4.2 to Firm Registrants, to the most recent email address of the Firm Representative to the AIBC.
- 1.5 Without limiting Bylaw 1.4, a notice or document may be delivered in any manner permitted in Section 115 of the PGA.



## 2.0 Governance

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### Board: General

- 2.1 The Board consists of seven elected Registrant Board Members, four appointed Lay Board Members, and the Immediate Past Board Chair as a non-voting Board Member.
- 2.2 The Board must govern the affairs of the AIBC in accordance with the PGA, *Architects Regulation* and these Bylaws.
- 2.3 The Board may establish Rules and Administrative Guidelines in relation to any matter appropriate for such documents, in addition to those Rules and Administrative Guidelines allowed or required under these Bylaws.
- 2.4 The Board may establish Board Policy and procedures to guide the Policy Governance of the AIBC.
- 2.5 The Registrar must Publish any Board Rules, Board Policies, Administrative Guidelines, and procedures approved under these Bylaws.
- 2.6 All Board Rules and Administrative Guidelines approved by the Board are effective as of their effective date.
- 2.7 The Board must establish and Publish:
- 2.7.1 a Board Code of Conduct and Council Conflict of Interest Administrative Guidelines; and
  - 2.7.2 Board Policy on duties and responsibilities of Board Members.
- [See Schedule C: Board Code of Conduct]
- [See Schedule D: Conflict of Interest Administrative Guidelines]
- 2.8 The Board must establish and Publish one or more codes of conduct including conflict of interest obligations for AIBC Committees, and related bodies.
- 2.9 The Board may set and amend Fees payable to the AIBC from time to time, including annual Fees for Registrants, as authorized by Section 50 of the PGA.
- [See Schedule B: Fees]
- 2.10 A Registrant Board Member may be removed from office in keeping with Section 30 of the PGA.
- 2.11 The Board may establish Rules or procedures consistent with Section 30(1)(b) of the PGA for the process for removal of a Registrant Board Member.
- 2.12 The Board may establish Rules consistent with Sections 25(1), 26(4) and (5) of the PGA for the temporary appointment of an Architect as a Registrant Board Member to fill a vacancy.

- 2.13 The three-year term of office under Section 24(1) of the PGA for Registrant Board Members elected or acclaimed under these Bylaws commences immediately after the Annual General Meeting of the year in which they are elected, and ends immediately after the Annual General Meeting of the third year after they are elected.
- 2.14 Registrant and Lay Board Members may serve successive terms of office consistent with the limits in Section 24 of the PGA.

### **Board Officers: Board Chair, Board Vice Chair, Treasurer, and Immediate Past Board Chair**

- 2.15 The Board must elect a Board Chair, Board Vice Chair, and Treasurer by majority vote at the first Board meeting after a Board election.
- 2.16 The Board Chair and the Board Vice Chair must be Registrant Board Members.
- 2.17 The term of office for the Board Chair and the Board Vice Chair is two years. The terms of office may be extended or shortened as necessary to accommodate the date of the first Board meeting after a Board election, and the Board Chair and the Board Vice Chair remain in these positions until such election for these positions occurs.
- 2.18 Terms of office for Board Chair and Board Vice Chair may be shorter than two years where circumstances prevent a Registrant Board Member from continuing in such role, whether by voluntary resignation, non re-election or other reason.
- 2.19 A Registrant Board Member may not serve as Board Chair for more than four consecutive years.
- 2.20 The Board Chair must:
- 2.20.1 act as chair for all Board and General Meetings of the AIBC; and
  - 2.20.2 perform other duties as required to properly carry out the duties of the Board, including any requirements for the position established by Board Policy or motion.
- 2.21 If the Board Chair is absent, unable, or unwilling to act, the Board Vice Chair may exercise the powers and must perform the duties of Board Chair.
- 2.22 In the event both the Board Chair and Board Vice Chair are absent, unable or unwilling to act, the Board must appoint another Registrant Board Member to exercise the powers and perform the duties of Board Chair.
- 2.23 In the event of a vacancy in the Board Chair, Board Vice Chair, or Treasurer position, the Board must fill such position by majority vote. The term of office for this replacement position is that of the original office-holder.
- 2.24 The Immediate Past Board Chair is a non-voting member of the Board and is the individual who has most recently served as Board Chair.

- 2.25 If the Immediate Past Board Chair is absent, unable, or unwilling to act, the Board may appoint another individual who has previously served as Board Chair to act as Immediate Past Board Chair.
- 2.26 The Board may appoint the Immediate Past Board Chair to the Nomination Committee and assign other duties to the position by Board Policy or motion.
- 2.27 The Board must establish the term length and assign duties to the Treasurer by Board Policy or motion.
- 2.28 The terms of office of the Board Chair (formerly president), Board Vice Chair (formerly vice-president) and Treasurer who were elected and hold office immediately before the Transition Date are continued under the Former Act or Board Policy, as applicable, until the first Board meeting after a Board election after the Transition Date.

### **Board Meetings**

- 2.29 The Board must meet at least four times per calendar year.
- 2.30 The Registrar must call a Board meeting upon written request of the Board Chair or four Board Members.
- 2.31 The Registrar must provide reasonable written notice of a Board meeting to all Board Members, which notice must include meeting date, time, location, and electronic access if applicable.
- 2.32 The failure by the Registrar to provide all particulars required in the notice to any person entitled to receive notice does not invalidate the proceedings of that Board meeting.
- 2.33 The Board may meet in person, by electronic means, or hold hybrid meetings, as long as in any meeting format, each Board Member attending the meeting is able to participate and vote.
- 2.34 Any matter requiring a decision or resolution by the Board at a Board meeting must be decided by a majority vote of voting Board Members attending.
- 2.35 The Board Chair may determine that one or more matters be directed for Board vote by Electronic Board Resolution in accordance with Board Rules for Board Meetings.
- 2.36 All Electronic Board Resolutions must be considered and ratified by majority vote of voting Board Members at the next Board meeting in order to continue to be effective.
- 2.37 All Board meetings are public, except that the Board may exclude any person who is not a Board Member from a meeting or any part of a meeting:
- 2.37.1 when moving a meeting *in camera*, or
  - 2.37.2 for any other reason the Board considers necessary or appropriate.

- 2.38 Board proxy voting is not permitted. Each Board Member attending a meeting is entitled to one vote.
- 2.39 At least one Lay Board Member must be present at any Board meeting for such meeting to be considered duly convened.
- 2.40 A majority of voting Board Members constitutes a quorum at Board meetings.
- 2.41 The Board may meet in planning sessions that are not open to the public for the purpose of planning, education, considering policy initiatives or other reasons not requiring Board decisions.
- 2.42 The Board may invite participation and attendance at Board meetings or planning sessions by any individual or delegation.
- 2.43 The Board must establish Board Rules and procedures consistent with the PGA, the *Architects Regulation*, and these Bylaws, to regulate the conduct of Board meetings, Electronic Board Resolutions and planning sessions.
- [See *Schedule E: Board Rules for Board Meetings*]
- 2.44 The Board must take minutes of its meetings, and the Registrar must Publish such minutes within 30 days of approval of the minutes by the Board.

### **Remuneration and Expenses**

- 2.45 The Board may establish, for Board Members and Committee members:
- 2.45.1 any remuneration, honorarium or other compensation; and
  - 2.45.2 any expense reimbursement policies.

### **Elections: General**

- 2.46 An election for the Board must conclude on or no more than 60 days before the Annual General Meeting date set by the Board, in those years requiring Board elections.
- 2.47 The Board election voting period must be no less than 20 days.
- 2.48 Board elections must be held on the following cycle:
- 2.48.1 in 2023 and every three years thereafter, an election for three Registrant Board Member positions;
  - 2.48.2 in 2024 and every three years thereafter, an election for four Registrant Board Member positions; and
  - 2.48.3 in 2025 and every three years thereafter, no Board election will be held.

- 2.49 Architects in Good Standing are entitled to vote in a Registrant Board Member election and constitute the Eligible Voters.

### **Election Nomination Procedures**

- 2.50 A call for nominations for a Board election must be made in accordance with Section 26 of the PGA for vacant Registrant Board Member positions as may be applicable in any calendar year.
- 2.51 The Nomination Committee must Publish notice of the call for nominations for the Board election in accordance with the *General Regulation*.
- 2.52 The notice must include information relevant to the Nomination Committee selection process, submission requirements, and the time period within which the application must be submitted.
- 2.53 The Nomination Committee must prepare and deliver a Nominee List to the Board in accordance with the *General Regulation*.
- 2.54 The Nominee List must:
- 2.54.1 include only names of Architects nominated by the Nomination Committee;
  - 2.54.2 be signed by the chair of the Nomination Committee;
  - 2.54.3 include confirmation by written consent that each nominee is willing to stand for election; and
  - 2.54.4 be Published in accordance with the *General Regulation*.
- 2.55 Except for the Publication of the Nominee List, any report from the Nomination Committee to the Board is confidential to the Board.
- 2.56 There is no appeal from any aspect of the Nomination Committee's selection process, including determination of Architects on the Nominee List.
- 2.57 To qualify for election as a Registrant Board Member, an Individual Registrant must:
- 2.57.1 be an Architect;
  - 2.57.2 be in Good Standing as of the date the Registrar Publishes the required election information as set out in Bylaw 2.63; and
  - 2.57.3 be nominated by the Nomination Committee.
- 2.58 To qualify for election as Board Chair, a Registrant Board Member must have completed at least one year as a Board Member, whether as part of the current Board term or a previous Board term under the Former Act.

## **Election Procedures**

- 2.59 The Board may establish Board Rules consistent with the PGA and these Bylaws for procedural matters related to Board elections, including dispute resolution procedures.
- [See *Schedule F: Board Rules for Board Election*]
- 2.60 The Board elections must be held electronically by way of an electronic voting platform selected and managed by the Registrar.
- 2.61 The Registrar must:
- 2.61.1 take reasonable steps to ensure that the voting platform used in a Board election includes industry-standard confidentiality and data management conditions to protect the Voting Data provided by the AIBC for election purposes; and
  - 2.61.2 take reasonable steps to ensure that internal election processes maintain the confidentiality and privacy of Voting Data, including the confidentiality and anonymity of Eligible Voters' election choices.
- 2.62 The Registrar must create a list of Eligible Voters for a Board election no more than 14 business days prior to the date set for the Board election.
- 2.63 The Registrar must provide Eligible Voters with a Vote Notification on the date set for the Board election.
- 2.64 The Vote Notification must be provided to Eligible Voters electronically to the e-mail address provided most recently by the Registrant to the AIBC.
- 2.65 The Vote Notification must include:
- 2.65.1 an electronic ballot;
  - 2.65.2 voting information and instructions; and
  - 2.65.3 the dates and times for the opening and closing of the election, including submission of the electronic ballot.
- 2.66 Failure to deliver a Vote Notification to any Eligible Voter, or the non-receipt of a Vote Notification by an Eligible Voter, does not invalidate the election or its results.
- 2.67 The Registrar must appoint a Returning Officer to carry out the duties provided in these Bylaws and as otherwise directed by the Registrar.
- 2.68 The Returning Officer must appoint at least two scrutineers to assist with the election process.
- 2.69 The Returning Officer must ensure that the names of nominees are placed on the ballot in random order as specified in Schedule F: Board Rules for Board Election.

- 2.70 The election ballot must include the following information:
- 2.70.1 the name of each nominee;
  - 2.70.2 the current or previous Board experience and any Board office held by each nominee; and
  - 2.70.3 any other information related to candidacy that the Board may direct by Board Policy or motion.
- 2.71 The Registrar must Publish information about the election and Board nominees no later than 14 days prior to the date set for the election, including at least:
- 2.71.1 nominee statements and biographical information;
  - 2.71.2 any information the Nomination Committee determines is relevant to make public about the nominee; and
  - 2.71.3 a summary of the election process, including the start and end dates for submission of ballots by Eligible Voters.
- 2.72 Each Eligible Voter is permitted to submit one ballot per Board election, and may vote for as many nominees on the ballot as positions are available.
- 2.73 To be considered valid, ballots must be correctly completed and received by the date and time indicated in the Vote Notification or any later date communicated to Eligible Voters by the Registrar.
- 2.74 The Registrar must take reasonable steps to ensure that security and integrity of voting measures are in place for each Board election.
- 2.75 The Returning Officer must review the certified election results provided by the voting platform service provider with the scrutineers as soon as possible after the close of the election.
- 2.76 The nominee or nominees who receive the highest number of votes are elected as Registrant Board Members.
- 2.77 In the event of a tie vote, the Returning Officer must resolve the tie by random draw as specified in Schedule F: Board Rules for Board Election.
- 2.78 The Returning Officer must prepare and sign an Election Certificate and deliver it to the Registrar as soon as reasonably possible after the review of the election results.
- 2.79 The Election Certificate must include:
- 2.79.1 the total number of ballots cast;
  - 2.79.2 the number of invalid ballots, if any;
  - 2.79.3 the name of each nominee, listed in the same order as on the ballot, and the number of votes received by each nominee, with an asterisk beside the names of each nominee elected, based on the highest number of votes received; and

- 2.79.4 the signature of the Returning Officer and each scrutineer with a statement verifying that the contents of the Election Certificate are accurate and complete to the best of their knowledge.
- 2.80 The Registrar must:
- 2.80.1 sign the Election Certificate, and notify the Board and all nominees of the election results;
  - 2.80.2 Publish the results of the election as soon as reasonably possible after notifying the Board and nominees of the election results; and
  - 2.80.3 maintain the Election Certificate, which is not considered Voting Data, as the formal record of the election results.

### **Election by Acclamation**

- 2.81 In the event that the Nominee List has an equal or lesser number of nominees for the Board election than Registrant Board Member positions available, those nominees standing for election must be considered acclaimed and are elected to the Board.
- 2.82 An Election Certificate must be prepared by the Returning Officer and otherwise managed consistent with Bylaw 2.80 related to a contested election.

### **Executive Director | Chief Executive Officer**

- 2.83 The Board must appoint an Executive Director to act as the Chief Executive Officer and Registrar of the AIBC.
- 2.84 The Executive Director may use the titles Chief Executive Officer and CEO and Registrar as the individual deems appropriate.
- 2.85 Subject to the PGA, its regulations, these Bylaws and Board Policy, the Chief Executive Officer has responsibility and authority in relation to all administrative and operational matters of the AIBC.
- 2.86 The Chief Executive Officer or a person designated by the CEO is entitled to attend all Board meetings unless specifically excluded by Board motion.
- 2.87 The Chief Executive Officer may establish operational advisory groups and related bodies to support the administration and regulation of the architectural profession.
- 2.88 The Chief Executive Officer must Publish terms of reference for any operational advisory group established.

### **Registrar and Deputy Registrars**

- 2.89 The Board must appoint a Registrar, which person must also be the Chief Executive Officer of the AIBC.



- 2.90 The term of office of the Registrar appointed under the Former Act ceases as of the Transition Date.
- 2.91 The Registrar may exercise the powers and carry out the duties assigned to the position in the PGA, any relevant regulations and these Bylaws.
- 2.92 The Registrar is authorized to establish Forms for the purpose of these Bylaws, and require the use of the Forms by Registrants or Applicants.
- 2.93 The Registrar must perform such other duties as the Board may direct.
- 2.94 The Board may appoint one or more Deputy Registrars.
- 2.95 The Registrar may designate a Deputy Registrar or another officer, employee or agent of the AIBC to exercise any power or perform any duty of the Registrar assigned by the Registrar.
- 2.96 A Deputy Registrar or other person referred to in Bylaw 2.94 has the same authority as the Registrar when acting as the Registrar's designate.

### **Oath of Office**

- 2.97 Each person elected or appointed as a Board Member must take and sign, by oath or solemn affirmation, the oath of office in the *General Regulation*, prior to taking office.
- 2.98 Each person appointed to an AIBC Committee must take and sign, by oath or solemn affirmation, the oath of office in the *General Regulation*, prior to serving as a Committee member.

### **Board Advisory Groups**

- 2.99 The Board may establish Board Advisory Groups to assist the AIBC on any matter related to professional regulation or governance.
- 2.100 The Board must establish terms of reference for any Board Advisory Group.
- 2.101 The Registrar must Publish and maintain any terms of reference established for a Board Advisory Group.

### **Financial Management, Financial Statements and Audit**

- 2.102 The AIBC fiscal year ends on December 31 of each calendar year.
- 2.103 The Board must appoint a chartered professional accountant as AIBC Auditor to serve until a successor auditor is appointed.
- 2.104 The Board may remove an Auditor before expiration of any term of appointment but in such case must, as soon as reasonably possible:

- 2.104.1 appoint another Auditor for the remainder of the predecessor's appointment, or some other period as agreed; and
- 2.104.2 provide written notice to the predecessor Auditor of the removal.
- 2.105 The Registrar must ensure that financial statements are drawn up annually and audited by the Auditor.
- 2.106 A report duly signed by the Auditor must be presented to the Board.
- 2.107 The Auditor's report, with the AIBC annual financial statements, must be made available to all Registrants at least 15 days prior to each AIBC General Meeting.

### **AIBC Seal**

- 2.108 The AIBC must have a seal that contains the words: "The Architectural Institute of British Columbia. Founded 1914, Incorporated 1920".
- 2.109 The AIBC may have an electronic version of the seal.
- 2.110 The AIBC seal must remain in the care and custody of the Registrar.
- 2.111 The AIBC seal must be affixed by the Registrar only to documents required by law or as otherwise authorized by the Board.

### **General Meetings**

- 2.112 An Annual General Meeting must be scheduled by the Board in each calendar year, and not more than 15 months after the preceding Annual General Meeting.
- 2.113 A Special General Meeting may be called in accordance with Section 33 of the PGA.
- 2.114 A quorum at any General Meeting consists of 40 Architects in Good Standing.
- 2.115 Unless specifically authorized by Board motion, all General Meetings of the AIBC must be held electronically.
- 2.116 General Meetings held electronically may be held entirely and without physical presence of individuals in a meeting place or with the physical presence of individuals in one or more meeting places and all other participants attending electronically.
- 2.117 The Board must take reasonable steps to ensure that all Architects in Good Standing are able to participate at General Meetings, including:
  - 2.117.1 the ability to hear presentations and review documentation shown at the meeting;
  - 2.117.2 the ability to cast a vote when required; and

- 2.117.3 the ability to speak and/or ask questions in writing, as permitted by the meeting protocols.
- 2.118 The Registrar must, at least 30 days prior to a General Meeting, forward to each Individual Registrant of the AIBC:
- 2.118.1 a notice of the meeting, which notice must include the date, time and location of the meeting;
- 2.118.2 a meeting agenda; and
- 2.118.3 subject to Bylaw 2.130, any Advisory Resolutions.
- 2.119 The notice of a General Meeting must be sent electronically to the e-mail address provided most recently by the Individual Registrants to the AIBC and must be Published.
- 2.120 The failure to deliver notice of a General Meeting to, or the non-receipt of such notice by, any person entitled to receive notice does not invalidate proceedings at that General Meeting.
- 2.121 The Board Chair or, in the Board Chair's absence, the Board Vice Chair must preside at all General Meetings.
- 2.122 In the absence of the Board Chair and the Board Vice Chair, a chair must be elected from the Registrant Board Members in attendance by majority vote of the Architects in Good Standing in attendance.
- 2.123 Each Architect in Good Standing present at a General Meeting of the AIBC has one vote on each resolution put to a vote. No Registrant may be counted as present by proxy, or vote by proxy, at a General Meeting.
- 2.124 To facilitate orderly and effective General Meetings protocols or rules of order must be approved by those eligible to vote at the meeting, following the meeting call to order.
- 2.125 The following items must be presented at an Annual General Meeting, and Published within 14 days after the meeting:
- 2.125.1 the annual report of the AIBC;
- 2.125.2 the audited financial statements;
- 2.125.3 any approved Advisory Resolutions; and
- 2.125.4 the minutes of the previous Annual General Meeting.
- 2.126 The following items must be presented at a Special General Meeting, and Published within 14 days after the Special General Meeting:
- 2.126.1 an agenda; and
- 2.126.2 a description or documentation related to the call or request for the Special General Meeting.

## **Advisory Resolutions**

- 2.127 Advisory Resolutions may be submitted by Architects in Good Standing for consideration at a General Meeting.
- 2.128 Advisory Resolutions are advisory to the Board and the Board is not obligated to implement approved resolutions. As set out in Section 34 of the PGA, Advisory Resolutions must not be implemented if they are inconsistent with the PGA and its regulations or if they purport to make, amend, or repeal an AIBC Bylaw.
- 2.129 The Registrar must establish and Publish information about the required format for Advisory Resolutions, including the deadline for receipt of such resolutions which must be at least 45 days in advance of the General Meeting or a shorter period as the Registrar may determine.
- 2.130 Advisory Resolutions must be submitted to the Registrar by the Published deadline and in the required format to be considered for inclusion at a General Meeting.
- 2.131 The Board may establish Board Rules in relation to the process for receiving and reviewing Advisory Resolutions. Compliance with such Rules is mandatory in order for an Advisory Resolution to be considered at a General Meeting.
- 2.132 Advisory Resolutions must be approved by a two-thirds affirmative majority of the votes received from Architects in Good Standing at a General Meeting.

## 3.0 Committees

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### **Nomination Committee**

- 3.1 The Nomination Committee is established to exercise the powers and carry out the duties assigned to it in the PGA and the *General Regulation* in relation to the process for selection of nominees to be Registrant Board Members.
- 3.2 In addition to the Nomination Committee's statutory powers and duties, it must perform any other duties assigned to it by the Board.
- 3.3 The Nomination Committee consists of at least four members consisting of:
  - 3.3.1 the Immediate Past Board Chair or a Lay Board Member appointed by the Board, if the Immediate Past Board Chair is unavailable;
  - 3.3.2 the Registrar as a non-voting participant, not counting towards four member minimum;
  - 3.3.3 two Registrant Committee members who may be former Board Members;
  - 3.3.4 at least one Lay Committee Member; and
  - 3.3.5 at the Board's discretion, one Retired Architect.

### **Credentials Committee**

- 3.4 The Credentials Committee is established to exercise the powers and carry out the duties assigned to it in the PGA and authorized by the Board in these Bylaws.
- 3.5 The Credentials Committee consists of at least five members, as follows:
  - 3.5.1 at least four Architects;
  - 3.5.2 at least one Lay Committee Member; and
  - 3.5.3 at the Board's discretion, one Retired Architect.

### **Investigation Committee**

- 3.6 The Investigation Committee is established to exercise the powers and carry out the duties assigned to it in the PGA and authorized by the Board in these Bylaws.
- 3.7 The Investigation Committee consists of at least six members, as follows:
  - 3.7.1 at least five Architects;
  - 3.7.2 at least one Lay Committee Member; and
  - 3.7.3 at the Board's discretion, no more than two Retired Architects.

## **Discipline Committee**

- 3.8 The Discipline Committee is established to exercise the powers and carry out the duties assigned to it in the PGA and authorized by the Board in these Bylaws.
- 3.9 The Discipline Committee consists of at least eight members, as follows:
  - 3.9.1 at least seven Architects;
  - 3.9.2 at least one Lay Committee Members; and
  - 3.9.3 at the Board's discretion, no more than two Retired Architects.

## **Committee Appointments and Process**

- 3.10 The Board must appoint each member of the Committees established in these Bylaws.
- 3.11 The Board must appoint a chair for each Committee and may appoint one or more vice-chairs.
- 3.12 In appointing a chair of any Committee, the Board must give due consideration to the merit-based selection principles in Section 5 of the *General Regulation*.
- 3.13 The Board must establish and Publish terms of reference for each Committee established in these Bylaws. The terms of reference must include:
  - 3.13.1 the names and professional titles or designations, if any, of each Committee member;
  - 3.13.2 the appointment term for each Committee member;
  - 3.13.3 the qualifications expected of Committee members; and
  - 3.13.4 the functions, duties and powers of each Committee.
- 3.14 The Board may remove a Committee member, chair or vice chair, or substitute any member or Committee position, in the Board's entire discretion.

## **Committee Panels**

- 3.15 All Committees established in these Bylaws are authorized to meet and make decisions in Panels of at least three Committee members appointed by the Committee chair. Each Panel must consist of at least two Registrant Committee members and one Lay Committee Member.
- 3.16 The quorum for any meeting of a Panel is three members of the Panel, including at least one Lay Committee Member present.
- 3.17 The chair of the Committee establishing a Panel must appoint a chair for each Panel. The chair may be a Registrant or Lay Committee Member.

## **Quorum and Meetings**

- 3.18 Unless otherwise established in these Bylaws, the quorum for Committee meetings is a majority of the Committee, including at least one Lay Committee Member present.
- 3.19 Committees and Panels may meet in person, by electronic means or hold hybrid meetings, as long as each Committee member attending the meeting is able to participate and vote.
- 3.20 Committee meetings, including Panel meetings, may be called by the chair, vice-chair, or Registrar.
- 3.21 The Registrar or delegate must provide notice of any Committee or Panel meetings to each member to the e-mail address provided most recently by the member to the AIBC.

## 4.0 Registration and Licensing

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### Individual and Firm Registrant Applications

- 4.1 The Board authorizes the Credentials Committee to undertake one or more of the following:
- 4.1.1 receive and review applications from Individual and Firm Registrants for enrolment, admissions or reinstatement;
  - 4.1.2 grant such applications;
  - 4.1.3 grant such applications subject to conditions or limitations on registration to the extent permitted under the Conditional Registration Administrative Guidelines in Schedule G to these Bylaws;
  - 4.1.4 reject such applications, with written reasons; and
  - 4.1.5 exercise the powers of the Board, except in relation to any bylaw-making power, under PGA sections 45(2)[*varying conditions and limitations*], 47(3) [*Labour Mobility Act/trade agreement admissions*], and 66(2)(a)(i) and (ii) [*rejecting applicants convicted of an indictable offence*].
- 4.2 The Board authorizes the Registrar to review and make decisions as to reinstatement of CES Participants suspended for CES non-compliance in accordance with the reinstatement requirements in these Bylaws.

### Suspension or Cancellation for Indictable Offence

- 4.3 The Board authorizes the Registrar to exercise the Board's powers in relation to PGA Section 66(2)(a)(i) to:
- 4.3.1 summarily suspend or cancel the registration of any Registrant convicted of an indictable offence; or
  - 4.3.2 impose conditions or limitations on the continued registration of any Registrant convicted of an indictable offence.

### Review on the Record

- 4.4 An Applicant may make a written request for a Review on the Record of a decision made in relation to that person by the Credentials Committee pursuant to Bylaws 4.1.2-4.1.5 within 30 days of the Receipt Date of such decision.
- 4.5 A request for a Review on the Record must be delivered to the Registrar in the form determined by the Board and must include the grounds for reviewing the decision and any supporting documentation.



- 4.6 Within 14 days of receiving a request for Review on the Record, the Registrar must appoint a Review on the Record Panel consisting of the Registrar, a Deputy Registrar, and one lay member, who must be a non-Registrant public representative.
- 4.7 The Review on the Record Panel may invite written submissions from the Applicant and Credentials Committee on terms that it directs. No oral review or hearing is permitted.
- 4.8 The Review on the Record Panel conducting the review may seek legal or other advice in relation to the review.
- 4.9 The Review on the Record Panel must either confirm the original decision or substitute its decision, which decision may include imposing conditions or limitations on the Applicant's registration.
- 4.10 Within 30 days of completing the review, the Review on the Record Panel must provide summary reasons to the Applicant and Credentials Committee. There is no internal appeal from any party to a decision of a Review on the Record Panel.
- 4.11 The Board may establish Board Rules, consistent with the PGA and these Bylaws, for the conduct of Reviews on the Record.

### **Registrant Categories**

- 4.12 The following categories and subcategories of Individual Registrants are created:
  - 4.12.1 Architect
  - 4.12.2 Temporary Licensee (Architect)
  - 4.12.3 Retired Architect
  - 4.12.4 Trainee
    - 4.12.4.1 Intern Architect
  - 4.12.5 Architectural Technologist
  - 4.12.6 Honorary Registrant (Legacy).
- 4.13 The following categories and subcategories of Firm Registrants are created:
  - 4.13.1 Architectural Firm
    - 4.13.1.1 Sole Proprietorship
    - 4.13.1.2 Partnership
      - 4.13.1.2.1 General Partnership
      - 4.13.1.2.2 Limited Partnership
      - 4.13.1.2.3 Limited Liability Partnership
    - 4.13.1.3 Corporation

- 4.13.1.3.1 Architectural Corporation
- 4.13.1.3.2 Architectural-Engineering Corporation
- 4.13.1.4 Inactive Architectural Firm

### **Individual Registrant Admission**

- 4.14 In order to obtain admission or reinstatement as a Registrant in any category, an Applicant must submit a completed application Form, with any Fee required in Schedule B, and comply with all other requirements in these Bylaws.
- 4.15 All application Forms intended for Individual Registrant admission or reinstatement must be Published.
- 4.16 Application Forms may include different requirements specific to the Individual Registrant category, including but not limited to:
  - 4.16.1 evidence of good character;
  - 4.16.2 evidence of legal name and identity;
  - 4.16.3 evidence of completion of academic, experience, and examination requirements;
  - 4.16.4 evidence of maintenance of competency and ethical standards;
  - 4.16.5 evidence of professional conduct history in other jurisdictions;
  - 4.16.6 evidence of registration history in other jurisdictions;
  - 4.16.7 evidence of payment of any Fees, or other amounts owed to the AIBC;
  - 4.16.8 confirmation that the Applicant is in Good Standing; and
  - 4.16.9 completion of any declarations or oaths.

### **Architect Admission: Specific Requirements**

- 4.17 An Applicant for admission to the Architect category must provide evidence, satisfactory to the Credentials Committee, of one of the following qualification pre-requisites:
  - 4.17.1 completion of all requirements of the Internship in Architecture Program as set out in Bylaw 4.20 and Schedule H;
  - 4.17.2 confirmation of registration or licensure as an architect in good standing with another Canadian Architectural Regulator;
  - 4.17.3 confirmation of registration or licensure as an architect in good standing in another country with which the AIBC has a current Mutual Recognition Agreement as specified in Schedule I;
  - 4.17.4 confirmation of completion of the Broadly Experienced Foreign Architect Program specified in Schedule J; or

- 4.17.5 confirmation of completion of the Broadly Experienced Applicant Program specified in Schedule K.

