



Title, Scope and Allied Professions Task Force Recommendations

Fall 2013

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Architecture Scope Executive Summary

The Title, Scope and Allied Professions Task Force created this document for the Legislation Committee, Council and members of the AAA for discussion, recommendations and approval.

This document contains the draft recommendations, which upon receiving final approval from AAA members, are intended to be used by the AAA as it enters into the legislative review process with the Government of Alberta.

The draft recommendations are open to discussion and revision. This document is being presented to the Legislation Committee, Council and AAA membership to determine: a) whether to endorse the recommendations in principle; and b) whether any fundamental changes to the recommendations need to be made. The recommendations will only be final once endorsed by AAA membership.

Current Legislation

Currently, the *Architects Act* and *General Regulation* read in conjunction with the *Alberta Building Code (ABC)* delineate exclusions for buildings¹ which do not require the stamp/seal of a professional. These exclusions are divided into the categories Assembly Occupancy, Care and Detention Occupancy, Residential Occupancy, Business and Personal Services Occupancy, Mercantile Occupancy, High-Hazard Industrial Occupancy and Medium- and Low-Hazard Industrial Occupancy and are defined in the *ABC*. The *Architects Act* and the *ABC* delineate the size and height limitations within these categories that do not require a professional's stamp/seal.

Issue

Whether the current exclusions from the requirement to have an architect's stamp or seal are protecting the public adequately, and whether it is in the public interest for the exclusions to remain the same or to restrict the exclusions and require an architect's stamp or seal on more categories/types of buildings.

Recommendations

1. The exclusion(s) for buildings under Assembly Occupancy for Division 1 and 2 in the *ABC* be removed (Option 3.1).
2. The exclusion(s) for buildings under Assembly Occupancy for Division 3 and 4 in the *ABC* be removed.
3. The exclusion(s) for buildings under Care and Detention Occupancy for Division 1 and 2 in the *ABC* be removed.
4. The exclusion(s) for buildings under Residential Occupancy in the *ABC* be removed with the exception of single family dwellings.
5. The exclusion(s) for buildings under Business and Personal Services Occupancy in the *ABC* remain status quo.
6. The exclusion(s) for buildings under Mercantile Occupancy in the *ABC* remain status quo.
7. The exclusion(s) for buildings under high-hazard industrial occupancy in the *ABC* Division 1 be removed.
8. The exclusion(s) for buildings under medium- and low-hazard Industrial Occupancy in the *ABC* remain status quo.
9. The exclusion(s) for re-locatable camps be removed.
10. The *ABC* provision for a single engineers seal on up to 20 dwelling units be removed.

¹ Building(s)- as defined in the *Alberta Building Code 2006*

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Rationale

1. Better protection of the public through the requirement of professional stamp(s)/seal(s) for *buildings* which are complex in emergency/evacuation scenarios;
2. Better protection of the public through the requirement of professional stamp(s)/seals(s) for *buildings* which contain high hazardous materials;
3. Better protection for those living/visiting re-locatable camps by requiring the *buildings* on site to have a professional's stamp/seal. Re-locatable camps have become more common in Alberta and have grown significantly in size.
4. *Buildings* have become more complex since the 1980's. *Due to this fact, buildings* that were once excluded should now require the stamp/seal of a professional in order to better protect the public.

What We Learned

It is indeterminate why these particular building types do not require an architect. Alberta has by far the most elaborate set of exceptions to the practice of architecture.

Other jurisdictions have similar exceptions, but often exempt a larger building. For example.

- New Brunswick exempts all three story or less buildings with a gross area of less than 600 metres that are intended for business, mercantile, residential, personal services or industrial occupancy.
- Manitoba has even more lax exceptions that broadly exempt any building to which the *Buildings and Mobile Homes Act* does not apply or which is not required to be performed by an architect or professional engineer.
- There does seem to be a general consensus by the various regulators that residential buildings over three stories fall within the exclusive domain of architects and other licensed professionals.¹
- Both Newfoundland and Saskatchewan exempt interior spaces that conform to Part 9 of the National Building Code of Canada.

