



Province of Alberta

ARCHITECTS ACT

Revised Statutes of Alberta 2000
Chapter A-44

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Office Consolidation

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Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Architects Act* that are filed as Alberta Regulations under the Regulations Act

Alta. Reg.	<i>Amendments</i>
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Architects Act

Architects Act General	200/2009	219/2010, 147/2018
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ARCHITECTS ACT

Chapter A-44

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HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “architects corporation” means a corporation that holds a permit under section 20(3);
- (b) “Association” means The Alberta Association of Architects;
- (c) “authorized entity” means a registered architect, architects corporation, architects and engineers firm, visiting project architect, restricted practitioner, licensed interior designer, interior design corporation and visiting project interior designer;
- (d) “Board” means the Practice Review Board established under section 38;
- (e) “building” means a building as defined in the *Safety Codes Act*;
- (f) “Committee” means the Complaint Review Committee established under section 36;
- (f.1) “continuing competence program” means a program of continuing competence provided for in the regulations;

- (g) “Council” means the Council of the Association;
- (g.1) “interior design corporation” means a corporation that holds a permit under section 20(4.3);
- (h) “Joint Board” means the Joint Board of Practice under section 1 of Schedule 8 to the *Government Organization Act*;
- (i) “joint firm” or “architects and engineers firm” means a firm of architects and engineers that holds a certificate of authorization under section 20;
- (i.1) “licensed interior designer” means an individual who holds a certificate of registration under section 20(4.1) and an annual certificate under section 22.1;
- (j) “member of the public” means an individual who
 - (i) is a Canadian citizen or who has been lawfully admitted to Canada for permanent residence,
 - (ii) is a resident of Alberta, and
 - (iii) is not a registered architect, restricted practitioner or licensed interior designer;
- (k) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (l) “practice of architecture” means
 - (i) planning, designing or giving advice on the design of or on the erection, construction or alteration of or addition to a building,
 - (ii) preparing plans, drawings, detail drawings, specifications or graphic representations for the design of or for the erection, construction or alteration of or addition to a building, or
 - (iii) inspecting work and assessing the performance of work under a contract for the erection, construction or alteration of or addition to a building;
- (l.1) “practice of interior design” means that portion of the practice of architecture that is defined as interior design in the regulations;

- (m) “registered architect” means an individual who holds a certificate of registration under section 20(1) and an annual certificate under section 22;
- (n) “Registrar” means the Registrar appointed under section 7;
- (o) “Registration Committee” means the committee established under section 12;
- (o.1) “restricted practitioner” means an individual who holds a certificate of authorization under section 73;
- (p) “visiting project architect” means an individual who holds a licence under section 20(2);
- (q) “visiting project interior designer” means an individual who holds a licence under section 20(4.2).

RSA 2000 cA-44 s1;2004 c3 s2;2006 c13 s2

Part 1

Scope of Practice

Exclusive scope of practice and use of name

2(1) Except as otherwise provided in this Act, no person except an authorized entity shall engage in the practice of architecture.

(2) No person except a registered architect, visiting project architect, architects corporation or architects and engineers firm shall

- (a) use any one or more of the names architect, registered architect, visiting project architect, architects corporation or architects and engineers firm, or any title, description, abbreviation, letter or symbol representing those names, alone or in combination with any other name, title, description, abbreviation, letter or symbol, that represents expressly or by implication that the person is a registered architect, visiting project architect or it is an architects corporation or architects and engineers firm,
- (b) represent or hold out, expressly or by implication, that
 - (i) the person or it is entitled to engage in the practice of architecture, or
 - (ii) the person is a registered architect, visiting project architect or it is an architects corporation or architects and engineers firm,

or

- (c) affix the seal or stamp of a registered architect or the stamp of a visiting project architect, architects corporation or architects and engineers firm, or permit that seal or stamp to be affixed, to a plan, drawing, detail drawing, specification or other document or a reproduction of any of them unless
 - (i) that plan, drawing, detail drawing, specification, other document or reproduction was prepared by or under the personal supervision, direction and control of, and
 - (ii) the seal or stamp is affixed with the knowledge, consent or in accordance with the direction of

the registered architect or visiting project architect to whom or the architects corporation or architects and engineers firm to which the seal or stamp was issued by the Registrar.

(3) Subsection (1) does not apply to a person engaged in the practice of architecture in the course of being employed or engaged by a registered architect, visiting project architect, architects corporation or architects and engineers firm.

(4) A restricted practitioner is not authorized by the operation of subsection (1) to engage in the practice of architecture beyond the scope of the practice that is specified in the register in respect of the individual concerned.

(5) Subsection (1) does not apply to a person who engages in

- (a) planning, designing or giving advice on the design of or on the erection, construction or alteration of or addition to,
- (b) preparing plans, drawings, detail drawings, specifications or graphic representations for the design of or for the erection, construction or alteration of or addition to, or
- (c) inspecting work or assessing the performance of work under a contract for the erection, construction or alteration of or addition to

a building set out in subsection (6).

(6) The buildings referred to in subsection (5) are the following:

- (a) a building, 3 storeys or less in height, for assembly occupancy or institutional occupancy that,
 - (i) in the case of a single storey building, has a gross area of 300 square metres or less,

- (ii) in the case of a 2 storey building, has a gross area of 150 square metres or less on each floor, or
- (iii) in the case of a 3 storey building, has a gross area of 100 square metres or less on each floor;
- (b) a building for residential occupancy that
 - (i) is a single family dwelling, or
 - (ii) is a multiple family dwelling containing 4 dwelling units or less;
- (c) a building, 3 storeys or less in height, for residential occupancy as a hotel, motel or similar use that,
 - (i) in the case of a single storey building, has a gross area of 400 square metres or less,
 - (ii) in the case of a 2 storey building, has a gross area of 200 square metres or less on each floor, or
 - (iii) in the case of a 3 storey building, has a gross area of 130 square metres or less on each floor;
- (d) a building, 3 storeys or less in height, for warehouse, business and personal services occupancy, for mercantile occupancy or for industrial occupancy that
 - (i) in the case of a single storey building, has a gross area of 500 square metres or less,
 - (ii) in the case of a 2 storey building, has a gross area of 250 square metres or less on each floor, or
 - (iii) in the case of a 3 storey building, has a gross area of 165 square metres or less on each floor;
- (e) a building that is a farm building not for public use;
- (f) a relocatable industrial camp building.

(7) Subsection (1) does not apply to a licensed interior designer who is engaged in that portion of the practice of architecture that is defined as interior design in the regulations.

RSA 2000 cA-44 s2;2004 c3 s3

Practice of interior design

2.1(1) Notwithstanding section 2(1), a licensed interior designer, visiting project interior designer or interior design corporation may

not engage in the practice of architecture beyond that portion of the practice of architecture that is defined as interior design in the regulations.

(2) Licensed interior designers, visiting project interior designers and interior design corporations are entitled to engage in the practice of interior design.

(3) No person except a licensed interior designer, visiting project interior designer or interior design corporation shall

- (a) use any one or more of the names licensed interior designer, visiting project interior designer or licensed interior design corporation, or any title, description, abbreviation, letter or symbol representing those names, alone or in combination with any other name, title, description, abbreviation, letter or symbol, that represents expressly or by implication that the person is a licensed interior designer, visiting project interior designer or interior design corporation,
- (b) represent or hold out, expressly or by implication, that the person is a licensed interior designer, visiting project interior designer or interior design corporation, or
- (c) affix the seal of a licensed interior designer or the stamp of a visiting project interior designer or interior design corporation, or permit that seal or stamp to be affixed, to a plan, drawing, detail drawing, specification or other document or a reproduction of any of them unless
 - (i) that plan, drawing, detail drawing, specification, other document or reproduction was prepared by or under the personal supervision, direction and control of, and
 - (ii) the seal or stamp is affixed with the knowledge and consent or in accordance with the direction of, the licensed interior designer or visiting project interior designer to whom or the interior design corporation to which the seal or stamp was issued by the Registrar.

(4) A person employed or engaged by a licensed interior designer, visiting project interior designer or interior design corporation is entitled to engage in the practice of interior design in the course of the person's employment.

(5) Subsection (3) does not apply to a registered architect or architects corporation.

Application of Act to professional engineers

3(1) No individual, corporation, partnership or other entity may engage in both the practice of architecture and the practice of engineering or hold out that it is entitled to engage in both the practice of architecture and the practice of engineering as defined in the *Engineering and Geoscience Professions Act*, unless it holds a certificate of authorization under this Act or the *Engineering and Geoscience Act* permitting it to do so.

(2) Nothing in section 2(1) applies to an individual registered as a professional engineer under the *Engineering and Geoscience Professions Act* who has been granted authority by the Council to apply for a permit authorized by the regulations under the *Safety Codes Act*.

RSA 2000 cA-44 s3;2011 c3 s33

Injunction

4 The Court of Queen's Bench, on application by the Council, may grant an injunction enjoining any person from doing any act that is in contravention of section 2, 2.1 or 3(1), notwithstanding any penalty that may be provided by this Act or the regulations in respect of that contravention.

RSA 2000 cA-44 s4;2006 c13 s4;2009 c53 s25

**Part 2
Association****Alberta Association of Architects**

5(1) The Alberta Association of Architects is continued as a corporation.

