



ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

Bylaw Consultation Session Questions and Answers:

This document summarizes and paraphrases the questions and answers from the June 11, 2019 consultation session held at the AIBC and online via WebEx. Note that the answers to these questions do not constitute practice advice or legal interpretation.

- 1) What is the capitalization standard style for AIBC documents, including reference to 'council' and the 'institute'?
 - At the suggestion of government staff, the AIBC has moved as much as possible towards the statutory drafting style used in the *Architects Act*. This includes a greater use of defined terms, and minimized capitalization.
- 2) What is the AIBC's position on whether a client can impose supplementary conditions on an AIBC contract 8C?
 - Much depends on what supplementary conditions are to be implemented. A general observation is that a longer standard form contract, such as AIBC 6C, has general conditions that are more extensive than those found in 8C. The bylaws do not prohibit supplementary conditions that may be the subject of usual commercial negotiation, provided that the contract remains in substantial compliance with the requirements.
 - If you are concerned about what you are being asked to sign, please contact the AIBC Practice Advisors for advice. You may also want to provide this information to your professional liability insurer and of course seek legal advice.
- 3) What is considered 'conduct unbecoming'?
 - This phrase generally refers to professionals' behaviour (often, but not always, in their personal/private capacity) that tends to bring a profession into disrepute or undermine the integrity of the profession.
- 4) What will the AIBC do with information collected under the proposed bylaw 32.5?
 - The reports will be maintained in the professional conduct department for determination whether a regulatory response is required. This may include requesting follow-up information, providing direction or, in some cases, initiating a complaint investigation.
 - In addition to specific responses to disclosure, the information collected is intended to assist the AIBC in assessing trends and concerns affecting the public. As an example, had the AIBC been made aware of the volume of 'leaky condo' lawsuits in a timely fashion, an appropriate regulatory response would have been expected. Similarly, member notices, practice advice, and professional education material can be tailored to address the type of issues brought to the regulator's attention.

5) How will the AIBC hold on to personal registrant information, such as the information being requested in the proposed bylaw 32.5, and is the information being shared with other individuals?

- AIBC is a local public body and must comply with the *Freedom of Information and Protection of Privacy Act*.
- It is important to note that the self-reporting information under this bylaw are available from other sources. Court registries house pleadings and filings, which are open to the public, and other architectural regulators make disciplinary decisions public or are available upon request.
- Some information may be releasable if a request is made, but most information about a professional conduct complaint that doesn't lead to discipline is not releasable.
- The AIBC will develop enhanced retention and disclosure guidelines in response to this concern; the institute is cognizant of registrant and public concern about aggregation of information and how it is managed and the situations in which it is disclosed.

6) How effective is the high voting percentage (four-fifths majority or 80%) for the conferral of honorary membership? Should this be amended?

- The AIBC is not aware of any recent 'failure to confer' votes for honorary members. While this super-majority vote is a high threshold, there is a nomination review process, and ultimately AIBC Council must recommend conferral of the honor before it proceeds to a vote
- Note that honorary membership may be 'out of synch' with current regulatory trends and government and public expectations of professional regulatory bodies.

7) If a registered architect, who is working as an employee in a firm, is asked by a friend or family member to design a small part 9 residential project that does not require the services of an architect, is the architect required to have a certificate of practice and professional liability insurance?

- Yes: An architect registered with the AIBC may only provide architectural services through a valid certificate of practice, regardless of the size of the building. The nature of the service and size of the project are not relevant. All applicable professional standards, including the appropriate use of seal, apply. It is often said colloquially that, "An architect never takes off her hat".
- Note that all certificate of practice holders must maintain professional liability insurance in the amounts specified in the bylaws and council rules.