Performance for Gain

Saskatchewan and Manitoba both have language in their definition of architect and practice of architecture that limit the definition to the performance of such activities by a person for gain. The limitation of “for gain” in these definitions suggests that one could perform architectural services in these provinces so long as they were performed free of charge. This raises the question of whether the act is trying to prevent unregistered persons from conducting architecture as a business, or whether the act is trying to protect public safety by preventing all unskilled persons from engaging in architecture.

Preventing Unauthorized Practice

This issue will also be considered by the Complaints/Competency Task Force. This Task Force is concerned with how the definition of the practice of architecture may be improved and clarified, in order to prevent unauthorized practice. The actual enforcement measures to be adopted may be outside the scope of this Task Force.

It is important to note we must exercise caution in comparing regulatory legislation among provinces/territory, as much of this is dated. Some is in fact as old as Alberta's *Architects Act* and *General Regulation*. The exception is Quebec, which has recently dealt with scope in its amended legislation.

Architecture Scope Recommendations

Issue 1 Exclusions to the Practice of Architecture and Interior Design in the Architects Act and Alberta Building Code

1.1 Current Legislation

The current legislation excludes from the scope of the Act:

2(6)

- (a) a building, 3 storeys or less in height, for **assembly occupancy** or **institutional occupancy** that:
 - i. in the case of a single storey building, has a **gross area of 300 square metres** or less,
 - ii. in the case of a 2 storey building, has a **gross area of 150 square metres** or less on each floor, or
 - iii. in the case of a 3 storey building, has a **gross area of 100 square metres** or less on each floor;²
- (b) a building for **residential occupancy** that
 - i. is a single family dwelling, or
 - ii. is a multiple family dwelling containing 4 dwelling units or less;
- (c) a building, 3 storeys or less in height, for **residential occupancy** as a hotel, motel or similar use that,
 - i. in the case of a single storey building, has a **gross area of 400 square metres** or less,
 - ii. in the case of a 2 storey building, has a **gross area of 200 square metres** or less on each floor, or
 - iii. in the case of a 3 storey building, has a **gross area of 130 square metres** or less on each floor;³
- (d) a building, 3 storeys or less in height, for **warehouse, business and personal services occupancy**, for **mercantile occupancy** or for **industrial occupancy** that:
 - i. in the case of a single storey building, has a **gross area of 500 square metres** or less,
 - ii. in the case of a 2 storey building, has a **gross area of 250 square metres** or less on each floor, or
 - iii. in the case of a 3 storey building, has a **gross area of 165 square metres** or less on each floor;⁴
- (e) a building that is a farm building and not for public use.⁵
- (f) a re-locatable industrial camp building.⁶

The current Alberta Building Code excludes from the requirement to have a professional's stamp or seal the following:

2) Except as required in Sentence (8), architect and engineer seals and stamps are not required on plans or specifications for a building

- a) 3 storeys or less in building height, for an **assembly occupancy** or **care and detention occupancy** that:
 - i. in the case of a single storey building, has a **gross area of 300 square metres** or less,
 - ii. in the case of a 2 storey building, has a **gross area of 150 square metres** or less on each floor, or
 - iii. in the case of a 3 storey building, has a **gross area of 100 square metres** or less on each floor;⁷

² Architects Act R.S.A. 2000 c. A-44 s.2(6)(a).

³ Architects Act R.S.A. 2000 c. A-44 s.2(6)(b)-(c).

⁴ Architects Act R.S.A. 2000 c. A-44 s.2(6)(d).

⁵ Architects Act R.S.A. 2000 c. A-44 s.2(6)(e).

⁶ Architects Act R.S.A. 2000 c. A-44 s.2(6)(f).

⁷ Alberta Building Code 2006 Volume 1, Division C s.2.4.2.1(2)(a).