### **Temporary Licensee (Architect) Admission – Specific Requirements**

- 4.18 An Applicant for admission as a Temporary Licensee (Architect) must provide evidence, satisfactory to the Credentials Committee, of the following:
  - 4.18.1 confirmation of current registration as an architect in good standing with another architectural regulator;
  - 4.18.2 information about the specific Project in British Columbia for which a Temporary Licence is sought, and other information required on the application form for this category of Registrant; and
  - 4.18.3 confirmation of the identity of, and agreement by, a Local Collaborating Architect to participate in the Project.

### **Retired Architect Admission – Specific Requirements**

- 4.19 An Applicant for admission as a Retired Architect must provide evidence, satisfactory to the Credentials Committee, of resignation in Good Standing as an Architect.

### **Intern Architect Admission – Specific Requirements**

- 4.20 An Applicant for admission as an Intern Architect must provide evidence, satisfactory to the Credentials Committee, of the following:
  - 4.20.1 certification of academic qualifications by the Canadian Architectural Certification Board; and
  - 4.20.2 confirmation of the identity of a mentor and the mentor's agreement to act.

### **Architectural Technologist Admission – Specific Requirements**

- 4.21 An Applicant for admission as an Architectural Technologist must provide evidence, satisfactory to the Credentials Committee, of one of the following qualification pre-requisites:
  - 4.21.1 completion of an approved architectural technology program or certificate as specified in Schedule L, including any prescribed work experience requirements under the Direct Supervision of an Architect; or
  - 4.21.2 completion of seven years of relevant work experience under the Direct Supervision of an Architect.
- 4.22 An Applicant for admission as an Architectural Technologist must provide evidence, satisfactory to the Credentials Committee, of the following:

- 4.22.1 completion of the course requirements on law and ethics approved by the Board; and
- 4.22.2 successful completion in the architectural technologist examination approved by the Board.

### **Honorary Registrant (Legacy)**

- 4.23 The category Honorary Registrant (Legacy) is established solely for admission of honorary members of the AIBC who were so registered prior to the Transition Date.
- 4.24 No admissions to the Honorary Registrant (Legacy) category are permitted by the AIBC under the PGA.

### **Reinstatement of Former Registrants – Specific Requirements**

- 4.25 Except for CES Participants seeking reinstatement after suspension for CES non-compliance under these Bylaws, a Former Registrant who is an Individual Registrant may be reinstated as a Registrant within the applicable category or subcategory of Registrants by making application to the Credentials Committee and:
  - 4.25.1 satisfying the requirements in Bylaw 4.16;
  - 4.25.2 successfully completing any additional examinations, courses, professional experience or other upgrading of skills, knowledge or abilities that the Credentials Committee considers necessary; and
  - 4.25.3 for Former Registrants seeking reinstatement as Architects who have not engaged in the Regulated Practice for three or more years, completing a reinstatement interview in accordance with guidelines established by the Credentials Committee.
- 4.26 A Former Registrant that is a Firm Registrant may be reinstated as a Registrant within the applicable category or subcategory of Registrants by making application to the Credentials Committee and:
  - 4.26.1 satisfying the requirements in Bylaw 4.29; and
  - 4.26.2 satisfying all requirements in these Bylaws for registration of the category of Firm sought, as if the Former Registrant was seeking initial registration.

### **Admission of Firm Registrants**

- 4.27 In order to obtain registration as a Firm Registrant, an Applicant must submit a completed application Form, with any Fee required in Schedule B, and comply with all other requirements in these Bylaws.
- 4.28 All application Forms intended for Firm Registrant registration or reinstatement must be Published.

- 4.29 Application Forms may include different requirements specific to the Firm Registrant category, including but not limited to:
- 4.29.1 registered business name and name of owners, if applicable;
  - 4.29.2 incorporation number, if applicable;
  - 4.29.3 certificates of incorporation and other certificates related to incorporation, if applicable;
  - 4.29.4 any forms or information required by BC Registry Services;
  - 4.29.5 a copy of the shareholder register or register of partners, if applicable;
  - 4.29.6 information related to any prior registrations, cancellations, suspensions, or professional conduct or disciplinary actions in any jurisdiction related to the Applicant or predecessor Firms or businesses;
  - 4.29.7 addresses of all of the Applicant's offices in British Columbia;
  - 4.29.8 the number of individuals employed by or under contract with the Applicant;
  - 4.29.9 information related to the Certificate of Practice required of Firm Registrants, if applicable; and
  - 4.29.10 any declarations or statements required as to status, standing, or verification of information provided.
- 4.30 Each Firm Registrant must designate at least one Architect employed by or contracted to that Firm to act as a Firm Representative.
- 4.31 Each Firm Registrant must notify the AIBC, in the Form provided, of the name and contact information of the Firm Representative and ensure that such information, including any change in Firm Representative or contact information, is current.
- 4.32 The Firm Representative must respond promptly and completely, or delegate such response, to any communication from the AIBC directed to the Firm Representative or the Firm Registrant. The AIBC will normally direct communication to the Firm Registrant to the attention of the Firm Representative.
- 4.33 The Firm Representative must provide accurate, timely, and truthful information to the AIBC in relation to the Firm Registrant.
- 4.34 The Firm Representative is not responsible for a Discipline Violation by a Firm Registrant merely by virtue of Firm Representative status.

### **Certificate of Practice**

- 4.35 All Temporary Licensees (Architect) and Firm Registrants, except Inactive Architectural Firms, must be issued a Certificate of Practice by the Credentials Committee with an expiry date of February 1, of each calendar year.

- 4.36 No Registrant may engage in the Reserved Practice except through a Certificate of Practice, which may only be issued to a Firm Registrant or Temporary Licensee (Architect).
- 4.37 A Certificate of Practice expires without notice in any of the following circumstances:
- 4.37.1 on February 1 of each calendar year, unless it has been renewed;
  - 4.37.2 on the cancellation or suspension for any reason of the registration of the Firm Registrant holding the Certificate of Practice; or
  - 4.37.3 on the expiration, termination, cancellation, or voiding of the Professional Liability Insurance required under these Bylaws.
- 4.38 Each Certificate of Practice must be assigned a Certificate of Practice number by the AIBC.
- 4.39 The Board may establish Board Rules and Professional Standards consistent with these Bylaws in relation to use of the Certificate of Practice and Certificate of Practice number.

### **Mandatory Professional Liability Insurance**

- 4.40 All Certificate of Practice holders must maintain Professional Liability Insurance in compliance with the requirements established in the Bylaws and Board Rules for Professional Liability Insurance (PLI) approved by the Board.
- [See Schedule M: Board Rules for Professional Liability Insurance (PLI.)]*
- 4.41 The PLI coverage must provide valid insurance coverage for all architectural services that could be provided by an Architect on all Projects undertaken in British Columbia over the term of the Certificate of Practice.
- 4.42 PLI coverage must not be limited to a certain building or commission type, a certain professional service, or an exclusive Client or Clients.
- 4.43 A Certificate of Practice holder must immediately notify the Registrar in writing if the PLI coverage required in these Bylaws is cancelled, terminates, lapses, or falls below any of the required coverage terms and conditions.

### **Firm Update**

- 4.44 Every Firm Registrant must submit a completed Firm Update by September 30 of each year in the Form required.
- 4.45 Every Firm Registrant must notify the AIBC of any ownership, name, or other changes identified in the Firm Update Form within five calendar days of such change.
- 4.46 Firm Registrants that fail to submit a completed and timely Firm Update will be fined in accordance with Schedule B, and may receive a Complaint from the AIBC.

## **Sole Proprietorships**

- 4.47 A Sole Proprietorship must be owned and operated by an individual Architect and may not be a corporation.

## **Partnerships**

- 4.48 Every partner in a General Partnership who is an individual must be an Architect. Every partner in a General Partnership that is not an individual must be a Firm Registrant.
- 4.49 A Limited Partnership must include at least one general partner who must be either an Architect or Architectural Firm. A Limited Partnership may include limited partners who are not Registrants consistent with any Board Rules and Professional Standards.
- 4.50 At least one partner in a Limited Liability Partnership must be an Architect or an Architectural Corporation. The partnership may include corporations that are Firm Registrants.
- 4.51 All Firm Registrants that are partnerships must comply with the *Partnership Act*, RSBC 1996 c. 348., including the requirement for Limited Liability Partnerships to notify Clients in writing of such registration and any changes in the liability of the partners that may arise.

## **Corporations - General**

- 4.52 A corporation that is a Firm Registrant must be a company or extra-provincial company under the *BC Business Corporations Act*, SBC 2002, c.57 and in good standing with that legislation.

## **Architectural Corporation**

- 4.53 The majority of each class of voting shares of an Architectural Corporation must be owned legally and beneficially by Architects.
- 4.54 Shareholders of an Architectural Corporation must not enter into a voting trust agreement, proxy, or any other type of agreement that vests in another person who is not an Architect the authority to exercise the voting rights attached to any or all of the shares.
- 4.55 The majority of directors of an Architectural Corporation must be Architects.

## **Architectural-Engineering Corporations**

- 4.56 The majority of each class of voting shares of an Architectural-Engineering Corporation must be legally and beneficially owned by a combination of at least one Architect and at least one Professional Engineer.
- 4.57 Architects and Professional Engineers must constitute the majority of the directors of the corporation.

4.58 An Architectural-Engineering Corporation may be jointly registered with the EGBC.

### **Inactive Architectural Firms**

4.59 An Inactive Architectural Firm is not entitled to a Certificate of Practice.

4.60 An Inactive Architectural Firm must not practice the profession of architecture or be held out as an Architectural Firm or able to practice the profession of architecture unless it makes application for and is registered as an Architectural Firm.

4.61 An Inactive Architectural Firm may be a Sole Proprietorship, partnership, or corporation, but must at all times comply with ownership requirements applicable to that subcategory.

4.62 An Inactive Architectural Firm may own shares of a corporation and act as a partner in a Limited Partnership.

4.63 The Board may establish Board Rules, including time limits, for Inactive Architectural Firms that are in the process of dissolution or otherwise being maintained as an Inactive Architectural Firm for legal reasons.

### **Renewal of Registration**

4.64 The Registrar must inform each Registrant, except Honorary Registrants (Legacy), of the requirements for annual renewal no later than January 1 of each calendar year.

4.65 The annual renewal notice or renewal information electronically retrievable by Registrants must specify:

4.65.1 the applicable annual registration Fee for the Registrant;

4.65.2 any outstanding Fees, penalties or other debts due and owing by the Registrant to the AIBC;

4.65.3 any Forms, including declarations, undertakings and agreements required for renewal determined by the Registrar;

4.65.4 all Fees and other obligations above must be paid or delivered to the AIBC by February 1 of each calendar year; and

4.65.5 any Registrant failing to pay the full amount of the annual registration Fee required in these Bylaws by February 1 of each calendar year must pay the annual Fee and late payment Fee required in Schedule B by March 1 of each calendar year.

4.66 The Registrar must cancel the registration of any Registrant who fails to pay the annual Fees, late payment Fee or any other Fees due and owing after March 1 of each calendar year.



- 4.67 The Board must establish Fee Waiver Administrative Guidelines in relation to annual Fee waiver applications for any Registrant category or subcategory.  
*[See Schedule N: Fee Waiver Administrative Guidelines.]*
- 4.68 The Registrar or delegate has sole discretion to review and make decisions related to any Fee waiver applications. There is no internal appeal of annual Fee waiver decisions.

### **Firm Names and Public Disclosure**

- 4.69 A corporation that is a Firm Registrant must have and use as part of and at the end of its name, the corporate designation “Limited”, “Limitee”, “Incorporated”, “Incorporee” or “Corporation”, and may use in the Firm name the abbreviations of these words “Ltd.”, “Ltee.”, “Inc.” or “Corp.” respectively.
- 4.70 A Limited Liability Partnership that is a Firm Registrant must use “Limited Liability Partnership” or “LLP” at the end of the name.
- 4.71 Notwithstanding any corporate name register permissions, no partnership or Sole Proprietorship that is a Firm Registrant may use “Company” or “Co.” as part of its firm name.
- 4.72 The Board must establish Board Rules for Firm Names, to address additional Firm name requirements.  
*[See Schedule O: Board Rules for Architectural Firm Names.]*
- 4.73 The name of each Firm Registrant must be approved by the Credentials Committee, which must consider these Bylaws and the Board Rules for Architectural Firm Names in making its decisions. There is no internal appeal from a Firm name decision.
- 4.74 Firm Registrants providing architectural services that are corporations or partnerships must ensure that all advertising and related communication indicates the Firm status as a corporation or partnership.
- 4.75 All Registrant Firms must comply with the Board Rules for Firm Names.
- 4.76 The Credentials Committee may delegate Firm name decisions to the Registrar, a Deputy Registrar or other delegate.

### **Transition and General**

- 4.77 All applications for admission or reinstatement as a Registrant of any class that are submitted prior to the Transition Date must be processed in accordance with the Forms Published and other requirements in effect prior to the Transition Date. All applications received on or after the Transition Date must be processed in accordance with the Forms Published and other requirements in effect as of the Transition Date.

- 4.78 Any partnerships of Professional Engineers and Architects and holders of a certificate of joint practice registered with the AIBC prior to the Transition Date may continue as Firm Registrants for a period of three years after such date. Such Firms must transition to an Architectural-Engineering Corporation or other authorized Firm Registrant before the lapse of such period or voluntarily cease registration.
- 4.79 Any Firm Registrant that fails to transition or voluntarily cease registration as required under Bylaw 4.78 must be removed from the Register.
- 4.80 The Board may establish Administrative Guidelines related to transition periods and deadlines for compliance by Firm Registrants with the requirements in these Bylaws, other than for payments of annual Fees.
- 4.81 Firm Registrants that are Architectural-Engineering Corporations or partnerships of Professional Engineers and Architects referred to in Bylaw 4.78 must comply with all Firm Registrant obligations established in these Bylaws including Professional Standards.

### **Voluntary Cancellation of Registration**

- 4.82 An Individual Registrant in Good Standing may voluntarily cease registration with the AIBC by:
- 4.82.1 completing and submitting the prescribed Form, including any declarations, undertakings, and agreements required;
  - 4.82.2 in the case of an Architect, returning the Architect's Seal to the AIBC; and
  - 4.82.3 receiving written confirmation from the AIBC of cancellation of registration, including the effective date.
- 4.83 A Firm Registrant in Good Standing may voluntarily cease registration with the AIBC by:
- 4.83.1 completing and submitting the prescribed Form, signed by the Firm Representative, including any declarations, undertakings, and agreements required; and
  - 4.83.2 receiving written confirmation from the AIBC of cancellation of registration, including the effective date.
- 4.84 A Registrant's voluntary cessation takes effect on the date the Registrant receives written notification from the AIBC of cancellation of registration.
- 4.85 Only Registrants in Good Standing are permitted to voluntarily resign as allowed under these Bylaws.
- 4.86 Cancellation of registration does not limit the AIBC's jurisdiction under Part 6 of the PGA. [*Part 6 - Protection of the Public Interest with Respect to Professional Governance and Conduct*].

## **Certificate of Registration and Good Standing**

- 4.87 The Registrar must issue a certificate of registration to a Registrant.
- 4.88 The Registrar must issue confirmation of a Registrant's Good Standing to any Registrant in Good Standing upon request and payment of the prescribed Fee found in Schedule B.

## **Practice Rights**

- 4.89 Except as otherwise provided in these Bylaws or by statute, only Architects are entitled to engage in the Reserved Practice.
- 4.90 Intern Architects, Architectural Technologists, and Retired Architects must not engage in any service within the Reserved Practice except under the Direct Supervision of an Architect, and insofar as that service within the Reserved Practice is of the type that may be provided under supervision pursuant to s.54(2) of the PGA.
- 4.91 At all times, the Reserved Practice must be conducted through a Certificate of Practice issued to a Firm Registrant or Temporary Licensee (Architect), whether practised directly by an Architect or under the Direct Supervision of an Architect.

## **Use of Titles**

- 4.92 Only Architects may be held out or hold themselves out to be an Architect and use the titles Architect and Architect AIBC.
- 4.93 Individual Registrants are entitled to be held out under the reserved title prescribed to them in the *Architects Regulation*, and to use that title in accordance with these Bylaws.
- 4.94 Individual Registrants must not be held out as or use a reserved title to which they are not entitled, nor any variations or abbreviations of reserved titles that imply entitlement to such title.
- 4.95 The following titles may be used by non-Architect Registrants registered in the respective categories:
- 4.95.1 Retired Architect and Retired Architect AIBC;
  - 4.95.2 Intern Architect and Intern Architect AIBC;
  - 4.95.3 Temporary Licensee (Architect);
  - 4.95.4 Architectural Technologist and Architectural Technologist AIBC; and
  - 4.95.5 Honorary Registrant AIBC (Legacy).

## **Issuance and Use of Architect's Seal**

- 4.96 An Architect may apply to the Registrar for issuance of an Architect's Seal by completing the application Form and paying the prescribed Fee.

- 4.97 Every Architect's Seal must include the Architect's name as registered with the AIBC and the title Architect AIBC. Upon application and approval by the Registrar, an Architect's Seal may include, in brackets, the name an Architect commonly uses in professional practice.
- 4.98 The Registrar must issue the Architect's Seal. The AIBC retains ownership of all Architect's Seals, which must be returned to the AIBC if a physical Seal, or revoked by the AIBC if a digital Seal, upon cessation of practice for any reason.
- 4.99 Architects must apply their Architect's Seal in accordance with these Bylaws and any Professional Standards.

## 5.0 Professional Practice and Services

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### Code of Ethics and Professional Conduct

- 5.1 The Board must establish a Code of Ethics and Professional Conduct for Registrants that must include the ethical principles prescribed in Section 57 of the PGA.
- 5.2 Registrants must adhere to the Code of Ethics and Professional Conduct set out in Schedule A to these Bylaws.

### Practice Advice Program

- 5.3 The Registrar must administer a Practice Advice Program to provide practice guidance to Registrants and the public, including addressing professional or ethical issues.
- 5.4 The Registrar may appoint one or more Practice Advisors for the purpose of the Practice Advice Program, including responding to practice inquiries.
- 5.5 The Practice Advice Program includes documentation produced and Published by the AIBC in relation to professional practice and ethical issues, in whatever format.
- 5.6 Information, guidance or advice provided by a Practice Advisor or in AIBC documentation:
  - 5.6.1 does not constitute a statutory decision or ruling by the AIBC;
  - 5.6.2 does not bind the Board, a Committee or any officer, employee or agent of the AIBC in the exercise of powers or performance of duties under the PGA;
  - 5.6.3 does not constitute legal, accounting, architectural, or insurance professional advice; and
  - 5.6.4 does not relieve Registrants of responsibility to conduct their own due diligence and exercise professional judgment.

### Continuing Education System (“CES”) for CES Participants

- 5.7 The Registrar must administer a mandatory Continuing Education System for CES Participants.
- 5.8 The Board must establish Board Rules, consistent with the PGA and these Bylaws, in relation to compliance with and the administration of the CES.
- 5.9 The Board may establish Practice Guidelines to support the understanding of and compliance with the CES.
- 5.10 CES Participants must undertake and satisfy continuing education requirements, including the earning and reporting of Learning Units, as established in these Bylaws and the Board Rules for the AIBC Continuing Education System.

*[See Schedule P: Board Rules for the AIBC Continuing Education System]*

- 5.11 Except as permitted in the Board Rules for new Registrants and reinstatements, CES Participants must earn and report a minimum of 36 Learning Units per CES Reporting Period, of which 16 must be Core Learning Units.
- 5.12 The Registrar or delegate has sole discretion to determine whether an activity is eligible for credit as a Learning Unit and whether Learning Units are Core or Non-Core Learning Units.
- 5.13 The Board Rules for the AIBC Continuing Education System must include, but are not limited to:
- 5.13.1 minimum requirements related to Indigenous reconciliation;
  - 5.13.2 provisions for the reporting of continuing education by CES Participants registered in other Canadian jurisdictions;
  - 5.13.3 provisions for any extensions, variations, or exemptions related to the CES requirements;
  - 5.13.4 provisions related to a documentation audit by the AIBC of CES Participants;
  - 5.13.5 provisions describing the types of learning activities that may qualify for Core or Non-Core LUs; and
  - 5.13.6 provisions related to how CES Participants earn and report LUs.

### **Non-Compliance with CES**

- 5.14 The Registrar or delegate must provide written notice of non-compliance to each CES Participant who fails to satisfy CES requirements as stated in Bylaw 5.11 by the end of each CES Reporting Period.
- 5.15 The notice of CES non-compliance must inform the CES Participant of the non-compliance particulars and require the Registrant to:
- 5.15.1 pay the fine specified in Schedule B: Fees on or before the Final CES Deadline; and
  - 5.15.2 complete all outstanding CES Learning Unit requirements on or before by the Final CES Deadline.
- 5.16 A CES Participant who fails to:
- 5.16.1 pay the fine specified in Bylaw 5.15 by the due date; or
  - 5.16.2 complete outstanding CES requirements by the Final CES Deadline or such further time as may be permitted by the Registrar or delegate, including any non-compliance occurring after a CES audit,
- is no longer in Good Standing and is subject to suspension in accordance with these Bylaws.
- 5.17 The Registrar or delegate must provide written notice of suspension to CES Participants who have failed to meet all CES requirements by the Final CES Deadline. This notice must include:
- 5.17.1 the date on which a suspension for non-compliance takes effect;

- 5.17.2 the reasons for the suspension; and
- 5.17.3 the requirements for the reinstatement of the suspended Registrant.
- 5.18 A CES Participant is suspended from the register as of the date specified in the notice provided in Bylaw 5.17.
- 5.19 A CES Participant who remains suspended for CES non-compliance for more than 90 days must have their registration cancelled.
- 5.20 An Architect who has their registration cancelled must return their physical Seal to the AIBC and have any digital seal revoked.
- 5.21 A CES Participant suspended for CES non-compliance must be reinstated by the Registrar upon:
  - 5.21.1 completion of all CES requirements;
  - 5.21.2 payment of any outstanding CES fines specified in Schedule B: Fees; and
  - 5.21.3 submission of the applicable reinstatement Form.
- 5.22 Upon reinstatement of a CES Participant after CES non-compliance suspension, the AIBC must:
  - 5.22.1 update the Register to reflect the change; and, if applicable
  - 5.22.2 return to an Architect any physical Seal and access to digital Seal that may have been revoked.
- 5.23 A CES Participant who has their registration cancelled for CES non-compliance may apply for reinstatement by making an application to the Credentials Committee pursuant to Bylaw 4.25.
- 5.24 There is no appeal from a decision of the Registrar or delegate in relation to eligibility of learning activities for Learning Units, any variation, exemption, extension of CES Requirements, or any suspension of a CES Participant under these Bylaws.

### **Continuing Education for Firm Registrants**

- 5.25 The Board must establish Board Rules, consistent with the PGA and these Bylaws, in relation to Firm Continuing Education requirements.
- 5.26 The Firm Continuing Education requirements may be different for Firms of different sizes and registration categories, but for all Firms must include at least requirements for:
  - 5.26.1 completion by all Firm Registrants of an AIBC-specified course no later than July 1, 2026;
  - 5.26.2 completion by all new Firm Registrants registered after July 1, 2024, of an AIBC-specified course within 90 days of issuance of their Certificate of Practice;
  - 5.26.3 preparation of a Professional Practice Management Plan as described and by the date in 2025 specified in Board Rules: Firm Continuing Education Requirements; and

5.26.4 development and delivery of a continuing education program by the Firm Registrant by the date specified in the Board Rules.



## 6.0 Complaints and Investigations

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### Form of Complaint

- 6.1 All Complaints provided to the AIBC must be confirmed in writing.
- 6.2 In accordance with Section 65 of the PGA, a Complaint must allege conduct or practice that, if admitted or proven, would constitute one or more of the following:
  - 6.2.1 Incompetent performance of duties or services undertaken by a Registrant while engaged in the Regulated Practice of architecture;
  - 6.2.2 Professional Misconduct;
  - 6.2.3 Conduct Unbecoming a Registrant; or
  - 6.2.4 a breach of the PGA, its regulations or these Bylaws.

### Intake Process

- 6.3 The Registrar may request further information from the Complainant, Respondent or another source.
- 6.4 The Registrar must provide a copy of the Complaint, or a summary describing the concerns or allegations, to the Respondent.
- 6.5 The Respondent must provide a written response to the AIBC within 14 days of receipt of the Complaint, or summary, or within such extended period as the Registrar may allow.
- 6.6 The Registrar may choose not to disclose the identity of the Complainant to the Respondent if such disclosure would expose the Complainant to an undue risk of harm or prejudice, including but not limited to a risk of reprisal as described in Section 103 of the PGA.
- 6.7 Information provided during the Intake Process by the Complainant and Respondent may be disclosed to the other party, unless there are privacy or safety considerations that warrant otherwise.
- 6.8 Following the Intake Process, the Registrar must provide an Intake Report to the Investigation Committee.
- 6.9 The Registrar must inform the Investigation Committee, in an Intake Report, if in the Registrar's view, the Complaint:
  - 6.9.1 is trivial, frivolous, vexatious, an abuse of process, or made in bad faith;
  - 6.9.2 does not allege facts that, if proved, would amount to a Discipline Violation; or
  - 6.9.3 does not include sufficient information or particulars to allow an investigation to proceed.

## **Extraordinary Action to Protect the Public**

- 6.10 The Investigation Committee or the Discipline Committee may take action under Section 67 of the PGA, when considered necessary to protect the public interest.
- 6.11 Procedures and processes for initiating and issuing Section 67 orders must be conducted in accordance with Board Rules for Extraordinary Action to Protect the Public.  
*[See Schedule Q: Board Rules for Extraordinary Action to Protect the Public.]*

## **Investigation Committee Action**

- 6.12 Within 45 days of receiving the Intake Report from the Registrar pursuant to Bylaw 6.8, the Investigation Committee must:
  - 6.12.1 initiate an investigation;
  - 6.12.2 decline to investigate the Complaint;
  - 6.12.3 forgo an investigation and direct a Citation be issued pursuant to Section 66(1)(d) of the PGA; or
  - 6.12.4 take any action in Bylaw 6.14.1 and 6.14.2.
- 6.13 If within 45 days of receiving the Intake Report the Investigation Committee does not take action as required in Bylaw 6.12, the Complainant and Respondent must be notified in writing of the delay and provided with an estimated time for such action.
- 6.14 Upon receiving a Final Investigation Report, Supplementary Report, if requested, and any submissions from the Respondent, the Investigation Committee must do one or more of the following:
  - 6.14.1 initiate an extraordinary action to protect the public in accordance with Section 67 of the PGA;
  - 6.14.2 proceed by way of Sections 72, 73, 74, or 66(1)(d) of the PGA; or
  - 6.14.3 close the Complaint file if it determines any of the following apply:
    - 6.14.3.1 the Complaint is frivolous, vexatious, or made in bad faith;
    - 6.14.3.2 the charges, if proved, would not amount to a Discipline Violation;
    - 6.14.3.3 the charges relate to a private dispute between the Registrant and a third party and there is no public interest in authorizing an investigation; or
    - 6.14.3.4 the charges would be better addressed through a letter of recommendation to the Respondent on how to improve their practice or conduct.
- 6.15 Following review and consideration of the Final Investigation Report and any submissions from the Respondent, the Investigation Committee may direct the Lead Investigator to conduct further investigation and to prepare a Supplementary Report.

- 6.16 The Investigation Committee must inform the Complainant and Respondent of the disposition of the investigation in writing.

### **Assignment of Investigator(s)**

- 6.17 The chair or vice chair of the Investigation Committee has the authority to assign a Lead Investigator to conduct the investigation of a Complaint.
- 6.18 The chair or vice chair of the Investigation Committee has the authority to assign one or more additional Investigator to assist the Lead Investigator with the investigation.

### **Notice of Investigation**

- 6.19 Within 30 days of an investigation being authorized, the Registrar must provide written notice to the Respondent and the Complainant with the identity of the Lead Investigator and any additional Investigator(s).
- 6.20 Any new information that is discovered during the Intake Process or during the investigation of a Complaint that raises new concerns will become part of the original Complaint or may be opened as a new Complaint at the Investigation Committee's discretion.

### **Conduct of an Investigation**

- 6.21 The Investigator assigned to a Complaint has all the powers and duties provided pursuant to Section 69 of the PGA to investigate the matter, including:
- 6.21.1 obtaining from the parties and third parties, relevant evidence including files, records, drawings, or other material;
  - 6.21.2 interviewing the parties or third parties;
  - 6.21.3 obtaining a search and seizure order pursuant to Section 70 of the PGA; or
  - 6.21.4 any other investigative steps deemed necessary.
- 6.22 The Investigator assigned to a Complaint may issue a written notice to the Respondent to:
- 6.22.1 co-operate with the investigation and respond to any written requests;
  - 6.22.2 produce files, records, drawings or other material in the Registrant's possession or control, requested under Bylaw 6.21; or
  - 6.22.3 appear, either in person or by electronic means, before the Investigator to discuss the conduct and competence of the Respondent, which may be recorded by the AIBC by audio and/or video and may be transcribed by a court reporter.

- 6.23 The Respondent must fully cooperate with the investigation, including;
- 6.23.1 responding completely to any written request from an Investigator within the specified time-frame;
  - 6.23.2 attending an interview, in-person or by electronic means, if requested by an Investigator; and
  - 6.23.3 producing requested documents and information, including files, records, drawings, or other material in the Respondent's possession or control.
- 6.24 The Lead Investigator must:
- 6.24.1 provide written updates to the Complainant and Respondent with the progress of the investigation;
  - 6.24.2 provide written interim reports on the progress of the investigation to the Investigation Committee, as requested by the Investigation Committee or deemed necessary by the Lead Investigator;
  - 6.24.3 prepare a Final Investigation Report at the conclusion of the investigation;
  - 6.24.4 provide written notice to the Respondent if a Supplementary Report is requested by the Investigation Committee; and
  - 6.24.5 prepare a Supplementary Report, if requested.
- 6.25 The Final Investigation Report and any Supplementary Report must be provided to the Respondent before it is forwarded to the Investigation Committee.
- 6.26 The Respondent may provide a written response to the Final Investigation Report and any Supplementary Report within 14 days or within such extended period of time as agreed to with the Lead Investigator.
- 6.27 The Final Investigation Report, Supplementary Report, if requested, and any submissions from the Respondent must be provided to the Investigation Committee for review and deliberation.
- 6.28 Any Investigator involved with the investigation of the Complaint must not participate in the Investigation Committee's review and deliberations pursuant to Bylaw 6.27 or in the decision-making process pursuant to Bylaw 6.14.

