Schedule A: Code of Ethics and Professional Conduct

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Background

The AIBC Code of Ethics and Professional Conduct (the "Code of Ethics") is a compilation of standards of competence and professional and ethical conduct ("Professional Standards") for the architectural profession and AIBC Registrants in British Columbia. The document is supplemented by advisory, informational, and interpretive commentary to assist readers. Commentary is found in italics.

Registrants and the public should also refer to AIBC Practice Guidelines for supporting information and interpretations related to some of the Professional Standards in the Code of Ethics. The AIBC's Professional Practice Program, which fields inquiries related to professional competency, conduct, and ethics, is also available to Registrants and the public without charge.

The Professional Standards in this Code of Ethics underpin the public's general expectation that AIBC Registrants act at all times with honesty, integrity and professional competence. Registrants must honour their obligations to the public, Clients, the profession, their colleagues, and the environment. A breach of a Professional Standard may constitute one or more of Professional Misconduct, Incompetent performance of duties or Conduct Unbecoming a Registrant.

Except where specifically identified as applying to a specific class(es) of Registrant, the Professional Standards established in the Code of Ethics **apply to all AIBC Registrants**. For example, only Architects are referred

to in Standard 1.1 relating to the Architects' declaration or 'oath' for the simple reason that other Registrants do not make this declaration. Where Professional Standards refer to Registrants in the practice of the profession of architecture, it must be remembered that non-Architect Registrants can only provide architectural services under the supervision of an Architect. Where "Architect" is used, it includes those Registrants in the Temporary Licensee (Architect) category. Such Registrants' practice is limited in time, not scope, and all of the Professional Standards apply to them in the same way they do to other Architects.

Professional Governance Act: Ethical Principles

The *Professional Governance Act* requires all regulatory bodies under that legislation to include certain ethical principles and standards. Where a Professional Standard is derived directly from the authority of the *Professional Governance Act*, it is specifically identified, and in many cases the commentary to such standards explains its applicability and relevance to the practice of the profession of architecture.

The bulk of the former Bylaws and rulings from the AIBC's Code of Ethics under the *Architects Act* remain intact in this edition of the Code of Ethics. The transition to the PGA does not create substantively new or different Professional Standards. Notable changes include: clarified standards in relation to the use of the Schedules of Architectural Services and Fee Guidelines (formerly known as the Tariff of Fees for Architectural Services); clearer standard statement and supporting commentary related to Direct Supervision by Architects of non-Architects; and the use of the Architect's Seal (contain elements previously found in Bulletins 60 and 61).

Organization

The Code of Ethics is organized into 10 categories using headings numbered 1.0, 2.0, etc. for reference. Each Professional Standard is given a number within the category (1.1, 1.2, etc.). This replaces the previous formatting of the Code of Ethics in which standards were identified as Bylaws and council rulings.

The AIBC recommends that Registrants and other users of the Code of Ethics refer to standards by their paragraph/subparagraph number (and letter where applicable) for clarity. This document uses both "Professional Standard: #" and the shorthand "PS:#" to refer to Professional Standards for efficiency. The first standard, below, would therefore be referred to as "Professional Standard: 1.1" or "PS:1.1". Standards that include lettered subparagraphs would be referred to as "Professional Standard: 1.2(a)" or "PS:1.2(a)."

Terms capitalized in the Code of Ethics are defined terms under the Bylaws.

1.0 General Obligations

1.1 Each Applicant for registration as an Architect must make and subscribe to the following declaration:

"Solemnly do I declare that having read and understood the *Professional Governance Act*, the *Architects Regulation*, the Bylaws, and Code of Ethics and Professional Conduct of the Architectural Institute of British Columbia, and having passed the examinations, I am eligible for registration. Further do I announce that I will uphold professional aims, uphold the art, and the science of architecture, and I will thereby improve the environment. I also accept with obligation the need to further my education as an Architect. I promise now that my professional conduct as it concerns the community, my work, and my fellow Architects will be governed by the ethics and the tradition of this honourable and learned profession, in the public interest."

> *This declaration, sometimes referred to as the Architects' "oath" underpins and informs the profession's fundamental obligations and expectations of Architects. It is both a statement of commitment to professionalism and a reminder of the public interest foundation of the architectural profession.*
>
> *The declaration is connected to and consistent with multiple Professional Standards in the Code of Ethics, including the overarching expectations related to public safety, health and welfare and protection of the environment in PS: 1.4 below.*

1.2 Registrants must conduct their affairs in a professional manner, including but not limited to refraining from:

(a) dishonourable or discourteous conduct towards a person or entity;

(b) Conduct Unbecoming a Registrant in the profession or personal life of a Registrant;

(c) harassment, discrimination or other failure to comply with human rights laws in force in Canada, its provinces and territories; and

(d) behaviour that would reflect unfavourably on the profession.

The Professional Governance Act defines "conduct unbecoming a registrant" to mean conduct that:

(i) brings the regulatory body or its registrants into disrepute,

(ii) undermines the standards, methods or principles that are the foundation of the profession, or

(iii) undermines the principle of holding paramount the safety, health and welfare of the public, including the protection of the environment and the promotion of health and safety in the workplace in the manner that reflects the stewardship of a given profession by each regulatory body.

1.3 Registrants must:

(a) respond promptly and substantively to any AIBC communication requiring a mandatory response;

(b) promptly notify the AIBC in writing of any change in contact information that the AIBC may from time to time request; and

(c) cooperate fully with the AIBC in a professional conduct matter at whatever stage, including attending in person upon request, summons, or notification by the Investigation Committee or Discipline Committee.

Responding "promptly" means without unnecessary delay, including meeting any response deadlines provided in correspondence. Responding "substantively" means a meaningful response that addresses the substance of the request.

1.4 Registrants must hold paramount

(a) the safety, health and welfare of the public, including the protection of the environment; and

(b) the promotion of health and safety in the workplace.

This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(a)).

This Professional Standard is a restatement of fundamental ethical expectations that have been in place for the profession of architecture for decades. The public safety and protection of environment element is generally met by having regard to all relevant laws, including regulations and codes. This 'compliance with laws' expectation has been and remains a standalone Professional Standard for Registrants (see PS4.1).

The promotion of health and safety in the workplace element reflects both the profession's obligation to meet relevant standards for design for workplaces (e.g., Building Code expectations, specific WorkSafeBC requirements, etc.), as well as a general obligation to provide healthy and safe workplaces for colleagues and employees, whether at the office or when Registrants are attending a construction site (e.g., avoiding and addressing harassment and discrimination and complying with health and safety laws).

For architecture, this overarching Professional Standard reinforces Registrants' obligation to provide services competently and with regard to public and workplace safety and environmental protection. The requirement to "hold paramount" public safety and protection of the environment means that this principle (as with many professional obligations) overrides values or interests (e.g., shortcutting regulatory approvals or clients' commercial gain) that conflict with it.

Importantly, the workplace health and safety standard does not impose additional obligations on Registrants in relation to construction and demolition site safety beyond those that may already apply by contract or laws, including regulations, codes and bylaws.

2.0 Specific Obligations to Clients and Colleagues

2.1 Registrants must maintain the confidentiality of confidential Client information and not disclose such information except:

(a) with Client consent;

(b) where required to deliver such information to the AIBC;

(c) as may be required by law; or

(d) in the event the Registrant believes on reasonable grounds that there is an imminent risk of serious public harm.

This Professional Standard reinforces the expectation that as trusted professional advisers and service providers, Registrants will protect confidential Client information. Many professions have similar standards. Most Client-Architect Contracts also address confidentiality as a contractual obligation. Registrants should be aware of and comply with both professional and contractual confidentiality obligations.