(2) In addition to the powers vested in it by this and any other Act, the Association has the power to

- (a) acquire and hold real property and to sell, lease or otherwise dispose of it, and
- (b) borrow money for the purposes of the Association and to mortgage or charge real or personal property of the Association or its sources of funds as security.

RSA 1980 cA-44.1 s5

Council

6(1) There is hereby established a governing body of the Association called the Council.

(2) The Council shall manage and conduct the business and affairs of the Association and exercise the powers of the Association in the name and on behalf of the Association.

(3) The Council shall annually submit to the Minister a report on those matters of the business and affairs of the Association that the Minister may require in a form satisfactory to the Minister.

(4) The Minister shall, on receipt of the annual report of the Association, lay it before the Legislative Assembly, if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next sitting.

RSA 1980 cA-44.1 s6

Registrar

7 The Council may by resolution appoint or revoke the appointment of an individual as Registrar for the purposes of this Act.

RSA 1980 cA-44.1 s7

Council membership and election of officers

8(1) The Council shall consist of

(a) at least 9 registered architects or a greater number that may be prescribed by the bylaws, each of whom shall be elected by registered architects and licensed interior designers, at the time, in the manner and for the period provided for by the bylaws,

(a.1) one licensed interior designer who shall be elected by licensed interior designers and registered architects at the time, in the manner and for the period provided for by the bylaws, and

(b) when the number of elected registered architects does not exceed 10, one member of the public, or when the number of elected registered architects is more than 10 but not more than 20, two members of the public, who shall be appointed by the Minister after consultation with the Association for a one-year term of office.

(2) The members of the Council under subsection (1) shall elect from among themselves the officers of the Association specified in the bylaws in the manner and for the term prescribed in the bylaws.

(3) A member of the public referred to in subsection (1)(b) continues to hold office after the expiry of the member's term of office until the member is reappointed or the member's successor is appointed.

(4) The Minister may, after consultation with the Council, revoke the appointment of a member of the public referred to in subsection (1)(b).

(5) The Minister may pay to a member of the public referred to in subsection (1)(b) travelling and living expenses incurred by that member for the member's attendance at any meeting of the Council while away from the member's usual place of residence and fees in an amount prescribed by the Minister.

(6) The powers, duties and operations of the Council under this Act, the regulations and the bylaws are not affected by

- (a) the fact that no member of the public is appointed as a member of the Council pursuant to subsection (1)(b),
- (b) the revocation, under subsection (4), of the appointment of a member of the Council, or
- (c) the resignation from the Council of a member of the public.

(7) The failure of a member of the public appointed pursuant to subsection (1)(b) to attend a meeting of the Council shall not be construed to affect or restrict the Council from exercising any powers or performing any duties under this Act, the regulations and the bylaws at that meeting.

RSA 2000 cA-44 s8;2004 c3 s4;2006 c13 s5

Part 3

Regulations and Bylaws

Regulations

9(1) The Council may make regulations

- (a) respecting the academic qualifications of and training requirements for applicants for registration as registered architects and licensed interior designers;
- (b) establishing conditions respecting the registration of an applicant referred to in clause (a), including residence, age and character requirements;
- (c) providing for the evaluation by the Registration Committee, the Practice Review Board, any other committee or board established or designated under the regulations, or for the evaluation by the Council, of the academic qualifications of and training requirements for applicants for registration as registered architects, visiting project architects, restricted practitioners, licensed interior designers or visiting project interior designers, and the examination of those applicants with respect to those qualifications or requirements;

- (d) respecting the eligibility of applicants for registration to engage in the practice of architecture
 - (i) as visiting project architects, including their relationship with registered architects who will collaborate on projects approved by the Council, or
 - (ii) as restricted practitioners;
- (d.1) respecting the eligibility of applicants for registration to engage in the practice of interior design as visiting project interior designers, including regulations respecting their relationship with licensed interior designers who will collaborate on projects approved by the Council;
- (e) prescribing the requirements of eligibility of applicants to engage in the practice of architecture as architects corporations, including
 - (i) the number of full-time permanent employees or shareholders who must be registered architects and who will assume personal supervision, direction and control over the practice of architecture,
 - (ii) the required amount of beneficial ownership of voting shares of the applicant that must be vested in registered architects and the number of directors or officers of the applicant who must be registered architects, and
 - (iii) the persons or qualifications of persons who may be beneficial owners of any of the issued shares of the applicant or who may be employees of the applicant but are not registered architects;
- (e.1) prescribing the requirements of eligibility of applicants to engage in the practice of interior design as interior design corporations, including
 - (i) the number of full-time permanent employees or shareholders who must be licensed interior designers and who will assume personal supervision, direction and control over the practice of interior design,
 - (ii) the required amount of beneficial ownership of voting shares of the applicant that must be vested in licensed interior designers and the number of directors or officers of the applicant who must be licensed interior designers, and

- (iii) the persons or qualifications of persons who may be beneficial owners of any of the issued shares of the applicant or who may be employees of the applicant but are not licensed interior designers;
- (f) prescribing technical standards for the practice of architecture;
- (g) establishing and providing for the publishing of a code of ethics respecting the practice of architecture, the maintenance of the dignity and honour of the profession of architecture and the protection of the public interest;
- (h) governing the names under which authorized entities may engage in the practice of architecture;
- (i) respecting the fixing of fees, dues and levies payable to the Association by visiting project architects;
- (j) prescribing how many members of the Council constitute a quorum of the Council;
- (k) respecting the powers, duties and functions of the Practice Review Board including, but not limited to, the referral of matters by that Board to the Council or the Complaint Review Committee and appeals from decisions of that Board;
- (l) governing, subject to this Act, the operation and proceedings of the Registration Committee, the Complaint Review Committee and the Practice Review Board, the designation of chair and vice-chair, the appointment of acting members and the procedures for filling vacancies in the offices of chair and vice-chair and in the membership of either Committee or the Board, the appointment of members by virtue of their offices of either Committee or the Board and prescribing their powers, duties and functions;
- (m) respecting the procedures for hearings of the Complaint Review Committee, of the Practice Review Board and of the Council in matters relating to the conduct or practice of authorized entities, whether or not a complaint has been made;
- (n) applying all or some of the provisions of this Act, the regulations or the bylaws to members of classes or categories of membership in the Association established under the bylaws;

- (o) respecting reviews of the practice of an authorized entity by the Board or a person authorized by the Board;
- (p) respecting registration, licensing, permits and certificates of authorization, the review of complaints, the practice arrangements of authorized entities, the practice of architecture and the review of the practice of authorized entities, generally;
- (q) respecting the establishment by the Council of compulsory continuing competence programs for registered architects, licensed interior designers and restricted practitioners;
- (r) governing the publication of a notice of the suspension or cancellation of the registration of an authorized entity in a form and manner prescribed by the Council;
- (s) respecting committees of inquiry for reinstatements under Part 5;
- (t) defining the practice of interior design for the purposes of this Act;
- (u) - (x) repealed 2006 c13 s6.

(2) A regulation under subsection (1) does not come into force unless it has been approved by

- (a) a majority of the registered architects and licensed interior designers
 - (i) present and voting at a general meeting, or
 - (ii) voting in a mail vote conducted in accordance with the bylaws,

and

- (b) the Lieutenant Governor in Council.

RSA 2000 cA-44 s9;2004 c3 s5;2006 c13 s6

Bylaws

10(1) The Council may make bylaws

- (a) for the government of the Association and the management and conduct of its affairs;
- (b) determining the location of the head office of the Association;

- (c) respecting the calling of and conduct of meetings of the Association and the Council;
- (d) respecting the nomination, election, number and term of office of Council members and officers of the Association and the appointment of individuals as members by virtue of their offices of the Council and of any committee or board established by the Council, and prescribing their powers, duties and functions;
- (e) providing for the appointment of acting members of the Council and procedures for the election of registered architects and licensed interior designers and the nomination of members of the public for appointment by the Minister;
- (f) providing for the division of Alberta into electoral districts, and prescribing the number of Council members to be elected from each district;
- (g) establishing classes or categories of membership in the Association in addition to registered architects and licensed interior designers, and prescribing the rights, privileges and obligations of the classes or categories of membership so established;
- (h) providing for the appointment and the revocation of the appointment of employees of the Association and of an individual as an Acting Registrar who has all of the powers and performs all of the duties of the Registrar under this Act, the regulations and the bylaws when the Registrar is absent or unable to act or when there is a vacancy in the office of Registrar;
- (i) governing the establishment, operation and proceedings of chapters;
- (j) governing the establishment, operation and proceedings of committees, the appointment of members of committees, the appointment of acting members and procedures for filling vacancies on committees and the delegation of any powers or duties of the Council under this Act, the regulations or the bylaws to a committee established by the Council or under this Act;
- (k) prescribing the number of registered architects and licensed interior designers that constitutes a quorum at meetings of the Association;

