



BRITISH  
COLUMBIA

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Our Ref. 75893

JAN 08 2010

Scott M. Kemp, MAIBC  
AIBC Registrar  
Architecture Centre  
100 - 440 Cambie St  
Vancouver BC V6B 2N5

Dear Mr. Kemp:

Thank you for your letter and enclosure of October 7, 2009, regarding bylaws numbered 36.1 and 36.2. I note that these bylaws, which were ratified by the membership of the Architectural Institute of British Columbia (AIBC), relate to the Council's publication of any proposed changes to the *Architects Act* (the Act) or enabling legislation to the Membership, and Council's advance consultation with Members who may be affected by any proposed legislative changes.

While these bylaws were received by me in accordance with the timelines established in the Act, I have been advised that there is no authority under the *Architects Act* for the making of bylaws requiring consultation by Council with the membership of AIBC. Having received that advice, I recommended to the Lieutenant Governor in Council that the bylaws be disallowed pursuant to section 25(2) of the Act on the basis they are *ultra vires* the Act. The Lieutenant Governor in Council accepted that recommendation and has disallowed Bylaws 36.1 and 36.2. I enclose for your reference a copy of Order in Council 609/2009, which was approved and ordered November 26, 2009. Given this order, it follows that these bylaws cannot be considered validly in force.

Despite this outcome, my Cabinet colleagues and I are strongly supportive of the principles of disclosure and consultation by the Council of AIBC with the membership of the association. This is particularly so in the situation where the professional association is seeking substantial legislative reform that would significantly alter regulation of the architectural profession and bring within the AIBC new categories of members.

... /2.

I have become aware of concerns expressed by some members that AIBC is unwilling to engage in discussion of the merits and potential downsides of the association's legislative proposal. The fact that there is not demonstrated consensus within the profession on the best way forward suggests that legislative reform is not appropriate at this time.

While there is no existing legal authority by which to mandate disclosure and consultation at AIBC, I strongly urge the AIBC Council and staff of the association to work with the membership through issues co-operatively and constructively, as though Bylaws 36.1 and 36.2 were in force.

Thank you again for your submission.

Sincerely,

A handwritten signature in black ink, appearing to read 'MS', with a long horizontal flourish extending to the right.

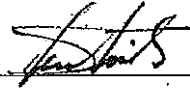
Moira Stilwell, MD FRCP (C)  
Minister

Enclosure

pc: Tony Loughran, Executive Director  
Governance Branch

PROVINCE OF BRITISH COLUMBIA  
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 609, Approved and Ordered NOV 26 2009



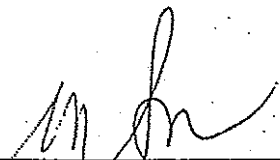
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the following bylaws of the Architectural Institute of British Columbia, filed with the Minister of Advanced Education and Labour Market Development on October 13, 2009, are disallowed:

Bylaw 36.1 Any proposed changes to the *Architects Act* or other enabling legislation as it may exist from time to time that Council intends to pose to government shall be published to the Membership within 30 days of their formal adoption by Council.

Bylaw 36.2 Before Council makes any formal submission to government of a request for legislation or a request for amendment to legislation, Council shall consult with and consider the impact on Members who may be affected by the proposed legislation or amendments.



Minister of Advanced Education and  
Labour Market Development



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Architects Act*, R.S.B.C. 1996, c. 17, s. 25 (2)  
Other (specify):-

October 29, 2009

O/879/2009/48