The standard does not provide a definition of confidential Client information. That information may vary with the Client-Architect relationship, timing of the Project, the nature of the commission, and contract language, among other variables. For example, unless specifically agreed to by the parties (most effectively in the Client-Architect Contract or confidentiality agreement), confidential information would not normally include the fact that an Architect has obtained a commission. The architectural fee and Project budget information, however, would normally be considered confidential. Similarly, any information obtained during the bidding process is inherently confidential, and inappropriate disclosure can be a serious matter.

The essence of the standard is recognition that a Registrant is likely to become aware of confidential Client information and must protect it, subject to the exceptions. The hallmarks of confidential information are that it:

- *was obtained by virtue of the professional relationship between Client and Registrant;*
- *may be expressly identified by the Client as confidential, or would be considered as such by a reasonable Registrant;*
- *is not in the public realm; and*
- *carries with it some economic benefit to the Client, such that its unauthorized disclosure has potential to damage the Client's project, business, reputation, and/or prospects.*

Social media postings and other internet publications amplify the risk of confidentiality breaches. Registrants should exercise additional caution when publishing any Project or Client information, including 'anonymous' publication. Consider internet publication of any Client and Project information to be public and permanent.

While an understanding of many Professional Standards by Firm staff is important, the confidentiality obligation and ease of information-sharing create particular vulnerabilities.

Architects are reminded that staff should be educated on the boundaries for use and disclosure of Client's confidential information.

2.2 Registrants must not supplant or attempt to supplant another Registrant after the preceding Registrant has been retained or definite steps have been taken toward the other Registrant's retention.

Subject to the terms of the Client-Architect Contract, a Client is free at any time to terminate the business engagement with a Registrant. This standard does not protect mismatched Clients and Registrants. For the benefit of the Client and the Project or commission, it is intended to protect the relationship between a Client and Registrant from unethical interruption by another Registrant.

The basis of competent professional practice on behalf of the public rests in part on the strength of the relationship between Client and Registrant. Hence, when the Client has made a choice, other Registrants must cease their overtures.

This restriction does not prevent Registrants from approaching a potential Client who has a broader program of prospective work which is not yet allocated to another Registrant.

For the purposes of this Professional Standard, "supplanting" means taking (or attempting to take) the place of another Registrant in a manner that is unethical. Such behaviour would include interfering in a way that prevents a Client from establishing a commercial relationship with another Registrant or causes the Client to breach or terminate its contract with another Registrant.

2.3 A Registrant must not falsely or maliciously injure the professional reputation or business prospects of another Registrant.

This Professional Standard does not prohibit Registrants from making fair and honest comments on the work of other Registrants. Such comment must be based on considered knowledge of the Project or subject in question, representing an informed, legitimate point of view.

A listener is entitled to expect that Registrants providing comments do so knowledgeably. Registrants' comment must withstand scrutiny in order to be regarded as credible.

This Professional Standard does not prevent unsolicited public statements or architectural criticism. The standard also applies to the provision of advice or services for which a Registrant is paid, including those as an arbitrator or as a provider of "second" or "expert" opinion with respect to another Registrant's project(s), documents or services.

Registrants should avoid imprudent gossip or generalized comments about other Registrants, their work or reputation, or type of project. The proliferation of digital and social media facilitates immediate and influential commentary. Registrants are reminded that the

convenience, reach, and power of such platforms must be balanced by the expectations set by this and other relevant standards.

3.0 Competency and Continuing Education

3.1 In practising the profession of architecture, Architects must act with reasonable care and competence, and must apply the knowledge, skill and judgement, ordinarily applied by Architects practising in the province of British Columbia.

3.2 Non-Architect Registrants must act with reasonable care and competence and must apply the knowledge, skill and judgment ordinarily applied by Registrants in their Registrant category.

These standards reflect the baseline expectation that Architects/Temporary Licensees provide competent services measured against the standards ordinarily applied to Architects, while non-Architect Registrants must demonstrate competency to the level required by their Registrant category.

3.3 Registrants must practice only in those fields where training and ability make them professionally competent.

This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(b)).

This Professional Standard replaces former Bylaw 30.3 and its council rulings, which addressed similar obligations to recognize personal and professional limitations.

An Architect is authorized to undertake architectural services for any Project, but must recognize personal and professional limitations and must refrain from rendering service in those areas until such limitations are overcome.

It is a Registrant's responsibility to recognize personal impairment to the ability to function competently and, when so impaired, to withdraw from practising until competence is restored. This includes impairment arising from physical or mental health issues, financial difficulties and personal or family matters serious enough to cause Registrants to be unable to satisfy professional standards.

Architects are reminded that it is permissible to engage others, including staff and consultants, in any architectural practice area, as long as such services are provided under the Architect's competent supervision, management and coordination. Other professionals must be engaged (whether by Client or the Architect) to provide complementary services (such as Professional Engineering) where required by law.

3.4 Registrants must maintain competence in relevant specializations, including advances in the Regulated Practice and relevant science.

This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(e)).

The profession and practice of architecture in British Columbia does not include specializations. Instead, this Professional Standard establishes the expectation that Registrants who formally hold themselves out as having enhanced qualifications are expected to maintain competency and currency in such areas.

For example, Architects who obtain the Certified Professional qualification and are listed as "CPs" would be expected to demonstrate the competencies expected of an Architect in such role, and to maintain currency of knowledge and qualifications as required.

3.5 Registrants must undertake work and documentation with due diligence and in accordance with any AIBC guidance developed to standardize professional documentation.

This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(l)).

This Professional Standard reinforces the general competency obligation in the profession, with specific reference to the importance of preparing and maintaining adequate documentation. Conceptually, "due diligence" means the review and assessment of risk and harm at any stage of architectural services, as well as steps taken to mitigate such concerns. In practice, "due diligence" is the level of judgement and care that Registrants are reasonably expected to apply when providing services. It denotes a level of quality control and review to reduce errors and ensure all relevant laws, guidance and standards have been considered.

The connection between due diligence and documentation in this PGA-mandated standard reflects the greater likelihood that documented procedures, such as quality reviews and checklists, reduce negative outcomes in professional practices. It also reflects the expectation that Registrants maintain adequate, retrievable records.

3.6 Registrants who are CES Participants must undertake continuing education and report on that continuing education to the AIBC, in accordance with the Bylaws and Board Rules.

[*See Schedule P: Board Rules for the Continuing Education System*]

3.7 An Architect's services in preparation for construction must be sufficiently complete, correct, comprehensive, and coordinated for the purpose stated.

This Professional Standard is directed at helping make sure that documents that are relied upon for construction are prepared competently. This standard is not 'new' but reflects the historic and current standard for services in relation to documents.

Completeness means documents that are thorough; correct means that they are as accurate as reasonably possible and meet design criteria and applicable requirements; comprehensive means they

encompass the necessary information to render a complete representation of the design at the relevant stage; and coordinated means the work produced under the Architect's supervision and control is internally coordinated and integrated appropriately with other disciplines. The goal of competently-prepared instruments of service is that they become a reliable foundation for successful construction projects, minimizing errors, reducing unexpected costs, and confirming that the completed project aligns with the original design intent and substantially complies with the applicable building regulations.

4.0 Compliance with Laws and Standards

4.1 Registrants must have regard for and not knowingly violate:

(a) the common law and any applicable enactments, federal enactments or enactments of another province;

(b) applicable standards, policies, plans and practices established by the government or the AIBC; and

(c) The *Professional Governance Act, Architects Regulation,* and the Bylaws including the Code of Ethics.

This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Sections 57(2)(c) and (d)).

The phrase "have regard for" can be understood to mean to be aware of and consider the impact and application of laws to Projects and professional practice. The addition of the phrase "and not knowingly violate" incorporates former Bylaw 33.1. The standard also replaces former Bylaws 33.3, 33.4, and 34.4, all of which required compliance with laws.