- (l) except for the members of the public appointed by the Minister, prescribing fees and expenses payable to members of the Council, the Practice Review Board, the Registration Committee, the Complaint Review Committee or any other board or committee of the Council or Association or for a registered architect or licensed interior designer representing the Association on a board or committee;
- (m) respecting the establishment of and payment of sums of money for scholarships, fellowships and any other educational incentive or benefit programs that the Council considers appropriate;
- (n) governing the information to be engraved on and the use to be made of
 - (i) seals and stamps by registered architects and seals by licensed interior designers, and
 - (ii) stamps by visiting project architects, restricted practitioners, visiting project interior designers, architects corporations, interior design corporations and joint firms;
- (o) respecting the fixing of fees, dues and levies payable to the Association by registered architects, architects corporations, joint firms, restricted practitioners, licensed interior designers, interior design corporations and persons who are members of other classes or categories of membership in the Association;
- (p) governing the nature of the costs in respect of which an order may be made by the Discipline Committee or, on appeal, the Council;
- (q) respecting the establishment, content and maintenance of registers of authorized entities and of records of other classes or categories of membership to be recorded by the Registrar;
- (r) respecting the removal from the registers and records of any memorandum or entry made in them under this Act or the regulations to indicate
 - (i) the suspension or cancellation of the registration of an authorized entity, or

- (ii) the death of a registered architect, visiting project architect, restricted practitioner, licensed interior designer or visiting project interior designer,

including the removal of the name of the individual or corporation concerned;
- (s) governing the publication of the names of applicants for registration as registered architects or licensed interior designers approved by the Registration Committee;
- (t) requiring authorized entities to maintain a business address in Alberta and to inform the Registrar in writing of that address and of any change in that address forthwith after the change occurs;
- (u) authorizing the Council to prescribe the form of a certificate of registration, a licence, a permit, a certificate of authorization, an annual certificate and any other form or document that may be required for the purposes of this Act, the regulations and the bylaws;
- (v) governing the holding of mail votes.

(2) The *Regulations Act* does not apply to bylaws of the Association.

RSA 2000 cA-44 s10;2006 c13 s7

Consultation with Ministers required

10.1 Before the Council, by regulation, establishes or amends the academic qualifications and training requirements for applicants for registration as registered architects and licensed interior designers, the Council must consult with the Minister and the Minister responsible for Parts 1 to 3 of the *Post-secondary Learning Act* and must consider the comments received from those Ministers.

2010 c7 s2

Part 4 Registration of Members

Registers

Registers

11(1) The Registrar shall maintain, in accordance with the bylaws and subject to the direction of the Council, a register for each of the following:

- (a) registered architects;
- (b) visiting project architects;

- (c) architects corporations;
- (d) joint firms;
- (e) restricted practitioners;
- (f) licensed interior designers;
- (g) visiting project interior designers;
- (h) interior design corporations.

(2) The Registrar shall enter in the appropriate register the name of a person

- (a) whose registration to engage in the practice of architecture has been approved
 - (i) in the case of a registered architect, by the Registration Committee or, on review, the Council,
 - (ii) in the case of a visiting project architect or architects corporation, by the Council,
 - (iii) in the case of a joint firm, by the Joint Board and the Council,
 - (iv) in the case of a restricted practitioner, in accordance with section 73,
 - (v) in the case of a licensed interior designer, by the Registration Committee or, on review, the Council, or
 - (vi) in the case of a visiting project interior designer or interior design corporation, by the Council,

and

- (b) who has paid the fee prescribed in the regulations or bylaws, as the case may be.

RSA 2000 cA-44 s11;2004 c3 s6;2006 c13 s8

Registration Committee and Council Reviews

Registration Committee

12(1) The Council shall, by bylaw, establish a Registration Committee consisting of those registered architects and licensed interior designers appointed by the Council as members of the Registration Committee.

(2) The Registration Committee shall, in accordance with this Part, the regulations and the bylaws, consider applications for the registration of applicants as registered architects or licensed interior designers, and may approve or refuse to approve the registration or defer the approval of registration until it is satisfied that the applicant has obtained further experience as required by the Registration Committee.

(3) On approving, refusing or deferring the registration of a registered architect or licensed interior designer under this Part, the Registration Committee shall cause a written notice of the approval, refusal or deferral to be sent to the applicant, and in the case of an approval shall cause a notice of the approval to be published to registered architects or licensed interior designers in the manner prescribed in the bylaws.

(4) A registered architect or licensed interior designer may, within 15 days after publication of a notice of approval under subsection (3), request the Council to review the application and approval by serving on the Registrar a written request for review by the Council setting out the reasons why, in the architect's or interior designer's opinion, the registration of the applicant concerned should be reviewed.

(5) A request for review under subsection (4) acts as a stay of the approval of registration by the Registration Committee.

(6) An applicant whose application for registration in accordance with this Part has been refused may, within 30 days after receiving a notice of refusal and the reasons for the refusal, request the Council to review the refusal by serving on the Registrar a written request for review by the Council setting out the reasons why, in the applicant's opinion, the applicant's registration as a registered architect or licensed interior designer should be approved.

RSA 2000 cA-44 s12;2006 c13 s9

Review by Council

13(1) The Council shall, after receipt of a request for review under section 12(4) or (6), review the request so received.

(2) A person who requests a review pursuant to section 12(4) and the applicant for registration or, on a request under section 12(6), the applicant alone

- (a) shall be notified in writing by the Council of the date, place and time that it will consider the matter requested to be reviewed, and

(b) is entitled to appear with counsel and make representations to the Council when it considers the matter under review.

(3) A member of the Registration Committee who is also a member of the Council may participate at a review by the Council under this section but shall not vote in a decision of the Council at a review under this section.

RSA 1980 cA-44.1 s13

Registered Architects, Visiting Project Architects and Architects Corporations

Registration as registered architect

14(1) The Registration Committee or, on review, the Council shall approve for registration as a registered architect an individual who has applied under this Act and is eligible in accordance with this Act and the regulations to be registered as a registered architect.

(2) An individual becomes entitled to be registered as a registered architect when the Registration Committee or the Council, as the case may be, approves the individual's registration.

RSA 1980 cA-44.1 s14

Registration as visiting project architect

15(1) The Council may approve the registration of an individual who has applied under this Part and is eligible in accordance with this Act and the regulations to be registered as a visiting project architect for the purpose of a project approved by the Council.

(2) The Council may, for the purposes of this section, approve

(a) a project described in an application for registration under this section, and

(b) subject to the regulations, the proposed relationship between the applicant for registration as a visiting project architect and a registered architect who will collaborate on the project approved under clause (a).

(3) An individual becomes entitled to be registered as a visiting project architect when the Council approves the individual's registration.

RSA 1980 cA-44.1 s15

Registration of architects corporation

16(1) The Council may approve the registration of a corporation registered, incorporated or continued under the *Business Corporations Act* that has applied under this Part and is eligible in accordance with this Act and the regulations to be registered as an architects corporation.

(2) A corporation becomes entitled to be registered as an architects corporation when the Council approves its registration.

RSA 2000 cA-44 s16;2006 c13 s10

**Licensed Interior Designers,
Visiting Project Interior Designers
and Interior Design Corporations**

Registration as licensed interior designer

16.1(1) The Registration Committee or, on review, the Council shall approve for registration as a licensed interior designer an individual who has applied under this Act and is eligible in accordance with this Act and the regulations to be registered as a licensed interior designer.

(2) An individual becomes entitled to be registered as a licensed interior designer when the Registration Committee or the Council, as the case may be, approves the individual's registration.

2006 c13 s11

Registration as visiting project interior designer

16.2(1) The Council may approve the registration of an individual who has applied under this Part and is eligible in accordance with this Act and the regulations to be registered as a visiting project interior designer for the purpose of an interior design project approved by the Council.

(2) The Council may, for the purposes of this section, approve

- (a) an interior design project described in an application for registration under this section, and
- (b) subject to the regulations, the proposed relationship between the applicant for registration as a visiting project interior designer and a licensed interior designer who will collaborate on the interior design project approved under clause (a).

(3) An individual becomes entitled to be registered as a visiting project interior designer when the Council approves the individual's registration.

2006 c13 s11

Registration of interior design corporation

16.3(1) The Council may approve the registration of a corporation registered, incorporated or continued under the *Business Corporations Act* that has applied under this Part and is eligible in accordance with this Act and the regulations to be registered as an interior design corporation.

(2) A corporation becomes entitled to be registered as an interior design corporation when the Council approves its registration.

2006 c13 s11

Architects and Engineers Firms

Joint firms

17(1) In this section and in sections 18, 19 and 26,

(a) “architects firm” means a partnership or corporation

(i) that

(A) confines its practice to providing architectural consulting services, or

(B) if it does not confine its practice to providing architectural consulting services, engages in a practice satisfactory to the Joint Board,

and

(ii) in which registered architects

(A) hold a majority interest, and

(B) control the partnership or corporation,

and that is otherwise entitled to engage in the practice of architecture;

(b) “engineer” means an individual who is registered as a professional engineer under the *Engineering and Geoscience Professions Act* and who actively practises engineering in Alberta;

(c) “Engineers Association” means the Association of Professional Engineers and Geoscientists of Alberta under the *Engineering and Geoscience Professions Act*;

(d) “engineers firm” means a partnership or corporation

(i) that

(A) confines its practice to providing engineering consulting services, or

(B) if it does not confine its practice to providing engineering consulting services, engages in a practice satisfactory to the Joint Board,

and

(ii) in which professional engineers

(A) hold a majority interest, and

(B) control the partnership or corporation,

and that is otherwise entitled to engage in the practice of engineering under the *Engineering and Geoscience Professions Act*;

(e) “proposed architects and engineers firm” means a partnership or corporation

(i) that

(A) proposes to confine its practice to providing architectural consulting services and engineering consulting services, or

(B) if it does not propose to confine its practice to providing architectural consulting services and engineering consulting services, proposes to engage in a practice satisfactory to the Joint Board,

and

(ii) in which registered architects and professional engineers

(A) hold a majority interest, and

(B) control the partnership or corporation,

and that is otherwise entitled to engage in the practice of architecture or the practice of engineering under the *Engineering and Geoscience Professions Act*.