## 7.0 Discipline

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### Reprimand Or Remedial Action By Consent

- 7.1 Following an investigation, the Investigation Committee or Discipline Committee may propose a consent or undertaking pursuant to Section 72 of the PGA to the Respondent.
- 7.2 The Investigation Committee or Discipline Committee makes a final determination as to whether all terms of the consent or undertaking have been satisfied.
- 7.3 The consent or undertaking reached pursuant to Section 72 of the PGA must be recorded on the register pursuant to Bylaws 8.5 and 8.6 and Published pursuant to Bylaw 8.12.
- 7.4 If a consent or undertaking is reached pursuant to Section 72 of the PGA, the Respondent may be required to reimburse the AIBC for expenses reasonably incurred in accordance with Bylaw 7.42 or Bylaw 7.43.
- 7.5 If a consent or undertaking is not reached pursuant to Section 72 of the PGA, the time spent during this process does not constitute a delay.

### Alternative Complaint Resolution

- 7.6 The Registrar, Investigation Committee or Discipline Committee may propose an alternative complaint resolution pursuant to Section 74 of the PGA if the matter against the Respondent is connected to physical, emotional, social or occupational conditions that would be better resolved through a process intended to reduce the likelihood the Respondent's conduct will escalate or reoccur, or provide better public interest benefits.
- 7.7 The alternative complaint resolution must be confirmed in a written agreement and must describe the actions required by the Respondent, including but not limited to:
- 7.7.1 educational action, such as coursework;
  - 7.7.2 an oral conduct review as may be established by Bylaw or Board Rule;
  - 7.7.3 a practice review as may be established by Bylaw or Board Rule;
  - 7.7.4 seeking assistance, assessment or counselling from a professional, such as a financial professional, registered social worker or health professional; and/or
  - 7.7.5 such other reasonable remedial measures as may be appropriate to the circumstances.
- 7.8 Any new information provided to the Investigation Committee by any party during the alternative complaint resolution that raises new concerns may become a new Complaint.
- 7.9 The Investigation Committee or Discipline Committee makes a final determination as to whether all terms of the alternative complaint resolution agreement have been satisfied.

- 7.10 If a Completed Alternative Complaint Resolution is not achieved, the investigation or discipline process continues pursuant to Section 74 of the PGA.
- 7.11 If an agreement is not reached pursuant to Section 74 of the PGA, the time spent during this process does not constitute a delay.
- 7.12 Anonymous summaries of Completed Alternative Complaint Resolutions must be Published for the purpose of educating Registrants regarding professional conduct and ethics pursuant to Bylaws 8.13 and 8.14.
- 7.13 A Completed Alternative Complaint Resolution does not constitute a Discipline Violation.
- 7.14 If an alternative complaint resolution process is unsuccessful, there is no internal appeal from the decision of the Investigation Committee or Discipline Committee.
- 7.15 If an agreement is reached pursuant to Section 74 of the PGA, the Respondent may be required to reimburse the AIBC for expenses reasonably incurred in accordance with Bylaw 7.42 or Bylaw 7.43.

### **Consent Orders**

- 7.16 The Investigation Committee or Discipline Committee may propose a consent order to the Respondent at any time before the start of a Discipline Hearing pursuant to Section 73 of the PGA.
- 7.17 The Investigation Committee or Discipline Committee makes a final determination as to whether all terms of the consent order have been satisfied.
- 7.18 A consent order accepted by the Registrant must be recorded on the register pursuant to Bylaws 8.5 and 8.6 and Published pursuant to Bylaw 8.15.
- 7.19 If a consent order is made pursuant to Section 73 of the PGA, the Respondent may be required to reimburse the AIBC for expenses reasonably incurred in accordance with Bylaw 7.42 or Bylaw 7.43.
- 7.20 If a consent order is not reached pursuant to Section 73 of the PGA, the time spent during this process does not constitute a delay.

### **Citation**

- 7.21 The Investigation Committee may direct the Registrar to issue or rescind a Citation pursuant to Section 66(1)(d) and (e) of the PGA and pursuant to Section 72(3) of the PGA.
- 7.22 The Registrar may retain and instruct legal counsel to assist with drafting the Citation and prosecution of charges.
- 7.23 The Citation must:
- 7.23.1 name the Respondent who is the subject of the Discipline Hearing;

- 7.23.2 describe the charges that are the subject of the Discipline Hearing;
  - 7.23.3 advise the Respondent that the Discipline Hearing Panel is entitled to proceed with the Discipline Hearing in the Respondent's absence; and
  - 7.23.4 specify the date, time and location of the Discipline Hearing.
- 7.24 The Citation must be delivered to the Respondent and Complainant at least 30 days before the date of the Discipline Hearing.
- 7.25 After the issuance of a Citation, and at least 14 days before the commencement of the Discipline Hearing, the Investigation Committee may direct the Registrar to:
- 7.25.1 amend the Citation;
  - 7.25.2 join one or more matters that will be the subject of the Discipline Hearing;
  - 7.25.3 sever one or more charges that will be the subject of the Discipline Hearing; or
  - 7.25.4 rescind the Citation.
- 7.26 Notwithstanding Bylaw 7.25, if the Investigation Committee directs an amendment to the Citation to add one or more charges, the Citation must be delivered to the Respondent and Complainant at least 30 days before the date the Discipline Hearing.
- 7.27 At any time before the Discipline Hearing is completed, the Discipline Hearing Panel may:
- 7.27.1 amend the Citation;
  - 7.27.2 join one or more matters that will be the subject of the Discipline Hearing;
  - 7.27.3 sever one or more charges that will be the subject of the Discipline Hearing; or
  - 7.27.4 rescind the Citation.
- 7.28 Notwithstanding Bylaw 7.27, the Discipline Hearing Panel is not authorized to amend the Citation to add a charge.
- 7.29 The Registrar must deliver the Citation to the Respondent by personal service and/or substituted service, consisting of delivery of a copy of the Citation by email to the address identified for correspondence by the Registrant to the AIBC.
- 7.30 At least 30 days in advance of the Discipline Hearing, the Citation must be Published pursuant to Bylaws 8.16-8.21.

### **Appointment of a Discipline Hearing Panel**

- 7.31 The chair or vice chair of the Discipline Committee must appoint a Discipline Hearing Panel of at least three committee members, including at least one Lay Committee Member.

7.32 A member of the Discipline Committee is not eligible to be appointed to a Discipline Hearing Panel respecting a matter in which they had any prior involvement, including any involvement with the matter through an AIBC process.

7.33 The entire Discipline Hearing Panel must be present at the Discipline Hearing.

### **Discipline Hearing Process**

7.34 A Discipline Hearing must be open to the public except for the Discipline Hearing Panel's *in camera* deliberations and in any circumstances where the Discipline Hearing Panel deems it appropriate to exclude some or all non-parties.

7.35 A Discipline Hearing may be held either in person, by electronic means, in writing, or any combination as the Discipline Hearing Panel determines.

7.36 A Discipline Hearing must be conducted in accordance with the PGA, these Bylaws and Board Rules for Discipline Hearing Practice and Procedures.

[See *Schedule R: Board Rules for Discipline Hearing Practice and Procedures*]

### **Decision and Reasons**

7.37 After a Discipline Hearing, the Discipline Hearing Panel must make a determination and provide written reasons for its determination pursuant to Section 75(4) and (5) of the PGA, including reasons for any penalty or other order under Section 75(6) or (7) of the PGA.

7.38 The written reasons must be recorded on the register pursuant to Bylaws 8.5 and 8.6 and Published pursuant to Bylaws 8.22-8.25.

### **Registrant under Suspension**

7.39 During any period of a suspension of a Registrant's registration pursuant to Sections 67(1)(b) or 75(6)(d) of the PGA, Bylaw 4.3 [*Indictable Offences*], or otherwise, the Registrant:

7.39.1 ceases to be in Good Standing;

7.39.2 must not engage in the Regulated and Reserved Practice of the profession of architecture, including the supervision of another Registrant or individual, or any practice under supervision of another Registrant;

7.39.3 must not use any title or initials reserved for the use of Registrants of the AIBC under Section 52 of the PGA, the *Architects Regulation*, and Bylaws 4.92-4.95;

7.39.4 must not sign any document or use a Seal under Bylaw 4.99 [*Use of Architect's Seal*];

7.39.5 must not promote, or be held out as being able to practice or use any reserved titles;



- 7.39.6 must not hold any office in the AIBC, including membership on the Board pursuant to Section 30 of the PGA, any Committee pursuant to Section 32 of the PGA, or any operational advisory groups and related bodies;
- 7.39.7 must pay, when due, any Fee, special assessment, penalty, Costs or other debt payable to the AIBC; and
- 7.39.8 must continue to comply with all other applicable obligations of Registrants under the PGA, the *Architects Regulation* and these Bylaws.
- 7.40 No Registrant is entitled to any refund of any Fee, special assessment, penalty, Costs or other amount paid to the AIBC solely on the basis that it was paid during or in relation to a period of suspension.
- 7.41 Subject to the Registrar's approval, a suspended Registrant may employ or permit another Registrant to carry on the Registrant's practice of professional architecture, provided that the suspended Registrant complies with Bylaw 7.39.

#### **Assessment of Costs Before a Citation is Issued**

- 7.42 An agreement reached or made with a Respondent pursuant to Sections 72, 73 or 74 of the PGA, may include partial recovery of the AIBC's Costs related to the investigation as per the Costs Administrative Guidelines.

[See *Schedule S: Costs Administrative Guidelines*]

#### **Assessment of Costs After a Citation is Issued**

- 7.43 The Discipline Committee or Discipline Hearing Panel may require a Respondent to pay the Costs of an investigation or Discipline Hearing pursuant to Section 81 of the PGA, and must assess the amount of Costs payable by the Respondent in accordance with Schedule S: Costs Administrative Guidelines.
- 7.44 For the purposes of Section 81(2) and (3) of the PGA, recoverable Costs may include:
- 7.44.1 the actual costs incurred by the AIBC during the course of the investigation and the Discipline Hearing, including any applications, pre-hearing conferences, or any other applications associated with a discipline matter, which may include some or all of the following:
- 7.44.1.1 costs incurred to retain contractors who are engaged in the investigation and the Discipline Hearing, including contractors who are appointed as officers;
- 7.44.1.2 expenses incurred by persons appointed as Investigators for the AIBC pursuant to Section 68 of the PGA;
- 7.44.1.3 fees charged and expenses incurred by legal counsel retained by AIBC, including independent legal counsel for the Discipline Hearing Panel;

- 7.44.1.4 fees charged and expenses incurred by expert witnesses retained by the AIBC or the AIBC’s legal counsel;
- 7.44.1.5 expenses incurred by witnesses called to testify by the AIBC;
- 7.44.1.6 the cost of recording interviews, and any Proceedings or part thereof;
- 7.44.1.7 the cost of a court reporter to cover all Proceedings and interviews;
- 7.44.1.8 the cost of preparing a transcript of interviews and Proceedings;
- 7.44.1.9 the cost of an interpreter for interviews and Proceedings;
- 7.44.1.10 costs incurred to rent facilities at which interviews and Proceedings are held;
- 7.44.1.11 costs incurred to conduct interviews and Proceedings, whether conducted in person, by electronic means, in writing or by any combination thereof; and
- 7.44.1.12 any other reasonable costs, fees, or expenses paid or payable by the AIBC as a result of the investigation or Proceeding.

### **Payment of Costs**

- 7.45 A Respondent must pay the full amount of a Costs order within 30 days, unless the Discipline Hearing Panel orders an extension.
- 7.46 A Discipline Hearing Panel has discretion to make a Costs award in favour of a Respondent, payable by the AIBC, after a Discipline Hearing. Such award must include a timeline for payment and other reasonable directions.

### **Request for Extension of Time for Payment due to Hardship**

- 7.47 The Respondent may make a written request for an extension of time to pay Costs due to hardship and must provide suitable documentation to support the claim.

### **Transition Bylaws**

- 7.48 In Bylaws 7.49-7.54, the following definitions apply:

**“Complaint Notification Letter”** means the written notice provided by the AIBC to the Registrant named in a Complaint.

**“Consensual Resolution”** means a collaborative dispute resolution process, established under the Former Act and bylaws, that may occur before the commencement of a disciplinary inquiry.

**“Consensual Resolution Review Panel”** means the panel established under the Former Act and bylaws tasked with reviewing and approving proposed Consensual Resolution agreements that set out the facts of the case, contain admission(s) of unprofessional conduct by the Respondent, and an appropriate sanction, to ensure that the proposed agreement is in the public interest.

**“Remedial Recommendation”** means the process established under the bylaws made under the Former Act where at the conclusion of an investigation the Investigations Committee determines that a Respondent’s conduct, competency, or fitness to practice would be better resolved through a remedial process intended to improve a Respondent’s practice or otherwise protect the public, rather than referral to a disciplinary inquiry.

**“Remedial Review Panel”** means the panel established under the bylaws made under the Former Act tasked with receiving Remedial Recommendations and monitoring and assessing the Respondent’s compliance with the recommendation, and determining whether the Respondent has satisfied the Remedial Recommendation.

- 7.49 For the purposes of the *Architects Regulation*, the date of commencement of a hearing or inquiry is the date by which the Board orders an inquiry under Section 46 of the Former Act.
- 7.50 For the purposes of the *Architects Regulation*, the date of commencement of an investigation is the date by which the AIBC issues its Complaint Notification Letter to the Registrant.
- 7.51 For the purposes of the *Architects Regulation*, the Consensual Resolution Review Panel may continue to exercise its powers and duties established under the Former Act and bylaws in respect of any matter for which the Registrant has agreed to enter into a Consensual Resolution.
- 7.52 In the event a matter in Consensual Resolution under Bylaw 7.51 does not result in a Consensual Resolution agreement and is referred to discipline, the matter must be resolved under the processes established under the PGA and these Bylaws.
- 7.53 For the purposes of the *Architects Regulation*, the Remedial Review Panel may continue to exercise the powers and duties established under the bylaws under the Former Act in respect of any matter for which the investigations committee under the Former Act made a Remedial Recommendation.
- 7.54 In the event that a Remedial Recommendation is:
- 7.54.1 rejected by a Respondent; or
  - 7.54.2 the Remedial Review Panel provides a report to the Registrar that the Remedial Recommendation was not satisfied by the Respondent,
- the matter must be referred to the Investigation Committee established under these Bylaws.

## 8.0 Public Disclosure

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### **Administration of the *Freedom of Information and Protection of Privacy Act***

- 8.1 The Registrar is designated as the head of the AIBC for the purposes of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 (“FIPPA”).
- 8.2 The Registrar may delegate any of their powers or duties under the FIPPA.
- 8.3 Subject to Section 75 of the FIPPA, the Registrar may require an applicant who requests access to an AIBC record under Section 5 of the FIPPA to pay the applicable fees set out in the “Schedule of Maximum Fees” established in the *Freedom of Information and Protection of Privacy Regulation*, B.C. Reg. 155/2012.

### **Register**

- 8.4 The Registrar must maintain and update an online, publicly-accessible register of Individual, Firm, and Former Registrants in accordance with the PGA and these Bylaws.
- 8.5 The following information about Individual Registrants must be included in the register:
- 8.5.1 the individual’s name and current registration category;
  - 8.5.2 business contact information for the individual, if applicable, consisting of:
    - 8.5.2.1 a business email address;
    - 8.5.2.2 a business telephone number;
    - 8.5.2.3 one or more Firm names connected to the person if the Individual Registrant is engaged in the Regulated Practice as a corporate owner, sole proprietor, or partner with one or more Firm Registrants; and
    - 8.5.2.4 a business mailing address which information may consist of Firm Registrant contact information for which the Individual Registrant is employed, except that the Registrar may waive the business mailing address requirement upon request of the Individual Registrant, if the Registrar reasonably believes that disclosure of such information could put the safety of the Individual Registrant or another person at risk.
  - 8.5.3 if known and applicable, the individual’s former registration category;
  - 8.5.4 the date of the individual’s registration in the current registration category and, if known, the date of registration in any former category;
  - 8.5.5 any limitations or conditions on the individual’s Regulated Practice or registration, including any imposed by the Credentials Committee, Investigation Committee or Discipline Committee;

- 8.5.6 if known, the date, with explanatory notation, of any cancellation of the individual's registration in any category by way of retirement, voluntary cessation or notice of death;
  - 8.5.7 if known, the date, with explanatory notation, of any cancellation or suspension of the individual's registration related to non-payment of Fees, commission of an indictable offence, CES non-compliance, extraordinary action to protect the public, or Discipline Violation; and
  - 8.5.8 an explanatory notation of and/or a link to any Discipline Record as ordered by the Investigation Committee or the Discipline Committee.
- 8.6 The following information about Firm Registrants must be included in the register:
- 8.6.1 the Firm's name as registered with the AIBC;
  - 8.6.2 the Firm's current registration category or subcategory;
  - 8.6.3 business contact information for the Firm, consisting of:
    - 8.6.3.1 a business mailing address;
    - 8.6.3.2 a business email address;
    - 8.6.3.3 a business telephone number; and
    - 8.6.3.4 a business website address, if available.
  - 8.6.4 the date of the Firm's registration in the current category and, if known, the former name and date of registration in any former category;
  - 8.6.5 any limits or conditions on the Firm's Regulated Practice or registration, including any imposed by the Credentials Committee, Investigation Committee or Discipline Committee;
  - 8.6.6 if known, the date, with explanatory notation, of any cancellation of the Firm's registration through voluntary cessation of practice;
  - 8.6.7 if known, the date, with explanatory notation, of any cancellation or suspension of the Firm's registration or Certificate of Practice related to non-payment of Fees, commission of an indictable offence or Discipline Violation; and
  - 8.6.8 an explanatory notation of and/or a link to any Discipline Record, if known, as ordered by the Investigation Committee or the Discipline Committee.
- 8.7 The following information about Former Registrants, if known, must be included in the register and maintained for no less than 10 calendar years after the year in which the Former Registrant ceased registration with the AIBC:
- 8.7.1 the name of the Former Registrant;
  - 8.7.2 the category or subcategory in which the Former Registrant was last registered;
  - 8.7.3 the date of cessation of registration;
  - 8.7.4 a notation of any known cancellation or suspension of registration; and

- 8.7.5 an explanatory notation of and/or a link to any known Discipline Record.
- 8.8 The Registrar may extend the 10-year publication of information on the register in Bylaw 8.7 for any category or subcategory of Registrants, as long as:
- 8.8.1 such extension applies to all Former Registrants in such categories or subcategories; and
- 8.8.2 all affected Former Registrants received notification of the extension with reasons for the decision.
- 8.9 A Registrant must deliver to the AIBC, in the manner determined by the Registrar:
- 8.9.1 the information required to be maintained in the register under Bylaws 8.5 and 8.6; and
- 8.9.2 a current email address for the purpose of receiving communication from the AIBC.
- 8.10 A Registrant must immediately notify the Registrar of any change of name, or any change in information described in Bylaw 8.9.

#### **Notification of Extraordinary Action to Protect the Public**

- 8.11 If an order is made against a Registrant under Section 67(1) of the PGA, the Registrar must Publish a notice of the extraordinary action, which must include:
- 8.11.1 the name of the Registrant and their category or subcategory of registration;
- 8.11.2 the date of the order; and
- 8.11.3 a copy of the order, including the reasons for the order under Section 67(2)(b) of the PGA.

#### **Notification of Reprimand or Remedial Action by Consent**

- 8.12 If a Respondent agrees to give a consent or undertaking pursuant to Section 72(1) of the PGA, the Registrar must Publish a notice of the Respondent's consent or undertaking, which must include:
- 8.12.1 the name of the Respondent and their category or subcategory of registration;
- 8.12.2 the date of the consent or undertaking; and
- 8.12.3 a copy of the consent or undertaking.

#### **Notification of Alternative Complaint Resolution**

- 8.13 Subject to Bylaw 8.14, if an agreement is reached with a Respondent pursuant to Section 74 of the PGA, the Registrar must Publish an anonymous summary of the agreement, which must include:
- 8.13.1 the category or subcategory in which the Respondent is registered;
- 8.13.2 the date of the agreement; and
- 8.13.3 a summary of the nature of the conduct at issue and the resolution reached.

- 8.14 If limits or conditions are placed on the Respondent's practice as result of an alternative complaint resolution agreement, the Registrar must Publish the Respondent's name.

### **Notification of Consent Orders**

- 8.15 If a consent order is accepted by a Respondent pursuant to Section 73 of the PGA, the Registrar must Publish a notice of the consent order, which must include:
- 8.15.1 the name of the Respondent and their category or subcategory of registration;
  - 8.15.2 the date of the consent order; and
  - 8.15.3 a copy of the consent order.

### **Notification of Citations**

- 8.16 When a Citation is issued pursuant to Bylaw 7.21, the Registrar must Publish a notice of the Citation at least 30 days before the Discipline Hearing date, which must include:
- 8.16.1 the name of the Respondent and their category or subcategory of registration;
  - 8.16.2 the date the Citation was issued;
  - 8.16.3 a description of the charges that are to be the subject of the Discipline Hearing; and
  - 8.16.4 the date and time and, if applicable, the place for the Discipline Hearing of the Citation.
- 8.17 If a Citation is amended under Bylaw 7.25 or 7.26 after Publication of a notice of the Citation, the Registrar must update the notice of a Citation Published to reflect the amendment.
- 8.18 If a Citation is rescinded pursuant to Section 66(1)(e) of the PGA after Publication of the notice of the Citation, the Registrar must update the notice to reflect the rescission.
- 8.19 If the hearing of a Citation, or any portion of the Discipline Hearing, is adjourned to a new date, the Registrar must update the notice of the Citation Published under Bylaw 8.16 to reflect the adjournment.
- 8.20 When the Discipline Hearing of a Citation is concluded, the Registrar must update the notice of the Citation Published under Bylaw 8.16 to specify that the hearing has concluded.
- 8.21 Subject to Bylaws 8.17 to 8.20, a notice of a Citation Published under Bylaw 8.16 must be maintained on the AIBC's website until the Discipline Hearing Panel issues its decision on the Citation or the Citation is rescinded or otherwise resolved.

### **Notification of Discipline Decision**

- 8.22 When a Discipline Hearing Panel, after a Discipline Hearing pursuant to Section 75 of the PGA:
- 8.22.1 dismisses the Citation under Section 75(5)(a) of the PGA;

- 8.22.2 makes a determination about the conduct or competence of the Respondent under Section 75(5)(b) of the PGA; or
  - 8.22.3 takes one or more actions against the Respondent under Section 75(6) or (7) of the PGA, the Registrar must Publish a notice of that decision within 30 days.
- 8.23 Subject to Bylaws 8.24 and 8.25 the notice of a decision Published under Bylaw 8.22 must include:
- 8.23.1 the name of the Respondent and their category or subcategory of registration;
  - 8.23.2 the date of the decision; and
  - 8.23.3 a copy of the decision, including
    - 8.23.3.1 the reasons for the decision under Section 75(4)(b) of the PGA;
    - 8.23.3.2 a description of the conduct or practice that is the subject of any determination made against the Respondent under Section 75(5)(b) of the PGA; and
    - 8.23.3.3 a description of any actions taken against the Respondent under Section 75(6) or (7) of the PGA.
- 8.24 If the Discipline Hearing Panel dismisses a Citation, the Registrar must withhold the Respondent's name or other identifiable information from the notice of that decision Published under Bylaw 8.23, unless:
- 8.24.1 the Respondent consents to Publication of that information; or
  - 8.24.2 the Discipline Hearing Panel otherwise directs.
- 8.25 Bylaws 8.22 to 8.24 apply, with any necessary changes, to a decision or order made by the Discipline Committee under Section 76 of the PGA.

### **Notification of Decisions Regarding Registrants Convicted of an Indictable Offence**

- 8.26 If the Board decides to take action under Bylaw 4.3 against a Registrant who has been convicted of an indictable offence, the Registrar must Publish a notice of the decision which must include:
- 8.26.1 the name of the Registrant and their category or subcategory of registration;
  - 8.26.2 the date of the decision; and
  - 8.26.3 a copy of the decision, including
    - 8.26.3.1 a description of any action taken under Bylaw 4.3; and
    - 8.26.3.2 any reasons given by the Board for the decision.

### **Privacy Interest: Information on the Register**

- 8.27 The Registrar must comply with Section 1.7 of the *General Regulation* prior to inclusion on the Register of information under Section 31(3)(f)(i)(B) of the PGA.



## **Privacy Interest: Information Published on the AIBC Website**

8.28 The Board must comply with Section 1.8 of the *General Regulation* prior to Publication of information to be publicly available under Section 82 of the PGA.

## **Maintenance of Public Notices**

8.29 Subject to Bylaws 8.30 and 8.31, a notice Published under Bylaw 8.11 [*Extraordinary Action*], 8.12 [*Reprimand or Remedial Action by Consent*], 8.15 [*Consent Order*], 8.22 [*Discipline Decision*], or 8.26 [*Indictable Offence*] must be maintained on the AIBC's website for the life of the individual who is the subject of that notice, despite any cancellation of the Registrant's registration.

8.30 The Registrar must update a notice described in Bylaw 8.29 if:

8.30.1 any limitation or conditions imposed on the Registrant's practice that are referenced in the notice expire, are fulfilled, or are terminated, or there is a material change to those limitations or conditions;

8.30.2 any period of suspension of the Registrant's registration that is referenced in the notice expires or is terminated;

8.30.3 the Registrant ceases to be registered with the AIBC, or changes registration category; or

8.30.4 otherwise as required by Board Policy.

8.31 After the death of an individual who is the subject of a Published notice described in Bylaw 8.29, the Registrar may:

8.31.1 remove the notice from the AIBC's website; or

8.31.2 remove the individual's name or other identifiable personal information from the notice if the Registrar determines, in accordance with Board Policy, that it is not contrary to the public interest to remove that information.

## **Notification of Illegal Practice**

8.32 The Registrar may Publish notices of Proceedings or resolutions of matters relating to the unlawful use of a reserved title or Reserved Practice by non-Registrants or Former Registrants and may determine the duration and manner of such Publication.

## 9.0 Bylaw Amendment History

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February 13, 2023	AIBC Bylaws brought into force under the PGA.
June 5, 2023	<p>This edition of the AIBC Bylaws replaces the February 13, 2023 edition. Substantive amendments include:</p> <ul style="list-style-type: none"><li>• replacing “Council” and “Councillor” with “Board” and “Board Member”, respectively;</li><li>• replacing “Registrant Councillor” and “Lay Councillor” with “Registrant Board Member” and “Lay Board Member”, respectively;</li><li>• replacing “President” and “Vice President” with “Board Chair” and “Board Vice Chair”, respectively;</li><li>• new Bylaw 2.92 in relation to Registrar’s authority to establish Forms;</li><li>• new Bylaw subparagraph 4.25.3 regarding reinstatement interview requirement;</li><li>• Bylaw amendment to 4.78 to delete a duplicate phrase also found in Bylaw 4.81;</li><li>• Bylaw amendments to 4.98 and 5.20 to clarify revocation obligation in relation to digital Seal;</li><li>• new Bylaws 5.19 and 5.23 in relation to suspension, cancellation of registration, and reinstatement for CES non-compliance;</li><li>• new Bylaw subparagraph 8.5.2.3 to add information to the register in relation to Firms associated with Individual Registrants;</li><li>• new Bylaw subparagraph 8.5.7 to add information to the Register in relation to any extraordinary action to protect the public; and</li><li>• corrections to subheadings and necessary renumbering of Bylaws.</li></ul>

# Schedule A: Code of Ethics and Professional Conduct

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## Background

The AIBC Code of Ethics and Professional Conduct (the “Code of Ethics”) is a compilation of standards of competence and professional and ethical conduct (“Professional Standards”) for the architectural profession and AIBC Registrants in British Columbia. The document is supplemented by advisory, informational, and interpretive commentary to assist readers. Commentary is found in italics.

Registrants and the public should also refer to AIBC Practice Guidelines for supporting information and interpretations related to some of the Professional Standards in the Code of Ethics. The AIBC’s Professional Practice Program, which fields inquiries related to professional competency, conduct, and ethics, is also available to Registrants and the public without charge.

The Professional Standards in this Code of Ethics underpin the public’s general expectation that AIBC Registrants act at all times with honesty, integrity and professional competence. Registrants must honour their obligations to the public, Clients, the profession, their colleagues, and the environment. A breach of a Professional Standard may constitute one or more of Professional Misconduct, Incompetent performance of duties or Conduct Unbecoming a Registrant.

Except where specifically identified as applying to a specific class(es) of Registrant, the Professional Standards established in the Code of Ethics **apply to all AIBC Registrants**. For example, only Architects are referred to in Standard 1.1 relating to the Architects’ declaration or ‘oath’ for the simple reason that other Registrants do not make this declaration. Where Professional Standards refer to Registrants in the practice of the profession of architecture, it must be remembered that non-Architect Registrants can only provide architectural services under the supervision of an Architect. Where “Architect” is used, it includes those Registrants in the Temporary Licensee (Architect) category. Such Registrants’ practice is limited in time, not scope, and all of the Professional Standards apply to them in the same way they do to other Architects.

## Professional Governance Act: Ethical Principles

The *Professional Governance Act* requires all regulatory bodies under that legislation to include certain ethical principles and standards. Where a Professional Standard is derived directly from the authority of the *Professional Governance Act*, it is specifically identified, and in many cases the commentary to such standards explains its applicability and relevance to the practice of the profession of architecture.

The bulk of the former Bylaws and rulings from the AIBC’s Code of Ethics under the *Architects Act* remain intact in this edition of the Code of Ethics. The transition to the PGA does not create substantively new or different Professional Standards. Notable changes include: clarified standards in relation to the use of the Schedule of Architectural Services and Fee Guidelines (formerly known as the Tariff of Fees for Architectural Services); clearer standard statement and supporting commentary related to Direct Supervision by Architects of non-Architects; and the use of the Architect’s Seal (contain elements previously found in Bulletins 60 and 61).

## Organization

The Code of Ethics is organized into 10 categories using headings numbered 1.0, 2.0, etc. for reference. Each Professional Standard is given a number within the category (1.1, 1.2, etc.). This replaces the previous formatting of the Code of Ethics in which standards were identified as Bylaws and council rulings.