This Professional Standard requires Registrants to take into account and not knowingly breach applicable laws. This includes statutes (often called "Acts") and regulations (together, these are called "enactments" under the PGA). Since municipal bylaws flow from the authority of provincial law, they are also included, as are forms, rules and other instruments created by a statute. PS 4.1(b) confirms the requirement to have regard for and not knowingly violate standards, policies, plans and practices as they relate to the practice of the profession of architecture. However, Registrants may encounter standards, policies and plans, notably from local governments, that conflict or appear to conflict with Professional Standards. One common example is the expectation by an authority that certain documents be sealed, when the Professional Standard states they must not be sealed. In such cases, Registrants must follow the Professional Standard, and should advise the authority of the conflict, provide the AIBC documentation in support of the Professional Standard, and seek practice advice from the AIBC.

The reference to "common law" means law that has been created by Canadian court judgments over time, sometimes known as "case law" or "judge-made law". For Registrants, having regard for the "common law" includes an awareness of laws primarily relating to the law of contracts and torts.

Torts are also known as "civil wrongs" and include negligence, product liability, assault and harassment, and trespass. In addition, the very law of professional regulation, including admissions and professional conduct decisions, are part of the common law.

The practice of the profession of architecture is influenced by statute law, which includes the Professional Governance Act and its Regulations (including the Architects Regulation) and the BC Building Code, which has the legal status of a regulation. Builders lien legislation and local government bylaws are other examples of statute law. This Professional Standard absorbs former Bylaw 33.3, which required Registrants to comply with the Architects Act and AIBC Bylaws – now the Professional Governance Act and these Bylaws.

The public has the expectation that Registrants respect and substantially comply with laws and regulations that apply to the practice of architecture, excluding those concerning construction safety (the field of construction safety being outside the practice of architecture). This includes federal, provincial and municipal laws (bylaws) as well as the regulations of statutory bodies.

Registrants must keep themselves apprised of current applicable laws and regulations that relate to the practice of architecture in British Columbia. Registrants are not expected to be familiar with the details of all laws and regulations in every jurisdiction. However, they are expected to have general knowledge of specific laws and regulations in the jurisdictions in which they are working, and also which authorities have jurisdiction over particular aspects relating to the practice of architecture.

Registrants may rely on the advice of other professionals and persons qualified by education, experience or training to provide interpretations on applicable enactments and standards. Such persons may include local government officials, legal counsel, and other professionals.

A Registrant seeking to promote or to provide architectural services outside British Columbia, or to a client or on a project located outside British Columbia, should check in advance and comply with the requirements of the applicable regulator of Architects.

4.2 Registrants must not counsel or condone employees, consultants, associates or other parties to violate or fail to give regard to applicable enactments and standards established by government or the AIBC, including the *Professional Governance Act, Architects Regulation*, and the Bylaws, including the Code of Ethics.

This Professional Standard replaces the former council ruling to Bylaw 33.3 and covers a wide spectrum of possible practice scenarios. It is possible for Registrants to be asked to participate or drawn into participation with the illegal practice of architecture by non-registrants. Registrants are reminded that contravention of the reserved titles and Reserved Practice legal boundaries in the profession of architecture by any party is an offence under the PGA.

5.0 Architectural Services: Engagement and Communication

5.1 Registrants are not permitted to provide architectural services to a Client until the following conditions are satisfied:

(a) an executed Client-Architect Contract is in place in compliance with Professional Standard 5.2; and

(b) the Client has been advised in writing:

(i) whether professional liability insurance is in place in relation to the architectural services to be provided for the commission; and

(ii) that a certificate of insurance for the professional liability insurance policy in (i) is available for review by the Client upon request, or has been provided.

A Client is entitled to be notified of the fundamental insurance coverage a Registrant carries for the contracted services. As required by Schedule M: Board Rules for the Professional Liability Insurance (PLI), a certificate of insurance must include at least the following information:

- *the name of the certificate of practice holder as registered with the AIBC as an insured entity;*
- *the minimum per claim amount and the aggregate amount;*
- *the effective and expiry coverage dates; and*
- *a statement that the PLI coverage has no restrictions to impact the minimum coverage thresholds, which would need to draw down from the same aggregate amount.*

5.2 The Client-Architect Contract must be a standard form contract approved by the Board, or be substantially conforming in all material respects to such standard contract in relation to services, responsibilities and general conditions.

Those standard form contracts approved by the AIBC Board are listed and discussed in Practice Guidelines: Standard Form Contracts and available on the AIBC website or by contacting the AIBC's Practice Advisors. Registrants are reminded that PS 7.6 requires Architects to have regard for the Schedules of Architectural Services prior to entering into a Client-Architect Contract.

Architects not using an approved standard form contract are reminded that the document used must conform to approved contracts in the manner stipulated in the Professional Standard.

5.3 Certification as to construction performance and as to payment therefor requires such general review of the work as the Architect deems necessary**.**

5.4 Registrants must communicate adequately with Clients and keep them reasonably informed**.**

The level of communication with Clients varies with the Client and the nature of the commission. At minimum, Registrants owe a duty to explain the nature of the services the Firm will provide, and to respond in a timely manner to Clients' reasonable requests for information and other Client communication requiring a reply. Adequate and informed communication also includes advising Clients in a timely manner of important commission issues such as delays, cost concerns, etc.

This Professional Standard is an overarching Client communication expectation and is supplemented by other communication-oriented standards, such as those requiring Registrants to notify Clients of professional liability insurance status, the scope of professional services to be provided, etc.

5.5 An Architect may only provide the same service for the same Client on the same Project as another Architect through the medium of an approved competition**.**

The "same Client" includes technically different individuals, authorities or departments connected to or part of a broader Client.

This Professional Standard prohibits participation in unsanctioned competitions but does permit fair review, analysis or expert opinion services by a "second" Architect because either the Client, or the services, will be different for each Architect.

5.6 Except in an approved competition, Registrants must not provide any architectural service to a Client until retained under Client-Architect Contract and in receipt of the Client's instructions.

Public expressions, submission or dialogues with respect to architectural issues, undertaken without compensation in the community interest and without having or seeking or anticipating a Client, are permitted.

Speculative services to lure or entice a client, or "loss leaders", are not permitted.

This Professional Standard means that prior to being retained, Registrants are not permitted to provide solutions, suggestions, ideas or evidence of same (in any format) which have value to the Client or upon which the Client might be expected to rely.

The foregoing applies not only to design, costing and technical matters but also to considerations of management, methodology and scheduling information beyond that which is required for Architects to determine and submit a credible proposal for services and fees.

In making an expression of interest or proposal to a prospective Client, an Architect may promote the Firm's experience, capabilities, resources and capacity to demonstrate the Firm's suitability, including an understanding of that Client's needs and the project's relevant issues.

5.7 Before offering services to a Client for a building not requiring an Architect and without the Direct Supervision of an Architect, an Intern Architect, Architectural Technologist or Retired Architect must notify the Client, in writing, that:

(a) they are registered with the AIBC and inform the Client as to their registration category or subcategory; and

(b) whether professional liability insurance is held for such services and under what terms.

5.8 Before or as part of any submission to an authority made by an Intern Architect, Architectural Technologist or Retired Architect without the Direct Supervision of an Architect, such

Registrant must notify the authority, in writing, that they are registered with the AIBC and inform the authority as to their specific registration category or subcategory.

These Professional Standards (formerly council rulings) are intended to address possible confusion on the part of Clients or authorities about non-Architect Individual Registrants' status when such individuals are not permitted to:

- *hold themselves out as Architects;*
- *practice in the Reserved Practice unless directly supervised by an Architect; or*
- *apply an Architect's Seal or operate an Architectural Firm.*

The notification requirements would be satisfied by including the information within any contract prior to its execution (for Clients) and by including the information with any submission, such as a drawing (for authorities).

The following or reasonably similar phrasing would satisfy these Professional Standards:

I [name] am registered as an [Intern Architect AIBC; Architectural Technologist AIBC; or Retired Architect AIBC] with the AIBC.