(2) An application for a certificate of authorization may be made by

(a) an engineer;

(b) a registered architect;

(c) an engineers firm;

(d) an architects firm;

(e) a proposed architects and engineers firm;

- (f) a partnership or corporation that is not referred to in clauses (c), (d) or (e) and that the Joint Board considers a suitable applicant for a certificate of authorization.
- (3) An applicant under subsection (2) shall
- (a) if its prime activity is the provision of architectural consulting services, apply to the Council, and
 - (b) if its prime activity is the provision of engineering consulting services, apply to the council of the Engineers Association.

RSA 2000 cA-44 s17;2011 c3 s33

Approval by Joint Board

18(1) Every application under section 17 shall be referred to the Joint Board by the council to which it was made, with or without comment from that council.

(2) The Joint Board shall consider, with respect to each application referred to it, whether

- (a) the applicant is eligible to apply under section 17(2);
 - (b) the applicant has at least one full-time employee who is a registered architect who shall take responsibility for the architectural work of the applicant and at least one full-time employee who is an engineer who shall take responsibility for the engineering work of the applicant;
 - (c) the presence of any ownership interests in the applicant will give rise to conflicts with the professional responsibilities of the firm;
 - (d) the granting of a certificate of authorization to the applicant will give rise to unauthorized practice or otherwise lead to circumvention of this Act or the *Engineering and Geoscience Professions Act*;
 - (e) any detriment to the public would result from the applicant becoming entitled to engage in the practice of both engineering and architecture.
- (3) After considering an application for a certificate of authorization referred to it, the Joint Board shall recommend
- (a) in the case of an application by an engineer or engineers firm, to the Council,

- (b) in the case of an application by a registered architect or an architects firm, to the council of the Engineers Association, or
- (c) in the case of an application by a proposed architects and engineers firm or other applicant, to the Council and to the council of the Engineers Association,

whether to grant a certificate of authorization, based on the criteria considered by it under subsection (2).

RSA 2000 cA-44 s18;2011 c3 s33

Certificate of authorization

19(1) On receipt of a recommendation of the Joint Board under section 18, the Council may approve the registration of a proposed architects and engineers firm if that firm is eligible to become registered under the regulations.

(2) When recommendations are made by the Joint Board to both the Council and the council of the Engineers Association with respect to an application for a certificate of authorization, both councils must agree that the certificate should be issued and shall sign the certificate before it is issued.

(3) Subject to subsection (2), an applicant is entitled to be registered as an architects and engineers firm when the Council approves its registration.

RSA 1980 cA-44.1 s19

Certificates, Licences, Stamps and Seals

Evidence of registration

20(1) On entering the name of a registered architect in the register, the Registrar shall issue to that architect

- (a) a certificate of registration, and
- (b) if requested by the architect, a seal engraved as prescribed in the bylaws.

(2) On entering the name of a visiting project architect in the register, the Registrar shall issue to that architect

- (a) a licence to engage in the practice of architecture as a visiting project architect for the project approved by the Council and described in the licence, and
- (b) a stamp engraved as prescribed in the bylaws.

- (3)** On entering the name of an architects corporation in the register, the Registrar shall issue to that corporation
- (a) a permit to engage in the practice of architecture as an architects corporation, and
 - (b) a stamp engraved as prescribed in the bylaws.
- (4)** On entering the name of an approved firm of architects and engineers in the register, the Registrar shall issue to that firm
- (a) a certificate of authorization to engage in the practice of both architecture and engineering, and
 - (b) a stamp engraved as prescribed in the bylaws.
- (4.1)** On entering the name of a licensed interior designer in the register, the Registrar shall issue to that interior designer
- (a) a certificate of registration, and
 - (b) if requested by the interior designer, a seal engraved as prescribed in the bylaws.
- (4.2)** On entering the name of a visiting project interior designer in the register, the Registrar shall issue to that interior designer
- (a) a licence to engage in the practice of interior design as a visiting project interior designer for the interior design project approved by the Council and described in the licence, and
 - (b) a stamp engraved as prescribed in the bylaws.
- (4.3)** On entering the name of an interior design corporation in the register, the Registrar shall issue to that corporation
- (a) a permit to engage in the practice of interior design as an interior design corporation, and
 - (b) a stamp engraved as prescribed in the bylaws.
- (5)** A certificate of registration, a licence, a permit and a certificate of authorization issued under this section are subject to this Act, the regulations and the bylaws.

RSA 2000 cA-44 s20;2006 c13 s12

Term of licence, permit and certificate

21 The term of a licence, a permit and a certificate of authorization is one year from the date of issue of the licence,

permit or certificate, and the licence, permit or certificate may, with the approval of the Council, be renewed for additional periods, each not exceeding one year, on payment of the fees prescribed in the regulations or the bylaws, as the case may be.

RSA 1980 cA-44.1 s21

Annual certificates for registered architects

22(1) A registered architect engaged in the practice of architecture shall pay to the Association the annual fee prescribed in the bylaws.

(2) The Registrar shall issue an annual certificate in accordance with the bylaws to a registered architect

- (a) whose registration is not under suspension or cancelled, and
- (b) who has paid the annual fee.

(3) An annual certificate issued under this section entitles the registered architect to engage in the practice of architecture during the year for which the annual certificate is issued.

(4) An annual certificate issued under this section expires on December 31 of the year for which it is issued.

RSA 2000 cA-44 s22;2006 c13 s13

Annual certificates for licensed interior designers

22.1(1) A licensed interior designer engaged in the practice of interior design shall pay to the Association the annual fee prescribed in the bylaws.

(2) The Registrar shall issue an annual certificate in accordance with the bylaws to a licensed interior designer

- (a) whose registration is not under suspension or cancelled, and
- (b) who has paid the annual fee.

(3) An annual certificate issued under this section entitles the licensed interior designer to engage in the practice of interior design during the year for which the annual certificate is issued.

(4) An annual certificate issued under this section expires on December 31 of the year for which it is issued.

2006 c13 s14

Entries in registers

23(1) The registration of an authorized entity is suspended when a decision to suspend the registration is made in accordance with this Act.

- (2) The Registrar shall, after a decision to suspend a registration has been made, enter a memorandum of the suspension of the registration in the appropriate register, indicating
- (a) the period of the suspension, and
 - (b) the reason for the suspension.
- (3) The registration of an authorized entity is cancelled when a decision to cancel the registration is made in accordance with this Act.
- (4) The Registrar shall, after a decision to cancel a registration has been made, enter a memorandum of the cancellation of the registration in the appropriate register.
- (5) If the Registrar is satisfied that a registered architect, visiting project architect, restricted practitioner, licensed interior designer or visiting project interior designer has died, the Registrar shall enter a memorandum to that effect in the register.
- (6) The Registrar shall not remove from the registers any memorandum made by the Registrar under subsection (2) or (4) except in accordance with the bylaws.
- (7) The Registrar shall, during regular office hours, permit any person to inspect the registers of the Association.

RSA 2000 cA-44 s23;2006 c13 s15

Voluntary cancellation of registration

- 24(1)** The Registrar shall not, at the request of an authorized entity, cancel the registration of the authorized entity unless the request for the cancellation has been approved by the Council.
- (2) When a request for cancellation of a registration is approved by the Council
- (a) the Registrar shall cancel that registration, and
 - (b) the authorized entity requesting the cancellation shall, on being notified of the approval, surrender to the Registrar the seal or stamp issued by the Registrar and, when requested by the Registrar, the certificate of registration, annual certificate, licence, permit or certificate of authorization, as the case may be.

RSA 1980 cA-44.1 s24

Conditions of practice re architects corporations

- 25(1)** An architects corporation may engage in the practice of architecture only in its corporate name or another name that is

approved by the Council pursuant to the regulations, and not otherwise.

(2) An architects corporation shall advise the Registrar in writing of the names of the shareholders, directors and officers of the corporation and of any change in the shareholders, directors or officers forthwith after the change occurs.

(3) If an architects corporation causes plans, drawings, detail drawings and specifications to be prepared and to be imprinted with the stamp issued to the corporation, it shall also cause them to be signed by and imprinted with the stamp or seal of the registered architect who had personal supervision, direction and control over their preparation.

RSA 1980 cA-44.1 s25

Conditions of practice re joint firms

26(1) A joint firm may engage in the practice of both architecture and engineering in

- (a) the name of the individuals who are its partners,
- (b) its corporate name, or
- (c) any other name that is approved by the Council pursuant to the regulations.