The AIBC recommends that Registrants and other users of the Code of Ethics refer to standards by their paragraph/subparagraph number (and letter where applicable) for clarity. This document uses both “Professional Standard: #” and the shorthand “PS:#” to refer to Professional Standards for efficiency. The first standard, below, would therefore be referred to as “Professional Standard: 1.1” or “PS:1.1”. Standards that include lettered subparagraphs would be referred to as “Professional Standard: 1.2(a)” or “PS:1.2(a).”

Terms capitalized in the Code of Ethics are defined terms under the Bylaws.

### 1.0 **General Obligations**

- 1.1 Each Applicant for registration as an Architect must make and subscribe to the following declaration:

“Solemnly do I declare that having read and understood the *Professional Governance Act*, the *Architects Regulation*, the Bylaws, and Code of Ethics and Professional Conduct of the Architectural Institute of British Columbia, and having passed the examinations, I am eligible for registration. Further do I announce that I will uphold professional aims, uphold the art, and the science of architecture, and I will thereby improve the environment. I also accept with obligation the need to further my education as an Architect. I promise now that my professional conduct as it concerns the community, my work, and my fellow Architects will be governed by the ethics and the tradition of this honourable and learned profession, in the public interest.”

*This declaration, sometimes referred to as the Architects’ “oath” underpins and informs the profession’s fundamental obligations and expectations of Architects. It is both a statement of commitment to professionalism and a reminder of the public interest foundation of the architectural profession.*

*The declaration is connected to and consistent with multiple Professional Standards in the Code of Ethics, including the overarching expectations related to public safety, health and welfare and protection of the environment in PS: 1.4 below.*

- 1.2 Registrants must conduct their affairs in a professional manner, including but not limited to refraining from:
- (a) dishonourable or discourteous conduct towards a person or entity;
  - (b) Conduct Unbecoming a Registrant in the profession or personal life of a Registrant;
  - (c) harassment, discrimination or other failure to comply with human rights laws in force in Canada, its provinces and territories; and

- (d) behaviour that would reflect unfavourably on the profession.

*The Professional Governance Act defines “conduct unbecoming a registrant” to mean conduct that:*

- (i) brings the regulatory body or its registrants into disrepute,*
- (ii) undermines the standards, methods or principles that are the foundation of the profession, or*
- (iii) undermines the principle of holding paramount the safety, health and welfare of the public, including the protection of the environment and the promotion of health and safety in the workplace in the manner that reflects the stewardship of a given profession by each regulatory body.*

### 1.3 Registrants must:

- (a) respond promptly and substantively to any AIBC communication requiring a mandatory response;
- (b) promptly notify the AIBC in writing of any change in contact information that the AIBC may from time to time request; and
- (c) cooperate fully with the AIBC in a professional conduct matter at whatever stage, including attending in person upon request, summons, or notification by the Investigation Committee or Discipline Committee.

*Responding “promptly” means without unnecessary delay, including meeting any response deadlines provided in correspondence. Responding “substantively” means a meaningful response that addresses the substance of the request.*

### 1.4 Registrants must hold paramount

- (a) the safety, health and welfare of the public, including the protection of the environment; and
- (b) the promotion of health and safety in the workplace.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(a)).*

*This Professional Standard is a restatement of fundamental ethical expectations that have been in place for the profession of architecture for decades. The public safety and protection of environment element is generally met by having regard to all relevant laws, including regulations and codes. This ‘compliance with laws’ expectation has been and remains a standalone Professional Standard for Registrants (see PS4.1).*

*The promotion of health and safety in the workplace element reflects both the profession’s obligation to meet relevant standards for design for workplaces (e.g., Building Code expectations, specific WorkSafeBC requirements, etc.), as well as a general obligation to provide healthy and safe workplaces for colleagues and employees, whether at the office or when Registrants are attending a*

*construction site (e.g., avoiding and addressing harassment and discrimination and complying with health and safety laws).*

*For architecture, this overarching Professional Standard reinforces Registrants' obligation to provide services competently and with regard to public and workplace safety and environmental protection. The requirement to "hold paramount" public safety and protection of the environment means that this principle (as with many professional obligations) overrides values or interests (e.g., shortcutting regulatory approvals or clients' commercial gain) that conflict with it.*

*Importantly, the workplace health and safety standard does not impose additional obligations on Registrants in relation to construction and demolition site safety beyond those that may already apply by contract or laws, including regulations, codes and bylaws.*

## **2.0 Specific Obligations to Clients and Colleagues**

2.1 Registrants must maintain the confidentiality of confidential Client information and not disclose such information except:

- (a) with Client consent;
- (b) where required to deliver such information to the AIBC;
- (c) as may be required by law; or
- (d) in the event the Registrant believes on reasonable grounds that there is an imminent risk of serious public harm.

*This Professional Standard reinforces the expectation that as trusted professional advisers and service providers, Registrants will protect confidential Client information. Many professions have similar standards. Most Client-Architect Contracts also address confidentiality as a contractual obligation. Registrants should be aware of and comply with both professional and contractual confidentiality obligations.*

*The standard does not provide a definition of confidential Client information. That information may vary with the Client-Architect relationship, timing of the Project, the nature of the commission, and contract language, among other variables. For example, unless specifically agreed to by the parties (most effectively in the Client-Architect Contract or confidentiality agreement), confidential information would not normally include the fact that an Architect has obtained a commission. The architectural fee and Project budget information, however, would normally be considered confidential.*

*The essence of the standard is recognition that a Registrant is likely to become aware of confidential Client information and must protect it, subject to the exceptions. The hallmarks of confidential information are that it:*

- *Was obtained by virtue of the professional relationship between Client and Registrant;*

- *May be expressly identified by the Client as confidential, or would be considered as such by a reasonable Registrant;*
- *Is not in the public realm; and*
- *Carries with it some economic benefit to the Client, such that its unauthorized disclosure has potential to damage the Client's project, business, reputation, and/or prospects.*

2.2 Registrants must not supplant or attempt to supplant another Registrant after the preceding Registrant has been retained or definite steps have been taken toward the other Registrant's retention.

*Subject to the terms of the Client-Architect Contract, a Client is free at any time to terminate the business engagement with a Registrant. This standard does not protect mismatched Clients and Registrants. For the benefit of the Client and the Project or commission, it is intended to protect the relationship between a Client and Registrant from unethical interruption by another Registrant.*

*The basis of competent professional practice on behalf of the public rests in part on the strength of the relationship between Client and Registrant. Hence, when the Client has made a choice, other Registrants must cease their overtures.*

*This restriction does not prevent Registrants from approaching a potential Client who has a broader program of prospective work which is not yet allocated to another Registrant.*

2.3 A Registrant must not falsely or maliciously injure the professional reputation or business prospects of another Registrant.

*This Professional Standard does not prohibit Registrants from making fair and honest comments on the work of other Registrants. Such comment must be based on considered knowledge of the Project or subject in question, representing an informed, legitimate point of view.*

*A listener is entitled to expect that Registrants providing comments do so knowledgeably. Registrants' comment must withstand scrutiny in order to be regarded as credible.*

*This Professional Standard does not prevent unsolicited public statements or architectural criticism. The standard also applies to the provision of advice or services for which a Registrant is paid, including those as an arbitrator or as a provider of "second" or "expert" opinion with respect to another Registrant's project(s), documents or services.*

*Registrants should avoid imprudent gossip or generalized comments about other Registrants, their work or reputation, or type of project. The proliferation of digital and social media facilitates immediate and influential commentary. Registrants are reminded that the convenience, reach, and power of such platforms must be balanced by the expectations set by this and other relevant standards.*

### 3.0 Competency and Continuing Education

- 3.1 In practising the profession of architecture, Architects must act with reasonable care and competence, and must apply the knowledge, skill and judgement, ordinarily applied by Architects practising in the province of British Columbia.
- 3.2 Non-Architect Registrants must act with reasonable care and competence and must apply the knowledge, skill and judgment ordinarily applied by Registrants in their Registrant category.

*These standards reflect the baseline expectation that Architects/Temporary Licensees provide competent services measured against the standards ordinarily applied to Architects, while non-Architect Registrants must demonstrate competency to the level required by their Registrant category.*

*It is a Registrant's responsibility to recognize personal impairment to the ability to function competently and, when so impaired, to withdraw from practising until competence is restored. This includes impairment arising from physical or mental health issues, financial difficulties and personal or family matters serious enough to cause Registrants to be unable to satisfy professional standards.*

- 3.3 Registrants must practice only in those fields where training and ability make them professionally competent.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(b)).*

*This Professional Standard replaces former Bylaw 30.3 and its council rulings, which addressed similar obligations to recognize personal and professional limitations.*

*An Architect is authorized to undertake architectural services for any Project, but must recognize personal and professional limitations and must refrain from rendering service in those areas until such limitations are overcome.*

*Architects are reminded that it is permissible to engage others, including staff and consultants, in any architectural practice area, as long as such services are provided under the Architect's competent supervision, management and coordination. Other professionals must be engaged (whether by Client or the Architect) to provide complementary services (such as Professional Engineering) where required by law.*

- 3.4 Registrants must maintain competence in relevant specializations, including advances in the Regulated Practice and relevant science.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(e)).*



*The profession and practice of architecture in British Columbia does not include specializations. Instead, this Professional Standard establishes the expectation that Registrants who formally hold themselves out as having enhanced qualifications are expected to maintain competency and currency in such areas.*

*For example, Architects who obtain the Certified Professional qualification and are listed as “CPs” would be expected to demonstrate the competencies expected of an Architect in such role, and to maintain currency of knowledge and qualifications as required.*

- 3.5 Registrants must undertake work and documentation with due diligence and in accordance with any AIBC guidance developed to standardize professional documentation.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(l)).*

*This Professional Standard reinforces the general competency obligation in the profession, with specific reference to the importance of preparing and maintaining adequate documentation. Conceptually, “due diligence” means the review and assessment of risk and harm at any stage of architectural services, as well as steps taken to mitigate such concerns. In practice, “due diligence” is the level of judgement and care that Registrants are reasonably expected to apply when providing services. It denotes a level of quality control and review to reduce errors and ensure all relevant laws, guidance and standards have been considered.*

*The connection between due diligence and documentation in this PGA-mandated standard reflects the greater likelihood that documented procedures, such as quality reviews and checklists, reduce negative outcomes in professional practices. It also reflects the expectation that Registrants maintain adequate, retrievable records.*

- 3.6 Registrants who are CES Participants must undertake continuing education and report on that continuing education to the AIBC, in accordance with the Bylaws and Board Rules.

*[See Schedule P: Board Rules for the Continuing Education System]*

#### **4.0 Compliance with Laws and Standards**

- 4.1 Registrants must have regard for and not knowingly violate:
- (a) the common law and any applicable enactments, federal enactments or enactments of another province;
  - (b) applicable standards, policies, plans and practices established by the government or the AIBC; and
  - (c) *The Professional Governance Act, Architects Regulation*, and the Bylaws including the Code of Ethics.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Sections 57(2)(c) and (d)).*

*The phrase “have regard for” can be understood to mean to be aware of and consider the impact and application of laws to Projects and professional practice. The addition of the phrase “and not knowingly violate” incorporates former Bylaw 33.1. The standard also replaces former Bylaws 33.3, 33.4, and 34.4, all of which required compliance with laws.*

*This Professional Standard requires Registrants to take into account and not knowingly breach applicable laws. This includes statutes (often called “Acts”) and regulations (together, these are called “enactments” under the PGA). Since municipal bylaws flow from the authority of provincial law, they are also included, as are forms, rules and other instruments created by a statute. PS 4.1(b) confirms the requirement to have regard for and not knowingly violate standards, policies, plans and practices as they relate to the practice of the profession of architecture. However, Registrants may encounter standards, policies and plans, notably from local governments, that conflict or appear to conflict with Professional Standards. One common example is the expectation by an authority that certain documents be sealed, when the Professional Standard states they must not be sealed. In such cases, Registrants must follow the Professional Standard, and should advise the authority of the conflict, provide the AIBC documentation in support of the Professional Standard, and seek practice advice from the AIBC.*

*The reference to “common law” means law that has been created by Canadian court judgments over time, sometimes known as “case law” or “judge-made law”. For Registrants, having regard for the “common law” includes an awareness of laws primarily relating to the law of contracts and torts. Torts are also known as “civil wrongs” and include negligence, product liability, assault and harassment, and trespass. In addition, the very law of professional regulation, including admissions and professional conduct decisions, are part of the common law.*

*The practice of the profession of architecture is influenced by statute law, which includes the Professional Governance Act and its Regulations (including the Architects Regulation) and the BC Building Code, which has the legal status of a regulation. Builders lien legislation and local government bylaws are other examples of statute law. This Professional Standard absorbs former Bylaw 33.3, which required Registrants to comply with the Architects Act and AIBC Bylaws – now the Professional Governance Act and these Bylaws.*

*The public has the expectation that Registrants respect and substantially comply with laws and regulations that apply to the practice of architecture, excluding those concerning construction safety (the field of construction safety being outside the practice of architecture). This includes federal, provincial and municipal laws (bylaws) as well as the regulations of statutory bodies.*

*Registrants must keep themselves apprised of current applicable laws and regulations that relate to the practice of architecture in British Columbia. Registrants are not expected to be familiar with the details of all laws and regulations in every jurisdiction. However, they are expected to have general*

*knowledge of specific laws and regulations in the jurisdictions in which they are working, and also which authorities have jurisdiction over particular aspects relating to the practice of architecture.*

*Registrants may rely on the advice of other professionals and persons qualified by education, experience or training to provide interpretations on applicable enactments and standards. Such persons may include local government officials, legal counsel, and other professionals.*

*A Registrant seeking to promote or to provide architectural services outside British Columbia, or to a client or on a project located outside British Columbia, should check in advance and comply with the requirements of the applicable regulator of Architects.*

- 4.2 Registrants must not counsel or condone employees, consultants, associates or other parties to violate or fail to give regard to applicable enactments and standards established by government or the AIBC, including the *Professional Governance Act, Architects Regulation*, and the Bylaws, including the Code of Ethics.

*This Professional Standard replaces the former council ruling to Bylaw 33.3 and covers a wide spectrum of possible practice scenarios. It is possible for Registrants to be asked to participate or drawn into participation with the illegal practice of architecture by non-registrants. Registrants are reminded that contravention of the reserved titles and Reserved Practice legal boundaries in the profession of architecture by any party is an offence under the PGA.*

## **5.0 Architectural Services: Engagement and Communication**

- 5.1 Registrants are not permitted to provide architectural services to a Client until the following conditions are satisfied:

- (a) An executed Client-Architect Contract is in place in compliance with Professional Standard 5.2; and
- (b) The Client has been advised in writing:
  - (i) whether professional liability insurance is in place in relation to the architectural services to be provided for the commission; and
  - (ii) that the certificate of insurance for the professional liability insurance policy in (i) is available for review by the Client upon request, or has been provided.

*A Client is entitled to be notified of the fundamental insurance coverage a Registrant carries for the contracted services. As required by Schedule M: Board Rules for the Professional Liability Insurance (PLI), a certificate of insurance must include at least the following information:*

- *The name of the certificate of practice holder as registered with the AIBC as an insured entity;*
- *The minimum per claim amount and the aggregate amount;*
- *The effective and expiry coverage dates; and*

- *A statement that the PLI coverage has no restrictions to impact the minimum coverage thresholds, which would need to draw down from the same aggregate amount.*

- 5.2 The Client-Architect Contract must be a standard form contract approved by the Board, or be substantially conforming in all material respects to such standard contract in relation to services, responsibilities and general conditions.

*Those standard form contracts approved by the AIBC Board are listed and discussed in Practice Guidelines: Standard Form Contracts and available on the AIBC website or by contacting the AIBC's Practice Advisors. Registrants are reminded that PS 7.6 requires Registrants to have regard for the Schedule of Architectural Services prior to entering into a Client-Architect Contract.*

*Architects not using an approved standard form contract are reminded that the document used must conform to approved contracts in the manner stipulated in the Professional Standard.*

- 5.3 Certification as to construction performance and as to payment therefor requires such general review of the work as the Architect deems necessary.
- 5.4 Registrants must communicate adequately with Clients and keep them reasonably informed.

*The level of communication with Clients varies with the Client and the nature of the commission. At minimum, Registrants owe a duty to explain the nature of the services the Firm will provide, and to respond in a timely manner to Clients' reasonable requests for information and other Client communication requiring a reply. Adequate and informed communication also includes advising Clients in a timely manner of important commission issues such as delays, cost concerns, etc.*

*This Professional Standard is an overarching Client communication expectation and is supplemented by other communication-oriented standards, such as those requiring Registrants to notify Clients of professional liability insurance status, the scope of professional services to be provided, etc.*

- 5.5 An Architect may only provide the same service for the same Client on the same Project as another Architect through the medium of an approved competition.

*The "same Client" includes technically different individuals, authorities or departments connected to or part of a broader Client.*

*This Professional Standard prohibits participation in unsanctioned competitions but does permit fair review, analysis or expert opinion services by a "second" Architect because either the Client, or the services, will be different for each Architect.*

- 5.6 Except in an approved competition, Registrants must not provide any architectural service to a Client until retained under Client-Architect Contract and in receipt of the Client's instructions.

*Public expressions, submission or dialogues with respect to architectural issues, undertaken without compensation in the community interest and without having or seeking or anticipating a Client, are permitted.*

*Speculative services to lure or entice a client, or “loss leaders”, are not permitted.*

*This Professional Standard means that prior to being retained, Registrants are not permitted to provide solutions, suggestions, ideas or evidence of same (in any format) which have value to the Client or upon which the Client might be expected to rely.*

*The foregoing applies not only to design, costing and technical matters but also to considerations of management, methodology and scheduling information beyond that which is required for Architects to determine and submit a credible proposal for services and fees.*

*In making an expression of interest or proposal to a prospective Client, an Architect may promote the Firm’s experience, capabilities, resources and capacity to demonstrate the Firm’s suitability, including an understanding of that Client’s needs and the project’s relevant issues.*

- 5.7 Before offering services to a Client for a building not requiring an Architect and without the Direct Supervision of an Architect, an Intern Architect, Architectural Technologist or Retired Architect must notify the Client, in writing, that:
- (a) they are registered with the AIBC and inform the Client as to their registration category or subcategory; and
  - (b) whether professional liability insurance is held for such services and under what terms.
- 5.8 Before or as part of any submission to an authority made by an Intern Architect, Architectural Technologist or Retired Architect without the Direct Supervision of an Architect, such Registrant must notify the authority, in writing, that they are registered with the AIBC and inform the authority as to their specific registration category or subcategory.

*These Professional Standards (formerly council rulings) are intended to address possible confusion on the part of Clients or authorities about non-Architect Individual Registrants’ status when such individuals are not permitted to:*

- *hold themselves out as Architects;*
- *practice in the Reserved Practice unless directly supervised by an Architect; or*
- *apply an Architect’s Seal or operate an Architectural Firm.*

*The notification requirements would be satisfied by including the information within any contract prior to its execution (for Clients) and by including the information with any submission, such as a drawing (for authorities).*

*The following or reasonably similar phrasing would satisfy these Professional Standards:*

*I [name] am registered as an [Intern Architect AIBC; Architectural Technologist AIBC; or Retired Architect AIBC] with the AIBC.*

*For notification to authorities, including this wording in the title block for drawings would satisfy the requirements:*

*Registered [Intern Architect] [Architectural Technologist] [Retired Architect] of the Architectural Institute of B.C.*

*I [name] carry professional liability insurance in the amount of [\$\_\_\_\_\_] per claim and [\$\_\_\_\_\_] in aggregate.*

*I [name] do not carry professional liability insurance in any amount.*

- 5.9 An Architect may only accept a commission for a Project when the services of any Architect previously retained for the Project have been terminated.
- 5.10 An Architect, on being either approached or instructed to proceed with services for which the Architect knows or can ascertain by reasonable inquiry that another Architect is or has been engaged by the same Client, must notify the other Architect in writing of that fact.

*The ethical responsibility for notifying a previously engaged Architect lies with the new Architect and cannot be delegated to the Client. Upon notifying the previous Architect in writing, the new Architect is under no obligation to delay acquiring the commission until the first Architect's fee has been paid.*

*This Professional Standard requires the termination, but not necessarily the financial resolution, of the predecessor Architect's services prior to a successor Architect making a proposal or being interviewed for, or accepting, a Project commission.*

- 5.11 An Architect taking over a Project must not provide architectural services that are based upon, and which continue and complete, those initiated by the predecessor Architect unless:
- (a) there has been no supplanting of the predecessor Architect by the successor;
  - (b) the resignation or termination of the predecessor Architect must have occurred in accordance with the terms of the relevant Client-Architect Contract;
  - (c) the original Client must have paid for the services of the predecessor Architect; and
  - (d) in the case of property transfer to a new owner, there must have been legal acquisition by the new owner of the original Architect's copyright and instruments of service, either directly from the predecessor Architect or from the original owner, if that owner was legally entitled to sell them.

*Note: Paragraph (d) does not in any way affect the baseline copyright/ ownership of instruments of service law and standard contractual provisions. Copyright for instruments of service, including drawings, is the property of the Architect unless specifically agreed to by the Architect (e.g., by copyright sale or licence). No Client has an automatic right to sell drawings or other instruments of service, nor use them for another Project, without the owning Architect's permission.*

*In Paragraph (c), the services needing to be paid for are those which generated the design, drawings and/ or other instruments of service which are to be used by that Client and successor Firm.*

*In some situations, the predecessor Architect will have been duly paid for services up to a certain point in the project (e.g., for development permit drawings and related work) but not other services (e.g., building permit or construction drawings). In such cases, this standard does not prevent the successor Architect from providing services based upon the ‘paid up’ services, as long as the other requirements are met.*

*The minimum obligation arising under Professional Standards 5.10 and 5.11 for a successor Architect is to give prompt notification to an existing Architect on a Project, even if the second Architect has merely been approached to provide services. The next obligation – to satisfy themselves that the predecessor Architect was terminated – arises if the successor Architect intends to make a proposal, attend an interview or accept a commission for the Project. The final tier of obligations is triggered by the successor Architect actually providing services based on those of the predecessor Architect. In that case, the successor Architect should conduct sufficient inquiries to be satisfied that the requirements of the standard have been met.*

*The Professional Standard is not intended to be used improperly by the predecessor Architect to ‘enforce’ inappropriate or dubious payment expectations, which behaviour could itself constitute Unprofessional Conduct.*

#### 5.12 Registrants must provide professional opinions that distinguish between facts, assumptions and opinions.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(g)).*

*In architecture, this standard is directed at a relatively narrow band of formal professional opinions, not the day-to-day advice and judgments that Registrants provide in various formats, whether written or verbal. However, Registrants are reminded that as professionals, providing opinions in any forum, or statements that may be interpreted as opinions, carries risks.*

*This standard relates specifically to:*

- expert opinions including expert reports provided for litigation (court cases), tribunals, inquests, professional misconduct and arbitration purposes – one of the hallmarks of which is formal separation among facts, assumptions and opinions; and*
- specific requests for professional opinions under a professional engagement. As an example, Architects may be engaged to provide building assessment reports to Clients. Such reports should distinguish and make clear factual matters of relevance (such as the date of building construction) from assumptions (such as the use of gypsum board as a wall finish, where the composition of the wall finish has not been verified as fact by the Registrant). Professional opinions are conclusions calling for independent, objective judgment and are founded on facts, assumptions and the training and experience Registrants bring to a commission.*

- *Situations in which Registrants sit on boards, committees or similar bodies (e.g. advisory design panels, appeal and variance boards, interpretation committees). Opinions in these settings attract the expectation of clarity among facts, assumption, and opinions.*

*This Professional Standard does not require Registrants to re-structure or re-format their reports, but instead to ensure that professional opinions and the relevant facts and assumptions underlying opinions are identified.*

5.13 Registrants must present clearly to employers and clients the possible consequences if professional decisions or judgments are overruled or disregarded.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(j)).*

*This standard formalizes the general expectation in any regulated profession that professionals identify risks and consequences of not following advice, decisions, or judgments.*

*The standard does not impose an obligation that Registrants identify every consequence for every decision or judgment in carrying out the practice of the profession of architecture. Professional decisions or judgments that are critical or substantive, the disregard of which could create risks of harm to the public or the environment, or carry substantive financial costs including property damage or devaluation, trigger an expectation that consequences are communicated.*

*When professional judgments are questioned, a Registrant should ensure that the relevant parties clearly understand the concerns and professional basis for them, and that such parties' perspectives are also considered. Many 'differences of opinion', whether with Clients, third parties or professionals from other disciplines, can be resolved through better communication and explanation.*

*When a Registrant's professional judgments are disregarded, the Registrant should record the concerns, and relevant implications, in writing and communicate them to the Client. As an example, if an Architect is unable to sign and Seal a Letter of Assurance because advice has been disregarded, there is an obligation to record the issue and to specifically notify the Client and identify possible consequences.*

*As with many Professional Standards, the threshold for determining what decisions or judgments would trigger this obligation is a matter of judgment left to the discretion of each professional, acting reasonably and competently. Importantly, the disregard by others of some professional decisions or judgments may also trigger the Professional Standard that requires mandatory notification of:*

- *unlawful action by an employer or client (PS: 10.7);*
- *breaches of standards by Registrants (PS: 10.6 and 10.8); and*
- *the general 'duty to report' obligation under the PGA, Section 58.*



## 6.0 **Architectural Services: Supervision**

- 6.1 An Architect providing Direct Supervision of non-Architects in the Regulated Practice and Reserved Practice is accountable and responsible for all architectural services provided.

*The PGA, Architects Regulation and Bylaws reinforce that only Architects are entitled to engage in the Reserved Practice. Architects practising outside the Reserved Practice in the Regulated Practice (e.g., on a single-family dwelling, where non-Architects can provide service) are still held to all Professional Standards, including supervision expectations. Smaller buildings do not imply lesser standards.*

*While the delegation of certain aspects of work to non-Architects within the practice of the architectural profession is normal, non-Architects are only permitted to undertake the Reserved Practice under Direct Supervision of an Architect.*

*Direct Supervision expectations vary with the nature of the service. However, the ability to delegate work under Direct Supervision does not diminish other obligations and Professional Standards, such as allowing Architects to practice in areas where they are not qualified. Architects are expected to have knowledge of and involvement with all stages of their Projects. Delegation of certain work on a Project does not permit 'absentee architecture' nor allow non-Architects, whether Registrants or not, to make crucial decisions and act or be seen as the face of a Project.*

*Delegation to Intern Architects is a crucial aspect of their development and education leading to registration as Architects, but requires diligent oversight.*

*Direct Supervision does not necessarily require physical presence. Architects must exercise professional judgment in determining the level of review, oversight, direction, correction, and communication with non-Architects when providing Direct Supervision.*

*In all cases, Architects must make sure that evidence of supervision is recorded in their files. Architects' input on drafts, iterative design work, review, email, meeting, and phone consultation are all examples of documented supervision.*

*Those aspects of practice that only Architects can provide (e.g., application of the Seal, making proposals and official submissions per PS: 6.3 and 6.4) must be undertaken by Architects.*

- 6.2 Each office offering architectural service to the public must have an Architect available who has direct knowledge of the services provided and is able to provide Direct Supervision of such services.

*This Professional Standard requires oversight, care, control, and supervision, but not necessarily physical presence by an Architect. The level of supervision and general management of an office will vary with many factors, including size, number of employees and contractors and the scale and methodology of services provided.*

*An Architect's site (or auxiliary) office for a specific project is a convenient extension of the base office for a single Project and is not itself permitted to offer or to provide independent architectural services to the public.*

*Whereas a site office does not offer services to the public, a branch or secondary office may. The public is entitled to expect that the services offered and provided by an Architect's office, including a branch, are supervised and controlled by an Architect.*

*In branch offices as much as elsewhere, it is important to be cautious to ensure that the public, including Clients, are not misled by any misrepresentations as to staff qualifications and professional status.*

- 6.3 Proposals of service; Client-Architect Contracts; assurances; certifications; official submissions to authorities; and similar representations on behalf of a Registrant Firm or Certificate of Practice holder must be made by an Architect.
- 6.4 All formal presentations to an authority on an architectural matter must be made by or under the attending Direct Supervision of an Architect.

*The public is entitled to expect that formal representations, including at public hearings, design panels, advisory commissions or to elected bodies on architectural matters be made by an Architect. Under appropriate terms of engagement, it is permissible for an Architect from another Firm to fulfil the 'attending Architect' role to satisfy this standard. Such Architect should be adequately prepared and briefed so that the Client is aware of the appointment, the Client's interests are preserved, and any non-Architect making the presentation, such as an Intern Architect or Retired Architect is appropriately supervised and supported.*

- 6.5 An Architect supervising an Intern Architect must sign and comply with the supervision undertaking established by the Board.

## **7.0 Architectural Services: Architectural Competitions, Schedule of Architectural Services and Pro Bono Services**

- 7.1 Registrants are only permitted to participate in an architectural competition that is either conducted according to architectural competition rules approved by the Board, or an alternate arrangement, specifically approved by the Board.

*Registrants unsure whether a 'competition' requires approval or is approved should contact an AIBC Practice Advisor. Registrants invited to participate in a non-approved competition should decline the opportunity and notify the AIBC (per reporting obligations).*

*'Competitions' that do not require AIBC approval include awards programs for buildings already built; design competitions for structures that are not buildings; competitions for buildings that do not require an Architect, and requests for proposals that are in accordance with requests for qualifications.*

- 7.2 Registrants' conduct when participating in an approved competition must comply with the architectural competition rules or alternate arrangement approved by the Board.
- 7.3 Registrants must not attempt to influence the awards of an approved competition, except as a jury member.

*Queries, communications and clarifications of competition conditions may be made only as directed by the rules of the competition.*

- 7.4 Registrants must not attempt to obtain a commission to be awarded by an approved competition, except as an entrant.

*Any effort to circumvent the competition process would be considered supplanting and is unprofessional.*

- 7.5 Registrants receiving monies for services provided by others must not use such monies for the Registrants' own purposes, and must distribute them promptly to those so entitled.

*This Professional Standard requires Registrants to fulfil the expectation that funds received on behalf of others will be properly managed.*

*Receiving monies for services provided by others would include fees or disbursements invoiced to a Client for project-related services, provided under contract to the Architect by subconsultants and suppliers.*

*The monies received should be distributed or paid to others and not diverted for the Registrant's own purposes and therefore be inaccessible. Payment may be in full or on a pro-rata basis on the monies received. Payment must be made "promptly" as agreed on the basis of good business practice, (e.g., monthly or upon receipt of monies).*

- 7.6 Architects must have regard for the AIBC Schedule of Architectural Services with Fee Guidelines prior to entering into a Client-Architect Contract.