For notification to authorities, including this wording in the title block for drawings would satisfy the requirements:

Registered [Intern Architect] [Architectural Technologist] [Retired Architect] of the Architectural Institute of B.C.

I [name] carry professional liability insurance in the amount of [$_____] per claim and [$_____] in aggregate.

I [name] do not carry professional liability insurance in any amount.

5.9 A Registrant may only accept a commission for a Project when the services of any Registrant previously retained for the Project have been terminated.

5.10 A Registrant contacted by a potential client in circumstances where the Registrant knows or can ascertain by reasonable inquiry that another Registrant (the "predecessor Registrant") is or has been engaged, must:

(a) advise the potential client in writing that if requested to provide a proposal for services, the Registrant has a duty to notify the predecessor Registrant of the request by the potential client; and

(b) in the event the potential client requests a proposal for services from the Registrant, that Registrant must promptly notify the predecessor Registrant in writing of the request.

Prompt' notification means without delay – normally, on the same or next business day.

The ethical responsibility for notifying the other Registrant lies with the new Registrant and cannot be delegated to the potential Client or other person. The notification obligation exists whether the other Registrant is understood or suspected to still be under contract with their Client (or former Client), or no longer under contract. Professional Standard 5.11 addresses the importance of contract termination and related requirements for a successor Registrant making a proposal for and/or starting services.

This Professional Standard requires the termination, but not necessarily the financial resolution, of the predecessor Registrant's services prior to a successor Registrant providing services.

5.11 A Registrant taking over a Project ("successor Registrant") is only permitted to provide a proposal for services, enter into a contract for services, or provide services that are based upon, and which continue and complete, those initiated by the predecessor Registrant, if:

(a) there has been no supplanting of the predecessor Registrant by the successor; and

(b) the successor Registrant has received written confirmation from the predecessor Registrant of the termination of the predecessor's services or has received no reply from the predecessor Registrant within 10 business days of making a request for confirmation of termination.

This Professional Standard requires a Registrant taking over a Project to have not supplanted the first Registrant, and to have received confirmation of termination of the predecessor's services from such Registrant or no response within 10 business days of requesting termination confirmation. ("Business days" mean a day other than a Saturday, Sunday, or a provincial or federal holiday.)

Previously, this Professional Standard prohibited the successor Registrant using the predecessor's services if there was a fee dispute about such services. The modern, updated standard does not diminish copyright or fee payment rights of Registrants, but does reinforce the obligation on Registrants to assert such private law and statutory rights rather than have them become the focus of a professional conduct complaint.

The balance of this commentary refers to Architects and Client-Architect Contracts given the prevalence of application of this scenario to Architects' projects. The Professional Standard and commentary apply equally, however, to situations in which non-Architect Registrants may be providing services in the Regulated Practice, or where either the predecessor and successors may be from different registration categories (e.g., an Architect taking over a single-family home renovation Project (outside of the Reserved Practice) from an Intern Architect).

Architects who have been terminated by the Client or who terminate services are entitled to be paid for their services and disbursements in accordance with the Client-Architect Contract. Such contracts generally include dispute resolution clauses.

In addition to contractual rights to payment, Architects retain copyright in their design (unless sold or licensed) under federal law. Architects have been successful in lawsuits in asserting copyright in relation to fee disputes and ownership of design. Even when project takeovers occur cooperatively, uncertainty may persist about copyright and liability issues. The AIBC recommends that wherever possible, the predecessor and successor Architects consider entering into a simple agreement or 'memorandum of understanding' confirming such issues as copyright, liability, and project attribution obligations. Both Registrants should seek legal and insurance advice prior to confirming these important aspects of a change of Architect on a Project.

Architects also have lien rights under the BC Builders Lien Act. Registrants asserting copyright and/or lien rights should seek legal advice and recognize limitation periods may apply.

In circumstances where fees are disputed and/or where a property has been purchased by a new owner, successor Architects should proceed with due diligence and caution. Where unpaid fees are claimed for instruments of services attached to the predecessor Architect's copyright (e.g., drawings), the successor Architect's use of such documentation may constitute copyright infringement on the part of the successor Architect and Client. Relying solely on the Client's information or assurances about fee payment may not provide adequate risk management.

5.12 Registrants must provide professional opinions that distinguish between facts, assumptions and opinions.

This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(g)).

In architecture, this standard is directed at a relatively narrow band of formal professional opinions, not the day-to-day advice and judgments that Registrants provide in various formats, whether written or verbal. However, Registrants are reminded that as professionals, providing opinions in any forum, or statements that may be interpreted as opinions, carries risks.

This standard relates specifically to:

- *expert opinions including expert reports provided for litigation (court cases), tribunals, inquests, professional misconduct and arbitration purposes – one of the hallmarks of which is formal separation among facts, assumptions and opinions; and*
- *specific requests for professional opinions under a professional engagement. As an example, Architects may be engaged to provide building assessment reports to Clients. Such reports should distinguish and make clear factual matters of relevance (such as the date of building construction) from assumptions (such as the use of gypsum board as a wall finish, where the composition of the wall finish has not been verified as fact by the Registrant). Professional opinions are conclusions calling for independent, objective judgment and are founded on facts, assumptions and the training and experience Registrants bring to a commission.*

- *Situations in which Registrants sit on boards, committees or similar bodies (e.g. advisory design panels, appeal and variance boards, interpretation committees). Opinions in these settings attract the expectation of clarity among facts, assumption, and opinions.*

This Professional Standard does not require Registrants to re-structure or re-format their reports, but instead to ensure that professional opinions and the relevant facts and assumptions underlying opinions are identified.

5.13 Registrants must present clearly to employers and clients the possible consequences if professional decisions or judgments are overruled or disregarded.

This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(j)).

This standard formalizes the general expectation in any regulated profession that professionals identify risks and consequences of not following advice, decisions, or judgments.

The standard does not impose an obligation that Registrants identify every consequence for every decision or judgment in carrying out the practice of the profession of architecture. Professional decisions or judgments that are critical or substantive, the disregard of which could create risks of harm to the public or the environment, or carry substantive financial costs including property damage or devaluation, trigger an expectation that consequences are communicated.

When professional judgments are questioned, a Registrant should ensure that the relevant parties clearly understand the concerns and professional basis for them, and that such parties' perspectives are also considered. Many 'differences of opinion', whether with Clients, third parties or professionals from other disciplines, can be resolved through better communication and explanation.

When a Registrant's professional judgments are disregarded, the Registrant should record the concerns, and relevant implications, in writing and communicate them to the Client. As an example, if an Architect is unable to sign and Seal a Letter of Assurance because advise has been disregarded, there is an obligation to record the issue and to specifically notify the Client and identify possible consequences.

As with many Professional Standards, the threshold for determining what decisions or judgments would trigger this obligation is a matter of judgment left to the discretion of each professional, acting reasonably and competently. Importantly, the disregard by others of some professional decisions or judgments may also trigger the Professional Standard that requires mandatory notification of:

- *unlawful action by an employer or client (PS: 10.7);*
- *breaches of standards by Registrants (PS: 10.6 and 10.8); and*
- *the general 'duty to report' obligation under the PGA, Section 58.*

5.14 Registrants must communicate adequately and in a timely manner with authorities having jurisdiction.

As with other Professional Standards related to communicating adequately with Clients (PS 5.4) and responding to the AIBC when required (PS 1.3), this standard is founded on the expectation of professional 'presence'. Local governments – building officials and other staff, elected officials, panels, etc. – rely on Architects and other Registrants to provide information and remain in contact as may reasonably be required.

While the level and nature of communication with AHJs varies with the situation, inordinately delayed, incomplete, or complete non-responsiveness may be grounds for discipline.