(2) A joint firm shall advise the Registrar in writing of the names of the individual shareholders, directors and officers of the firm and of the employees who are professional engineers or are registered architects and of any change in them immediately after the change occurs.

(3) If a joint firm causes plans, drawings, detail drawings and specifications to be prepared in its practice of architecture and to be imprinted with the stamp issued to the firm, it shall also cause them to be signed by and imprinted with the stamp or seal of the registered architect who had personal supervision, direction and control over their preparation.

(4) A joint firm

- (a) may hold itself out as “architects and engineers” or “engineers and architects” only if it has both architects and engineers as partners or shareholders in an arrangement that is satisfactory to the Council or the council of the Engineers Association, as the case may be;
- (b) shall not hold itself out as “architects and engineers” or “engineers and architects” if the architects or engineers, as

the case may be, are employees only and not partners or shareholders, or if the partnership or shareholding arrangement is not satisfactory to the Council or the council of the Engineers Association, as the case may be.

RSA 1980 cA-44.1 s26;1981 c5 s9

Conditions of practice re interior design corporations

26.1(1) An interior design corporation may engage in the practice of interior design only in its corporate name or another name that is approved by the Council pursuant to the regulations, and not otherwise.

(2) An interior design corporation shall advise the Registrar in writing of the names of the shareholders, directors and officers of the corporation and of any change in the shareholders, directors or officers forthwith after the change occurs.

(3) If an interior design corporation causes plans, drawings, detail drawings and specifications to be prepared and to be imprinted with the stamp issued to the corporation, it shall also cause them to be signed by and imprinted with the seal of the licensed interior designer who had personal supervision, direction and control over their preparation.

2006 c13 s16

Cancellation of registration

27(1) The Registrar may cancel the registration of

- (a) an authorized entity in default of payment of any fees, dues, costs or levies payable by it under this Act, the regulations or the bylaws,
- (b) an architects corporation or interior design corporation that no longer has shareholders, directors or officers in compliance with the regulations, or
- (c) a joint firm that ceases to have at least one registered architect and at least one professional engineer to take the responsibility referred to in section 18(2)(b),

after the expiration of one month following the service on the authorized entity of a written notice that the Registrar intends to cancel the registration, unless the authorized entity on whom the notice is served complies with the notice.

(2) The notice under subsection (1) shall state that the Registrar may cancel the registration unless, as the case may be,

- (a) the fees, dues, costs or levies are paid as indicated in that notice, or

- (b) evidence satisfactory to the Registrar has been received by the Registrar within the time prescribed in the notice that
 - (i) the architects corporation or interior design corporation has shareholders, directors or officers in compliance with the regulations, or
 - (ii) the joint firm has at least one registered architect and at least one professional engineer to take the responsibility referred to in section 18(2)(b).

(3) If the Registrar decides that the registration of a registered architect, restricted practitioner or licensed interior designer should be cancelled because that authorized entity has failed or refused to comply with the requirements of the continuing competence program, the Registrar may serve that authorized entity with a written notice that the Registrar intends to cancel the registration.

(4) The notice under subsection (3) shall state

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

(5) The Registrar may cancel the registration of a registered architect, restricted practitioner or licensed interior designer who has been served with a written notice under subsection (3) if that authorized entity does not comply with the notice by the time specified in the notice.

(6) The Registrar may cancel the registration of an authorized entity that was entered in the register in error.

(7) If the registration of an authorized entity is cancelled under this section, the certificate of registration and annual certificate, licence, permit or certificate of authorization of that authorized entity is deemed to be cancelled, and that authorized entity shall surrender to the Registrar the stamp or seal and, when requested by the

Registrar, the certificate of registration, annual certificate, licence, permit or certificate of authorization, as the case may be.

RSA 2000 cA-44 s27;2006 c13 s17

Review of decision

27.1(1) A registered architect, restricted practitioner or licensed interior designer who is served with a written notice under section 27(3) may, within 30 days after being served with the notice, request the Council to review the decision of the Registrar by serving on the Registrar a written request for review by the Council setting out the reasons why, in the authorized entity's opinion, the decision of the Registrar should be reviewed.

(2) On being served with a request for a review, the Registrar must, within 30 days, notify the authorized entity that requested the review of the date, time and place at which the Council will conduct the review.

(3) A request for review under subsection (1) acts as a stay of the Registrar's decision to cancel the authorized entity's registration.

(4) The registered architect, restricted practitioner or licensed interior designer who requests the review and the Registrar may appear with or without counsel and make representations to the Council at a review.

(5) On completing a review, the Council may confirm, reverse or vary the decision of the Registrar and make any decision that the Registrar could have made, and may make any further order the Council considers necessary for the purposes of carrying out the decision.

(6) The Council must give the applicant and the Registrar a written copy of its decision under subsection (5) with the reasons for the decision.

2006 c13 s17

Reinstatement of registration

27.2(1) The Council may direct the Registrar

- (a) to reinstate in the applicable register a registration that was cancelled under section 27 or 27.1, and
- (b) to reissue
 - (i) the stamp or seal formerly issued under section 20,
 - (ii) in the case of a registered architect, a certificate of registration and annual certificate,

- (iii) in the case of a visiting project architect or architects corporation, a licence or permit,
- (iv) in the case of a restricted practitioner, a certificate of authorization and the stamp formerly issued to the restricted practitioner,
- (v) in the case of a joint firm, a certificate of authorization,
- (vi) in the case of a licensed interior designer, a certificate of registration and annual certificate, and
- (vii) in the case of a visiting project interior designer or interior design corporation, a licence or permit,

to its former holder.

(2) A direction to the Registrar under subsection (1) is subject to

- (a) the payment of all fees, dues, costs or levies that are due or payable under this Act, the regulations or the bylaws,
- (b) the payment of the reinstatement fee fixed in the bylaws,
- (c) any conditions imposed by the Council in a decision or order under section 27.1(5), and
- (d) any conditions imposed by the Council under the regulations.

2006 c13 s17

Safety Codes Act permits

28 On the recommendation of the Joint Board, the Council may authorize an individual who is a professional engineer to apply for a permit authorized by the regulations under the *Safety Codes Act* without the final design drawings and specifications of the building having the seal of a registered architect.

RSA 1980 cA-44.1 s28;1981 c5 s11;1991 cS-0.5 s70

Part 5 Practice Review and Discipline

Definitions

29 In this Part,

- (a) “chair” means the chair of the Committee and includes a vice-chair;
- (b) “conduct” includes any act or omission;

- (c) “investigated person” means a person, corporation or other entity with respect to whose conduct a hearing by a review panel is being held or may be held under this Part;
- (d) “review panel” means the Committee or the Board, as the case may be.

RSA 1980 cA-44.1 s29

Unskilled practice and unprofessional conduct

30(1) Any conduct of an authorized entity that, in the opinion of a review panel or, on appeal, the Council is such as

- (a) to be detrimental to the best interests of the public,
- (b) to contravene a code of ethics as established under the regulations,
- (c) to harm or tend to harm the standing of the profession of architecture generally,
- (d) to display lack of knowledge of or lack of skill or judgment in the practice of architecture, or
- (e) to display lack of knowledge of or lack of skill or judgment in the carrying out of any duty or obligation undertaken in the practice of architecture,

whether or not that conduct is disgraceful or dishonourable, constitutes either unskilled practice of architecture or unprofessional conduct, whichever a review panel or, on appeal, the Council determines.

(2) If an authorized entity fails to comply with or contravenes this Act, the regulations or the bylaws and the failure or contravention is, in the opinion of the review panel, of a serious nature the failure or contravention may be considered to be unprofessional conduct by the review panel whether or not it would be so held under subsection (1).

RSA 1980 cA-44.1 s30;1981 c5 s12

Complaints

31(1) A person may complain to the Registrar about the conduct of an authorized entity, and the complaint shall be dealt with in accordance with this Part.

(2) A complaint respecting the conduct of an authorized entity whose registration was cancelled pursuant to this Act may, notwithstanding the cancellation, be dealt with within one year following the date of cancellation of the registration as if the cancellation had not occurred.

(3) A person designated by the Council as a mediator may assist in settling a complaint made to the Registrar if the complainant and the person about whose conduct the complaint was made so agree, but if within 30 days from the date of receipt of the complaint or a longer period agreed to by those persons a settlement of the complaint between those persons does not occur, or in the mediator's opinion is not likely to occur, the complaint shall, if it is in writing, be referred forthwith by the mediator to the chair.

RSA 1980 cA-44.1 s31

Initial Review by Chair of Committee

Initial review by Committee chair

32(1) The chair shall review the conduct of an authorized entity within 30 days from the date on which a complaint respecting that conduct

- (a) is brought to the chair's attention by a complainant or any other person, or
- (b) when section 31(3) applies, is referred to the chair by a mediator.

(2) The Council may at the request of the chair extend the 30-day period mentioned in subsection (1).

(3) The chair may, at any time during a review under this section, or on a review of conduct when no complaint has been made, conduct a preliminary investigation or appoint a person to conduct a preliminary investigation to ascertain facts relating to the conduct or alleged conduct of an authorized entity.