*This Professional Standard replaces the language in former Bylaw 34.16. The intent of the standard, as with the previous 'Tariff Bylaw', is to focus attention on the scope and quality of architectural services provided to the public, and to enhance Client (and public) understanding of the services required to competently complete Projects.*

*The phrase "have regard for" can be understood to mean to be aware of and consider the impact and application of the Schedule of Architectural Services to the Project, particularly in relation to ensuring the appropriate range of services is contracted for and provided.*

*Appropriate and adequate service is the critical issue. Inadequate fees are not an acceptable excuse for inadequate services.*

*The fee guidelines are general guidelines of appropriate fees for services, not a list of median (or minimum, or maximum) fees nor a price list. They do not specify what the fee for a specific Project must be. Rather, the guidelines are a budgeting check that warns when appropriate fee levels are breached and that the real likelihood of inadequate services has been reached. The provision of inadequate services is contrary to the public interest and the schedule and fee guidelines is one of many preventative measures employed by the profession to guard against inadequate services.*

7.7 Registrants may provide pro bono services under the following conditions:

- (a) the level and competency of architectural services must be no less than if provided for fee;
- (b) the Registrant and Client must enter into a Client-Architect Contract and otherwise abide by all relevant Professional Standards; and
- (c) no fee or other compensation may be charged or received, and all services for the Project must be provided pro bono.

*Pro bono is a common abbreviation of the phrase “pro bono publico”, which means “for the public good”. Architects must judge for themselves whether a particular Client and Project are deserving of the public service commitment inherent in providing pro bono services. The provision or offer of pro bono services by Registrants for motivations other than philanthropic, public good or public service should be avoided. Registrants should also carefully consider firm capacity and potential liability exposure prior to agreeing to provide pro bono services.*

*Pro bono architectural services are those rendered without fee as a public service. They are intended for Clients and Projects that, in the Registrant’s professional opinion, merit such services. In general, pro bono services are intended to assist such deserving Clients as non-profits, community groups, charities, and international development organizations, but only when funding for services is extremely difficult or impossible to obtain. Specific commissions related to public good, such as the conservation of a meritorious building for the benefit of the public, also qualify. Registrants are not permitted to use the provision of pro bono services as a loss leader or other enticement leading to fee-for-service work or for any purpose not in keeping with the inherent ‘public good’ motivation.*

*Registrants are reminded that the provision of pro bono services does not eliminate or even reduce liability risks from professional conduct or civil liability perspectives. In addition to requiring that a Client-Architect Contract is in place, Architects are reminded that pro bono services for Clients must comply with all applicable Professional Standards. Firms should consult their insurers and take suitable legal and other professional advice prior to entering into a pro bono Client -Architect Contract in order to understand and address risk management issues.*

*Pro bono services may not be offered or provided for any project that is subject to the rules of an approved competition; for which an Architect already has been retained; or for which definite steps have been taken to retain an Architect.*

*It is not acceptable to provide service as a donation to be exchanged for a tax deduction. Donations are tax vehicles to implement a social policy wherein monies that would otherwise go to tax receivers are permitted to go to administrators of legally constituted worthy causes. Should a Registrant wish to make a donation, it must not be made as a means of reducing professional fees or obtaining a commission.*

*Even should the exchange of services for a tax deduction be legal, it does not qualify as “pro bono”, but, rather, is an alternate form of payment. Similarly, the fees that would otherwise be due for “pro bono” services are not to be viewed as un-invoiced “bad debts”. “Pro bono” services are also not negotiable. They cannot be exchanged for goods or services in the underground economy or for favours in an underworld economy, e.g., bribes or kickbacks.*

## **8.0 Architectural Services: Use of Seal**

- 8.1 Only Architects are permitted to apply a Seal, and must do so in compliance with the Professional Standards in the Code of Ethics.

*Architects should not seal any documents not identified as requiring a Seal under these Professional Standards.*

*The Architect most directly involved in the preparation, supervision, direction, or control of the preparation of key documents should be the individual applying the Seal, in keeping with the Professional Standards.*

*An Architect can never “review” and Seal documents prepared by others. An Architect must directly supervise the preparation of document to be sealed.*

*An Architect must not apply their Seal merely by virtue of Firm ownership or position alone. However, Firms may assign supervising Architect responsibility only to certain Architects within the Firm.*

*Within a Firm, employed Architects who are preparing documents or who are supervising, directing, or controlling their preparation should be authorized to sign and Seal such documents.*

*Conversely, no Firm is entitled to force or pressure an Architect to sign and Seal a document for which that Architect is not prepared to take the requisite responsibility.*

*An Architect who has agreed to take on the responsibility cannot refuse to seal on behalf of the Firm for reasons other than the readiness of the documents for sealing and issue.*

- 8.2 Architects must have regard for any Practice Guidelines and commentary in the Code of Ethics in relation to use of the Seal.

- 8.3 An Architect must apply a Seal, with signature and date, to the following documents prepared by or under the Direct Supervision of the Architect:

- (a) drawings and specifications issued for approval or reliance by any party;
- (b) Letters of Assurance including but not limited to those issued under the *BC Building Code* and *Vancouver Building Bylaw*;
- (c) certificates for payment and certificate as to construction performance when acting as a payment certifier under contract; and
- (d) formal reports, including expert reports, building code or zoning analysis reports, building assessment reports, and written opinions.

### Drawings

*All drawings issued by an Architect for approval by an authority or for reliance by a Client or third party, including the public, must be sealed, regardless of building size or whether it is within the Reserved Practice. This includes drawings issued for rezoning, development permit (including such processes as “development permission”, “preliminary plan approval”, etc.), design panel review, community presentation, building permit, zoning bylaw or building code compliance, bidding, construction (working) drawings, addenda and drawings accompanying change orders, change directives and site instructions.*

*Drawings submitted for amendments to permit applications must also be sealed.*

*The requirement for sealing “drawings” under the Code of Ethics is not limited to building permit drawings. The requirement for sealing drawings is not defined by a building code or an authority’s practice, expectations or guidelines.*

*Drawings used for internal purposes within the Architectural Firm need not be sealed. Similarly, drawings prepared solely for discussion purposes between Architectural Firm and authority, Client, contractor, or consultants need not be sealed. Drawings prepared and delivered for the purpose of seeking fee proposals from consultants, including other Architects, need not be sealed.*

*Drawings not required to be sealed should include a notice to indicate the specific purpose behind their preparation and delivery.*

*Architects should never Seal “contractor mark-up” or “as-built” drawings. If required to be provided by contract or by an authority, Architects must Seal “final design drawings” which are drawings produced by the Architect that incorporate Architect directed changes that occurred during construction.*

### Specifications

*All specifications issued by an Architect for approval or reliance by a Client, authority or, the public must be signed and sealed. Where specifications are issued separately from drawings, in bound or binder format, as opposed to as an integral part of sealed drawings, the Seal should appear on the first appropriate page of the specification that describes their contents. Specifications should include a table of contents listing all specifications sections and number of pages. It should be clear to a reader the*

*extent of the document to which the Seal applies. When bound specifications include drawings (or any other instrument of service) that must be sealed on their own merits, such documents should be sealed separately within the bound document. When sealed via Digital Certificate, the specifications may be issued as a single file or multiple files. Each file issued must be sealed, i.e., have its own Digital Certificate.*

#### Letters of Assurance

*Letters of Assurance requiring an Architect's Seal are those endorsed by the AIBC, including those from the BC Building Code, Vancouver International Airport Authority (YVR) letters, First Nations, Ministry of Transport and AIBC/EGBC Model Schedule D in some municipalities. Unendorsed or 'rogue' letters must not be sealed, and such documents should be brought to the AIBC Practice Advisor's attention.*

*Letters of Assurance are vital accountability documents and must only be provided in strict compliance with the applicable code, local government bylaw, or other enactment. Architects, other Registrants and the public should consult with most recent edition of the Guide to Letters of Assurance, AIBC Practice Guidelines and AIBC website for detailed information.*

#### Certificates

*An Architect must Seal certificates for payment and certificates as to construction performance (e.g., certificates of completion under the Builders Lien Act), when so contracted and functioning as "payment certifier" under lien legislation.*

#### Reports

*The application of the Seal to architectural reports, reinforces the solemn confirmation that an Architect has applied professional judgment in the preparation for the document and that it is intended for reliance for the purpose and by the party intended.*

#### 8.4 Architects must not apply their Seal:

- (a) to documents not prepared by them or under their Direct Supervision;
- (b) to blank documents, including drawing templates, title blocks, Letters of Assurance or other incomplete or unchecked documents;
- (c) to any document not prepared under the Architect's direction and control such as as-built drawings from contractor mark-ups or shop drawings;
- (d) as a commercial or business seal;
- (e) on correspondence, such as fee proposals and business letters, that do not constitute professional advice; or
- (f) to declarations on professional liability insurance.

*A third party request or demand for an Architect to apply the Seal to documents that are not mandated for sealing as a Professional Standard is not authoritative.*

- 8.5 Architects transmitting documents electronically must apply their Seal with an AIBC-approved Digital Certificate.

*Applying an image (picture) of an Architect's professional Seal and signature is not the same as digitally signing and sealing that document with a Digital Certificate. An image alone of a Seal is not secure, and any such document is vulnerable to being seamlessly modified by others without the issuing Architect's knowledge. The application of a Seal graphic (such as JPEG, PDF, BMP, etc) to documents or the scanning of sealed paper documents does not constitute acceptable digital sealing of such documents.*

*It is fundamental to the protection of the public that the Seal applied by an Architect is secure, i.e. that it can be reasonably relied upon as being accurate and not having been tampered with. For electronically transmitted documents, the only acceptable means of signing and sealing is with the AIBC digital signature "Digital Certificate".*

*The AIBC has secured digital document certification technology for use by Architects. Along with the Engineers and Geoscientists BC, the AIBC has contracted certification services for the issuance of the AIBC digital signature through Notarius, a Certificate authority founded by the Quebec Society of Notaries Public (Chambre des Notaires du Québec).*

*Notarius provides the technology and security services through which professionals can sign, Seal and deliver electronic documents safely and in a manner that meets AIBC regulatory requirements.*

*Other methods of maintaining security, such as those provided by various proprietary computer applications, do not meet this Professional Standard. Only through Notarius process is a digitally-sealed document acceptable.*

- 8.6 Architects using an electronic Seal must securely maintain their Digital Certificate password.

*Whether a Seal is applied manually or electronically, the Architect with the responsibility for sealing the document must review and Seal the work personally and maintain the integrity of the Architect's Seal.*

## **9.0 Conflicts of Interest**

- 9.1 Registrants must:

- (a) avoid situations and circumstances in which there is a real or perceived conflict of interest; and
- (b) ensure conflicts of interest, including perceived conflicts of interest, are properly disclosed and necessary measures are taken so a conflict of interest does not bias decisions or recommendations.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(h)). This Professional Standard echoes the longstanding*



*expectation in the profession's Code of Ethics to avoid, disclose, and address real or perceived conflicts of interest.*

*This commentary related to conflicts of interest that cover a broad spectrum of scenarios in the practise of the profession of architecture, particularly as the Architect is often in a 'lynchpin' position as client representative, coordinating registered professional, interpreter of the Architect's own instruments of service, etc. All of the Professional Standards in Section 9.0 of the Code of Ethics relate to conflicts of interest of various kinds, including those where disclosure and mitigation ('taking necessary measures') may allow a Registrant to continue providing professional services.*

#### "Real Conflicts"

*One of the most obvious conflict scenarios is a Registrant soliciting or receiving compensation/ benefit from suppliers in return for endorsing or specifying a product or services. In such stark cases, disclosure and 'agreement' would not satisfy what would be a clear and true conflict of interest.*

*The overtures of suppliers should be evaluated with caution. It is acceptable to become educated about a product by attending gratuitous seminars and participating in promotional trips for familiarization. It is not acceptable to receive inducements (financial or otherwise) which may be seen as impairments to one's professional judgement.*

*Other examples that target the core of the public's confidence in Registrants' professionalism would include providing gifts or other inducements (other than nominal hospitality as may be reasonable) to influence a prospective client, or gifts or other 'instruments of influence' to public officials.*

*This professional standard prohibits attempts to inappropriately influence public decision-making. Public officials means individuals with authority to make or influence public decisions, whether elected, appointed or otherwise retained.*

*While nominal entertainment and hospitality extended by Registrants are permitted where circumstances warrant, Registrants should always be aware of perception created in all dealings with public officials.*

#### Disclose and Mitigate (take "necessary measures")

*An example of disclosure/ necessary measures includes the "multiple loyalties" scenario in which a Registrant accepts compensation for services from more than one party on a project. Full disclosure and agreement by all parties providing compensation must be in place before services can be ethically provided to second/ subsequent parties.*

*The obligation to disclose and address conflicts is a continuing professional expectation, and is not limited to the pre-project or early project stages or early client relationship.*

*Broad disclosure of conflicts/ potential conflicts, including to subconsultants and project team members is generally the most effective means of addressing concerns about bias or improper conduct.*

*A Registrant's name, portrait or reputation may be attached to an endorsement of other's services or products on projects to which the Registrant is not connected, for personal benefit, as long as such conditions do not influence professional judgment. Endorsement could be in the form of reference letter, announcement or advertisement.*

9.2 Registrants with a pre-existing personal association or interest in a Project for which they are providing services must:

- (a) fully disclose in writing to clients or employers the personal association or interest as soon as the Registrant is made or becomes aware of the potential conflict; and
- (b) if the client or employer objects, terminate the personal association or interest or offer to give up the commission or employment.

*An association or interest in a Project includes but is not limited to friendship or family relationships. A personal interest in a Project includes but is not limited to direct or indirect potential for financial or material gain.*

9.3 An Architect acting as the interpreter of construction contract documents and reviewing construction for conformance with the contract documents must render decisions impartially.

*This Professional Standard confirms that Architects cannot favour the Client or contractor during the Architect's impartial administration of construction contracts.*

*An Architect must interpret construction contract documents as if disinterested, regardless of which party in a project's administrative structure engages/compensates the Architect. Impartial decisions may reflect adversely on perceptions of the quality of the design or documents produced by the Architect. This cannot deter impartiality. The Architect should seek advice from legal counsel or direction from professional liability insurers when situations arise where impartial decisions may imply, or cause others to infer, an acknowledgement of responsibility or potential liability by the Architect.*

9.4 A Registrant who is a Project's owner or contractor and providing professional services to such Project must:

- (a) disclose in writing such status to all of the Project's authorities and contracting parties;
- (b) receive and record written acknowledgement of such disclosure; and
- (c) provide professional services as if disinterested.

*If the Registrant is acting as an owner, only, and not providing architectural services, no disclosure is required. When disclosure is required, it must identify the Registrant personally by name as owner or contractor, or both, regardless of degree of ownership. The Project's authorities include the officials known to the Registrant to be in charge of the various aspects of the Project's review and approval process from the authorizing or rezoning applications through development permit applications, building permit applications, etc.*

*The Project's "contracting parties" include those parties known to the Registrant to be in contract with the Registrant, the owner, and construction contractor (or construction manager or project manager).*

*Disclosure should be made at the earliest opportunity, and also recorded in the Registrant's construction contract documents and application forms to authorities.*

*Financial interests must not override professional responsibility and impartiality. A Registrant who is also a project's owner or contractor should seek direction with respect to availability insurance coverage for such roles, which may affect or not be covered by mandatory PLI for professional services.*

- 9.5 An Architect who is a juror or advisor for an approved competition must not subsequently provide any services to the winner or, if there is no winner, for any derivative commission.
- 9.6 A Registrant making a public statement on an architectural issue, whether in writing or verbally, must disclose:
- (a) their Registrant status; and
  - (b) any personal or business interest in the issue.

*Refer to Professional Standard 2.3 and commentary for related information.*

- 9.7 Registrants serving on an advisory design panel or other like committee, reviewing either a proposal's character or a candidate's qualifications, must make known any involvement in an application being reviewed or any other relationship that might constitute a conflict of interest and withdraw from the meeting and any discussion or evaluation of the merits of that matter.
- 9.8 Registrants having a direct financial interest in any building material or device which they propose to specify for a Project must disclose this interest to the Client, must request and receive written approval for such specification from the Client, and must include a copy of this approval in the construction contract documents.

*This Professional Standard prohibits Registrants from receiving benefit in return for merely specifying or "endorsing" (i.e., accepting or approving) others' products for use on a Project.*

## **10.0 Obligations of Disclosure and Reporting**

- 10.1 Registrants must provide accurate information in respect of qualifications and experience.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(f)).*

*It reflects a portion of the obligations related to general accuracy of professional qualifications information found in former AIBC Bylaw 32.2. The balance of that Bylaw related to taking and giving credit (often known as 'project attribution') is found in Professional Standard 10.3 below.*

*A Registrant using the educational qualification CP designation must have passed the Certified Professional course.*

- 10.2 Registrants must clearly identify each Registrant who has contributed professional work, including recommendations, reports, statements or opinions.

*This is mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(k)).*

*This Professional Standard applies to situations in which more than one Architect or Firm are providing services. In such cases it should be clear, for example, in Project documentation which Architect has applied a Seal or is otherwise accepting professional responsibility for recommendations, reports, statements or opinions.*

*This Professional Standard does not impose an obligation to identify every Registrant engaged by a Firm who provides services under supervision by an Architect on every Project document. The standard is directed at higher-level baseline accountability expectations.*

*The standard is complementary to the general obligation to give and take credit for architectural services provided as set out in Professional Standard 10.3.*

- 10.3 Registrants must accurately represent the scope of their responsibility, and that of other Registrants, in connection for any work for which credit is claimed.

*Refer to Practice Guidelines [Attribution – Giving and Taking Credit for Architectural Services](#) for in-depth guidance on project attribution.*

*Professional Standards 10.1-10.5 address the general public's, Architects' and Clients' concerns about the accuracy and credibility of architectural proposals, marketing and other representations and the résumés of architectural job applicants.*

*Appropriate credit should be given about Projects undertaken with or by other Firms. In some cases, more than one Firm may be given credit, as a result of collaboration on a Project, transition between Firms during a Project's lifespan or other scenario, but not to the exclusion of the original Firm(s).*

*The more peripheral the services provided by a Firm, Architect or non-Architect Registrants on a project, the more careful such Registrant must be in claiming credit. Architects, Firms, and non-Architect Registrants should take particular care to ensure that graphic representations of Projects – whether photographs, drawings or other media – relate accurately to the services claimed and do not overreach. The public is entitled to know the Firm of record and the level of involvement claimed by any other Architect or Firm on any Project for which credit is claimed.*

*In addition, non-Architect Registrants claiming credit for work outside the Reserved Practice in the Architects Regulation must be cautious that such depictions do not imply, or lead to an inference,*

*that the individual was an Architect or Firm Registrant. If the non-Architect Registrant provided services for such Projects, credit taken should be appropriate and credit must be given to the original Firm Registrant.*

- 10.4 Registrants must not knowingly make or assist others to make, either a false or misleading statement or an omission of material fact about education, training, experience or character when applying for or renewing registration with the AIBC or any other regulator.
- 10.5 Registrants must ensure that all advertising, marketing, and other promotional information is accurate, factual, and not misleading.
- 10.6 Registrants must report to the AIBC and, if applicable, any other appropriate authority, if the Registrant, on reasonable and probable grounds, believes that the continued practice of a Regulated Practice by another Registrant or other person, including Firms and employers, might pose a risk of significant harm to the environment or to the health or safety of the public or a group of people.

*This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(i)). This Professional Standard arises from the PGA's focus on harm to the public and environment. As with many other Professional Standards, it calls for professional judgment based on the specific circumstances of the risk.*

*The phrase "reasonable and probable grounds" is a legal standard normally associated with criminal law and law enforcement contexts. For the purposes of the PGA, it can reasonably be understood to mean a subjective belief of a risk that is objectively reasonable from the point of view of a Registrant with similar experience. The "grounds" for such a belief must be defensible and more than a mere suspicion. Registrants faced with a situation in which this Professional Standard may apply are encouraged to contact the AIBC's Professional Practice Advisors and seek professional advice for assistance.*

*Professional Standard 10.6 is expanded upon by the AIBC's longstanding reporting obligations formerly found in Bylaws 32.3 and 32.5. These obligations are now found as Professional Standards 10.7 and 10.8.*

- 10.7 A Registrant, in the provision of services, becomes aware of an action taken by the Registrant's employer or Client, against the Registrant's advice, which violates legal requirements, must not condone or be complicit in such a situation. A Registrant in such a situation must take all reasonable steps to convince such an employer or Client to comply with the legal requirements. The Registrant must:
  - (a) refuse to consent to the action; and, if the action is not rectified in a timely manner, then
  - (b) report the action to the authority and, if the authority confirms the violation and the action is not rectified in a timely manner, then
  - (c) terminate services on the Project.

*“Legal requirements” encompass all applicable building laws and regulations that apply to the Project. This includes, for example, health, zoning, development permit and building permit requirements.*

*This pertains to requirements, which have the force of law, as opposed to those which are only guidelines, opinions, or decisions of a subjective or discretionary nature, rendered without legal authority.*

*Termination is a last resort in the face of an action taken and persisted with by an employer or a Client, despite the Registrant’s advice to the contrary and in contravention of a ruling by the authority, having exhausted available appeals.*

*Note: Enforcement of the legal requirements with respect to the action is a matter for the authority, not the Registrant. Should the authority determine that the reported action does not constitute a violation, or decide not to require its rectification, such conclusions must be confirmed to the authority in writing by the Registrant, copied to the Client.*

10.8 Registrants must promptly notify the AIBC in writing in any of the following circumstances:

- (a) Having reasonable grounds to believe that a non-AIBC Registrant has illegally practised or offered to practise the profession of architecture, or otherwise violated the *Professional Governance Act* and the *Architects Regulation*;
- (b) Having reasonable grounds to believe that a Registrant, including oneself, has breached any standard related to competency, professional conduct, or public safety, including any breach of the Code of Ethics;
- (c) Upon filing for assignment or upon being petitioned into bankruptcy or receivership;
- (d) In the event of a finding or admission of professional misconduct, unprofessional conduct, incompetency, conduct unbecoming or other disciplinary breach in another jurisdiction in which the Registrant is registered;
- (e) Upon being charged with an offence under the *Criminal Code*; and
- (f) Upon receipt or service of a notice of civil claim or other legal proceeding in which allegations are made of professional negligence or fraud.

*The underpinning for this reporting/self-reporting requirement is to provide the AIBC with information relevant to its public protection mandate.*

*Subparagraphs (a) and (b) of this bylaw oblige registrants to report to the AIBC certain instances of non-compliance or possible non-compliance with the Professional Governance Act, the Regulations or key Professional Standards.*

*Subparagraphs (b) through (f) establish the obligation on Registrants to self-report in certain specific circumstances.*

*The provision of this information, including notice of legal action, does not automatically trigger a professional conduct investigation. These ethical reporting standards cannot be avoided through confidentiality agreements or otherwise 'contracting out' through release of claims or other mechanisms. Entering into an agreement 'not to notify or complain to the AIBC' may itself constitute a Discipline Violation. However, Registrants unsure whether to report or self-report may contact the AIBC's Practice Advisors to discuss the matter on a hypothetical and 'no-names' basis.*

*Information received by Registrants when acting in certain legal capacities, such as a lawyer, mediator, arbitrator, or as an expert witness, may reasonably be protected from notification and disclosure by legal principle or confidentiality provisions that override the public policy basis for this Professional Standard. As an example, the information an Architect receives when engaged to provide expert opinion advice may be covered by litigation privilege principles. When such unusual circumstances arise, Registrants should consult their own advisors and/or the AIBC's Practice Advisors.*

*In every case, the written notification (reporting) obligation can be satisfied by sending a confidential email to the attention of the Director of Professional Conduct and Illegal Practice at [complaints@aibc.ca](mailto:complaints@aibc.ca).*

# Schedule C: Board Code of Conduct

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## 1.0 Background and Authority

1.1 This Board Code of Conduct (“Code of Conduct”) sets out the essential behavioural expectations and obligations that apply to all elected (Registrant) and appointed (Lay) Board Members as authorized under Bylaw 2.7. Collectively, this group is referred to in this document as “Board Members”, unless stated otherwise.

## 2.0 Relationship to AIBC Code of Ethics and Professional Conduct, Board Policy, and Board Rules

2.1 To the extent that Board Members are Architects or other Registrants, this Code of Conduct is complementary to the Code of Ethics and Professional Conduct (the “Code of Ethics”). The Code of Ethics focuses primarily on relations between Architects and their Clients and duties owed to the general public. If there is a relevant conflict or inconsistency between a provision of this Code of Conduct and a provision of the Code of Ethics, the Code of Ethics prevails.

## 3.0 Attitudes, Behaviours and Actions

3.1 Board Members have a fiduciary duty in relation to the AIBC and its public interest mandate at all times. This overarching concept requires Board Members to act honestly and in good faith; avoid and address conflicts of interest; maintain the confidentiality of information they acquire by virtue of being a Board Member; and serve the AIBC selflessly and loyally.

3.2 Board Members acknowledge that the Board speaks with a united voice. Board Members who abstain or vote against a motion must adhere to and support the decision of the majority.

3.3 Board Members agree to undertake and attend any required training, orientation, or professional development that relates to their fiduciary obligations, or to their role as governing Board of a professional regulatory body.

3.4 Board Members must:

- abide by all Board Policies governing Board Members behaviors, practices, decisions, and actions;
- behave in an honest and ethical manner, and in the best interests of the AIBC and the public it serves;
- refrain from using inappropriate language or taking inappropriate actions that could compromise the professional image, credibility or integrity of the Board, the architectural profession or the AIBC;
- demonstrate an open mind and prudent judgement in all matters under discussion and must encourage and permit full discussion of all points of view;



- be prepared and well-informed on all matters coming before the Board, notably by reviewing in advance and being prepared to discuss the Board meeting materials;
- review and become familiar with all AIBC Board Policy documents and principles;
- wherever possible, seek clarification on questions related to meeting materials prior to the meeting, to maximize the value of collective meeting times;
- not make personal use of AIBC property, including facilities, equipment, materials and supplies, unless such use is generally available to Registrants;
- not exercise authority or influence over AIBC staff, unless expressly authorized by the Board, and then only through the Registrar;
- give focus to matters of governance, including policy, strategy and oversight of the AIBC, rather than day-to-day operational matters within the purview of the Registrar and staff;
- abide by Schedule E: Board Rules for Board Meetings and by the method or process agreed to for conducting meetings;
- refrain from trying to influence other Board Members outside of Board meetings that might have the effect of creating factions and limiting free and open discussion;
- ensure that elected Board Members are and remain a Registrant in Good Standing with the AIBC;
- participate and contribute to building and maintaining a healthy, productive, and effective functioning Board, including expressing opinions in a clear and respectful manner;
- not speak or make representation on behalf of the AIBC (including on behalf of the Board) or accept or undertake any obligations unless with the express authority from the Board to do so; and
- not obtain a personal benefit from, or take personal advantage of, information obtained in their capacity unless that information is generally available to AIBC Registrants.

#### **4.0 Confidentiality and Non-Disclosure**

- 4.1 Board Members must keep confidential all discussions and information obtained in those discussions respecting circumstances involving identified individuals, sensitive AIBC negotiations or deliberations, legal issues, information related to the AIBC's finances, and any other information related to matters that have been or will be discussed *in camera*. Board Members must take particular care when handling material marked as being 'privileged' communication, such as legal advice to the AIBC, the Board, or the Registrar. Questions about confidentiality and privilege should be directed to the Board Chair and/or Registrar as appropriate.
- 4.2 This confidentiality obligation does not apply to the extent that disclosure:
- is required under the AIBC Code of Ethics;
  - is required for the obvious and proper processing of the matter under discussion;

- is explicitly authorized by the Board; or
  - is otherwise required by law.
- 4.3 Board Members must take all reasonable steps to ensure confidential and/or privileged material in their possession or to which they may have access is safeguarded and must promptly notify the Board Chair if they believe the material has been lost or otherwise compromised.
- 4.4 Upon the end of the term, Board Members must return to the AIBC or destroy any confidential materials including Board meeting packages, remaining in their possession.
- 4.5 The duty of confidentiality applies both during and after the Board Members' term.

## **5.0 Conflict of Interest Obligations**

- 5.1 Board Members are subject to, must be familiar with, and must follow and comply with the conflict of interest obligations described below.
- 5.2 The purposes of the obligations and supplementary Conflict of Interest Administrative Guidelines found in Schedule D, are to ensure that Board Members are aware of situations that may create an apparent or actual conflict of interest, and how to address conflicts. Board Members have a duty to uphold the integrity of the Board's activities and decision-making processes, which includes setting aside personal self-interest and performing duties in a manner that promotes public confidence and trust in the integrity and impartiality of the Board.
- 5.3 Board Members must avoid any situations where their personal or private interests may be in conflict with the interests of the AIBC.
- 5.4 Board Members must not accept or offer a gift if that gift could be reasonably construed as being offered for the purpose of obtaining preferential treatment.
- 5.5 Board Members must not represent or appear on behalf of an outside special interest group or person at a meeting of the Board, its Advisory Groups, or similar bodies of which the individual is a member.

## **6.0 Disclosure and Resolution of a Conflict of Interest**

### Disclosure at Meeting

- 6.1 If a matter arising at a meeting of the Board or Board Advisory Group places the Board Member in an apparent or actual conflict of interest, the Board Member must promptly:
- declare the apparent or actual conflict of interest;
  - disclose the general nature of the apparent or actual conflict of interest;

- ensure that the disclosure is entered in any minutes of that meeting;
  - allow consideration by the Board as to management of the matter and, depending on the nature of the conflict of interest;
  - accept that the Board may determine that the Board Member should physically leave the relevant portion of any meeting, discussion and vote at which that matter is at issue and must not attempt in any way to influence the outcome of that particular matter.
- 6.2 In every case in which an actual conflict of interest is identified, the conflicted Board Member must take no role in relation to the matter at the meeting or at any other time while the actual conflict exists.
- 6.3 An actual conflict of interest may also trigger an investigation by the Board, and in relation to Architects and other Registrants, the matter may merit referral to the AIBC's professional conduct process.