The obligation to communicate with AHJs:

- *should not be delegated to unqualified staff, including other Registrants, who are unable to meet the requirement for adequate communication; and*
- *is the responsibility of Registrants, not Clients or others such as subconsultants.*

Some Architects elect to act as permit 'applicants' on their Clients' behalf, despite such practice elevating risks to the Architect and owner, including the possibility of exclusion of liability insurance coverage for the responsibilities/liabilities of the applicant Architect. The obligation to communicate adequately/in a timely manner with the AHJ is not diminished when acting as 'applicant'. In fact, stepping into the shoes of the owner by acting as applicant may heighten the communication expectations and obligations between Architect and AHJ.

6.0 Architectural Services: Supervision

6.1 An Architect providing Direct Supervision of non-Architects in the Regulated Practice and Reserved Practice is accountable and responsible for all architectural services provided.

The PGA, Architects Regulation and Bylaws reinforce that only Architects are entitled to engage in the Reserved Practice. Architects practising outside the Reserved Practice in the Regulated Practice (e.g., on a single-family dwelling, where non-Architects can provide service) are still held to all Professional Standards, including supervision expectations. Smaller buildings do not imply lesser standards.

While the delegation of certain aspects of work to non-Architects within the practice of the architectural profession is normal, non-Architects are only permitted to undertake the Reserved Practice under Direct Supervision of an Architect.

Direct Supervision expectations vary with the nature of the service. However, the ability to delegate work under Direct Supervision does not diminish other obligations and Professional Standards, such as allowing Architects to practice in areas where they are not qualified. Architects are expected to have knowledge of and involvement with all stages of their Projects. Delegation of certain work on a Project does not permit 'absentee architecture' nor allow non-Architects, whether Registrants or not, to make crucial decisions and act or be seen as the face of a Project.

Delegation to Intern Architects is a crucial aspect of their development and education leading to registration as Architects, but requires diligent oversight.

Direct Supervision does not necessarily require physical presence. Architects must exercise professional judgment in determining the level of review, oversight, direction, correction, and communication with non-Architects when providing Direct Supervision.

An Architect's site (or auxiliary) office for a specific project is a convenient extension of the base office for a single Project and is not itself permitted to offer or to provide independent architectural services to the public.

Whereas a site office does not offer services to the public, a branch or secondary office may. The public is entitled to expect that the services offered and provided by an Architect's office, including a branch, are supervised and controlled by an Architect.

In branch offices as much as elsewhere, it is important to be cautious to ensure that the public, including Clients, are not misled by any misrepresentations as to staff qualifications and professional status.

In all cases, Architects must make sure that evidence of supervision is recorded in their files. Architects' input on drafts, iterative design work, review, email, meeting, and phone consultation are all examples of documented supervision.

Those aspects of practice that only Architects can provide (e.g., application of the Seal, making proposals and official submissions per PS: 6.3 and 6.4) must be undertaken by Architects.

6.2 REPEALED

6.3 Proposals of service; Client-Architect Contracts; assurances; certifications; official submissions to authorities; and similar representations on behalf of a Registrant Firm or Certificate of Practice holder must be made by an Architect.

6.4 All formal presentations presented by an Architectural Firm to an authority on an architectural matter must be made by or under the attending Direct Supervision of an Architect.

The public is entitled to expect that formal representations, including at public hearings, design panels, advisory commissions or to elected bodies on architectural matters by an Architectural Firm be made by an Architect. Under appropriate terms of engagement, it is permissible for an Architect from another Firm to fulfil the 'attending Architect' role to satisfy this standard. Such Architect should be adequately prepared and briefed so that the Client is aware of the appointment, the Client's interests are preserved, and any non-Architect making the presentation, such as an Intern Architect or Retired Architect is appropriately supervised and supported.

As with all AIBC Professional Standards, this applies to Registrants. It is not intended to limit discussion of architectural matters to Architects; public dialogue about architecture, including specific projects, is inherently in the public interest.

6.5 An Architect supervising an Intern Architect must sign and comply with the supervision undertaking established by the Board.

7.0 Architectural Services: Architectural Competitions, Schedules of Architectural Services and Pro Bono Services

7.1 Registrants are only permitted to participate in an architectural competition that is either conducted according to architectural competition rules approved by the Board, or an alternate arrangement, specifically approved by the Board.

Registrants unsure whether a 'competition' requires approval or is approved should contact an AIBC Practice Advisor. Registrants invited to participate in a non-approved competition should decline the opportunity and notify the AIBC (per reporting obligations).

'Competitions' that do not require AIBC approval include awards programs for buildings already built; design competitions for structures that are not buildings; competitions for buildings that do not require an Architect, and requests for proposals that are in accordance with requests for qualifications.

7.2 Registrants' conduct when participating in an approved competition must comply with the architectural competition rules or alternate arrangement approved by the Board.

7.3 Registrants must not attempt to influence the awards of an approved competition, except as a jury member.

Queries, communications and clarifications of competition conditions may be made only as directed by the rules of the competition.

7.4 Registrants must not attempt to obtain a commission to be awarded by an approved competition, except as an entrant.

Any effort to circumvent the competition process would be considered supplanting and is unprofessional.

7.5 Registrants receiving monies for services provided by others must not use such monies for the Registrants' own purposes, and must distribute them promptly to those so entitled.

This Professional Standard requires Registrants to fulfil the expectation that funds received on behalf of others will be properly managed.

Receiving monies for services provided by others would include fees or disbursements invoiced to a Client for project-related services, provided under contract to the Architect by subconsultants and suppliers.

The monies received should be distributed or paid to others and not diverted for the Registrant's own purposes and therefore be inaccessible. Payment may be in full or on a pro-rata basis on the monies received. Payment must be made "promptly" as agreed on the basis of good business practice, (e.g., monthly or upon receipt of monies).

7.6 Architects must have regard for the AIBC Schedules of Architectural Services with Fee Guidelines prior to entering into a Client-Architect Contract.

This Professional Standard replaces the language in former Bylaw 34.16. The intent of the standard, as with the previous 'Tariff Bylaw', is to focus attention on the scope and quality of architectural services provided to the public, and to enhance Client (and public) understanding of the services required to competently complete Projects.

The phrase "have regard for" can be understood to mean to be aware of and consider the impact and application of the Schedules of Architectural Services to the Project, particularly in relation to ensuring the appropriate range of services is contracted for and provided.

Appropriate and adequate service is the critical issue. Inadequate fees are not an acceptable excuse for inadequate services.

The fee guidelines are general guidelines of appropriate fees for services, not a list of median (or minimum, or maximum) fees nor a price list. They do not specify what the fee for a specific Project must be. Rather, the guidelines are a budgeting check that warns when appropriate fee levels are breached and that the real likelihood of inadequate services has been reached. The provision of inadequate services is contrary to the public interest and the schedules and fee guidelines are one of many preventative measures employed by the profession to guard against inadequate services.

7.7 Registrants may provide pro bono services under the following conditions:

(a) the level and competency of architectural services must be no less than if provided for fee;

(b) the Registrant and Client must enter into a Client-Architect Contract and otherwise abide by all relevant Professional Standards; and

(c) no fee or other compensation may be charged or received, and all services for the Project must be provided pro bono.

Pro bono is a common abbreviation of the phrase "pro bono publico", which means "for the public good". Architects must judge for themselves whether a particular Client and Project are deserving of the public service commitment inherent in providing pro bono services. The provision or offer of pro bono services by Registrants for motivations other than philanthropic, public good or public service

should be avoided. Registrants should also carefully consider firm capacity and potential liability exposure prior to agreeing to provide pro bono services.

Pro bono architectural services are those rendered without fee as a public service. They are intended for Clients and Projects that, in the Registrant's professional opinion, merit such services. In general, pro bono services are intended to assist such deserving Clients as non-profits, community groups, charities, and international development organizations, but only when funding for services is extremely difficult or impossible to obtain. Specific commissions related to public good, such as the conservation of a meritorious building for the benefit of the public, also qualify. Registrants are not permitted to use the provision of pro bono services as a loss leader or other enticement leading to fee-for-service work or for any purpose not in keeping with the inherent 'public good' motivation.