RSA 1980 cA-44.1 s32

Conclusion of initial review

33(1) The chair shall immediately on the conclusion of a review of a complaint made in writing

- (a) direct that no further action be taken if the chair is of the opinion that
 - (i) the complaint is frivolous or vexatious, or
 - (ii) there is insufficient evidence of unskilled practice of architecture or unprofessional conduct, or
- (b) refer the complaint to the Committee, if the chair is of the opinion that the conduct should be considered by the Committee.

(2) On the conclusion of any other investigation or review, the chair may in writing refer to the Committee any conduct that the chair concludes should be considered by the Committee.

RSA 1980 cA-44.1 s33;1983 c17 s2

Notice of decision

34 If the chair, in accordance with section 33,

- (a) directs that no further action be taken, or
- (b) refers a complaint or conduct to the Committee

the chair shall serve on the person whose conduct was reviewed by the chair and on the complainant, if any, a copy of the complaint or description of the conduct and a notice that no further action will be taken, or that the complaint or conduct has been referred to the Committee, as the case may be.

RSA 1980 cA-44.1 s34;1981 c5 s13

Appeal by complainant

35(1) A complainant who is served with a notice under section 34 that the chair has directed that no further action be taken may, by notice in writing to the Registrar within 30 days after receipt of the notice, appeal that direction to the Council.

(2) The Council shall determine whether

- (a) the complaint is frivolous or vexatious,
- (b) there is insufficient evidence of unskilled practice of architecture or unprofessional conduct, or
- (c) the complaint should be referred to the Committee,

and shall notify the complainant and the chair in writing of its decision.

RSA 1980 cA-44.1 s35;1981 c5 s14;1983 c17 s3

Complaint Review Committee

Complaint Review Committee

36 There is hereby established a committee called the Complaint Review Committee consisting of not fewer than 3 registered architects and one licensed interior designer appointed by the Council in accordance with the regulations to exercise the powers and perform the duties set out in this Part.

RSA 2000 cA-44 s36;2006 c13 s18

Power to hear complaints

37 The Committee shall, on referral to it of a complaint or conduct under section 33, investigate and hold a hearing into the complaint or conduct.

RSA 1980 cA-44.1 s37

Practice Review Board**Practice Review Board**

38(1) There is hereby established a board called the Practice Review Board consisting of not fewer than 6 members as follows:

- (a) registered architects who are appointed by the Council,
- (a.1) at least one licensed interior designer appointed by the Council,
- (b) persons who have a combination of knowledge and experience suitable for determining academic qualifications and training requirements necessary for a person to continue to engage in the practice of architecture, and who are appointed by the Council, and
- (c) one member of the public who is not a person mentioned in clause (b) and who is nominated by the Council and appointed by the Minister,

in accordance with the regulations to exercise the powers and perform the duties set out in this Part.

(2) If the Council fails, within a reasonable time after being requested to do so by the Minister, to make a nomination for the purposes of subsection (1)(c), the Minister may appoint a member of the public to the Practice Review Board without the Council's nomination.

(3) The Minister may pay to the member of the Board referred to in subsection (1)(c) travelling and living expenses incurred by that member for attendance at a hearing of the Board away from the member's usual place of residence and fees in an amount prescribed by the Minister.

(4) The Minister may, after consultation with the Council, revoke the appointment of the member of the Board referred to in subsection (1)(c).

(5) The powers, duties and operations of the Board under this Act, the regulations and the bylaws are not affected by

- (a) the fact that no member of the public is appointed as a member of the Practice Review Board pursuant to subsection (1)(c),
- (b) the revocation under subsection (4) of the appointment of a member of the public, or
- (c) the resignation as a member of the Board of a member of the public.

(6) Subject to the regulations prescribing a quorum of the Board, the failure of a member of the public appointed pursuant to subsection (1)(c) to attend a meeting of the Board is not to be construed to affect or restrict the Board from exercising any powers or performing any duties under this Act, the regulations and the bylaws at that meeting.

RSA 2000 cA-44 s38;2006 c13 s19

Inquiries by Board

39(1) The Board

- (a) shall, on its own initiative or at the request of the Council, inquire into and report to and advise the Council in respect of
 - (i) the assessment of existing and the development of new educational standards and experience requirements that are conditions precedent to obtaining and continuing registration under this Act,
 - (ii) the evaluation of desirable standards of competence of authorized entities generally,
 - (iii) any other matter that the Council from time to time considers necessary or appropriate in connection with the exercise of its powers and the performance of its duties in relation to competence in the practice of architecture under this Act and the regulations, and
 - (iv) the practice of architecture by authorized entities generally,and
- (b) may conduct a review of the practice of an authorized entity in accordance with this Act and the regulations.

(2) A person requested to appear at an inquiry under this section by the Board is entitled to be represented by counsel.

(3) The Board shall after each inquiry under this section make a written report to the Council on the inquiry and may make any recommendations to the Council that the Board considers appropriate in connection with the matter inquired into, with reasons for the recommendations.

(4) If it is in the public interest to do so, the Council may direct that the whole or any portion of an inquiry by the Board under this section is to be held in private.

RSA 1980 cA-44.1 s39;1981 c5 s16

Suspension pending Committee or Board Decision

Suspension pending decision

40 Notwithstanding anything in this Act, the chair of a review panel may suspend the registration of an authorized entity pending the decision of the review panel with respect to the conduct of the authorized entity.

RSA 1980 cA-44.1 s40

Reviews and Procedures on Reviews before Committee, Board or Council

Rights of investigated person

41(1) The Association and the investigated person may appear and be represented by counsel at a hearing before the review panel or at an appeal before the Council.

(2) Proceedings before the review panel or the Council shall be held in private.

RSA 1980 cA-44.1 s41;1981 c5 s17

Hearing by Committee, Board or Council

42(1) The Registrar shall serve on the investigated person a notice of hearing stating the date, time and place at which the review panel will hold a hearing, giving reasonable particulars of the complaint or conduct in respect of which the hearing will be held.

(2) Within 30 days after the date on which the chair refers a complaint or conduct to the Committee, the Committee shall hold a hearing on the complaint or conduct.

(3) The Council may, on the written request of the chair of a review panel, extend the period mentioned in subsection (2) for one or more additional periods, each not exceeding 30 days.

(4) The review panel or, on appeal, the Council may also hear any other matter concerning the conduct of the investigated person that arises in the course of a hearing or on an appeal, but in that event the review panel or the Council shall declare its intention to hear

the further matter and shall permit that person sufficient opportunity to prepare the person's answer to the further matter.

(5) This Part applies to an investigation of a further matter under subsection (4).

RSA 1980 cA-44.1 s42;1981 c5 s18;1983 c17 s4

Evidence before Committee, Board or Council

43(1) Evidence may be given before the review panel or, on appeal, the Council in any manner that the review panel or the Council, as the case may be, considers appropriate, and neither the review panel nor the Council is bound by the rules of law respecting evidence applicable to judicial proceedings.

(2) For the purposes of an investigation, hearing or review under this Act, a member of the review panel or, on appeal, the Council, is conferred with the power of a commissioner for oaths under the *Notaries and Commissioners Act*.

RSA 2000 cA-44 s43;2013 cN-5.5 s32

Witnesses

44(1) The investigated person and any other person who, in the opinion of the review panel or, on appeal, of the Council, has knowledge of the complaint or any conduct being investigated are compellable witnesses in a hearing or appeal under this Part.

(2) A witness may be examined on oath on all matters relevant to the investigation and is not to be excused from answering any question on the ground that the answer might

- (a) tend to incriminate the witness,
- (b) subject the witness to punishment under this Part, or
- (c) tend to establish the witness's liability
 - (i) to a civil proceeding at the instance of the Crown or of any other person, or
 - (ii) to prosecution under any Act or regulations under any Act,

but if the answer so given tends to incriminate the witness, subjects the witness to punishment or tends to establish the witness's liability, it must not be used or received against the witness in any civil proceeding, in a prosecution under Part 7 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

(3) For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court of Queen's Bench on an application ex parte by the Association may direct the obtaining of evidence from the witness in the manner provided under the *Alberta Rules of Court* for the taking of the evidence of a person outside Alberta.

RSA 2000 cA-44 s44;2009 c53 s25

Attendance of witnesses and production of documents

45(1) The attendance of witnesses before the review panel or, on appeal, the Council, and the production of plans, drawings, detail drawings, specifications, books, papers and other documents may be enforced by a notice issued by the Registrar requiring the witness to attend and stating the date, time and place at which the witness is to attend and the plans, drawings, detail drawings, specifications, books, papers and other documents, if any, the witness is required to produce.

(2) On the written request of the investigated person or of that person's counsel or agent, the Registrar shall without charge issue and deliver to that person or that person's counsel or agent any notices that that person may require for the attendance of witnesses or the production of documents.

(3) A witness, other than the investigated person, who has been served with a notice to attend or a notice for the production of documents under subsection (1) or (2) is entitled to be paid the same fees, expenses and allowances as are payable to a witness in an action in the Court of Queen's Bench.