#### Disclosure in a Non-Meeting Context

- 6.4 In the event that an apparent or actual conflict of interest is identified outside of a meeting as described in paragraph 6.1 of this Code of Conduct, the Board Member identifying the conflict must promptly notify the Board Chair, in writing, or the Board Vice Chair in the event the Board Chair is the conflicted member.
- 6.5 In determining how to proceed with an apparent or actual conflict of interest in such circumstances, the Board Chair (or Board Vice Chair, if the Board Chair is the Board Member in apparent or actual conflict) must take one or both of the following steps:
- 6.5.1 Bring the matter to the next Board meeting for consideration using the sequence of events in paragraph 6.1 above (identification, minuting, Board discussion and decision).
- 6.5.2 If time is of the essence to resolve a conflict of interest, or if the nature of the conflict is beyond the scope and intent of paragraph 6.5.1, the Board Chair may convene a group consisting of the Board Chair (or Board Vice Chair), a Lay Board Member, the Registrar, and a staff lawyer who review the matter, in writing, and advise the Board Chair.
- 6.6 After taking advice on a matter under paragraph 6.5.2 above, the Board Chair or the Board Vice Chair must make a determination and convey it in writing to the Board Member identifying the conflict and any other Board Members affected by the issue. The determinations available under this paragraph are as follows:
- 6.6.1 That the disclosure be recorded as an information item in the next Board meeting minutes;

- 6.6.2 That the Board Member in apparent or actual conflict of interest not participate in any Board discussions related to the conflict, or attempt to influence the outcome of the matter; and
- 6.6.3 In the event of an actual conflict of interest, whether to trigger an investigation by the Board, and in relation to Architects and other Registrants, whether the matter merits referral to the AIBC professional conduct process.

## **7.0 Consequences of Non-Compliance**

- 7.1 Board Members are encouraged and expected to assist their Board colleagues to understand and comply with this Code of Conduct. Minor concerns should normally be addressed by direct, respectful communication between Board Members, or by raising concerns with the Board Chair for resolution.
- 7.2 In the event of a more serious breach or ongoing non-compliance with the norms established in this Code of Conduct, the mechanism established in Section 8.0 below should be followed. This Code of Conduct establishes a progressive approach to non-compliance, from written warnings through formal censure to suspension. Removal of a Registrant Board Member or termination of the appointment of a Lay Board Member is reserved for the processes established under Section 30 of the PGA, and separate Board Rules per Bylaw 2.11.
- 7.3 While it is hoped that common sense, internal Board management and the Code of Conduct processes will address most concerns, Registrant Board Members may also be subject to a professional conduct complaint in relation to breaches of this Code of Conduct.

## **8.0 Process to Address a Breach of the Code of the Conduct**

- 8.1 In the event that a Board Member legitimately believes that another Board Member is not conducting themselves in an appropriate manner, or consistently with the interests of the AIBC or this Code of Conduct, the issue should be directed to the Board Chair. In the event that such complaint relates to the Board Chair's behavior, the issue is to be directed to the Board Vice Chair.
- 8.2 On the occasion of a first breach, the Board Chair will review and consider the information relating to the breach and may issue a written warning to the person, identifying the code(s) breached.
- 8.3 On the occasion of a second breach, the Board Chair will review and consider the information relating to the breach and may, after giving written notice to the person, identifying the code(s) breached, move a vote of censure to be passed by two-thirds majority of Board Members present at the next Board meeting in which the call for censure is made.
- 8.4 On any subsequent similar breaches by the same person, the Board Chair may call for a vote to exclude that person from one or more Board meetings; such vote requiring a two-thirds majority of Board Members present at the meeting in which the call for exclusion is made.

- 8.5 If the named person persists with similar breaches, or if there is a continuing pattern of similar breaching even after censure and/or being excluded from a Board meeting(s), the Board Chair may call on the Board to vote to establish a review panel to investigate the matter and prepare a report on the named person's conduct.
- 8.5.1 The review panel will be comprised of three persons who do not sit on the Board (at least one of which must be a Registrant of the AIBC in Good Standing).
- 8.5.2 The report must include recommendations as to censure, further suspension, or removal of the named person (in accordance with Bylaw 2.11 and Section 30 of the *Professional Governance Act*.)
- 8.5.3 The report and a written reply to the report from the named person (should that person wish to submit a reply) shall be tabled at the next Board meeting at which time the Board shall decide on the disposition of the matter by two-thirds majority vote of Board Members present at that meeting.
- 8.6 The formal removal of a Registrant Board Members from office must only be undertaken pursuant to Section 30(1) and any Board Rules or procedures for such process as authorized under Bylaw 2.11. A Lay Board Member's appointment can only be terminated by the provincial government as set out in Section 30(3) of the PGA.

# Schedule D: Board Conflict of Interest Administrative Guidelines

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## 1.0 Authority

- 1.1 These Administrative Guidelines are authorized under Bylaw 2.7 and apply to all elected (Registrant) and appointed (Lay) Board Members. Collectively, this group is referred to in this document as “Board Members”, unless stated otherwise. These guidelines supplement the conflict of interest obligations portion in the Board Code of Conduct.

## 2.0 Scope of Conflict of Interest

- 2.1 As a general statement, a conflict of interest arises when a personal interest is sufficiently connected with a public or professional duty that it is in actual conflict, or results in a reasonable perception on the part of a well-informed, reasonable person, that the personal interest may influence the exercise of a public or professional responsibility. Conflicts – actual or apparent – can also arise for Board Members who may serve on two or more organizations that may have adverse interests.
- 2.2 It is important to note that apparent conflicts of interest are normal occurrences in governance, particularly when accomplished, active professionals and other volunteers are engaged. Identifying a conflict of interest should not be seen negatively. It is the avoidance of actual conflicts of interest, the identification of apparent conflicts, and the proper handling of any kind of conflict of interest, that helps maintain good governance and the profession’s and public’s faith in self-regulation of the architectural profession.

### Apparent Conflict

- 2.3 Board Member are in an apparent conflict of interest if a well-informed person could reasonably perceive that the Board Member’s opportunity for personal advantage or benefit could influence the way the Board Member carries out their functions on behalf of the AIBC, including how that Board Member may make a decision or cast a vote. Apparent conflicts of interest are sometimes referred to as ‘perceived’ or ‘potential’ conflicts of interest.<sup>1</sup>

### Actual Conflict

- 2.4 Board Members are in an actual conflict of interest if the Board Member uses the opportunity for personal advantage or benefit to influence the way the Board Member carries out his or her functions on behalf of the AIBC.

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<sup>1</sup> There is a technical distinction between these variations of apparent conflicts. However, all apparent conflicts rest on the foundation of ‘appearance’, to an objective outside party.

### Interpretation

- 2.5 For the purposes of paragraphs 2.3 and 2.4 in this Guideline, a personal advantage or benefit includes a direct personal advantage or benefit to the Board Member or an indirect personal advantage or benefit to the Board Member arising out of their relationship with a relative, close friend or business associate.

## **3.0 Examples of Prohibited Activities**

- 3.1 The following are examples of activities that would be conflicts of interest:
- Board Member using their position to influence a decision of the AIBC to enter into a business relationship that would provide the Board Member with a personal advantage or benefit.
  - Board Members entering into a business relationship with the AIBC, including employment with the AIBC, unless the opportunity to enter into that relationship has first been made available generally to Registrants with the required skills to provide that service in the intended location.
  - Board Members obtaining a personal benefit or advantage from a business relationship between the AIBC and a third party, unless that benefit or advantage is available generally to Registrants.

### Gifts

- 3.2 For purposes of this provision, a gift means any gift, entertainment, hospitality or benefit of sufficient value that a reasonable business person would consider it to be beyond the normal exchange of customary courtesy.
- 3.3 To provide clarity and practical guidance, the following examples of gift-giving are either not of “sufficient value” to be restricted by this policy, or are considered as the “normal exchange of customary courtesy”:
- 3.3.1 Gifts or personal benefit received incidentally as part of protocol or social obligations related to holding Board office/representing the AIBC;
  - 3.3.2 Gifts or personal benefits of a nominal value of less than \$25; and
  - 3.3.3 Gifts provided as part of the normal exchange between friends, co-workers and family.

### Conflict of Interest Advice

- 3.4 Conflict of interest scenarios can be complicated or unclear, and Board Members may require advice to determine whether a conflict of interest has arisen or may arise, before making disclosure as required in this Guideline. Board Members unsure of their obligations under

these Guidelines should contact the Board Chair or Board Vice Chair, in writing, for assistance.

#### **4.0 Exceptions**

4.1 Board Members will not be considered to be in an actual conflict of interest if:

- the personal advantage or benefit to the Board Member was merely incidental to their function as a Board Member;
- the Board Member was only one individual in a broad class of individuals who would have the opportunity to enjoy a similar personal advantage or benefit; or,
- the personal advantage or benefit to the Board Member is trivial or insignificant.



# Schedule E: Board Rules for Board Meetings

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## 1.0 Authority

- 1.1 These Board Rules describe the specific requirements for procedural matters related to Board meetings as authorized under Bylaw 2.43.
- 1.2 These Rules also describe the specific requirements for procedural matters related to Board electronic voting on resolutions as authorized under Bylaw 2.43. The Rules are intended to allow for efficient management of Board business that can be conducted electronically.
- 1.3 Each Board Member is equally entitled to be recognized by the chair, and to vote (except in the case of the Immediate Past Board Chair).

## 2.0 Board Meeting Procedures

### Development of the Board's Meeting Agenda

- 2.1 Wherever possible and practical to do so, new substantive policy items should first be tabled at a Board meeting (whether a formal Board meeting or a planning session) for initial discussion with the Board before being tabled at a later meeting for formal adoption.
- 2.2 The Board may seek the Governance Advisory Group's assistance in the development and management of its agenda.
- 2.3 A Board Member who wishes to have a matter placed on the agenda must, wherever possible and practical to do so, produce a submission in writing (using the format approved by the Board) outlining the item and a short rationale for that item along with all necessary supporting materials. The submission must be provided to the Registrar for submission to the Governance Advisory Group prior to the next scheduled Board meeting. The Governance Advisory Group will review the submission and schedule the item, if appropriate, for the next or following Board meeting agenda.

### Board Meeting Agenda Order of Business

- 2.4 The order of business will be drafted by the Governance Advisory Group and approved or modified by the Board at the time the agenda is formally approved by the Board.

For the handling of routine agenda items that the Board needs to receive or approve and have noted in the meeting minutes as a matter of protocol, a consent agenda format will be used. A Board Member is permitted to request that any item(s) on the consent agenda be removed. In such case, the item(s) in question must be removed, regardless of the reason for the request. When a Board Member requests removal of an item from the consent agenda, the Board Chair (as meeting chair) can decide to move the item to another part of the agenda or make the decision to discuss it right away.

### Role of Chair

- 2.5 The Board Chair chairs the Board meetings in accordance with Bylaw 2.20. The role of the chair is to ensure that the meeting is run fairly and efficiently.
- 2.6 All discussion in Board meetings, including the order of speakers, must be managed by the chair. Meeting attendees, whether Board Members, the Registrar, or invited guests should be provided adequate time to speak to and discuss agenda items, while respecting the allotted meeting duration.
- 2.7 Either in preparation of the agenda, or during the meeting, the chair may rule on whether any item before the Board is properly submitted and is otherwise in order. When the chair rules an item out of order, they must give reasons for so doing (in writing, in the case of an item ruled out of order prior to the day of the meeting). The ruling is subject to appeal by a majority vote.

### Order

- 2.8 All Board Members are responsible for ensuring that these Rules are respected and upheld, although the Board may vary from these Rules by unanimous consent. Board Members may raise an objection to the attention of the chair as soon as they become aware of a breach of these Rules. The chair then hears the objection and makes a ruling. The ruling is appealable in the same way as for Rule 2.7 above.

### Making and Recording Decisions

- 2.9 To be considered for deliberation by the Board, a motion requires both a mover and a seconder.
- 2.10 Following discussion of any agenda item requiring a vote by the Board, and before putting a matter to a vote, the chair may take a poll of Board Members to obtain a sense of whether a matter is ready for decision.
- 2.11 Before putting a matter to a vote, the chair should ask if there is any further discussion.
- 2.12 To induce an end to debate, any Board Member may move to call the previous question. A two-thirds majority is required on the decision to call or 'force' a vote on the previous question.
- 2.13 A Board Member may abstain from voting and in so doing shows neither opposition nor support. However, an abstention from voting does not change the voting requirements for approval of a motion under Bylaw 2.34, which requires that all acts of the Board be decided by a majority of Board Members present.
- 2.14 A Board Member may request that a decision be revisited by the Board at a later meeting by providing pertinent facts and information that were not taken into consideration by the Board

in making the original decision. Such request must follow the usual procedures for placing an item on a Board meeting agenda.

- 2.15 Minutes will be taken for all regular meetings and approved by the Board and Published, subsequent to the meeting, as per Bylaw 2.44. Minutes are not verbatim transcripts; minutes record motions and points of order made by the Board, whether they were carried or defeated, and only when specifically requested at the time, any votes opposing or supporting such motions and abstentions. While it is not standard practice, a Board Member may specifically request that their voting choice be recorded in the minutes. Such a request must be made immediately after the Board Member votes on a motion. Reasons for opposing or supporting such motions and abstentions will not be recorded.

#### Delegations

- 2.16 Delegations, including an individual, may apply to be put on the agenda, in writing, at least 21 days in advance of the meeting. Such application must identify the person(s) in the delegation wishing to speak to the Board and must contain a synopsis of the presentation to be made to the Board. The chair has discretion, in circumstances of urgency or other public interest reasons, to permit a delegation to attend with fewer than 21 days' application, which decision must also be approved by the Board at the meeting the delegation attends.
- 2.17 Meeting observers, such as the general public and other Registrants, are not considered to be meeting attendees, invited guests, or delegations. If the observers wish to address the meeting they must apply to be considered a delegation under Rule 2.16.
- 2.18 The Board may schedule up to 15 minutes within a Board meeting for presentation(s) by one or more delegation. The time limit for a delegation may be extended by Board consent.

#### In camera meetings

- 2.19 Duly constituted Board meetings are open to the public as required under Bylaw 2.37. The Board must strive to ensure that its discussions and votes are, wherever possible, conducted in an open meeting.
- 2.20 Notwithstanding the baseline public meeting expectation, the Board may exclude any person who is not a Board Member from any part of a meeting and proceed to an *in camera* session upon motion and vote, if it is satisfied that a matter of confidentiality requires *in camera* deliberation.<sup>2</sup>

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<sup>2</sup> The Board should ensure that appropriate consideration is given to moving an issue *in camera*, including principles found in privacy legislation and transparency expectations. The Board is reminded that the Chief Executive Officer (CEO) or designate must attend Board meetings as a matter of best governance practice and through bylaw effect. Such individual should only be excluded from an *in camera* meeting where the CEO's performance, salary, or similar confidential governance issues arise.

- 2.21 Minutes are not taken during an *in camera* session, although the formal Board minutes must indicate that the Board went into an *in camera* session.
- 2.22 Discussions during the *in camera* session are confidential and Board Members are reminded that they are also bound by the Board Code of Conduct in Schedule C.
- 2.23 A motion, second and vote to go back to a public meeting must be made in order to leave an *in camera* session, with such return to be recorded on the formal Board minutes.
- 2.24 Any motions arising from the *in camera* session should be brought *ex camera* and voted upon in the normal course of the public meeting. Where such motions must remain confidential and/or privileged, the recording secretary should be invited to return to the meeting to record the decision(s) for the minutes, and the item should be included in a confidential addendum to the minutes and brought to the next Board meeting for approval.

### **3.0 Conduct**

- 3.1 Board Members must comply with the Board Code of Conduct (“Code of Conduct”), with the oath of office (Section 28 of the PGA), and with these Rules at all times. Board Members are reminded of the duties in the Code of Conduct with respect to honesty, impartiality, confidentiality, inappropriate language/actions, limits on authority, conflict of interest, use of AIBC property, respecting AIBC staff, maintaining an open mind, and regular attendance.
- 3.2 These Rules do not abridge or diminish the duties, obligations and expectations found in the PGA, its regulations, the Code of Conduct or oath of office but are instead intended to reinforce and supplement them.
- 3.3 Once the Board has passed a motion or otherwise made a decision, all Board Members must work together to implement that decision, in keeping with good governance practices and the Board Members’ fiduciary duties of acting with honesty, in good faith and with care, diligence and skill. No Board Member is permitted to undermine a Board decision or make efforts to delay, hinder or otherwise work against the implementation of such decision.
- 3.4 Requests for staff action or information must go through the Board Chair or Registrar. This does not preclude a working relationship between Board Members and staff members who are co-operating on a specific project or committee.

### **4.0 Process to Address a Breach of the Rules**

- 4.1 In the event that a Board Member or invited guest legitimately believes that another Board Member is not conducting themselves in an appropriate manner, or consistently with the interests of the AIBC and these Rules, the issue should be directed to the Board Chair. In the event that such complaint relates to the Board Chair’s behavior, the issue is to be directed to the Board Vice Chair. Appropriate behavior for Board Members includes complying with fundamental duties at all times, whether during Board meetings or otherwise. Deliberate

misstatements of fact and unfounded opinions about AIBC matters, in whatever medium, must be avoided.

- 4.2 On the occasion of a first breach, the meeting chair may call that person to order, name the person in breach, and identify the Rule(s) breached, as a warning.
- 4.3 On the occasion of a second breach, the meeting chair may again call that person to order, name that person, identify the Rule(s) breached, and may call for a vote of censure to be passed by a two-thirds majority of Board Members present at the meeting in which the call for censure is made.
- 4.4 On any subsequent similar breaches by the same person the meeting chair may call for a vote to exclude that person from one or more Board meetings; such vote requiring a two-thirds majority of Board Members present at the meeting in which the call for exclusion is made.
- 4.5 If the named person persists with similar breaches, or if there is a continuing pattern of similar breaching even after being excluded from a Board meeting(s), the meeting chair will escalate the matter to the Board Chair for consideration under Rule 8.5 of the Board Code of Conduct. Formal removal of a Registrant Board Member from office can only be undertaken pursuant to Section 30(1) of the PGA and any Rules or procedures supporting that process established by the Board. A Lay Board Member's appointment can only be terminated by the provincial government per Section 30(3) of the PGA.

## **5.0 Videoconference Attendance and Voting**

- 5.1 As per Bylaw 2.33, Board meeting attendance by teleconference or by videoconference is permissible in order to facilitate meeting attendance.
- 5.2 Board Members attending by teleconference or videoconference are considered present and in attendance at the meeting with full voting and participation rights.
- 5.3 The Board may establish meeting procedures and protocols related to meetings held by videoconference to facilitate the meeting agenda, Board Member participation including discussion and voting, and presentation of meeting materials. The procedures may include methods of seeking recognition and obtaining the floor and seeking and verifying a vote (such as requesting verbal confirmation – in favour, opposed, or abstaining), as well as protocols for audio/video, and as related to videoconference features such as 'chat', 'waiting rooms', meeting security, and hosting duties.

## **6.0 Electronic Board Resolutions**

- 6.1 Upon determination that a matter be directed to the Board as an Electronic Board Resolution, the Registrar or designate must cause that matter for which a Board vote is required to be transmitted to the Board through an electronic format.

### Voting for Electronic Board Resolutions

- 6.2 The Electronic Board Resolution must contain information identifying:
  - (a) the subject matter and the fact that it is an electronic ballot;
  - (b) the date and time by which return ballots must be received (a voting period of no less than two business days must be provided unless the Board Chair determines a shorter period); and
  - (c) instruction by which each Board Member can clearly express their decision (in favour/opposed, yes/no, choice amongst list of specific items, etc.).
- 6.3 Each Board Member must indicate their choice on the ballot and transmit the completed ballot to the AIBC staff sender of the electronic ballot.
- 6.4 This Rule may be modified in cases where a specialized electronic balloting system is used so long as that system can clearly identify the identity of the Board Member balloting and record their choice, the results of which can be reported to the Board.
- 6.5 The date and “time stamp” of the electronic ballot as received on the AIBC e-mail servers shall be the authoritative date and time of receipt.
- 6.6 All ballots not returned on or before the deadline (date and time) will be considered spoiled and must not be counted.
- 6.7 To be carried, any item up for electronic vote requires a majority of Board Members participating (whether voting in the affirmative, negative or abstaining), and a simple majority of affirming votes from those who cast a vote.
- 6.8 Board Members’ individual voting choices will not be shared with the rest of the Board during the voting period. The Registrar or designate must report the electronic vote tally to the Board in a timely manner following the close of the voting period.
- 6.9 If, during the voting period, substantive questions arise that, in the opinion of the Board Chair, call into question whether that matter should be dealt with as an Electronic Board Resolution item, they may instruct the Registrar or designate to remove that item from consideration for electronic vote and request to table the matter at the next Board meeting.
- 6.10 Any Board Member may request to the Board Chair that an Electronic Board Resolution be removed from electronic vote before the close of the vote period, for deliberation at the next Board meeting.

## **7.0 Administration of the Board Meeting Rules**

- 7.1 If it happens that there is a recurring problem or inefficiency under these Rules, the Board may consider whether a new Rule, sub-Rule or language within an existing Rule needs to be created.
- 7.2 The Registrar is instructed to update and Publish the Rules, under the Board's direction and in compliance with Bylaw 2.5.
- 7.3 No Board decision or action shall fail due to a technical breach of these Rules, and no technical objections shall be entertained unless serious issues of fairness or due process that would call into question the reputation or credibility of the AIBC can be objectively demonstrated.

# Schedule F: Board Rules for Board Election

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## 1.0 Authority

- 1.1 These Board Rules describe the specific requirements for procedural matters related to the Board and Board officer elections as authorized under Bylaw 2.59.

## 2.0 Electronic Voting for Board Elections

### Voting Access

- 2.1 Notification of a Board election vote will be provided to Eligible Voters by email (“Vote Notification”) in accordance with Bylaw 2.64.
- 2.2 The names of the Board nominees will be listed in random order on the ballot. The procedure for determining the random order is as follows:
  - The Returning Officer will write the name of each nominee on a separate and similar piece of paper.
  - Each piece of paper will be folded and placed in a container.
  - The Returning Officer will draw each piece of paper from the container.
  - The order of the names drawn will form the order of the names on the ballot from first to last.

### Electronic Voting Confidentiality and Security

- 2.3 The electronic voting platform selected for the Board election must include industry-standard confidentiality and data management protections to ensure that Eligible Voters’ choices remain confidential and anonymous and that the AIBC retains control of Voting Data at all times. All Voting Data must remain in Canada at all times.
- 2.4 Voting Data related to an electronic vote for Board election must be retained securely and confidentially throughout the election dispute period indicated in section 4.0 of these Rules, and for as long as necessary thereafter, including as may be required by law, in the event that a petition for questioning the election is duly filed. All Voting Data related to an electronic vote for a Board election must be deleted from service provider and the AIBC servers or other storage media within 48 hours of the statutory election dispute period lapsing or longer as otherwise may be required by law.
- 2.5 The AIBC must take reasonable steps to ensure that the electronic voting platform incorporate the following access, security and integrity protections at or exceeding industry standard to address concerns related to electoral fraud, breach of secrecy and error:
  - Eligible Voter authentication;



- Voter and voter choice anonymity;
  - One vote per eligible voter confirmation;
  - Ballot validity authentication;
  - Ballot vote receipt for individual voters;
  - Data encryption for all voting transactions;
  - Server and firewall protection;
  - Data redundancy measures; and
  - Mobile device and cross-browser compatibility.
- 2.6 The electronic voting process will remain as accessible as reasonably and technically possible to Eligible Voters throughout the voting period. The voting process will include reasonable assistive technologies and information to allow eligible voters with disabilities to participate.
- 2.7 The AIBC must require any electronic vote service provider hired for the purposes of electronic voting to provide the AIBC with certified results of the Board election and other information and assurances as may be reasonably necessary to confirm compliance with Bylaws and these Rules.

### **3.0 Election Management**

- 3.1 The following scrutineer recruitment and appointment process applies to the Returning Officer's authority to appoint scrutineers under Bylaw 2.68:
- Scrutineers may include a combination of AIBC staff members, Registrants, and/or the public. The Returning Officer has discretion to appoint any two individuals.
  - For recruitment of scrutineers who are not AIBC staff members, the AIBC may issue notice inviting any person interested in serving as a scrutineer to apply. If such notice is given, it should be issued at least 30 days prior to the date set for the Annual General Meeting and published through communications media the Registrar or designate deems appropriate.
  - All applications received by the deadline indicated in any notice will be placed on a scrutineer list in the date and time order that the applications were received. The names of at least two AIBC staff members will be included in this list to help ensure fulfilment of the requirement for scrutineers.
  - The Returning Officer must appoint at least two scrutineers from among the list to assist the Returning Officer, which assistance may include addressing any concerns arising regarding the eligibility of any voter, the validity of any ballot cast or other matters related to election management.
- 3.2 Certified election results will be provided to the Returning Officer, who will review the results with the scrutineers as soon as possible after the election has closed. The Returning Officer

and scrutineers must prepare the Election Certificate in accordance with Bylaws 2.78. The Certificate must be retained by the AIBC as the formal record of the election results and is not considered confidential data.

- 3.3 The Registrar will provide notice of the election results to the Board and the nominees, followed by Registrants, electronically by way of the AIBC website and by way of regular Registrant electronic notification means.
- 3.4 These Rules must be interpreted and applied so as to enhance the integrity, confidentiality and security of the voting process for Board elections, and consistently with the PGA, its regulations and the Bylaws.
- 3.5 The procedure for resolving an election tie is as follows:
  - A scrutineer will write the name of each nominee in the election tie on a separate and similar piece of paper;
  - The scrutineer will fold each piece of paper in the same way and will place each in the same container;
  - The Returning Officer will draw one piece of paper from the container; and
  - The name of the nominee on the drawn piece of paper is the nominee elected.

## **4.0 Election Dispute Resolution**

### Nominations Process

- 4.1 Any dispute related to the Board nomination process must be resolved by the Registrar. The Registrar may take such legal and other advice deemed necessary to make a decision as promptly as possible. The Registrar must prepare a brief written summary of the decision and provide a copy to the party or parties involved in the dispute. There is no appeal from this decision, but a party may have recourse to a judicial review of the decision at that party's expense.

### Voting Process

- 4.2 Any dispute related to the Board election process must be submitted in writing within 30 days of the date of the Election Certificate, setting out the grounds on which the writer questions the certificate.
- 4.3 The election dispute submission must be referred for resolution to an *ad hoc* panel consisting of the Registrar and two Lay Board Members appointed by the Board Chair. The panel must be convened within 30 days of receipt of the submission.
- 4.4 The panel must meet and take such legal and other advice as it seems necessary to make a decision as promptly as possible. The panel must prepare a brief written summary of the decision and provide a copy to the party or parties involved in the dispute. There is no appeal

of the panel's decision. However, a party may have recourse to a judicial review of the panel's decision at that party's expense.

## **5.0 Board Officer Election**

### Election Process

- 5.1 In accordance with Bylaw 2.15, the Board must elect a Board Chair, Board Vice Chair, and Treasurer by majority vote at the first Board meeting after a Board election. Nominees for Board Chair and Board Vice Chair must be Registrant Board Members.
- 5.2 The order of voting for Board Officers is Board Chair, Board Vice Chair(s), and Treasurer.
- 5.3 Nominations, deliberations, and voting will take place in an open (public) Board meeting.
- 5.4 The election will be by a secret ballot, other than when election is by acclamation, according to the following procedure:
  - 5.4.1 A volunteer Lay Board Member will conduct the voting, with the majority consent of all Board Members present.
  - 5.4.2 The Board Member conducting the voting will call for nominations for Board Chair. Each nomination requires a second to be valid. Nominations without a seconder are not eligible for voting.
  - 5.4.3 When there is only one nominee from the Board for a given office, the Board Member is acclaimed.
  - 5.4.4 Where there is more than one nominee for a given office, and where the meeting is in-person, a secret ballot using paper ballots will be held after the nominations. The Registrar, or alternate Board Member approved by the Board, will verify the results.
  - 5.4.5 Where there is more than one nominee for a given office, and where the meeting is held by videoconference or other electronic format, the following electronic secret ballot procedure will apply:
    - The Board Member conducting the vote will instruct Board Members to send an email to the email address provided, with the name of their chosen nominee in the subject line, or their decision to abstain from the vote, within a designated time frame. The Registrar or an alternate Board Member approved by the Board will be copied on the email.
    - The Board Member conducting the vote will tally the votes and abstentions from the emails received and report the vote totals verbally after confirming that votes were received from all individuals who transmitted a vote. The Registrar, or alternate Board Member, will verify the results.
  - 5.4.6 Where there is more than one nominee for a given office, and where the meeting is a hybrid format (videoconference and in-person), the procedures described in

subparagraphs 5.4.4 and 5.4.5 above will both be used. The paper ballots and the electronic ballots will be tallied together for each nominee. The Registrar, or alternate Board Member, will verify the results.

5.4.7 Where there are more than two nominees, the nominee with the lowest number of votes will be dropped from the vote, and the remaining nominees will be the subject of another secret ballot until an Officer is chosen by a majority of those present.

5.5 If the Board chooses to forgo a secret ballot and instead conduct the vote by a show of hands, the Board may do so only by way of a majority motion.

# Schedule G: Conditional Registration Administrative Guidelines

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## 1.0 Background and Authority

- 1.1 These Administrative Guidelines are authorized under Bylaw 4.1. They guide and establish boundaries for the Credentials Committee’s discretion whether to place certain conditions or limitations (together, “Condition” or “Conditions”) on the enrolment, admission, and reinstatement of AIBC Registrants. Such Conditions are intended to be focused on the ongoing ability of Registrants to carry out their professional obligations, where the AIBC is aware of concerns in relation to that ability. They are not intended to limit a Registrant’s range or scope of practice, where such Registrant is entitled to practice the profession of architecture.
- 1.2 As with all core regulatory decisions made by the AIBC, the principle underlying any decision to impose a Condition on registration is the protection of the public.
- 1.3 While public protection is paramount, a decision to impose a Condition on registration must be supported by reasonable evidence and appropriately and fairly limited in scope and duration.
- 1.4 The Credentials Committee must not impose any Condition that limits the range, scope or nature of services within the Regulated or Reserved Practice that a Registrant is allowed to provide. For greater clarity, no Condition on registration may be imposed in relation to the building type or size, professional judgment, or instruments of service of a Registrant.