Registrants are reminded that the provision of pro bono services does not eliminate or even reduce liability risks from professional conduct or civil liability perspectives. In addition to requiring that a Client-Architect Contract is in place, Architects are reminded that pro bono services for Clients must comply with all applicable Professional Standards. Firms should consult their insurers and take suitable legal and other professional advice prior to entering into a pro bono Client -Architect Contract in order to understand and address risk management issues.

Pro bono services may not be offered or provided for any project that is subject to the rules of an approved competition; for which an Architect already has been retained; or for which definite steps have been taken to retain an Architect.

It is not acceptable to provide service as a donation to be exchanged for a tax deduction. Donations are tax vehicles to implement a social policy wherein monies that would otherwise go to tax receivers are permitted to go to administrators of legally constituted worthy causes. Should a Registrant wish to make a donation, it must not be made as a means of reducing professional fees or obtaining a commission.

Even should the exchange of services for a tax deduction be legal, it does not qualify as "pro bono", but, rather, is an alternate form of payment. Similarly, the fees that would otherwise be due for "pro bono" services are not to be viewed as un-invoiced "bad debts". "Pro bono" services are also not negotiable. They cannot be exchanged for goods or services in the underground economy or for favours in an underworld economy, e.g., bribes or kickbacks.

7.8 An Architect must provide field services for all building design or building alteration commissions leading to construction to determine whether the work substantially complies with the instruments of service, including but not limited to documents sealed for permit, and with applicable building regulations.

For purposes of this standard, field review is as defined in the BC Building Code. Field services include field review, field review reports and other record keeping, change orders, coordination of consultant services, and review of shop drawings. An Architect's field services may include more comprehensive services during construction, such as construction contract administration or enhanced site review for specific purposes; these services are not mandatory under this standard.

This Professional Standard is intended to reinforce the expectation that field services, including field review as defined by building codes, is conducted on Projects under construction, regardless of size, complexity, or client preference. Field review requirements are not limited to Building Code or Letters of Assurance expectations; both building code Part 3 buildings and Part 9 buildings require field review.

This standard does not diminish the Architect's discretion nor their exercise of professional judgement in relation to the frequency, number, or extent of field review on each building commission. However, it is intended to emphasize that field services are a basic service requirement. Whether an Architect has exercised appropriate professional judgment in providing field services is project-specific, but building 'size' or occupancy classification does not eliminate this required service.

While field review reports must be sealed by an Architect, on-site attendance to conduct physical field review can be delegated to a competent employee or agent supervised by the Architect. Field review requires physical attendance at a site. While tools such as video, drones and robots can assist with field reviews and reports, an architect's review of photos from a contractor, for example, does not constitute field review under this standard. For sealing field review reports, see AIBC Professional Standard 8.3(d) and Practice Guideline: Use of the Architect's Seal.

The standard does not apply in circumstances where field services cannot be provided by the Architect, such as a design commission that does not lead to construction, or termination of the Client-Architect Contract prior to field review being carried out. Field review that has been committed to in a Letter of Assurance to an authority must be performed until the authority has been informed in writing, per 2.2.7 of Division C of the BC Building Code of the termination of the Client-Architect Contract, regardless of the date of termination of the Client-Architect Contract. An Architect should also provide written notice of termination of services to the authority on projects not requiring Letters of Assurance.

8.0 Architectural Services: Use of Seal

8.1 Only Architects are permitted to apply a Seal, and must do so in compliance with the Professional Standards in the Code of Ethics.

Architects should not seal any documents not identified as requiring a Seal under these Professional Standards.

The Architect most directly involved in the preparation, supervision, direction, or control of the preparation of key documents should be the individual applying the Seal, in keeping with the Professional Standards.

An Architect can never "review" and Seal documents prepared by others. An Architect must directly supervise the preparation of document to be sealed.

An Architect must not apply their Seal merely by virtue of Firm ownership or position alone. However, Firms may assign supervising Architect responsibility only to certain Architects within the Firm.

Within a Firm, employed Architects who are preparing documents or who are supervising, directing, or controlling their preparation should be authorized to sign and Seal such documents.

Conversely, no Firm is entitled to force or pressure an Architect to sign and Seal a document for which that Architect is not prepared to take the requisite responsibility.

An Architect who has agreed to take on the responsibility cannot refuse to seal on behalf of the Firm for reasons other than the readiness of the documents for sealing and issue.

8.2 Architects must have regard for any Practice Guidelines and commentary in the Code of Ethics in relation to use of the Seal.

8.3 An Architect must apply a Seal, with signature and date, to the following documents prepared by or under the Direct Supervision of the Architect:

(a) drawings and specifications issued for approval or reliance by any party;

(b) Letters of Assurance including but not limited to those issued under the *BC Building Code* and *Vancouver Building Bylaw*;

(c) certificates for payment and certificate as to construction performance when acting as a payment certifier under contract; and

(d) formal reports, including expert reports, building code or zoning analysis reports, building assessment reports, and written opinions.

Drawings

All drawings issued by an Architect for approval by an authority or for reliance by a Client or third party, including the public, must be sealed, regardless of building size or whether it is within the Reserved Practice. This includes drawings issued for rezoning, development permit (including such processes as "development permission", "preliminary plan approval", etc.), design panel review, community presentation, building permit, zoning bylaw or building code compliance, bidding, construction (working) drawings, addenda and drawings accompanying change orders, change directives and site instructions.

Drawings submitted for amendments to permit applications must also be sealed.

The requirement for sealing "drawings" under the Code of Ethics is not limited to building permit drawings. The requirement for sealing drawings is not defined by a building code or an authority's practice, expectations or guidelines.

Drawings used for internal purposes within the Architectural Firm need not be sealed. Similarly, drawings prepared solely for discussion purposes between Architectural Firm and authority, Client, contractor, or consultants need not be sealed. Drawings prepared and delivered for the purpose of seeking fee proposals from consultants, including other Architects, need not be sealed.

Drawings not required to be sealed should include a notice to indicate the specific purpose behind their preparation and delivery.

Architects should never Seal "contractor mark-up" or "as-built" drawings. If required to be provided by contract or by an authority, Architects must Seal "final design drawings" which are drawings produced by the Architect that incorporate Architect directed changes that occurred during construction.

Specifications

All specifications issued by an Architect for approval or reliance by a Client, authority or, the public must be signed and sealed. Where specifications are issued separately from drawings, in bound or binder format, as opposed to as an integral part of sealed drawings, the Seal should appear on the first appropriate page of the specification that describes their contents. Specifications should include a table of contents listing all specifications sections and number of pages. It should be clear to a reader the extent of the document to which the Seal applies. When bound specifications include drawings (or any other instrument of service) that must be sealed on their own merits, such documents should be sealed separately within the bound document. When sealed via Digital Certificate, the specifications may be issued as a single file or multiple files. Each file issued must be sealed, i.e., have its own Digital Certificate.

Letters of Assurance

Letters of Assurance requiring an Architect's Seal are those endorsed by the AIBC, including those from the BC Building Code, Vancouver International Airport Authority (YVR) letters, First Nations, Ministry of Transport and AIBC/EGBC Model Schedule D in some municipalities. Unendorsed or 'rogue' letters must not be sealed, and such documents should be brought to the AIBC Practice Advisor's attention.

Letters of Assurance are vital accountability documents and must only be provided in strict compliance with the applicable code, local government bylaw, or other enactment. Architects, other Registrants and the public should consult with most recent edition of the Guide to Letters of Assurance, AIBC Practice Guidelines and AIBC website for detailed information.

Certificates

An Architect must Seal certificates for payment and certificates as to construction performance (e.g., certificates of completion under the Builders Lien Act), when so contracted and functioning as "payment certifier" under lien legislation.

Reports

The application of the Seal to architectural reports, reinforces the solemn confirmation that an Architect has applied professional judgment in the preparation for the document and that it is intended for reliance for the purpose and by the party intended.

