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BULLETIN 24: PROCESS FOR REVIEWING REGISTRATION & LICENSING BOARD DECISIONS

SEPTEMBER 2004

Registration and Licensing Review Panel

Under the *Architects Act*, Council has the statutory responsibility for registration of members and firms, as well as the issuance of Certificates of Practice. Recommendations on both registration and licensing matters are made monthly to Council by the Registration & Licensing Board and ratified at the following Council meeting. Occasionally an applicant will wish to dispute the Board's decision and send a letter to either the Board or to Council. There is no statutory right of appeal. However, and as per Council policy 11.2, the AIBC is committed to ensuring that there is a fair, equitable and accountable process for assessing applications for admission to the profession and for the registration of firms.

To that end, a Registration and Licensing Review Panel has been created. The Panel is intended to:

1. Provide an avenue for an applicant to request review of decisions made by the Registration & Licensing Board;
2. Provide Council with a group of individuals to review those decisions on Council's behalf; and
3. Provide the Registration & Licensing Board with an independent opinion and constructive comments on the decisions and recommendations made by the Board.

After each annual election to the council, the Executive Director will appoint a Registration & Licensing Review Panel consisting of one Lieutenant Governor-appointed Council member or lay member appointee and two registered architects who are familiar with registration and licensing processes, not currently serving on the Registration & Licensing Board, or any of its committees.

The Panel will evaluate written requests for a review of Registration & Licensing Board decisions, review or hear submissions, if necessary, and make recommendations to the Registration & Licensing Board and report those recommendations to Council. The Registration & Licensing Board will act upon the recommendations and then report on its actions to Council, who may approve those actions or take further action as it deems appropriate.

Process for applying for a review

A candidate whose application for registration or licensing has been rejected by the Registration & Licensing Board may, within 30 days of receiving a decision letter from the Board or from the Director of Registration & Licensing on behalf of the Board, and upon payment of the \$100 (plus \$6 GST) fee, request that the Panel review the application by serving the Board a written request for a review and setting out the reasons why the Board decision should be reviewed.

The request for review of the decision should be outlined as clearly as possible and must be based on one or more of the following reasons:

- a. The Registration & Licensing Board has misinterpreted the *Architects Act*, AIBC bylaws or AIBC Council policy; or
- b. The candidate was treated inequitably by the Registration & Licensing Board.

Review Process

Upon receipt of the request, the Chair of the Review Panel must do one or more of the following:

- a. Convene a meeting of the Review Panel to review the written request; or
- b. Invite the applicant to provide further information in writing or meet with the Review Panel; or
- c. Invite a written submission or a meeting with the Registration & Licensing Board.

Written submissions from either the candidate or the Registration & Licensing Board will be copied to the other party for information.

The panel will respond to the applicant within 90 days of receipt of the request for appeal. If the panel is unable to respond within 90 days, a request for an extension must be made to Council for a further 90 days.

Recommendations following review

After conducting a review, the Review Panel may confirm the decision of the Registration & Licensing Board, or the Review Panel may refer the matter back to the Registration & Licensing Board to reconsider its decision or for further deliberation in specified areas. The Review Panel's recommendations will be communicated to both the candidate and to the Registration & Licensing Board in writing.

Upon receipt of the Review Panel's recommendations, the Registration & Licensing Board shall review and make its final decision or take further action, as appropriate. The Registration Board will communicate its decision to the Review Panel and Council in writing, with reasons. At a following meeting Council will review and approve the Registration & Licensing Board's decision, or take whatever other measures Council deems appropriate. The candidate will be notified in writing of Council's final decision.

Following Council's final decision there will be no further appeal except as may be available through judicial review at the candidate's option and expense.

The Review Process for Registration & Licensing Board decisions will be available for registration or licensing applications coming before the Registration & Licensing Board from July 2004 onward.