## 2.0 Conditions and Limitations on Individual Registrants

- 2.1 Subject to paragraph 1.4 in this Schedule, the Credentials Committee is authorized to impose one or more Conditions on an Individual Registrant’s registration where, in the Committee’s opinion, sufficient grounds exist:
  - to indicate the Applicant’s health, including physical and mental health and addiction, may adversely affect the Applicant’s ability to maintain Professional Standards; or
  - of a demonstrated history or pattern of behaviour, including but not limited to known Discipline Violations, that may adversely affect the Applicant’s ability to maintain Professional Standards.

## 3.0 Conditions and Limitations on Firm Registrants

- 3.1 Subject to paragraph 1.4 in this Schedule, the Credentials Committee is authorized to impose one or more Conditions on a Firm Registrant’s registration where, in the Committee’s opinion, sufficient grounds exist to indicate the Applicant Firm may require monitoring or the

provision of documentation or reports to satisfy the Committee that the Firm can maintain its Firm Registrant obligations, including Professional Standards.

#### **4.0 Condition Examples**

##### Individual Registrant Conditions

- 4.1 Without limiting the ability of the Credentials Committee to determine an appropriate, calibrated Condition for an Individual Registrant, the following general Conditions are permitted:
- Requirements to provide documentation or reports to the Committee from a health care professional in relation to the Registrant's ability to maintain Professional Standards; and
  - Requirements to attend one or more interviews with the Committee or Panel of the Committee to satisfy the Committee that the Registrant is complying with the Condition(s) and is otherwise maintaining Professional Standards.

##### Firm Registrant Conditions

- 4.2 Without limiting the ability of the Credentials Committee to determine an appropriate, calibrated Condition for a Firm Registrant, the following general Conditions are permitted:
- Requirements to provide documentation or reports to the Committee in relation to any Professional Standard or Registrant Firm obligation, including those related to Firm structure and ownership, Professional Liability Insurance and Firm Continuing Education.
  - Requirements to attend one or more interviews with the Committee or Panel of the Committee to satisfy the Committee that the Registrant is complying with the Condition(s) and is otherwise maintaining Firm Registrant obligations, including Professional Standards.

#### **5.0 Varying and Removing Conditions**

- 5.1 The Committee must remove any Condition that it deems satisfied or is no longer required for the protection of the public.
- 5.2 The Committee may vary any Condition with the written consent of the Registrant if the Committee deems such variance is appropriate and consistent with protection of the public.
- 5.3 The Committee must notify the Registrant of any removal or variance of a Condition and direct the Registrar to update the Register as applicable.

#### **6.0 Review on the Record of Condition and Limitation Decisions**

- 6.1 Consistent with Bylaw 4.4, an Applicant (including a Registrant with Conditions on registration) may make a written request for a Review on the Record. There is no right of review for a decision to vary a Condition to which the Applicant/Registrant consented (see paragraph 5.2 in this Schedule).

## 7.0 Confidentiality and Publication

- 7.1 Consistent with the PGA and AIBC Bylaws, any Condition(s) on a Registrant's Regulated Practice must be included in the Register. However, the *General Regulation* and Bylaw 8.27 provide direction to the Registrar to consider information disclosure in light of general privacy interests of any complainant or other party, or in the case of Registrants, privacy interests specific to physical or mental ailment, emotional disturbance or addiction to alcohol or drugs.

# Schedule H: Internship in Architecture Program (IAP) Requirements

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## 1.0 Background and Authority

- 1.1 These registration requirements are authorized under Bylaw 4.17. They set out the education, experience, and examination requirements to be eligible to register as an Architect through the Internship in Architecture Program.
- 1.2 The national internship program was established by Canadian architectural regulators to maintain a standard of registration and licensing in Canada. The internship period allows an intern to obtain the requisite architectural experience in a supervised and mentored environment prior to registration as an architect in Canada.
- 1.3 The Internship in Architecture Program (IAP) Manual documents the Canadian Architectural Experience Standard established by Canadian architectural regulators. AIBC's Appendix B to the IAP Manual includes specific registration requirements that vary slightly from the IAP Manual. Each Canadian jurisdiction is responsible for developing its Appendix B.

## 2.0 Registration Requirements

### Education

#### **Formal Education**

- 2.1 Intern Architects must have graduated from an accredited architectural program as certified by the Canadian Architectural Certification Board.

#### **AIBC Professional Development Courses**

- 2.2 Intern Architects must complete the following AIBC courses, or its equivalent, per Appendix B to the IAP Manual.
  - Architects & the Law
  - BC Building Code
  - Construction Administration
  - Ethics, Act & Bylaws



Experience

- 2.3 Completion of at least 3,720 total hours with minimum number of hours logged under each architectural experience category as outlined in the IAP Manual and reproduced below for reference. These hours must be obtained under the Direct Supervision and direction of a supervising architect as defined by the IAP Manual.

<b>CATEGORY A: Design and Construction Documents</b>		<b>Min. Hours Required</b>
1	Programming	80
2	Site and Environmental Analysis	80
3	Schematic Design	240
4	Engineering Systems Integration	140
5	Building Cost Analysis*	80
6	Code Research*	120
7	Envelope Detailing	80
8	Design Development	320
9	Construction Documents	760
10	Specifications and Material Research*	120
11	Document Checking and Coordination*	100
12	Energy Literacy/Sustainability	80
<i>*May occur in multiple phases of a project</i>		
<b>Min. Hours</b>		<b>2200</b>
<b>CATEGORY B: Construction Administration</b>		
13	Procurement and Contract Award	120
14	Construction Phase – Office	200
15	Construction Phase – Site	200
<b>Min. Hours</b>		<b>520</b>
<b>CATEGORY C: Management</b>		
16	Management of the Project	120
17	Business/Practice Management	120
<b>Min. Hours</b>		<b>240</b>
<b>Total Hours required in Categories A, B, C:</b>		<b>2960</b>
<b>Remaining Additional Hours</b> (may be gained in experience areas 1-17):		<b>760</b>
<b>TOTAL ARCHITECTURAL EXPERIENCE HOURS REQUIRED:</b>		<b>3720</b>

- 2.3.1 Completion of a minimum of 940 hours (approximately six months) of experience in British Columbia under the Direct Supervision of an Architect. This experience must be gained on projects located in British Columbia and must be completed under categories A, B or C of the experience category within the three years prior to the date upon which application for registration as an architect is made. These 940 hours can be part of the 3,720 hours mentioned in paragraph 2.2 of this Schedule. Please refer to Appendix B to the IAP Manual.

## Examination

- 2.4 Successful completion of the following:
- 2.4.1 Examination for Architects in Canada (ExAC), the national examination required by Canadian architectural regulators to test the minimum standards of competency acquired by an Intern during the internship period, to ensure both public safety and the professional and skilled delivery of architectural services.
  - 2.4.2 Architect Registration Examination – In lieu of the ExAC, the AIBC accepts the National Council of Architectural Registration Boards' (NCARB) Architect Registration Examination (ARE) examinations as meeting the exam requirement towards initial registration for a fixed period, as follows:
    - The ARE results will be accepted until January 31, 2024 toward application for initial registration as an architect in British Columbia.
  - 2.4.3 Oral examination – an AIBC requirement that assesses an individual's ability to synthesize their knowledge, experience, and professional judgement into competent architectural practice in B.C. Please refer to the [Appendix B to the IAP Manual](#) for further requirements.

## **3.0 Application**

- 3.1 Intern Architects who have completed all the registration requirements in 2.0 of this Schedule are eligible to register as Architects and must complete and submit the applicable AIBC application Form.

# Schedule I: Mutual Recognition Agreements for Registration

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## 1.0 Background and Authority

- 1.1 These registration requirements are authorized under Bylaw 4.17. They set out the eligibility and registration requirements for registration as an Architect through Mutual Recognition Agreements (MRAs).
- 1.2 The AIBC is signatory to various MRAs, providing the framework for reciprocal registration and professional mobility among signatory jurisdictions. Each MRA has its specific eligibility requirements, and reflected in 2.0 of this Schedule, under registration requirements. An amended MRA is effective and binding on the AIBC only upon its approval by the Board.

## 2.0 Registration Requirements

### [Canadian Reciprocity](#)

- 2.1 Architects registered in one Canadian jurisdiction, as confirmed by the respective Canadian regulatory authority, are eligible apply to register in other Canadian jurisdictions.

### [United States/Canadian Reciprocity](#)

- 2.2 Architects from US states signatory to this agreement are eligible to apply if they meet the following requirements:
  - 2.2.1 Citizens or permanent residency in the United States or Canada;
  - 2.2.2 Licensed/registered in a US jurisdiction and must have completed at least 2,000 hours of post-licensure/registration experience practising as an architect in the US; and
  - 2.2.3 Architects who have been licensed by means of a Broadly Experienced Foreign Architect programs or other foreign reciprocal licensing agreement are not eligible under this agreement.
- 2.3 Architects from US signatory states who meet the eligibility requirements, must also satisfy the following conditions:
  - 2.3.1 Currently licensed/registered in good standing by one or more National Council of Architectural Registration Boards (NCARB) Member Board(s) that is a current signatory to this Agreement. NCARB Member Boards represent the architectural licensing boards of US states;
  - 2.3.2 Holds a current NCARB Certificate; and
  - 2.3.3 The principal place of practice, which is the address at which the architect is predominantly offering architectural services, is in a jurisdiction that is a current

signatory to this Agreement. The architect may identify only one principal place of practice.

#### Tri-National Mutual Recognition Agreement

- 2.4 Architects from signatory US states and Mexico are eligible to apply if they meet the following requirements:
  - 2.4.1 Citizenship or permanent residency status in the United States or Mexico;
  - 2.4.2 Completion of a professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB), Acreditadora Nacional de Programas de Arquitectura y Disciplinas del Espacio Habitable (ANPADEH), or recognized equivalent; and
  - 2.4.3 A minimum of 10 years of post-licensure/registration experience in their home jurisdiction.
- 2.5 Architects from signatory US states and Mexico who meet the eligibility requirements, must also satisfy the following conditions:
  - 2.5.1 Good standing status in their home jurisdiction as verified by the local regulatory authority;
  - 2.5.2 Architects in the US must have an active and current NCARB Certificate. Mexican architects must first qualify for and complete the Consejo Nacional de Registro de la Certificación Profesional (CONARC) certification process;
  - 2.5.3 Knowledge of the codes, laws, and other matters applicable to the practice of architecture in Canada;
  - 2.5.4 Submission of a dossier of work to satisfy the specific competencies outlined in the agreement related to “responsible control and comprehensive practice”; and
  - 2.5.5 Completion of an interview before a review panel in Canada conducted in one of its official languages.

#### Australia, New Zealand, and Canada (APEC)

- 2.6 Architects from Australia and New Zealand are eligible to apply if they meet the following requirements:
  - 2.6.1 Have at least seven years of professional experience as a licensed/registered architect.
  - 2.6.2 APEC Architect certificate from either Australia or New Zealand, or a letter from the respective registration authority verifying APEC Architect status.
- 2.7 Architects who meet the above eligibility requirements, must also successfully complete a domain-specific assessment.

### **3.0 Application**

3.1 Applicants must submit the required AIBC Application Form and Fees.

# Schedule J: Broadly Experienced Foreign Architect Program Requirements

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## 1.0 Background and Authority

- 1.1 These registration requirements are authorized under Bylaw 4.17. They set out the education, experience, and examination requirements to be eligible for registration as an Architect through the Broadly Experienced Foreign Architect (BEFA) program.
- 1.2 The BEFA Program is a national initiative developed by Canadian architectural regulators and administered by the Canadian Architectural Certification Board (CACB).

## 2.0 Registration Requirements

### Education

- 2.1 Completion of an architectural degree through a formal education.

### Experience

- 2.2 At least seven years of post-licensure/registration experience in architecture within the last 12 years in a foreign jurisdiction. If licensure/registration was not required to practice as an architect in the jurisdiction(s) of origin, the equivalents of licensure/registration in that/those jurisdiction(s) may be considered and subject to review and approval by the CACB.
- 2.3 At least six months of relevant Canadian architectural work experience, providing exposure to the practice and regulatory requirements of architecture in Canada, within three years before the date of the assessment interview noted in subparagraph 2.4.3 of this Schedule. This experience must be gained under the Direct Supervision and direction of a registered architect in Canada.

### Examination

- 2.4 Completion of an outcomes-based assessment against the Canadian Standard of Competency for Architects, consisting of the following components on the forms provided by the CACB:
  - 2.4.1 Project résumé, providing an overview of architectural career, highlighting major projects with direct involvement and linked to the required competency areas;
  - 2.4.2 Self-Assessment and supporting portfolio of architectural work experience;
  - 2.4.3 Panel interview; and
  - 2.4.4 Remedial action if required by the Panel following the interview.

### **3.0 Application**

- 3.1 An individual must first satisfy the eligibility criteria to enroll in the CACB BEFA Program indicated in paragraphs 2.1 and 2.2 of this Schedule and submit an application, including documentation, such as evidence of architect registration with a foreign jurisdiction, to the CACB using its required application forms. Once enrolled in the BEFA Program, the candidate must complete the program requirements noted in paragraphs 2.3 and 2.4 of this Schedule.
- 3.2 An individual who has completed the BEFA Program will be eligible to apply for registration as an Architect AIBC, by submitting the following:
  - 3.2.1 BEFA certificate or documentation demonstrating completion of the BEFA program issued by the CACB; and
  - 3.2.2 Submission of the required AIBC Application Form.

# Schedule K: Broadly Experienced Applicant Program Requirements

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## 1.0 Background and Authority

- 1.1 These registration requirements are authorized under Bylaw 4.17. They set out the experience and examination requirements to be eligible for registration as an Architect through the Broadly Experienced Applicant (BEA) program.

## 2.0 Registration Requirements

- 2.1 Applicants must submit at least two nomination letters from Architects who provided Direct Supervision to the applicant that describe the level of supervision provided and work supervised based on the Canadian Standard of Competency for Architects. Letters must be submitted using the AIBC form.
- 2.2 Applicants must submit at least two nomination letters from Architects indicating how the nominating architect knows the Applicant and for how long, an understanding of the Applicant's work experience and knowledge of the practice of architecture, and a recommendation that the Applicant be considered for registration as an Architect.

### Experience

- 2.3 Fifteen years of architectural experience in Canada in the past 25 years, with at least 10 years of experience in British Columbia, gained under supervision of Architect(s) in a Firm(s) practicing architecture. The five most recent years of experience must have been obtained in British Columbia.
- 2.4 At least six months of local and current architectural work experience under the Direct Supervision of an Architect, on a project located in British Columbia within the last three years prior to submitting an application for registration as an Architect.
- 2.5 For purposes of calculating experience, a year is equivalent to at least 1880 hours of architectural work experience, and six months is at least 940 hours of such experience.

### Examination

- 2.6 Completion of an outcomes-based assessment against the Canadian Standard of Competency for Architects, consisting of the following components on the Forms provided by the AIBC:
  - 2.6.1 Project résumé, providing an overview of architectural career, highlighting major projects with direct involvement and linked to the required competency areas;
  - 2.6.2 Self-Assessment and supporting portfolio of architectural work experience;



- 2.6.3 Oral assessment; and
  - 2.6.4 Remedial action if required by the Panel following the oral assessment.
- 2.7 Completion of the oral examination - an AIBC requirement that assesses an individual's ability to synthesize their knowledge, experience, and professional judgment into competent architectural practice in B.C. Please refer to the [Appendix B to the IAP Manual](#) for further examination requirements.

#### Other requirements

- 2.8 Completion of the following AIBC courses, or their equivalents, as Published on the AIBC website.
- Architects & the Law
  - BC Building Code
  - Construction Administration
  - Ethics, Act & Bylaws

### **3.0 Application**

- 3.1 An individual must first satisfy the eligibility criteria to enroll in the BEA Program indicated in paragraphs 2.1, 2.2, and 2.3 of this Schedule and submit the completed AIBC Application Form and Fees. Once enrolled in the BEA Program, an individual must complete the remaining registration requirements.
- 3.2 Applicants must complete the outcomes-based assessment and all the AIBC courses under paragraphs 2.6 and 2.8 of this Schedule to be eligible to sit the oral examination.
- 3.3 Applicants whose eligibility was reviewed under the requirements of the *Architects Act* and who are currently enrolled in the BEA program will have five years from the Transition Date to complete the BEA program requirements. After this five-year period, these applicants will be required to reapply if they wish to continue enrolment in the BEA program. Their eligibility will be evaluated based on the standards set out in these Bylaws as they apply after the Transition Date.
- 3.4 Individuals who have completed all the registration requirements in section 2.0 of this Schedule are eligible to register as Architects and must complete and submit the required AIBC Application Form and Fees.

# Schedule L: Architectural Technologist Admission Requirements

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## 1.0 Background and Authority

- 1.1 These registration requirements are authorized under Bylaw 4.21. They set out the education, experience, and examination requirements to be eligible for registration as an Architectural Technologist.

## 2.0 Registration Requirements

### Education and Experience

- 2.1 Applicants for Architectural Technologist registration must meet education and experience requirements in one of the following three categories:
  - 2.1.1 Category 1

Education: Graduation from an AIBC-approved two-year technology diploma program. Approved courses are Published on the AIBC website.

Experience: Two years of related work experience, at least one year of which must be under the Direct Supervision of an Architect.
  - 2.1.2 Category 2

Education: Graduation from an AIBC-approved one-year certificate. Approved courses are Published on the AIBC website.

Experience: Five years of related work experience, at least three years of which must be under the Direct Supervision of an Architect.
  - 2.1.3 Category 3

Education: No AIBC-approved education necessary.

Experience: Seven years of related work experience under the Direct Supervision of an Architect.
- 2.2 Applicants for Architectural Technologist registration must complete the AIBC Ethics, Act and Bylaws course and will then be eligible to take the Architectural Technologist examination.

## Examination

- 2.3 Applicants for Architectural Technologist registration must successfully complete the Architectural Technologist examination.

### **3.0 Application**

- 3.1 Applicants for Architectural Technologist registration must submit documentation of education and experience to determine eligibility category.
- 3.2 Applicants who meet all registration requirements outlined in paragraphs 2.1, 2.2 and 2.3 of this Schedule will be eligible to apply for registration as an Architectural Technologist and may submit a completed application Form.

# Schedule M: Board Rules for Professional Liability Insurance (PLI)

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## 1.0 Background and Authority

- 1.1 This Schedule describes the specific requirements, established as Board Rules, for the Professional Liability Insurance (PLI) for Certificate of Practice holders as authorized under Bylaw 4.40.

## 2.0 Minimum coverage

- 2.1 Mandatory PLI coverage must be held in an amount of not less than \$250,000 per claim with aggregate coverage of no less than \$500,000.

## 3.0 Certificate of Insurance

- 3.1 Submission of a current PLI policy certificate of coverage (“Certificate of Insurance”) is required as evidence of compliance with the requirement for PLI under Bylaw 4.40. A current Certificate of Insurance must be provided to the AIBC upon application for, or renewal of, any Certificate of Practice.
- 3.2 The Certificate of Insurance must contain the following information:
  - 3.2.1 The name of the Certificate of Practice holder as registered with the AIBC as an insured entity;
  - 3.2.2 The minimum per claim amount and the aggregate amount;
  - 3.2.3 The effective and expiry coverage dates; and
  - 3.2.4 A statement that the PLI coverage has no restrictions to impact the minimum coverage thresholds set by paragraph 2.1 of this Schedule.

## 4.0 Notice of Requirements

- 4.1 In the event that a Certificate of Practice holder’s PLI coverage is cancelled, terminated, lapses, or falls below the minimum coverage thresholds in paragraph 2.1 of this Schedule, the Certificate of Practice holder must:
  - 4.1.1 Notify the AIBC, in writing;
  - 4.1.2 Bring its PLI coverage into compliance with the Bylaws and this Schedule within 10 days of the cancellation or other non-compliant event;
  - 4.1.3 Provide written confirmation of return to PLI compliance, by way of a Certificate of Insurance, to the AIBC’s Director of Registration and Licensing within 10 days of the noncompliant event; and

- 4.1.4 Pay any Fees prescribed by the AIBC for non-compliance as set out in Schedule B: Fees.
- 4.2 In the event of non-compliance by a Registrant with these Bylaws or Board Rules, the Director of Registration and Licensing must notify the Registrant in writing. This notice must include reference to the requirements of Bylaw 4.36 that no Registrant may engage in the Reserved Practice of Architecture except through a Certificate of Practice. Notification of such non-compliance may also be provided to the AIBC's Director of Professional Conduct for review and investigation if appropriate.

# Schedule N: Fee Waiver Administrative Guidelines

## 1.0 Background and Authority

1.1 These Administrative Guidelines are authorized under Bylaw 4.67. Architects, Architectural Technologists, Intern Architects and Retired Architects may apply for a partial or full waiver of their annual renewal Fees (annual fee) under one of the following specified circumstances:

Application Type	Waiver or Reduction	Eligibility Criteria
Financial Hardship	Full waiver	Individual gross income below threshold. Refer to Schedule B for annual threshold.
Family Leave	Partial waiver of 70% of annual fee for a full year for architects.  Full waiver for associates.	Out of the work force on parental or family leave.  Gross income no more than ten times the annual fee.
Medical Disability	Full waiver	Out of the work force due to a diagnosis of medical disability.  No annual income.

## 2.0 Introduction

- 2.1 Application may be made annually for any combination of the three types of waivers. However, applicants will only be eligible for waivers for a total of two years out of every 10 years, regardless of the type or combination of types for which application is made. Applications for a third year may be considered if exceptional circumstances apply, and the application is for a non-consecutive year and for a different type of waiver.
- 2.2 Mandatory Continuing Education System (CES) requirements continue to apply to Architects, Architectural Technologists, and Intern Architects as CES Participants, whose fees have been waived in full or part. Individuals may contact the Professional Services department to apply for a reduction in AIBC course fees.
- 2.3 Fee waivers are applicable only to annual Fees, both for initial registration (see paragraph 3.2 of this Schedule) or renewal of registration. Waivers are not applicable to application Fees. The waiver applies only to annual Fees for each year ending December 31. Requests for retroactive application to Fees of prior years will not be considered.

### 3.0 General Process

- 3.1 Waiver applications must be submitted using the required Form and must be received by the AIBC by **January 15** of each year. Any Forms received after this date will not be considered. The deadline for payment of annual fees each year remains **February 1** under Bylaw 4.65 to remain in Good Standing and to avoid late payment penalties.
- 3.2 Intern Architects who have completed their Internship in Architecture Program (IAP) and who are applying to register as Architects are eligible to apply for a waiver of their initial annual Fee, as long as they also satisfy all other requirements of the waiver category for which they are applying. They must submit their waiver application together with their application for registration. There will be no retroactive application of this waiver once the initial annual Fee has been processed. Intern Architects who have previously been granted a waiver may apply for a waiver of their annual Fee as Architects by submitting a new waiver application. In this situation, a new waiver is subject to review and approval process and will count towards the maximum of two waivers within a 10-year period. There is no automatic application of a previously approved waiver to the new annual Fee.
- 3.3 All applications will be considered on a strictly confidential basis. If an application is denied, the applicant will be notified by email, to the address identified for correspondence, and advised a date to pay the outstanding Fees. The AIBC is a local public body under the *Freedom of Information and Protection of Privacy Act*, and will process and store personal information in the waiver process as required by law.
- 3.4 The AIBC may request further information or process a credit check at any time in order to verify the information contained in the application. Additional information may include relevant income tax returns as well as financial statements of any business of which the applicant is a full or part owner. The applicable accounting period is the calendar year regardless of the applicant's year end selected for business purposes.
- 3.5 If it is determined that a Fee waiver should not have been granted based on the actual income, parental or family situation, financial or medical condition, the Fee waiver will be rescinded, the recipient will be notified, and invoiced for the annual Fees owing at the time.
- 3.6 The waiver will be applied for the whole registration year ending December 31 even if the Registrant's personal or financial situation changes during the year.
- 3.7 Architects who are Sole Proprietors or sole owners/shareholders and hold a Certificate of Practice (CoP) may request on their application to also have their annual Firm Fees considered. To clarify, this paragraph applies to Sole Proprietors of a Firm with a Certificate of Practice or sole owners of a corporation with a Certificate of Practice.

#### **4.0 Waiver of Annual Fees Due to Financial Hardship**

- 4.1 The Board will annually establish the income threshold for projected gross income for the year. The threshold is based on the low-income cut-off before tax, adjusted annually by the consumer price index, as published by Statistics Canada.
- 4.2 Registrants may submit a waiver of their annual Fee if their projected annual gross falls below the income threshold established by the Board. Income received from employment insurance, disability, pension, or other government issued benefits are not included in this income consideration. All other sources of income are to be considered.

#### **5.0 Reduction of Annual Fees for Parental or Family Leave**

- 5.1 Architects may apply for a partial waiver in the amount of 70% of their annual Fees of the current Fee per year, and Architectural Technologists, Intern Architects and Retired Architects may apply for a full waiver of their annual Fee, if both of the following criteria are met:
  - The Registrant is out of the work force on parental leave or caring for a family member; and
  - The Registrant's projected income is no more than 10 times the amount of the applicant's current annual renewal Fee. Income received from employment insurance, disability, pension, or other government issued benefits are not included in this income consideration. All other sources of income are to be considered.
- 5.2 The waiver will be applied for the whole registration year ending December 31 even if the Registrant's return to work and earn gross income from employment or self-employment in excess of the maximum allowable amount for the leave period.

#### **6.0 Waiver of Annual Fees Due to Medical Disability**

- 6.1 Registrants may apply for a waiver if they suffer from a diagnosed medical disability and are out of the work force, for a period of time anticipated to continue throughout the period ending December 31 and which prevents the Registrant from earning employment income. The income threshold established by the Board for consideration under financial hardship does not apply to medical disability.
- 6.2 Applicants are required to provide a physician's letter confirming the applicant has a diagnosed medical disability and is unable to sustain employment due to illness. The letter should state the condition and the anticipated treatment or recovery time. This documentation must be received in order to have the application considered.

#### **7.0 Recognition of Long-Standing Registration**

- 7.1 Retired Architects whose program eligibility is confirmed by the Registration and Licensing department as part of the annual Fee renewal process, will have their renewal waived on an



annual basis. For more information on this program, please visit the AIBC website:  
[aibc.ca/registration/associates/retired-architects/](http://aibc.ca/registration/associates/retired-architects/).

# Schedule O: Board Rules for Architectural Firm Names

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## 1.0 Background and Authority

- 1.1 The name of each Firm Registrant must be approved by the Credentials Committee, which must consider Bylaws 4.69-4.73 and these Rules in making its decisions.

## 2.0 Firm Requirements

- 2.1 A Firm Registrant is only permitted to offer and/or to provide professional services under the Certificate of Practice of its approved name.
- 2.2 The Credentials Committee delegates to the Registrar, any Deputy Registrar or designate the review and approval of architectural Firm name applications. Should a proposed Firm name set a precedent, raise a new issue or be otherwise unconventional, that name can be brought by another decision-maker to the Credentials Committee, for a decision.
- 2.3 The following Rules deal with aspects of architectural Firm name description, identity, components, and representation.
- 2.4 Architectural Firms wishing to revise their Firm name must apply to the AIBC using the approved Form. Architectural Firms may not use the revised name until approved by the AIBC.

## 3.0 Description

- 3.1 The Firm Registrant's name must comply with the following description requirements:
  - 3.1.1 The Firm name must include the word 'architect' or an acceptable derivative word (e.g., architects, architecture or architectural).
  - 3.1.2 The exception to the description Rule above is where a Registrant Firm practising both architecture and engineering is registered as permitted by Bylaws 4.56-4.58. If the architectural and engineering Firm chooses not to use the word 'architect' in its name, then any representations made by the Firm to the public (websites, cards, letterhead, marketing material) must include a statement of the Firm's right to practice architecture. For example 'Holder of Certificate of Practice, Architectural Institute of British Columbia.'
  - 3.1.3 Any Architectural Firm that is a corporation must use as part of and at the end of its name, the corporate designation "Limited", "Limitee", "Incorporated", "Incorporee" or "Corporation", and may use in the Firm name the abbreviations of these words "Ltd.", "Ltee.", "Inc." or "Corp." respectively, as permitted by Bylaw 4.69.
  - 3.1.4 The Firm name may include words which denote plurality, provided that for 'architects' or 'associates' to appear in the name of the Firm, there must be at least two

Architect-owners, or at least one full-time Architect-employee of the Firm in addition to a single Architect-owner.

- 3.1.5 To include the word ‘group’ in the name of a Firm, there must be at least two Architect-owners (partners or shareholders), or at least one Architect-owner and at least two other owners, or full-time employees who are Professional Engineers registered with EGBC.
- 3.1.6 The Firm may use ‘descriptor’ words in its name other than those indicated above, provided that:
- the descriptor refers only to Firm type: Sole Proprietor, partnership, or corporation; and/or
  - composition: professional categories: Architects, Architects and Professional Engineers.

#### **4.0 Identity**

- 4.1 In order to present its identity clearly; while ensuring that the public is not misled and the profession is represented with dignity, the Firm name must not:
- be identical or similar to that of an existing Firm name;
  - be a “numbered company” name;
  - be scandalous, obscene or immoral;
  - be self-laudatory;
  - imply geographic exclusivity by use of a BC regional or municipal name;
  - contain words in a language other than English or French; or
  - be otherwise misleading.
- 4.2 The Firm name is permitted to include the personal name(s) of one or more of:
- Architects who are its owners (in a Sole Proprietorship or partnership) or shareholders (in an Architectural Corporation); and
  - Professional Engineers of the EGBC who are shareholders in an Architectural-Engineering Corporation.
- 4.3 The Firm name is permitted to include (in legacy) the personal name of a former Architect (Sole Proprietor or partner) or shareholder of an Architectural Corporation who is or was a Registrant of the AIBC (or of EGBC, for Architectural-Engineering Corporations) provided that:
- the former Architect or shareholder’s identity only appears in the name(s) of Firms that has been registered with the AIBC for at least two years immediately prior to the application for legacy name;

- the estate (if deceased) has granted permission for their name to be retained by the Firm;
- the Former Registrant ceased registration in Good Standing; and
- the Former Registrant was not active in another architectural Firm when the name was approved.

4.4 An acronym or a catch-phrase in the Firm name is permitted if it can be demonstrated that the name otherwise conforms to these Bylaws and Rules.