8.4 Architects must not apply their Seal:

(a) to documents not prepared by them or under their Direct Supervision;

(b) to blank documents, including drawing templates, title blocks, Letters of Assurance or other incomplete or unchecked documents;

(c) to any document not prepared under the Architect's direction and control such as as-built drawings from contractor mark-ups or shop drawings;

(d) as a commercial or business seal;

(e) on correspondence, such as fee proposals and business letters, that do not constitute professional advice; or

(f) to declarations on professional liability insurance.

A third party request or demand for an Architect to apply the Seal to documents that are not mandated for sealing as a Professional Standard is not authoritative.

8.5 Architects transmitting documents electronically must apply their Seal with an AIBC-approved Digital Certificate.

Applying an image (picture) of an Architect's professional Seal and signature is not the same as digitally signing and sealing that document with a Digital Certificate. An image alone of a Seal is not secure, and any such document is vulnerable to being seamlessly modified by others without the issuing Architect's knowledge. The application of a Seal graphic (such as JPEG, PDF, BMP, etc) to documents or the scanning of sealed paper documents does not constitute acceptable digital sealing of such documents.

It is fundamental to the protection of the public that the Seal applied by an Architect is secure, i.e. that it can be reasonably relied upon as being accurate and not having been tampered with. For electronically transmitted documents, the only acceptable means of signing and sealing is with the AIBC digital signature "Digital Certificate".

The AIBC has secured digital document certification technology for use by Architects. Along with the Engineers and Geoscientists BC, the AIBC has contracted certification services for the issuance of the

AIBC digital signature through Notarius, a Certificate authority founded by the Quebec Society of Notaries Public (Chambre des Notaires du Québec).

Notarius provides the technology and security services through which professionals can sign, Seal and deliver electronic documents safely and in a manner that meets AIBC regulatory requirements.

Other methods of maintaining security, such as those provided by various proprietary computer applications, do not meet this Professional Standard. Only through Notarius process is a digitally-sealed document acceptable.

Note: Since January 23, 2026, Notarius has been operating under the name "Portage CyberTech".

8.6 Architects using an electronic Seal must securely maintain their Digital Certificate password.

Whether a Seal is applied manually or electronically, the Architect with the responsibility for sealing the document must review and Seal the work personally and maintain the integrity of the Architect's Seal.

9.0 Conflicts of Interest

9.1 Registrants must:

(a) avoid situations and circumstances in which there is a real or perceived conflict of interest; and

(b) ensure conflicts of interest, including perceived conflicts of interest, are properly disclosed and necessary measures are taken so a conflict of interest does not bias decisions or recommendations.

This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(h)). This Professional Standard echoes the longstanding expectation in the profession's Code of Ethics to avoid, disclose, and address real or perceived conflicts of interest.

This commentary related to conflicts of interest that cover a broad spectrum of scenarios in the practise of the profession of architecture, particularly as the Architect is often in a 'lynchpin' position as client representative, coordinating registered professional, interpreter of the Architect's own instruments of service, etc. All of the Professional Standards in Section 9.0 of the Code of Ethics relate to conflicts of interest of various kinds, including those where disclosure and mitigation ('taking necessary measures') may allow a Registrant to continue providing professional services.

"Real Conflicts"

One of the most obvious conflict scenarios is a Registrant soliciting or receiving compensation/benefit from suppliers in return for endorsing or specifying a product or services. In such stark cases, disclosure and 'agreement' would not satisfy what would be a clear and true conflict of interest.

The overtures of suppliers should be evaluated with caution. It is acceptable to become educated about a product by attending gratuitous seminars and participating in promotional trips for familiarization. It is not acceptable to receive inducements (financial or otherwise) which may be seen as impairments to one's professional judgement.

Other examples that target the core of the public's confidence in Registrants' professionalism would include providing gifts or other inducements (other than nominal hospitality as may be reasonable) to influence a prospective client, or gifts or other 'instruments of influence' to public officials.

This professional standard prohibits attempts to inappropriately influence public decision-making. Public officials means individuals with authority to make or influence public decisions, whether elected, appointed or otherwise retained.

While nominal entertainment and hospitality extended by Registrants are permitted where circumstances warrant, Registrants should always be aware of perception created in all dealings with public officials.

Disclose and Mitigate (take "necessary measures")

An example of disclosure/necessary measures includes the "multiple loyalties" scenario in which a Registrant accepts compensation for services from more than one party on a project. Full disclosure and agreement by all parties providing compensation must be in place before services can be ethically provided to second/subsequent parties.

The obligation to disclose and address conflicts is a continuing professional expectation, and is not limited to the pre-project or early project stages or early client relationship.

Broad disclosure of conflicts/potential conflicts, including to subconsultants and project team members is generally the most effective means of addressing concerns about bias or improper conduct.

A Registrant's name, portrait or reputation may be attached to an endorsement of other's services or products on projects to which the Registrant is not connected, for personal benefit, as long as such conditions do not influence professional judgment. Endorsement could be in the form of reference letter, announcement or advertisement.

9.2 Registrants with a pre-existing personal association or interest in a Project for which they are providing services must:

(a) fully disclose in writing to clients or employers the personal association or interest as soon as the Registrant is made or becomes aware of the potential conflict; and

(b) if the client or employer objects, terminate the personal association or interest or offer to give up the commission or employment.

An association or interest in a Project includes but is not limited to friendship or family relationships. A personal interest in a Project includes but is not limited to direct or indirect potential for financial or material gain.

9.3 An Architect acting as the interpreter of construction contract documents and reviewing construction for conformance with the contract documents must render decisions impartially.

This Professional Standard confirms that Architects cannot favour the Client or contractor during the Architect's impartial administration of construction contracts.

An Architect must interpret construction contract documents as if disinterested, regardless of which party in a project's administrative structure engages/compensates the Architect. Impartial decisions may reflect adversely on perceptions of the quality of the design or documents produced by the Architect. This cannot deter impartiality. The Architect should seek advice from legal counsel or direction from professional liability insurers when situations arise where impartial decisions may imply, or cause others to infer, an acknowledgement of responsibility or potential liability by the Architect.

9.4 A Registrant who is a Project's owner or contractor and providing professional services to such Project must:

(a) disclose in writing such status to all of the Project's authorities and contracting parties;

(b) receive and record written acknowledgement of such disclosure; and

(c) provide professional services as if disinterested.

If the Registrant is acting as an owner, only, and not providing architectural services, no disclosure is required. When disclosure is required, it must identify the Registrant personally by name as owner or contractor, or both, regardless of degree of ownership. The Project's authorities include the officials known to the Registrant to be in charge of the various aspects of the Project's review and approval process from the authorizing or rezoning applications through development permit applications, building permit applications, etc.

The Project's "contracting parties" include those parties known to the Registrant to be in contract with the Registrant, the owner, and construction contractor (or construction manager or project manager).

Disclosure should be made at the earliest opportunity, and also recorded in the Registrant's construction contract documents and application forms to authorities.

Financial interests must not override professional responsibility and impartiality. A Registrant who is also a project's owner or contractor should seek direction with respect to availability insurance coverage for such roles, which may affect or not be covered by mandatory PLI for professional services.

9.5 An Architect who is a juror or advisor for an approved competition must not subsequently provide any services to the winner or, if there is no winner, for any derivative commission.

9.6 A Registrant making a public statement on an architectural issue, whether in writing or verbally, must disclose:

(a) their Registrant status; and

(b) any personal or business interest in the issue.

Refer to Professional Standard 2.3 and commentary for related information.

9.7 Registrants serving on an advisory design panel or other like committee, reviewing either a proposal's character or a candidate's qualifications, must make known any involvement in an application being reviewed or any other relationship that might constitute a conflict of interest and withdraw from the meeting and any discussion or evaluation of the merits of that matter.