RSA 2000 cA-44 s45;2009 c53 s25

Failure to attend or give evidence

46(1) Proceedings for civil contempt of court may be brought against a witness

(a) who fails

(i) to attend before a review panel or, on appeal, the Council in compliance with a notice to attend,

(ii) to produce any books, papers or other documents in compliance with a notice to produce them, or

(iii) in any way to comply with either notice,

or

(b) who refuses to be sworn or to answer any question directed to be answered by the chair of the review panel or, on appeal, the Council.

(2) If the witness referred to in subsection (1) is the investigated person, the witness's failure or refusal may be held to be unprofessional conduct as determined by the review panel or, on appeal, the Council.

RSA 1980 cA-44.1 s46

Hearing in absence of investigated person

47 The review panel or, on appeal, the Council, on proof of service on the investigated person of the notice of hearing or appeal, may

- (a) proceed with the hearing or appeal in the absence of the investigated person, and
- (b) act, decide or report on the matter being heard or appealed in the same way as though the investigated person were in attendance.

RSA 1980 cA-44.1 s47

Conduct neither unskilled nor unprofessional

48 If the review panel or, on appeal, the Council determines that the conduct of an investigated person constitutes neither unskilled practice of architecture nor unprofessional conduct, it shall so find.

RSA 1980 cA-44.1 s48

Unskilled practice or unprofessional conduct

49 If the review panel or, on appeal, the Council determines that the conduct of an investigated person constitutes unskilled practice of architecture or unprofessional conduct, or both, it shall so find and shall deal with that conduct in accordance with this Part.

RSA 1980 cA-44.1 s49

Order re unskilled practice or unprofessional conduct

50(1) If the review panel or, on appeal, the Council finds that the conduct of an investigated person constitutes unskilled practice of architecture or unprofessional conduct, or both, the review panel or the Council, as the case may be, may make any one or more of the following orders:

- (a) reprimand the investigated person;
- (b) suspend the registration of the investigated person either generally or from any field of the practice of architecture;
- (c) suspend the registration of the investigated person either generally or from any field of practice until
 - (i) that person has completed a specified course of studies or obtained supervised practical experience, or

- (ii) the review panel or Council is satisfied as to the competence of the investigated person generally or in a specified field of practice;
 - (d) accept in place of a suspension the investigated person's undertaking to limit that person's practice;
 - (e) impose conditions on the investigated person's ability to engage in the practice of architecture generally or in any field of the practice, including the conditions that that person
 - (i) practise under supervision,
 - (ii) not engage in sole practice,
 - (iii) permit periodic inspections by a person authorized by the review panel or Council, or
 - (iv) report to the review panel or Council on specific matters;
 - (f) direct the investigated person to pass a particular course of study or satisfy the review panel or Council as to that person's practical competence generally or in a field of practice;
 - (g) direct the investigated person to satisfy the review panel or Council that a disability or addiction can be or has been overcome, and suspend the person until the review panel or Council is so satisfied;
 - (h) require the investigated person to take counselling or to obtain any assistance that, in the opinion of the review panel or Council, is appropriate;
 - (i) direct the investigated person to waive, reduce or repay a fee for services rendered by the investigated person that, in the opinion of the review panel or Council, were not rendered or were improperly rendered;
 - (j) cancel the registration of the investigated person.
- (2) The review panel or, on appeal, the Council may make any ancillary order that is appropriate or required in connection with any order mentioned in subsection (1)(a) to (j) or may make any other order that it considers appropriate in the circumstances.

RSA 1980 cA-44.1 s50

Payment of costs and fines

51(1) The review panel or, on appeal, the Council may, in addition to or instead of dealing with the conduct of an investigated person in accordance with section 50, order that the investigated person pay

- (a) all or part of the costs of the hearing or appeal in accordance with the bylaws,
- (b) a penalty not exceeding \$10 000 for each finding of unskilled practice of architecture or unprofessional conduct, or
- (c) both the costs under clause (a) and the penalty under clause (b).

(2) If the person ordered to pay a penalty, costs or both under subsection (1) fails to pay the penalty, costs or both within the time ordered, the review panel or Council may suspend the registration of that person until the person has paid the penalty, costs or both.

(3) If the Council finds that a complaint is frivolous or vexatious, it may order the complainant to pay the costs of the preliminary investigation and the hearing before the Council determined in accordance with the bylaws.

(4) A penalty or costs ordered to be paid to the Association under this section is a debt due to the Association and may be recovered by the Association by civil action for debt.

RSA 1980 cA-44.1 s51;1981 c5 s21;1983 c17 s5

Written decision

52 The review panel and, on appeal, the Council shall, within a reasonable time after the conclusion of a hearing, review or appeal before it, make a written decision on the matter, in which it shall

- (a) describe each finding made by it in accordance with this Part,
- (b) state the reasons for each finding made by it, and
- (c) state any order imposed under this Part.

RSA 1980 cA-44.1 s52

Service of decision and record of hearing

53(1) When the review panel or Council has made a decision, the chair or vice-chair of the review panel or Council shall immediately forward the decision to the Registrar.

(2) The Registrar shall, on receiving the decision of the review panel or the Council, serve

(a) a copy of the decision on

(i) the investigated person, and

(ii) the chair or vice-chair of the review panel,

and

(b) a notice of the nature of the decision on the complainant, if any.

(3) A person served under subsection (2)(a) with a copy of a decision of a review panel or, on appeal, of the Council is entitled to examine the record or any part of the record of the proceedings before the review panel or appeal before the Council, as the case may be, and to hear any tape recording or examine any mechanical or handwritten form of record of any testimony given before the review panel or the Council, as the case may be.

RSA 1980 cA-44.1 s53;1981 c5 s22;1983 c17 s6

Suspension pending appeal

54(1) Notwithstanding an appeal under section 55 or 59, a review panel or the Council, as the case may be, may, on the conclusion of a hearing, suspend the registration of the investigated person until the time that the Council or the Court of Appeal, as the case may be, makes its decision on the appeal.

(2) An investigated person whose registration has been suspended under subsection (1) may, by filing an application with the Court of Queen's Bench and serving a copy on the Registrar, apply for an order to remove the suspension pending the determination of the appeal under section 55.

(3) The Court of Queen's Bench may hear an application made under this section not less than 10 days after the application has been served on the Registrar.

(4) On hearing an application made under this section the Court of Queen's Bench may, subject to any conditions that it considers proper, remove the suspension pending the determination of the appeal under section 55 or 59, as the case may be.

RSA 2000 cA-44 s54;2009 c53 s25

Notice of appeal

55(1) An investigated person may appeal to the Council

- (a) a finding made by a review panel in accordance with section 48 or 49,
 - (b) any order of the review panel under section 50 or 51, or
 - (c) both a finding referred to in clause (a) and an order referred to in clause (b).
- (2) An appeal under subsection (1) shall be commenced by a written notice of appeal that shall
- (a) describe the finding or order appealed, and
 - (b) state the reasons for the appeal.
- (3) If the investigated person appeals a decision of a review panel, that person shall serve the notice of appeal on the Registrar within 30 days after the date of service of the decision of the review panel.
- (4) The Registrar shall, on receiving a notice of appeal under subsection (3), transmit to each member of the Council a copy of the notice of appeal.
- (5) Each member of the Council is entitled on receiving a copy of a notice of appeal, to examine the record or any part of the record of the proceedings before the review panel and to hear any tape recording or examine any mechanical or handwritten form of record of any testimony given before the review panel.

RSA 1980 cA-44.1 s55;1981 c5 s23

Appeal before Council

56(1) The Council shall, on being served with a notice of appeal under section 55, direct the Registrar to serve, and the Registrar on being so directed shall serve on the investigated person and on the members of the Council a notice of hearing of an appeal stating the date, time and place at which the Council will hear the matters appealed.

(2) The Council shall hear an appeal within 30 days after the date of service of the notice of hearing of the appeal.

(3) The Council may, on the written request of the investigated person or the Registrar, extend the period mentioned in subsection (2) for one or more additional periods, each not exceeding 30 days.

RSA 1980 cA-44.1 s56

Council's powers on appeal

57(1) The Association's solicitor may participate in the hearing of an appeal before the Council.

- (2) A member of a review panel who is also a member of the Council may participate in an appeal before the Council but shall not vote in a decision of the Council on the appeal.
- (3) The Council on an appeal may
- (a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Council;
 - (b) on granting special leave for that purpose, receive further evidence;
 - (c) draw inferences of fact and make a determination or finding that, in its opinion, ought to have been made by the review panel;
 - (d) order that the matter be referred back to the review panel.
- (4) The Council shall, within 30 days from the date of the conclusion of all proceedings before it,
- (a) make any finding that, in its opinion, ought to have been made by the review panel,
 - (b) quash, confirm or vary the finding or order of the review panel under this Part or substitute or make a finding or order of its own, or
 - (c) refer the matter back to the review panel for further consideration in accordance with any direction that the Council may make.
- (5) The Council may order the investigated person to pay all or part of the costs of the appeal determined in accordance with the bylaws.

RSA 1980 cA-44.1 s57;1981 c5 s24;1983 c17 s8

Appeals to Court of Appeal

Appeal

- 58(1)** An investigated person may appeal to the Court of Appeal any finding or order made by the Council under this Part.
- (2) An appeal under this section shall be commenced
- (a) by filing a notice of appeal with the Registrar of the Court of Appeal in Edmonton or Calgary, and
 - (b) by serving a copy of the notice of appeal on the Registrar

both within 30 days from the date on which the decision of the Council is served under section 53.

