



ADVISORY DESIGN PANELS – FREQUENTLY ASKED QUESTIONS

APRIL 2008

The questions noted in the following document are a result of the Design Panel Workshop, presented at the 2007 AIBC Conference. The answers given should be considered as illustrative, pointing the way to the relevant AIBC Bulletin or other document which offers definitive advice along with references to the Architects Act, Bylaws, and Code of Ethics.

1. Q. What is the purpose of an Advisory Design Panel?

- A. Panels generally exist to provide professional, impartial advice on any proposal affecting a community's physical environment. In some cases, they may assist a local authority to develop design policies. Architects on a Panel are also expected to protect the public and represent the profession, as described in the Architects Act and Bylaws.

Refer to Bulletin 65 Section B1 – Roles

2. Q. What influence does the ADP have on approval? Is the ADP important in the application decision?

- A. The Panel's comments are considered as professional advice when the local authorities decide on planning issues. The Panel is not an authoritative or decision-making body, but may raise issues which the local authority uses when deciding whether or not to support an application.

Refer to Bulletin 65, preamble

3. Q. What is the role of the ADP's chair?

- A. The chair controls the conduct of the meeting, and may use the position to ensure that discussion is relevant and appropriate. Otherwise, an architect who chairs a meeting has the same roles and responsibilities as do the other architects.

Refer to Bulletin 65, Section B.

4. Q. What constitutes a conflict of interest? When is it appropriate to step aside?

- A. Architects must disclose any personal or business interest in a project being reviewed. Where this interest exists, or may be perceived to exist, the architect must withdraw from the meeting and refrain from any discussion or comment. The decision of whether or not to leave the proceedings is an individual one, and should be governed by the Architect's own judgment of what is in the public interest.

Refer to Bulletin 65 Section B 2: Responsibilities (a) through (e):

Other references:

Bylaws: 31.2 Conflict of Interest : Disclosure

Code of Ethics & Professional Conduct 31.0-31.6

Bylaws: 32.0 Full Disclosure

Bylaws 32.5 Reporting of Contravention of Act and Bylaws

Bylaws 34.6 Conduct - imprudent or malicious comments regarding work/ reputation of another architect.

5. Q. In the event of a conflict, if I step aside, affecting 'quorum,' what is the proper procedure?

- A. Inform the chair and meeting coordinator as far in advance as possible. As a courtesy, ask the chair or meeting coordinator if another architect is available to maintain quorum.

In some cases, the proceeding itself may be conducted in a way that causes the Architect Member concern. An Architect is within his/ her right to opt out of the proceedings if there is a conflict of interest, the perception of a conflict of interest, or a contravention of the Act and Bylaws or Code of Ethics.

The decision of whether or not to leave the proceedings is an individual one, and should be governed by the Architect's own judgment of what is in the public interest. However, in the event of a conflict of interest, refer to question 4 above regarding full disclosure, etc.

6. Q. What should I do when an applicant lacks the qualifications needed, i.e. the applicant is not a registered architect?

- A. Architects are obliged to protect the public from misrepresentation, illegal practice or unprofessional conduct, and from persons fraudulently professing to have the qualifications to practise architecture. In some cases, the applicant may be an intern under the *attending, personal supervision of an architect (Refer to Code of Ethics 34.1 (b) and (c))*. Concerns must be reported to the AIBC. If the applicant appears to be in contravention of the Architects Act, AIBC Bylaws or a Council ruling, the architects on an Advisory Design Panel must withdraw from the meeting and report the matter to the Director of Professional Conduct and Illegal Practice. For example, a Panel could not comment on the design of an apartment building with five or more dwelling units, if there was no architect involved.

Refer to Bulletin 65, Section B.

For further information, see also: Bulletin 31, Buildings Requiring the Services of an Architect, and Bulletin 62, Obligation to Report.

7. Q. What is the scope of the ADP with regards to criteria for consideration/discussion?

- A. Bulletin 65, Section C – Design Criteria for Consideration by ADPs - lists examples of what would reasonably be considered for review by applicants and members of the ADP. The stated examples have been updated to include reference to sustainability. In addition, the scope and nature of the criteria used for comment may also be directed by the planning department relating to the special circumstances of the project and its site.

Refer to Bulletin 65, Section C (1) Roles & Bulletin 65, Section C – Design Criteria for consideration by ADPs

8. Q. How can the ADP provide meaningful comments as a collective group?

- A. Meaningful comment is contingent on all the pertinent issues being clearly addressed by both applicant and Municipal staff. Bulletin 65, Section D- Recommended Procedures for ADPs outlines recommended procedures to facilitate meaningful review. It is the responsibility of the Municipality to provide timely minutes to all members of the ADP as well as the applicant. A summary of all the comments presented should be provided to the applicant at the conclusion of the meeting and minuted accordingly.

See: Bulletin 65 Section D - Recommended Procedures for ADPs

Regardless of nomination or appointment source, all architects are obligated to conduct themselves in a manner consistent with AIBC Act & Bylaws, Code of Ethics and policies. Above all, the architect must act in the public interest.