9.8 Registrants having a direct financial interest in any building material or device which they propose to specify for a Project must disclose this interest to the Client, must request and receive written approval for such specification from the Client, and must include a copy of this approval in the construction contract documents.

This Professional Standard prohibits Registrants from receiving benefit in return for merely specifying or "endorsing" (i.e., accepting or approving) others' products for use on a Project.

10.0 Obligations of Disclosure and Reporting

10.1 Registrants must provide accurate information in respect of qualifications and experience.

This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(f)).

It reflects a portion of the obligations related to general accuracy of professional qualifications information found in former AIBC Bylaw 32.2. The balance of that Bylaw related to taking and giving credit (often known as 'project attribution') is found in Professional Standard 10.3 below.

A Registrant using the educational qualification CP designation must have passed the Certified Professional course.

10.2 Registrants must clearly identify each Registrant who has contributed professional work, including recommendations, reports, statements or opinions.

This is mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(k)).

This Professional Standard applies to situations in which more than one Architect or Firm are providing services. In such cases it should be clear, for example, in Project documentation which Architect has applied a Seal or is otherwise accepting professional responsibility for recommendations, reports, statements or opinions.

This Professional Standard does not impose an obligation to identify every Registrant engaged by a Firm who provides services under supervision by an Architect on every Project document. The standard is directed at higher-level baseline accountability expectations.

The standard is complementary to the general obligation to give and take credit for architectural services provided as set out in Professional Standard 10.3.

10.3 Registrants must accurately represent the scope of their responsibility, and that of other Registrants, in connection for any work for which credit is claimed.

Refer to Practice Guidelines Attribution – Giving and Taking Credit for Architectural Services for in-depth guidance on project attribution.

Professional Standards 10.1-10.5 address the general public's, Architects' and Clients' concerns about the accuracy and credibility of architectural proposals, marketing and other representations and the résumés of architectural job applicants.

Appropriate credit should be given about Projects undertaken with or by other Firms. In some cases, more than one Firm may be given credit, as a result of collaboration on a Project, transition between Firms during a Project's lifespan or other scenario, but not to the exclusion of the original Firm(s).

The more peripheral the services provided by a Firm, Architect or non-Architect Registrants on a project, the more careful such Registrant must be in claiming credit. Architects, Firms, and non-Architect Registrants should take particular care to ensure that graphic representations of Projects – whether photographs, drawings or other media – relate accurately to the services claimed and do not overreach. The public is entitled to know the Firm of record and the level of involvement claimed by any other Architect or Firm on any Project for which credit is claimed.

In addition, non-Architect Registrants claiming credit for work outside the Reserved Practice in the Architects Regulation must be cautious that such depictions do not imply, or lead to an inference, that the individual was an Architect or Firm Registrant. If the non-Architect Registrant provided services for such Projects, credit taken should be appropriate and credit must be given to the original Firm Registrant.

10.4 Registrants must not knowingly make or assist others to make, either a false or misleading statement or an omission of material fact about education, training, experience or character when applying for or renewing registration with the AIBC or any other regulator.

10.5 Registrants must ensure that all advertising, marketing, and other promotional information is accurate, factual, and not misleading.

10.6 Registrants must report to the AIBC and, if applicable, any other appropriate authority, if the Registrant, on reasonable and probable grounds, believes that the continued practice of a Regulated Practice by another Registrant or other person, including Firms and employers,

might pose a risk of significant harm to the environment or to the health or safety of the public or a group of people.

This is a mandatory component of the Code of Ethics of any profession established under the Professional Governance Act (Section 57(2)(i)). This Professional Standard arises from the PGA's focus on harm to the public and environment. As with many other Professional Standards, it calls for professional judgment based on the specific circumstances of the risk.

The phrase "reasonable and probable grounds" is a legal standard normally associated with criminal law and law enforcement contexts. For the purposes of the PGA, it can reasonably be understood to mean a subjective belief of a risk that is objectively reasonable from the point of view of a Registrant with similar experience. The "grounds" for such a belief must be defensible and more than a mere suspicion. Registrants faced with a situation in which this Professional Standard may apply are encouraged to contact the AIBC's Professional Practice Advisors and seek professional advice for assistance.

Professional Standard 10.6 is expanded upon by the AIBC's longstanding reporting obligations formerly found in Bylaws 32.3 and 32.5. These obligations are now found as Professional Standards 10.7 and 10.8.

10.7 A Registrant, in the provision of services, becomes aware of an action taken by the Registrant's employer or Client, against the Registrant's advice, which violates legal requirements, must not condone or be complicit in such a situation. A Registrant in such a situation must take all reasonable steps to convince such an employer or Client to comply with the legal requirements. The Registrant must:

(a) refuse to consent to the action; and, if the action is not rectified in a timely manner, then

(b) report the action to the authority and, if the authority confirms the violation and the action is not rectified in a timely manner, then

(c) terminate services on the Project.

"Legal requirements" encompass all applicable building laws and regulations that apply to the Project. This includes, for example, health, zoning, development permit and building permit requirements.

This pertains to requirements, which have the force of law, as opposed to those which are only guidelines, opinions, or decisions of a subjective or discretionary nature, rendered without legal authority.

Termination is a last resort in the face of an action taken and persisted with by an employer or a Client, despite the Registrant's advice to the contrary and in contravention of a ruling by the authority, having exhausted available appeals.

Note: Enforcement of the legal requirements with respect to the action is a matter for the authority, not the Registrant. Should the authority determine that the reported action does not constitute a

violation, or decide not to require its rectification, such conclusions must be confirmed to the authority in writing by the Registrant, copied to the Client.

10.8 Registrants must promptly notify the AIBC in writing in any of the following circumstances:

(a) Having reasonable grounds to believe that a non-AIBC Registrant has illegally practised or offered to practise the profession of architecture, or otherwise violated the *Professional Governance Act* and the *Architects Regulation;*

(b) Having reasonable grounds to believe that a Registrant, including oneself, has breached any standard related to competency, professional conduct, or public safety, including any breach of the Code of Ethics*;*

(c) Upon filing for assignment or upon being petitioned into bankruptcy or receivership;

(d) In the event of a finding or admission of professional misconduct, unprofessional conduct, incompetency, conduct unbecoming or other disciplinary breach in another jurisdiction in which the Registrant is registered;

(e) Upon being charged with an offence under the *Criminal Code*; and

(f) Upon receipt or service of a notice of civil claim or other legal proceeding in which allegations are made of professional negligence or fraud.

The underpinning for this reporting/ self-reporting requirement is to provide the AIBC with information relevant to its public protection mandate.

Subparagraphs (a) and (b) of this bylaw oblige registrants to report to the AIBC certain instances of non-compliance or possible non-compliance with the Professional Governance Act, the Regulations or key Professional Standards.

Subparagraphs (b) through (f) establish the obligation on Registrants to self-report in certain specific circumstances.

The provision of this information, including notice of legal action, does not automatically trigger a professional conduct investigation. These ethical reporting standards cannot be avoided through confidentiality agreements or otherwise 'contracting out' through release of claims or other mechanisms. Entering into an agreement 'not to notify or complain to the AIBC' may itself constitute a Discipline Violation. However, Registrants unsure whether to report or self-report may contact the AIBC's Practice Advisors to discuss the matter on a hypothetical and 'no-names' basis.

Information received by Registrants when acting in certain legal capacities, such as a lawyer, mediator, arbitrator, or as an expert witness, may reasonably be protected from notification and disclosure by legal principle or confidentiality provisions that override the public policy basis for this Professional Standard. As an example, the information an Architect receives when engaged to provide expert

opinion advice may be covered by litigation privilege principles. When such unusual circumstances arise, Registrants should consult their own advisors and/or the AIBC's Practice Advisors.

In every case, the written notification (reporting) obligation can be satisfied by sending a confidential email to the attention of the Director of Professional Conduct and Illegal Practice at complaints@aibc.ca.