



ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

Proposed Administrative Bylaws 2018 pertaining to Architectural Firms:

PROPOSED BYLAW AMENDMENT	SUPPORTING RATIONALE
Architectural Firms	
<p>15.1 No architectural firm shall use a name, which is misleading or unprofessional, and all architectural firm names shall be subject to approval by Council.</p> <p>Proposed Bylaw Amendment:</p> <p>15.1 Council shall establish rules in relation to firm name requirements, including restrictions on firm names and name approvals required prior to firm registration.</p>	<p>Recommendation:</p> <p>Recommend amendment, mirroring language in Section 24 of the <i>Act</i> and using council rules mechanism to increase flexibility and transparency.</p>
<p>15.2 An architectural firm applying for registration shall complete and submit an application form signed by all architects and engineers having a principal or shareholding interest setting forth:</p> <ul style="list-style-type: none">(a) the names and professional qualifications of the architects and engineers having a principal or shareholding interest;(b) the name and addresses and telephone numbers of the office of the architectural firm;(c) where the architectural firm is a corporation<ul style="list-style-type: none">(i) the directors of the corporation(ii) the officers of the corporation(iii) the total number of each class of shares authorized and issued by the corporation(iv) a list of all shareholders with the number and class of shares held(v) the address of the registered office of the corporation in British Columbia(vi) the date of incorporation of the firm under the <i>Company Act</i> of British Columbia and that the corporation is in good standing under the <i>Act</i>, and(vii) the names of the architects who will be practising architecture on behalf of the corporation and the names of the persons who will be practising architecture under the direct	<p>Recommendation:</p>

<p>supervision of a named architect who is a continuing employee or shareholder of the corporation.</p> <p>(viii) A certificate of incorporation and a certificate of good standing issued by the Registrar of Companies must be filed before the registration will be approved.</p> <p>Proposed Bylaw Amendment:</p> <p>15.2 An architectural firm applying for registration must complete and submit the application form required by council for the type of firm registration sought.</p>	<p>Simplify base bylaw and refer the requirements to the application form itself – council rules not required for this level of ‘information gathering’.</p> <p>Under this bylaw, application form would be approved by council, as updated from time to time. The form could be simplified and different information required than prescribed by current Bylaw 15.2.</p>
<p>15.3 Every architectural firm shall, whenever there is a change from a memorandum of practice previously filed by that architectural firm file with the Registrar a new memorandum of practice prior to the effective date of such change.</p>	<p>Recommendation:</p> <p>Amend and move bylaw concept as ‘memorandum of practice’ is not a document used at the institute – believed to be the former name of the application form for a firm. Recommend combining ‘firm information change’ with requirement in current bylaw 15.4 (proposed as new bylaw 15.3) related to annual firm updates.</p>
<p>15.4 Every architectural firm shall complete and file with the Registrar an annual information return if so requested by the date specified.</p> <p>Proposed Bylaw Amendment (now numbered 15.3):</p> <p>15.3 Every architectural firm shall:</p> <p>(a) complete and submit an annual firm update in the form and by the date required by council; and</p> <p>(b) notify the institute of any firm ownership, name and other changes identified in the form and by the date required by council.</p>	<p>Recommendation:</p> <p>Update to reflect common terminology (“firm update”, not “annual information return”)</p> <p>This bylaw combines the concepts of firm update and interim change notifications in a single bylaw.</p> <p>This bylaw, and 15.2, contemplates three distinct forms:</p> <ul style="list-style-type: none"> • New firm registrations (15.2); • Firm Updates (15.3 (a)); and • Interim updates, such as ownership changes 15.3 (b).
<p>15.5 To remain in good standing, an architectural firm that is a corporation shall comply with the requirements of sections 26(2) and 30(1) of the Act at all times.</p>	<p>Recommendations:</p> <p>This bylaw was intended to reinforce the requirements in the <i>Act</i> related to corporate architectural firms’ share ownership and voting</p>

<p>Proposed Amendment and New Bylaw Related to Firm Share Disposition, Change of Directors/CEO affecting status as a (corporate) firm</p> <p>15.4 Architectural corporations must comply with the qualifications for registration in Sections 26(2) and (3) and 30(1) and (2) of the <i>Architects Act</i> at all times.</p> <p>15.5 Council may establish rules to address non-compliance by architectural corporations with Section 26(2) and (3) caused by the suspension from practice, resignation, death or other removal from the register of an architect in such firm.</p>	<p>rights, directors and chief executive officer requirements, and supervision of work by architects.</p> <p>Recommend amendments: “good standing” is an <i>Act</i>-specific term related to payment of annual fees only. Serious non-compliance with these sections can be handled as both a registration matter and a professional conduct matter under existing bylaws in code of ethics.</p> <p>Bylaw amendment to form 15.4 and a new bylaw (new 15.5) to:</p> <ol style="list-style-type: none"> 1. Recognize additional subsection in the Act requiring corporate firm compliance; and 2. Addressing the related expectation in Section 24(2)(a) of the Act that the institute have a mechanism to deal with various practical scenarios in which architects cease registration, throwing legality of firm ownership and compliance with Section 26(2) of the <i>Act</i> into question. <p>These rules would focus on notification to the institute of compliance issues and required steps, and deadlines, to move back into compliance.</p>
<p>16.2 An architectural firm, member or licensee applying for a certificate of practice or renewal of a certificate of practice shall complete the required form signed by all architects and professional engineers having a principal or shareholding interest in the firm certifying that the firm, member or licensee:</p> <ol style="list-style-type: none"> (a) is registered with the institute and is in good standing (b) has paid any required annual fee (c) has paid any required fee for the certificate of practice, and (d) has obtained the required professional liability insurance coverage. <p>Proposed Bylaw Amendment:</p> <p>16.2 An architectural firm, member, or licensee applying for a certificate of practice or renewal of a certificate of practice must complete and submit the form required by council.</p>	<p>Recommendation:</p> <p>Simplify and align this bylaw with ‘application’ language in proposed new bylaws 15.2 and 15.3</p>

<p>16.4 Holders of certificates of practice shall be placed into one of the following classes:</p> <ul style="list-style-type: none"> (a) member (b) architectural firm which is a sole proprietorship (c) architectural firm which is a partnership (d) architectural firm which is a corporation (e) licensee <p>Proposed Bylaw Amendment:</p> <p>16.4 Holders of certificates of practice shall be placed into one of the following classes:</p> <ul style="list-style-type: none"> (a) member; (b) architectural firm which is a (sole proprietorship); (c) architectural firm which is a (partnership) (d) architectural firm which is a (corporation); or (e) licensee. 	<p>Recommendations:</p> <p>Minor grammatical amendments only.</p>
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