



ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

ARCHITECTURE CENTRE
SUITE 100 - 440 CAMBIE STREET
VANCOUVER BC CANADA
V6B 2N5

TEL: 604 683 8588 / TOLL FREE IN BC: 1 800 667 0753

FAX: 604 683 8568 / 1 800 661 2955

E-MAIL: AIBC@AIBC.CA

INTERNET: WWW.AIBC.CA

PRACTICE NOTE 04: LETTERS OF ASSURANCE

APRIL 28, 1995

The uniform "Letters of Assurance" under the British Columbia Building Code (Section 2.6) are now familiar components of an architectural firm's practice. Members are encouraged to review AIBC Practice Note Number 1 (4 November 1992), which introduced the related requirements, cited applicable professional considerations and which remains pertinent.

As its final paragraph predicted, there has been a wealth of experience accumulated over the last 2.5 years, from which we all can benefit. Accordingly, we are pleased to have participated in preparing the enclosed **Guide to the Letters of Assurance in the British Columbia Building Code (1992)**. Self-explanatory, the Guide is a cooperative initiative and represents a set of understandings and statements commonly endorsed by the four organizations identified, published under the auspices of the Ministry of Municipal Affairs.

The use and application of the Letters of Assurance has been largely successful. Questions and situations do arise, however, brought to the joint committee's attention from a variety of participants. The **Guide** is intended to provide clarity and assistance while reinforcing the letters' **uniform** use and application.

Uniform Use and Application

Members are advised, should they be presented (by any authority having jurisdiction) with forms of letters of assurance (or certification, or acceptance, or such similar terminology) which are not identical to those in the BC Building Code, to do several things:

1. bring the standard forms to the authority's attention;
2. decline to sign the non-standard forms; and
3. provide a copy of the non-standard forms to the AIBC for review and advice.

The AIBC will make every reasonable effort to assist in correcting the situation, constructively.

The wordings of the standard forms are critical and are the only ones endorsed with respect to appropriate professional practice and consistency with the BC Building Code. Providing differently worded assurances may jeopardize an architect's errors and omissions insurance coverage; may conflict with standard, endorsed client-architect and construction agreements; and may create unrealistic expectations and unwarranted liability exposure.

At this time, the AIBC is aware of only these few non-standard forms of letters of assurance in use, in a very limited number of municipalities:

(a) **Surrey**

1. A "residential certification" form has recently appeared, without consultation. Its wording is unacceptable.

(b) **Richmond and Kelowna**

2. These two jurisdictions require that architects and professional engineers applying for building permits carry errors and omissions insurance (and so demonstrate, under a "Letter" to that effect).

There is no such mandatory requirement by the professions; but a jurisdiction (and any client) is entitled to impose such a requirement as a function of how it chooses to do business. The wording of the corresponding forms in Richmond and Kelowna are effectively identical and do not cause the AIBC any inherent concern.

3. The same two jurisdictions also have "duty of care" form-letters, effectively identical, with which the AIBC takes exception as a matter of principle (in that the jurisdiction seeks to absolve itself of responsibility even if it is negligent).

Members are advised not to sign such forms; the intention in any event is for those forms to be signed by project owners.

As well, the City of Vancouver has issued a bulletin announcing a modified "structural" engineering letter of assurance within its own system, under its Charter. At this time, that new letter is not endorsed by the Association of Professional Engineers and Geoscientists of British Columbia and is of concern to the AIBC. This matter is under joint review.

Standards of Practice and Professional Ethics

Members are reminded to review AIBC Bylaws 28.1, 28.2, 31.5, 32.3 and 34.2 along with their corresponding rulings and comments contained in the Code of Ethics and Professional Conduct. Bulletin 61 and Directors Chair 007 also are particularly relevant.

Letters of assurance must be signed, sealed and dated; by registered architects who are practising (principals) in architectural firms or who hold Certificates of Practice in designated engineering firms. This is consistent with Sections 74 and 75 of the *Architects Act* as amended 2 June 1994.

Members are invited to share any problems or suggestions with the AIBC. The joint committee will continue to monitor and update information as required.

The AIBC does not provide legal, accounting or insurance advice and expressly disclaims any responsibility for any errors or omissions with respect to legal, accounting or insurance matters that may be contained herein. Readers of AIBC documents are advised to consult their own legal, accounting or insurance representatives to obtain suitable professional advice in those regards.