

**IN THE MATTER OF THE *ARCHITECTS ACT*  
R.S.B.C. 1996, CHAPTER 17**

- and -

**IN THE MATTER OF BRIAN GEE ARCHITECT AIBC  
AND GL ARCHITECTURE**

**NOTICE OF INQUIRY**

TO: Brian Gee Architect AIBC and GL Architecture

CARE OF: Brian Gee Architect AIBC  
<Address Redacted>

**TAKE NOTICE** that the council of the Architectural Institute of British Columbia (the “AIBC”) has ordered an inquiry by a disciplinary committee into a complaint against you, a member of the AIBC, and GL Architecture to be held at 100 – 440 Cambie Street, in the City of Vancouver, in the Province of British Columbia, on **June 27, 28, 29 and 30, 2022**, at the hour of **9:30 a.m.**, for the purposes of taking evidence or otherwise causing an inquiry to be made with respect to the allegations herein pursuant to the *Architects Act*, R.S.B.C. 1996, Chapter 17 as amended (the “*Act*”) or the Bylaws of the AIBC (the “Bylaws”) and/or the AIBC’s Code of Ethics and Professional Conduct.

**AND TAKE NOTICE** that the allegations against you and GL Architecture are that you and GL Architecture have contravened the *Act* or Bylaws or the Code in that:

1. Between April 2015 and July 2017, you offered to provide and did provide architectural services for a project located at 2550 Boucherie Road, West Kelowna, BC (the “Project”) through GL Architecture, when neither you nor the firm held a Certificate of Practice, contrary to sections 27(2), 28, and 63(2) of the *Act* and Bylaw 33.3.
2. You practised architecture in partnership with David Lin, who is not an architect, under the firm name GL Architecture, contrary to section 65(1) of the *Act* and AIBC Bylaw 33.3 and council ruling (a).
3. The client-architect agreement and the service fee and proposal dated April 25, 2015, for the Project, as well as the fee proposal dated July 13, 2015, for a project known as the Agri-Tourism Hotel at the same location, were entered into by David Lin on behalf of GL Architecture, and did not contain the required clauses pertaining to professional liability insurance and compliance with AIBC Bylaws, contrary to Bylaws 34.10 and council rulings (d), (e) and (f) and Bylaw 34.1 and council ruling (b).
4. You failed to responsibly exercise professional discretion and judgment and failed to act in accordance with professional standards for certification of construction performance, when you did not notify the bank of the Project’s change orders and when you prepared and processed progress claims provided by

the client for certification in order for the bank to release funds, including a certification that was dated the same day the client-agreement for the Project was signed, contrary to Bylaws 28.2 and 34.5.

5. You participated in your client's and the Project owner's scheme to withhold change orders from the bank and instead processed them separately, which misled the bank as to the true value of the cost of the Project, when the bank had a reasonable expectation that you were acting in the best interest of the lender and the owner, contrary to Bylaws 30.1, 32.3, 33.1 and 34.5.
6. You failed to complete field reviews with reasonable care and competence by failing to identify concerns with construction, such as issues with the building envelope, roof and flashing, which were subsequently detected by other professionals, contrary to Bylaw 30.1.
7. You failed to provide adequate supervision, direction, and control of the architectural services provided on the Project. In addition to being the signatory on the client-architect agreement, David Lin submitted invoices on GL Architecture's letterhead that were rendered payable to him personally, maintained control of many Project documents, and was responsible for all communications with the client on the Project, contrary to Bylaw 34.1 and council ruling (b).

**AND FURTHER TAKE NOTICE** that you, **Brian Gee Architect AIBC and GL Architecture**, have the right, at your own expense, to be represented by legal counsel at the inquiry by the disciplinary committee and that you or your legal counsel shall have the full right to cross-examine all witnesses called and to call evidence in defence and reply in answer to the allegation.

**AND FURTHER TAKE NOTICE** that in the event of your non-attendance at the inquiry, the disciplinary committee may, upon proof of service of this Notice of Inquiry upon you, proceed with the taking of evidence or otherwise ascertaining the facts concerning the allegation, your absence notwithstanding, and may make its findings on the facts and its decision without further notice to you.

**AND FURTHER TAKE NOTICE** that at the conclusion of the inquiry, if the disciplinary committee determines that you:

- i. have been unprofessional;
- ii. contravened the *Act* or Bylaws;
- iii. have been negligent or guilty of misconduct in the execution of a duty or office;
- iv. are incompetent, unfit or incapable of practising architecture; and/or
- v. are an architectural corporation ceasing to meet qualifications for registration under the *Act*;

**THEN**, the disciplinary committee may make one or more of the following orders:

- i. A reprimand;