## 5.0 Name Components

5.1 In assessing proposed Firm names, the AIBC will use the following guidelines for approval consistent with principles for business name assessments in British Columbia. Firm names must also meet the requirements of the BC Registry Services, unless specific requirements are included in these Bylaws and Rules, and would take precedence over other requirements.

5.2 Proposed Firm names will be analyzed according to their constituent components. The form of name acceptable consists of a distinctive element, followed by a descriptive element per paragraph 3.1.1 of these Rules, and ending with a corporate designation (if applicable) or partnership reference.



5.3 The distinctive element serves to differentiate names having identical or similar descriptive elements, and for that reason, is the most important element to be critically examined in the name. Names that lack an appropriate distinctive element could be rejected for that reason. They may be acceptable, if prefixed with an additional distinctive element (e.g., coined word or personal name) that would distinguish them from other Firm names.

5.4 The use of initials as a distinctive element is acceptable provided that the initials will not be confusing, misleading or similar to any other Firm name.

## 6.0 Representation

6.1 Registrant Firms must use their Firm name as approved on all written and electronic instruments of service and public representations, including drawing title-blocks, correspondence, websites, magazine articles, awards submissions, documentation, site signs, and e-mail signatures.

The use of a 'business name' or 'trade name', often referred to as 'doing business as' or 'dba' is common in the commercial world. Registering a 'dba' is permitted, along with the formal sole proprietorship, partnership or corporate name, with the BC Corporate Registry. Use of a trade

name or 'dba' is permitted where the likelihood of confusion is low and only in the following circumstances:

- 6.1.1 The 'dba' name has been registered with the BC Corporate Registry;
- 6.1.2 The 'dba' name is not used on any formal representations to the public, including web sites and marketing materials, unless in clear conjunction with the approved firm name;
- 6.1.3 The 'dba' closely resembles the approved Firm name, such as its shortened form; and
- 6.1.4 The 'dba' name is not used on instruments of service, contracts, and other documentation or other formal or legal representations of architectural qualifications.

# Schedule P: Board Rules for the Continuing Education System

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## 1.0 Background and Authority

- 1.1 These Board Rules describe the specific compliance and administration requirements for the AIBC Continuing Education System (CES) as authorized under Bylaw 5.10.

## 2.0 Continuing Education System Participant Compliance Requirements

- 2.1 To be considered compliant at the end of each CES Reporting Period, CES Participants must, by the deadline of each CES Reporting Period:
  - 2.1.1 Earn and report the required minimum number of Core and Non-Core LUs;
  - 2.1.2 Earn and report all LUs in the CES Reporting Period in which they are earned;
  - 2.1.3 Earn and report the mandatory Indigenous Peoples Learning Core LUs; and
  - 2.1.4 Submit a Declaration of Out-of-Province CES Compliance through the electronic Registrant portal if reporting compliance with the AIBC's CES requirements by means of reciprocity.
- 2.2 Registrants who are not CES Participants are exempt from compliance with CES requirements.

## 3.0 Earning and Reporting Learning Units

- 3.1 CES Reporting Period is defined in the Bylaws to mean the two-year period ending on June 30 of every even year and commencing on July 1 for the next two-year period.
- 3.2 Learning Units (LUs) are the means by which CES credits are measured and recorded. One LU is one hour (60 minutes) of eligible educational activity (e.g., a three-hour session earns three LUs). The minimum allowable portion of an LU that can be reported is one-half (0.5) LU.
- 3.3 To be eligible for learning units, educational activities must have defined learning objectives. They must be planned, educational, yield new knowledge for the CES Participant and be relevant to the field of architecture. Activities carried out during the normal practice of one's work or profession by CES Participants do not qualify for LUs. For more information see the Continuing Education System Practice Guideline.
- 3.4 LUs, including excess LUs, must be reported in the CES Reporting Period in which they are earned. Reporting of LUs which were earned in prior CES Reporting Periods is not accepted. LUs will be credited to the current CES Reporting Period, except where a CES Participant was

LU deficient for a past CES Reporting Period. In such case, LUs will be credited to that past CES Reporting Period first, until compliance is achieved.

### **CES Participants Registered During a Reporting Period**

- 3.5 CES Participants registered with the AIBC during the first year of a CES Reporting Period are required to become CES compliant by earning and reporting a minimum of 18 LUs, of which a minimum of eight must be Core LUs by the end of the current CES Reporting Period.
- 3.6 CES Participants registered with the AIBC during the second year of a CES Reporting Period are required to become CES compliant by earning and reporting a minimum of 36 LUs, of which a minimum of 16 must be Core LUs by the end of the following CES Reporting Period.

### **Mandatory Indigenous Peoples Learning**

- 3.7 A minimum of two Core LUs related to knowledge on Indigenous history, reconciliation, and/or engagement (Indigenous Peoples Learning in these Rules) must be earned and reported each CES Reporting Period, beginning in the 2022-2024 CES Reporting Period. For this learning to be considered Core, it must be a structured activity.

### **Carry-Forward of Learning Units**

- 3.8 Up to a maximum of eight Core LUs in total may be carried forward. LUs in excess of the maximum eight Core carried forward will be deemed to have “expired.” Non-core LUs are not eligible to be carried forward.
- 3.9 The mandatory LUs for Indigenous Peoples Learning cannot be carried forward. They must be earned and reported each CES Reporting Period.

### **Self-Reports**

- 3.10 In order for a self-reported activity to be evaluated for LUs, CES Participants must complete all fields on the self-report form including the specific activity’s title, the provider’s name, and detailed learning objectives, by the CES Reporting Period deadline.
- 3.11 CES Participants must retain documentation to support self-reported activities for one year after the closing of a CES Reporting Period in which the LUs were earned.
- 3.12 All self-reported activities are subject to review and approval. At any time, upon review, LUs may be removed from a CES Participant’s transcript due to insufficient information or be recategorized due to incorrect classification. CES Participants will be promptly notified in such cases and be given an opportunity to respond. The CES Participant may be asked to provide additional information and/or supporting documentation to verify the learning activity.

## 4.0 Exemption and Extension Requests

### Requests Prior to the End of the CES Reporting Period

- 4.1 To be considered for an exemption or extension to any of the CES requirements, CES Participants must apply in writing to the Registrar or delegate before the end of the CES Reporting Period and must include identification of extenuating circumstances. In the event the extenuating circumstance is health related, the application must include a health professional's letter and supporting documentation to support a request that the issue prevented compliance during the CES Reporting Period.
- 4.2 An exemption or extension granted in relation to a CES Participant's obligations is effective for a single CES Reporting Period. Consecutive exemptions are an exception and are only considered upon written request from the CES Participant.

### Requests After the End of the CES Reporting Period

- 4.3 A CES Participant who has received notification of non-compliance under Bylaw 5.14 may make a written request for an exemption or extension in relation to the Final CES Deadline no later than 30 days before the Final CES Deadline. Any request must identify credible extenuating circumstances for the inability to comply by the Final CES Deadline, including reasons why a request was not submitted prior to the end of the CES Reporting Period.

### Response and Final Decision

- 4.4 The Registrar or delegate may, in their sole discretion, extend the deadline for fine payment or compliance with earning and reporting Learning Units; or vary the CES Requirements, including fine amount and Learning Unit requirements.
- 4.5 The Registrar or delegate must provide a written response to the CES Participant within 14 days of receipt of the request for any, exemption or extension decision. All other AIBC Bylaws and Rules related and applicable to CES compliance remain in effect, including suspension in the event CES compliance is not achieved.

## 5.0 Canadian Reciprocity Option

- 5.1 An Architect's 'declared' jurisdiction must be one of the Canadian provinces or territories in which they are registered and are earning and reporting their continuing education hours.
- 5.2 An Architect who is both registered in other Canadian licensing jurisdiction(s) and is compliant with its mandatory continuing education system, is deemed to be compliant with the AIBC's CES requirements in the relevant CES Reporting Period, provided that compliance is reported to the AIBC.
- 5.3 If an Architect is eligible and elects to report compliance with the AIBC's CES requirements by means of reciprocity, they must submit a Declaration of Out-of-Province CES Compliance,



through the electronic Registrant portal, before the June 30 end of *each* CES Reporting Period. Following the end of the CES Reporting Period, the AIBC will verify compliance with the declared jurisdiction. Upon verification, if an Architect is found non-compliant with their declared jurisdiction they will be deemed non-compliant with AIBC CES requirements.

- 5.4 Failure to submit a Declaration of Out-of-Province CES Compliance before the end of each AIBC reporting period deadline of June 30 will result in non-compliance.
- 5.5 Architects who elect to complete CES requirements via the Canadian reciprocity option must also fulfill the AIBC Indigenous Peoples Learning requirement and report completion directly to the AIBC by the end of each CES Reporting Period.
- 5.6 An exemption or extension received in another declared jurisdiction from reporting continuing education requirements is not applicable for reciprocity or CES compliance in British Columbia. The reciprocity option can only be used if continuing education was earned and reported as complete in the declared jurisdiction.

## **6.0 Record Retention and Documentation Audit**

- 6.1 A CES audit of self-reported activities must be conducted within six months of the end of a CES Reporting Period. During each audit, approximately five per cent of CES Participants will receive an audit notice and will have 30 days to provide supporting documentation for review.
- 6.2 All CES Participants must fully and promptly comply with a CES audit.
- 6.3 LUs will be removed from CES Participants' transcripts if supporting documentation is not provided or approved.
- 6.4 If a CES Participant is found non-compliant as a result of the audit process, the Bylaws and Rules related to CES non-compliance apply.

## **7.0 Consequences for CES Non-Compliance**

- 7.1 In accordance with Bylaw 5.14, CES Participants who fail to satisfy the requirements of the CES by the end of a CES Reporting Period, or as a result of a CES audit, are deemed non-compliant with the CES.
- 7.2 In accordance with Bylaw 5.15, non-compliant CES Participants must be provided with written notice of non-compliance and require the CES Participant to pay the fine specified in Schedule B: Fees and complete all outstanding CES Learning Unit requirements on or before by the Final CES Deadline.
- 7.3 Non-compliant CES Participants must pay the fine specified in Schedule B: Fees and must complete all outstanding CES requirements by the Final CES Deadline of September 30 following the end of the applicable CES Reporting Period, or the date indicated in the notice for non-compliance following a CES audit.

- 7.4 CES Participants who did not pay the fine by the deadline or do not meet the requirements by the Final CES Deadline of September 30 following the end of the applicable CES Reporting Period, or the date indicated in the notice for non-compliance following a CES audit, are deemed not in Good Standing and may be suspended in accordance with Bylaw 5.16.

# Schedule Q: Board Rules for Extraordinary Action to Protect the Public

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## 1.0 Definitions

**“Extraordinary Action Panel”** means a panel of at least three members of the Discipline Committee, one of whom must be a Lay Committee Member, that is established for the purpose of conducting an extraordinary action to protect the public Proceeding pursuant to Section 67 of the PGA.

## 2.0 Authority

2.1 This Schedule describes the process and procedures for an extraordinary action to protect the public as authorized under Bylaw 6.11 and Section 67 of the PGA.

## 3.0 Procedures

3.1 An extraordinary action to protect public must be initiated on the application of the Investigation Committee, the Discipline Committee or the Registrar when considered necessary in the public interest to take action from immediate risks to health or safety.

3.2 Before an order can be made in accordance with Section 67(1)(a) and (b) of the PGA there must be an application before the Extraordinary Action Panel.

## 4.0 Extraordinary Action Panel

4.1 The chair or vice chair of the Discipline Committee must appoint an Extraordinary Action Panel.

4.2 A member of the Discipline Committee is not eligible to be appointed to an Extraordinary Action Panel respecting a matter in which they had any prior involvement, including any involvement with the matter through an AIBC process.

4.3 A member of the Extraordinary Action Panel is not eligible to sit as member of the Discipline Hearing Panel should the matter proceed to a Discipline Hearing.

4.4 The Extraordinary Action Panel may seek legal or other advice in relation to the matter.

## 5.0 Proceeding

5.1 The extraordinary action to protect the public Proceeding must be held in person or virtually.

5.2 The Proceeding must be recorded by a court reporter or by other means.

5.3 Unless otherwise ordered by the Extraordinary Action Panel, the Proceeding is not open to the public.

## **6.0 Orders**

6.1 The Extraordinary Action Panel may make an order if it is satisfied, on reasonable grounds, that extraordinary action is necessary to protect the public.

6.2 When an order is made pursuant to Section 67(1)(a) and (b) of the PGA, the Registrar must immediately deliver to the Registrant, by personal service or registered mail:

6.2.1 the order; and

6.2.2 written reasons for the order.

6.3 An order made by the Extraordinary Action Panel must be recorded on the register pursuant to Bylaw 8.5 and 8.6 and Published pursuant to Bylaw 8.11 within 30 days of the order being issued.

## **7.0 Vary or Rescind Conditions**

7.1 A Registrant may make a written application to the Registrar to appear before the Extraordinary Action Panel to vary or rescind an order made pursuant to paragraph 6.1 of this Schedule.

# Schedule R: Board Rules for Discipline Hearing Practice and Procedures

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## **General Matters**

### **1.0 Authority**

- 1.1 These Board Rules describe the practice and procedures related to Discipline Hearings as authorized by Bylaw 7.36.

### **2.0 Appearance and Representation**

- 2.1 The parties to a hearing may be self-represented or may be represented by legal counsel at a Proceeding.
- 2.2 If the Respondent is represented by legal counsel in a Proceeding,
  - 2.2.1 the Respondent must provide the AIBC with written notice of the name and contact information of the Respondent's legal counsel; and
  - 2.2.2 all information and documents delivered to the Respondent's legal counsel will constitute delivery to the Respondent.
- 2.3 If the Respondent is self-represented, the AIBC is entitled to use the email address provided most recently to the AIBC by the Respondent, for delivery of all information and documents.
- 2.4 The Discipline Hearing Panel and Discipline Committee may retain legal counsel in conducting a Proceeding.

### **3.0 Disclosure of Evidence**

- 3.1 After a Citation has been issued, unless otherwise agreed to by the parties, or ordered by the Discipline Hearing Panel, the AIBC must disclose to the Respondent:
  - 3.1.1 all relevant written or documentary evidence at least 30 days prior to the commencement of a Discipline Hearing;
  - 3.1.2 a list of witnesses that the AIBC intends to call at least 30 days prior to the commencement of a Discipline Hearing;
  - 3.1.3 a summary of witness evidence that the AIBC intends to call at least 15 days prior to the commencement of a Discipline Hearing; and
  - 3.1.4 expert reports, or a summary of the anticipated evidence of an expert if no expert report is produced, at least 30 days prior to the commencement of a Discipline Hearing.

- 3.2 Unless otherwise agreed to by the parties, or ordered by the Discipline Hearing Panel, the Respondent must disclose to the AIBC:
- 3.2.1 all written and documentary evidence which the Respondent intends to rely upon at the hearing at least 15 days prior to the commencement of a Discipline Hearing;
  - 3.2.2 a list of witnesses that the Respondent intends to call at least 15 days prior to the commencement of a Discipline Hearing;
  - 3.2.3 a summary of witness evidence that the Respondent intends to call at least 15 days prior to the commencement of a Discipline Hearing; and
  - 3.2.4 expert reports, or a summary of the anticipated evidence of an expert if no expert report is produced, at least 15 days prior to the commencement of a Discipline Hearing.
- 3.3 A failure to comply with the disclosure timeline in paragraphs 3.1 and 3.2 of these Rules may make the evidence inadmissible, subject to the Discipline Hearing Panel's obligation to ensure procedural fairness and its authority under these Rules.

#### **4.0 Summary of Witness Evidence**

- 4.1 The summary of witness evidence for each witness must identify the name, contact address or telephone number of the witness and contain the substance of their evidence.
- 4.2 A failure to comply with the requirement in paragraph 4.1 of these Rules may make the evidence inadmissible, subject to the Discipline Hearing Panel's obligation to ensure procedural fairness and its discretion in relation to witness matters, including Rule 6.7.9.

#### **5.0 Expert Report**

- 5.1 An expert's report must contain
- 5.1.1 the name, signature, contact address, and qualifications, including employment and education experience, of the expert;
  - 5.1.2 the instructions provided to the expert in relation to the Proceeding;
  - 5.1.3 the nature of the opinion being sought;
  - 5.1.4 the expert's opinion respecting the issues;
  - 5.1.5 the expert's reasons for his or her opinion, including a description of the factual assumptions for which the opinion is based, and any research conducted that led them to form the opinion; and
  - 5.1.6 a list of every document, if any, relied upon by the expert in forming the opinion.
- 5.2 A failure to comply with the requirement in paragraph 5.1 of these Rules may make the expert's report inadmissible, subject to the Discipline Hearing Panel's obligation to ensure procedural fairness and its authority under these Rules.

## 6.0 Pre-hearing Conference

- 6.1 Any party may request a pre-hearing conference at any time prior to the commencement of the hearing.
- 6.2 The Discipline Hearing Panel may on its own motion order a pre-hearing conference at any time before a Discipline Hearing commences.
- 6.3 When a pre-hearing conference has been requested or ordered, the Discipline Hearing Panel must:
  - 6.3.1 in consultation with the parties, provide written notice of the date, time, and place of the pre-hearing conference and how it will be conducted (in person, by electronic means, in writing, or any combination of the foregoing); and
  - 6.3.2 preside at a pre-hearing conference.
- 6.4 AIBC's counsel and the Respondent, or the Respondent's counsel, or both must be present and participate at the pre-hearing conference.
- 6.5 If the Respondent or the Respondent's counsel fails to attend a pre-hearing conference, the Discipline Hearing Panel may:
  - 6.5.1 proceed with the pre-hearing conference if the Discipline Hearing Panel is satisfied that the Respondent had notice of the pre-hearing conference; and
  - 6.5.2 make any order(s) at the pre-hearing conference.
- 6.6 Before the pre-hearing conference begins, the Discipline Hearing Panel may receive and consider:
  - 6.6.1 the Citation;
  - 6.6.2 pre-hearing conference submissions from the parties;
  - 6.6.3 an agreed statement of facts; and
  - 6.6.4 any other document or evidence by agreement of the parties.
- 6.7 At the pre-hearing conference, the Discipline Hearing Panel may consider and make orders to assist in the fair and expeditious management of the Discipline Hearing, including but not limited to:
  - 6.7.1 identifying, simplifying, or narrowing the issues in dispute;
  - 6.7.2 identifying admissions, or agreed upon facts and documents by the parties;
  - 6.7.3 amending the discovery and production of evidence, including the determination of any application made to vary any of the timelines or other requirements set out in 3.0, 4.0 and 5.0 of these Rules;

- 6.7.4 resolving matters of procedure or evidence that can fairly be addressed prior to a Discipline Hearing, either on the motion of a party or on the Discipline Hearing Panel's own motion;
  - 6.7.5 scheduling the time and place of the Discipline Hearing, including determining whether the Discipline Hearing, either will be conducted in person, by electronic means, in writing, or any combination;
  - 6.7.6 estimating the duration of the Discipline Hearing;
  - 6.7.7 setting timelines for the orderly conduct of a Proceeding, including pre-hearing steps such as setting timelines by which the parties must bring Motions and applications;
  - 6.7.8 setting a further pre-hearing conference;
  - 6.7.9 taking steps to ensure the best interests of witnesses are protected, including the determination of any application by a party to withhold the identity or contact details of a witness; or
  - 6.7.10 considering whether privilege or confidentiality might require that all or part of the Discipline Hearing be closed to the public, or that exhibits, and other evidence be excluded from public access.
- 6.8 The Discipline Hearing Panel must provide the parties with a written copy of any order made at a pre-hearing conference.
- 6.9 An order made at a pre-hearing conference can be relied on or referred to by any party at a Discipline Hearing.

## **7.0 Motions**

- 7.1 A Motion may be brought by the parties at a pre-hearing conference and at any time after the issuance of a Citation.
- 7.2 The Discipline Hearing Panel must in consultation with the parties, determine:
- 7.2.1 the date, time, and place the Motion will be heard;
  - 7.2.2 the date the Motion must be served; and
  - 7.2.3 the date the responding party must reply.
- 7.3 A Motion must be in writing, unless otherwise agreed upon by the parties or ordered by the Discipline Hearing Panel, and set out:
- 7.3.1 the relief sought;
  - 7.3.2 a summary of the grounds for the relief sought; and
  - 7.3.3 the evidence and other materials to be relied on.



- 7.4 The party who brings a Motion at a pre-hearing conference must serve it with any accompanying evidence and materials, to the other party and the Discipline Hearing Panel.
- 7.5 The party responding to a Motion served under paragraph 7.4 of these Rules, must deliver its reply in writing to the other party and the Discipline Hearing Panel, setting out:
  - 7.5.1 its position and the grounds for that position; and
  - 7.5.2 any accompanying evidence.
- 7.6 Any party who includes an affidavit as part of its Motion or reply to the Motion must make the affiant available to be cross-examined.
- 7.7 At the conclusion of the hearing of the Motion, the Discipline Hearing Panel may
  - 7.7.1 grant the relief requested in a Motion;
  - 7.7.2 dismiss or adjourn the Motion in whole or in part, with or without terms; or
  - 7.7.3 make another decision it considers appropriate.

## **8.0 Motion Adjournment**

- 8.1 A party may make a Motion for an order that the Discipline Hearing be adjourned by setting out in writing:
  - 8.1.1 the reason for the adjournment;
  - 8.1.2 a list of evidence and other materials to be relied on; and
  - 8.1.3 the length of time requested for the adjournment.
- 8.2 A Motion for an adjournment must follow the rules in paragraphs 7.3 to 7.6 of these Rules, unless otherwise directed by the Discipline Hearing Panel.
- 8.3 In considering an adjournment application, the Discipline Hearing Panel may consider the following:
  - 8.3.1 the reason for the adjournment;
  - 8.3.2 whether the adjournment would cause unreasonable delay;
  - 8.3.3 the impact on the parties that would result from granting or refusing the adjournment; and
  - 8.3.4 the public interest.
- 8.4 The Discipline Hearing Panel may
  - 8.4.1 grant the adjournment;
  - 8.4.2 grant an adjournment on terms or with conditions; or
  - 8.4.3 decline to grant the adjournment.

## **9.0 Liability and Penalty stages of a hearing**

- 9.1 The AIBC may conduct a Discipline Hearing in two parts: a liability hearing, to make findings of fact on liability, and a penalty hearing, to make determinations as to penalty.
- 9.2 The findings on liability and on penalty, when issued, constitute the Discipline Hearing Panel's decision for the purpose of an appeal.
- 9.3 Either party may elect to have the liability and penalty stages heard jointly at a Discipline Hearing.

## **CONDUCT DURING HEARING**

### **10.0 Attendance**

- 10.1 Discipline Hearings are open to the public unless the Discipline Hearing Panel determines the hearing or a portion of a hearing must be held *in camera*, as referenced in Bylaw 7.34.
- 10.2 In exercising its discretion as to attendance by non-parties at a Discipline Hearing, the Discipline Hearing Panel may consider the impact on the Proceeding and procedural fairness caused by attendance or behaviour of any person.

### **11.0 Recording Proceedings**

- 11.1 A Proceeding must not be recorded by any person without the consent of the Discipline Hearing Panel.
- 11.2 Notwithstanding paragraph 11.1 in these Rules, a court reporter must keep a record of the Discipline Hearing.
- 11.3 The transcripts of the court reporter are the official record of the Discipline Hearing.

### **12.0 Preliminary Matters**

- 12.1 Before hearing any evidence on the charges set out in a Citation, the Discipline Hearing Panel must determine whether the Citation was served in accordance with the Bylaws.

### **13.0 Procedure**

- 13.1 The Discipline Hearing Panel may determine the procedures to be followed at a Discipline Hearing, consistent with the principles of procedural fairness.
- 13.2 In a Discipline Hearing, both parties may
  - 13.2.1 present evidence;
  - 13.2.2 reply to evidence;

- 13.2.3 call witnesses;
  - 13.2.4 cross-examine the opposing party's witnesses;
  - 13.2.5 re-examine witnesses;
  - 13.2.6 make submissions; and
  - 13.2.7 reply to the opposing party's submissions.
- 13.3 A party must not put a document to a witness in cross-examination without having provided disclosure of the document to the opposing party in advance of the Proceeding.
- 13.4 The Discipline Hearing Panel is not bound by the rules and principles of evidence and civil procedure.
- 13.5 Nothing is admissible as evidence in a Proceeding that would be inadmissible in a court of law by reason of any privilege.
- 13.6 The Discipline Hearing Panel may place reasonable limits on the length of a party's submissions in a Discipline Hearing.
- 13.7 A party must not present new evidence in the party's closing submissions.
- 13.8 The Discipline Hearing Panel must not consider the questions of penalty or costs until it has rendered a decision on the charges in the Citation, unless either party requested a combined hearing pursuant to paragraph 9.3 of these Rules.
- 13.9 Where a procedural or other issue cannot be determined through the PGA, *Architects Regulations*, AIBC Bylaws, or these Rules, the Discipline Hearing Panel has discretion to make a binding determination and in so doing may make reference to common law rules and principles as applicable.

#### **14.0 Witnesses**

- 14.1 Parties are responsible for arranging attendance of their own witnesses.
- 14.2 If a witness requires an interpreter, the party calling the witness must arrange for the attendance of a certified interpreter at their own cost.
- 14.3 Any witness testifying at a Proceeding must give an oath or affirmation before testifying.
- 14.4 The Discipline Hearing Panel may question any witness.
- 14.5 A witness must not see or hear the testimony of other witnesses prior to giving testimony at a Discipline Hearing, unless the witness is also a party to the hearing or is an expert whom the Discipline Hearing Panel has ruled may be present for the testimony of the opposing party's expert.

14.6 Witnesses may be issued a subpoena in accordance with Section 80 of the PGA.

# Schedule S: Costs Administrative Guidelines

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## 1.0 Authority and Position

- 1.1 These Administrative Guidelines are authorized under Bylaws 7.42 and 7.43.
- 1.2 Costs in a discipline matter are not ordered as a punitive measure but are agreed to or ordered independently from any sanction imposed.
- 1.3 Costs are not intended to address the conduct that is the subject of the discipline process. Instead, Costs are agreed to as a partial recovery of staff, administrative and other AIBC costs related to the investigation of a matter pursuant to Section 66 of the PGA, negotiation and preparation of an agreement pursuant to Sections 72, 73 or 74 of the PGA, preparation for and conduct of Discipline Hearings pursuant to section 75 of the PGA and Publication processes.
- 1.4 While the PGA provides authority for Costs to be ordered against a Respondent, the Bylaws and these Guidelines contemplate the possibility of a Costs award against the AIBC in the event of the unsuccessful prosecution of a Discipline Hearing.

## 2.0 Determination of Costs Before a Citation is Issued

- 2.1 AIBC's recoverable Costs include all costs incurred from the time the investigation is authorized pursuant to Section 66(1)(a) of the PGA until the time the matter is resolved by agreement pursuant to Section 72(1), 73(1) or 74 of the PGA.

### **Reprimand or Remedial Action by Consent (RRAC)**

- 2.2 If a RRAC proposal is promptly accepted by the Respondent who agrees to the undertaking(s) and consent(s) in the agreement, the base amount for routine, readily-resolved matters, including those of less than or ordinary complexity, is set at \$1,000.00; and
- 2.3 Additional costs may be assessed on a case-by-case basis, for matters that are not readily-resolved, including those of greater complexity, with the factors in subparagraph 2.6.3 in this Schedule duly considered.

### **Alternative Complaint Resolution (ACR) and Consent Order (CO)**

- 2.4 If an ACR proposal or CO proposal is accepted by the Respondent within a reasonable period of time, the base amount is set at \$1,500.00, plus the actual costs of to fulfill any specific, cost-bearing terms in the proposed ACR or CO (e.g., course fees and attendance); and
- 2.5 Additional costs may be assessed on a case-by case basis, for matters that are not readily-resolved, including those of greater complexity, with the factors in subparagraph 2.6.3 in this Schedule duly considered.

### **Additional Cost Factors**

- 2.6 In determining whether a proposal made under paragraphs 2.1 and 2.2 in this Schedule is promptly accepted, or readily-resolved within a reasonable period of time, as well as the level of complexity and increase to the base cost amounts, AIBC will have regard to the following principles:
- 2.6.1 the number of infractions at issue in the negotiation;
  - 2.6.2 the degree of importance of the section(s) in the PGA, the Bylaw(s), or the AIBC Code of Ethics and Professional Conduct that were infringed (i.e., the seriousness of the violation);
  - 2.6.3 the role of the Respondent or the AIBC in conserving or increasing the costs, including admissions of fact and the timing of admissions, inordinate delays and unreasonable negotiating positions;
  - 2.6.4 the Costs imposed in other reasonably similar circumstances; and
  - 2.6.5 any other reasonable considerations relevant, including financial circumstances of the Respondent and total effect of any sanctions imposed.

### **3.0 Determination of Costs After a Citation is Issued**

- 3.1 AIBC's recoverable Costs after a Citation is issued may include all costs incurred from the time the investigation is authorized pursuant to Section 66(1)(a) of the PGA until the time the matter is resolved by agreement pursuant to Sections 72, 73, 74 of the PGA, or conclusion of a Proceeding pursuant to Section 75 of the PGA.
- 3.2 For the purpose of calculating Costs with respect to an investigation, recoverable Costs are those costs incurred from the time the investigation is authorized pursuant to Section 66(1)(a) of the PGA until the time that a Citation is issued pursuant to Sections 66(1)(d) or 72(3) of the PGA.
- 3.3 For the purpose of calculating Costs with respect to a Discipline Hearing, recoverable Costs are costs incurred from the time that the Citation is issued pursuant to Sections 66(1)(d) or 72(3) of the PGA until the matter is resolved by agreement pursuant to Sections 72, 73 or 74 of the PGA, or conclusion of a Proceeding pursuant to Section 75 of the PGA.
- 3.4 In determining Costs the Respondent must pay, the Discipline Hearing Panel considers whether AIBC proved all the charges set out in the Citation to the requisite standard, and if so, the seriousness of the charges which were not proven relative to those which were proven.

### **4.0 Costs in Favour of the Respondent**

- 4.1 A Discipline Hearing Panel may make a Costs award against the AIBC, payable to the Respondent, in the event none of the charges in a Citation are proven.

4.2 In assessing Costs under this Section, a Discipline Hearing Panel may consider the reasonable costs incurred by the Respondent in relation to preparation for and defence at the Discipline Hearing.