RSA 1980 cA-44.1 s59;1981 c5 s26;1983 c17 s11

Association is respondent

59 The Association shall be named as the respondent in an appeal under section 58 and the Association's solicitor may make representations on the hearing of the appeal.

1981 c5 s27;1983 c17 s12

Stay of Council decision

60 The appellant may, after commencing an appeal and on notice to the Registrar, apply to the Court of Appeal for an order staying all or any part of the decision of the Council appealed.

RSA 1980 cA-44.1 s60;1983 c17 s13

Material in support of appeal

61(1) An appeal under section 58 shall be supported by copies, certified by the Registrar, of the decision of the Council and the record of the appeal before the Council.

(2) The Registrar, on being paid any disbursements and expenses in connection with a request made by the appellant or the appellant's solicitor or agent, shall furnish to the appellant or the appellant's solicitor or agent the number of copies so requested of the documents mentioned in subsection (1).

RSA 1980 cA-44.1 s61;1983 c17 s14

Power of Court on appeal

62(1) The Court of Appeal on hearing the appeal may

- (a) make any finding that, in its opinion, ought to have been made,
- (b) quash, confirm or vary the order or decision of the Council or any part of it,
- (c) refer the matter back to the Council for further consideration in accordance with any direction of the Court, or
- (d) direct that a new trial of any mixed questions of law and fact relating to a finding or order, or to both a finding and an order of the Council made under this Part, be held before the Court of Queen's Bench.

(2) The Court of Appeal may make any award as to the costs of an appeal to it that the Court considers appropriate.

RSA 1980 cA-44.1 s62;1983 c17 s15

General

Cancellation of falsely obtained registration

63(1) If the Council is satisfied, after a hearing on the matter, that a person whose registration is entered in the register obtained registration by means of any false or fraudulent representation or declaration, either oral or written, the Council shall order that the person's registration be cancelled.

(2) The provisions of this Part respecting the procedures at a hearing before a review panel apply with all necessary modifications to a hearing held by the Council under subsection (1).

RSA 1980 cA-44.1 s63

Surrender of certificates, etc. and reinstatement

64(1) If the registration of an authorized entity has been cancelled or suspended under this Part, the certificate of registration and annual certificate or licence, permit or certificate of authorization of that authorized entity is deemed to be cancelled or suspended, and that person shall surrender to the Registrar the seal or stamp issued by the Registrar and, when requested by the Registrar, the certificate of registration, annual certificate, licence, permit or certificate of authorization, as the case may be.

(2) If the registration of an authorized entity has been cancelled under this Part, the registration shall not be reinstated in the register except by order of the Council or the Court of Appeal.

(3) No order shall be made under subsection (2) within one year after

- (a) the date on which the registration was cancelled, or
- (b) if an order was granted under section 60 staying the imposition of a punishment imposed by the Council, and the punishment is later confirmed by the Court of Appeal under section 62, the date on which that Court made its order confirming the punishment.

(4) A member of the Council who is a member of a committee of inquiry appointed pursuant to the regulations to consider an application under this Part for reinstatement of registration may participate in or vote at any proceedings of the Council under this section, and the Association's solicitor may participate in those proceedings.

RSA 1980 cA-44.1 s64

Conduct while registration cancelled or suspended

65 The conduct of a person who is or was registered as an authorized entity and who represents or holds out that the person is registered and in good standing while the person's registration is suspended or cancelled may be dealt with as being unprofessional conduct in accordance with this Part.

RSA 2000 cA-44 s65;2006 c13 s20

**Part 6
General****Liability of authorized entity**

66(1) The relationship between an authorized entity in the practice of architecture and a person receiving the professional services of that authorized entity is subject to this Act, the regulations and any other law applicable to the relationship between a registered architect and the architect's client or between a licensed interior designer and the licensed interior designer's client.

(2) The relationship of a registered architect or visiting project architect to an architects corporation or joint firm, whether as shareholder, director, officer or employee of that corporation or firm, does not affect, modify or diminish the application of this Act, the regulations and the bylaws

- (a) to the registered architect or visiting project architect personally as a registered architect or visiting project architect, or
- (b) to the relationship between the registered architect and the architect's client.

(3) The relationship of a licensed interior designer or visiting project interior designer to an interior design corporation, whether as shareholder, director, officer or employee of that corporation, does not affect, modify or diminish the application of this Act, the regulations and the bylaws

- (a) to the licensed interior designer or visiting project interior designer personally as a licensed interior designer or visiting project interior designer, or
- (b) to the relationship between the licensed interior designer and the licensed interior designer's client.

RSA 2000 cA-44 s66;2006 c13 s21

Exemption from municipal licence

67 No municipality has the power to require any person to obtain a licence from the municipality to engage in the practice of architecture.

1998 c36 s2

Certificate of registration

68(1) A certificate purporting to be signed by the Registrar and stating that a named corporation was or was not, on a specified day or during a specified period, an architects corporation, joint firm or interior design corporation shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the Registrar's appointment or signature.

(2) A certificate purporting to be signed by the Registrar and stating that a named person was or was not, on a specified day or during a specified period,

- (a) a registered architect, visiting project architect, restricted practitioner, licensed interior designer or visiting project interior designer, or
- (b) an officer of the Association or a member of the Council

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the Registrar's appointment or signature.

RSA 2000 cA-44 s68;2006 c13 s22

Protection from liability

69(1) No action lies against any member of the Registration Committee, the Complaint Review Committee, the Practice Review Board, a member of the Council, the Registrar, the Association or any member, officer or employee of the Association or any person acting on the instructions of any of them for anything done by that person or body in good faith while purporting to act under this Act, the regulations or the bylaws.

(2) No action for defamation may be founded on a communication that consists of or pertains to conduct of or a complaint regarding an authorized entity if the communication is published to or by the Association, the Registrar, a member of the Council or of the Registration Committee, the Complaint Review Committee, or the Practice Review Board, or any officer or employee of the Association or any person acting on the instructions of any of them in good faith in the course of investigating the complaint or conduct in the course of any proceedings under Part 5.

RSA 1980 cA-44.1 s68;1981 c5 s28

Part 7 Prohibitions and Penalties

Practice prohibitions

70(1) An authorized entity whose registration is cancelled or suspended under this Act shall not, without the consent of the Council, engage in the practice of architecture or directly or indirectly associate the entity with the practice of architecture with any authorized entity.

(2) No authorized entity shall, except under the authority of the Council, associate in the practice of architecture directly or indirectly with or employ in connection with the entity's practice a person whose registration has been cancelled or suspended under this Act.

(3) The Council may by resolution permit an authorized entity to employ in connection with the entity's practice a person whose registration has been cancelled or suspended under this Act, but the employment shall be in the capacity and subject to the terms and conditions that are prescribed by the Council.

RSA 1980 cA-44.1 s69

Penalties

71(1) Every person and every officer, employee or agent of a corporation or firm who contravenes this Act is guilty of an offence and liable

- (a) for a first offence, to a fine of not more than \$2000,
- (b) for a 2nd offence, to a fine of not more than \$4000, and
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$6000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.

(2) A prosecution under this section may be commenced within 2 years after the commission of the alleged offence, but not afterwards.

RSA 1980 cA-44.1 s70

Onus of proof

72 In a prosecution under this Act, the burden of proving that a person is an authorized entity is on the accused.

RSA 1980 cA-44.1 s71

Part 8 Restricted Practitioners

Certification as restricted practitioner

73(1) The Joint Board may recommend to the Council that a certificate of authorization be issued to an individual who is a professional engineer and who

- (a) has historically competently provided a service in the practice of architecture in Alberta, and
- (b) applied for the certificate before October 1, 1982.

(2) The term of a certificate of authorization issued under this section is one year from the date of issue of the certificate, and the certificate may, subject to the approval of the Council, be renewed for additional periods, each not exceeding one year, on payment of the fees prescribed in the bylaws.

(3) A certificate of authorization issued under this section is subject to this Act, the regulations and the bylaws.

(4) The Council may direct the Registrar to cancel the registration of a restricted practitioner who

- (a) repealed 2006 c13 s23,
- (b) who is not a professional engineer in good standing under the *Engineering and Geoscience Professions Act*,

after the expiration of one month following the service on the restricted practitioner of a written notice that the Council intends to cancel the registration unless the restricted practitioner on whom the notice is served complies with the notice.

(5) A notice under subsection (4) shall state that the Registrar may cancel the registration unless

- (a) repealed 2006 c13 s23,
- (b) the restricted practitioner is a professional engineer in good standing under the *Engineering and Geoscience Professions Act*.

(6) If the registration of a registered practitioner has been cancelled under this section, the restricted practitioner shall forthwith surrender to the Registrar the certificate of authorization and the stamp issued to the restricted practitioner.

(7) The renewal of a certificate of authorization issued to a professional engineer who meets the criteria set out in subsection (1) on or after January 1, 2002 and before the coming into force of this section is deemed to have been issued under this section.

2004 c3 s7;2006 c13 s23;2011 c3 s33



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