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b) classified as a **residential occupancy** that is

- i. a single family dwelling; or
- ii. a multiple family dwelling that contains 4 dwelling units or less.⁸

c) classified as a **residential occupancy**, 3 storeys or less in building height, as a hotel, motel or similar use that:

- i. if 1 storey in building height, has a **gross area of 400 square metres** or less,
- ii. if 2 storeys in building height, has a **gross area of 200 square metres** or less on each floor, or
- iii. if 3 storeys in building height, has a **gross area of 130 square metres** or less on each floor;⁹

d) 3 storeys or less in building height, classified as a **business and personal services occupancy, mercantile occupancy, or industrial occupancy** that:

- i. if 1 storey in building height, has a **gross area of 500 square metres** or less,
- ii. if 2 storeys in building height, has a **gross area of 250 square metres** or less on each floor, or
- iii. if 3 storeys in building height, has a **gross area of 165 square metres** or less on each floor;¹⁰

1.2 Issue

Whether the current exclusions from the requirement to have an architect's stamp or seal are protecting the public adequately, and whether it is in the public interest for the exclusions to remain the same or to restrict the exclusions and require an architect's stamp or seal on more categories/types of buildings.

Cut off points are hard to determine and currently seem arbitrary. Currently no agreed upon criteria to measure public health and safety, or to determine when a risk becomes unacceptable.

1.3. Options

1.3.1 Remove all current exclusions, and replace with exclusion for Part 9 of the Alberta Building Code.

Considerations:

We may want to consider a "Pioneer Clause" - exempt for building that is for personal use, and not a public building.

What are the risks associated with buildings in Part 9? Are there risks that would favour having a professional stamp/seal certain buildings?

Pros

- Exclusions for Groups A & B and re-locatable camp buildings would be eliminated.
- Exclusions would be more consistent with a number of other provinces and with the expert judgement of those who set the limits for the simpler Part 9 protocols.
- Easier for building officials to administer.
- Saskatchewan & Quebec have successfully implemented this scope for public protection rationale.

Cons

- Some current exclusions will increase due to increasing allowable area to 600m².
- Difficult to measure increased risk of increased area of some exclusions.
- We will be required to assess individuals who are currently making their living doing a type of building that is no longer excluded

⁸ Alberta Building Code 2006 Volume 1, Division C s.2.4.2.1(2)(b).

⁹ Alberta Building Code 2006 Volume 1, Division C s.2.4.2.1(2)(c).

¹⁰ Alberta Building Code 2006 Volume 1, Division C s.2.4.2.1(2)(d).

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1.3.2 Every building should require a professional's seal/stamp.

Pros

- Simplicity

Cons

- This is a difficult argument to make on any grounds.

1.3.3 Remove some of the current exclusions.

Pros

- Ability to determine exclusions based on public safety rationale for each building category.

Cons

- We will be required to assess individuals who are currently making their living doing a type of building that is no longer excluded.

1.4 Recommendation

The Task Force recommends removing some of the current exclusions.

1.5 Rationale

Removal of some of the current exclusions based on solid public safety criteria will provide the best result for both stakeholders and the public. One responsibility of a self-governing profession is to protect public health and safety. This recommendation provides a better tool for the professional without being overly intrusive to those who operate and make their living building in the public domain. The exclusions which are removed from the public scope would be only those that present an unacceptable risk to public health and safety if designed by non-professionals. Over time buildings have become more complicated and the building code in many categories more detailed. For those building in the public domain who have become experts in their area over a number of years there will be the requirement to assess their competencies based on a newly excluded category.

The public would be protected to the extent to which architects expertise is required. Basing the exclusions for each category on individual rationale creates a scope which will protect the public better than some of the simpler options provide.

Though many of the recommendations will expand the protected scope of architects to buildings that were not part of the scope in the 1980's, it is important for them to be overseen by a professional today because building construction has changed. Even the smallest buildings are much more complicated than they once were and require greater expertise than was once required due to updated safety and building codes, new materials, exit design, and other similar changes.

Issue 2 Assembly Occupancy, and Care and Detention (Institutional) Occupancy

2.1 Current Legislation

The current legislation excludes from the scope of the Act:

2(6)(a) a building, 3 storeys or less in height, for **assembly occupancy** or **institutional occupancy** that:

- iv. in the case of a single storey building, has a **gross area of 300 square metres** or less,
- v. in the case of a 2 storey building, has a **gross area of 150 square metres** or less on each floor, or
- vi. in the case of a 3 storey building, has a **gross area of 100 square metres** or less on each floor;¹¹

The current Alberta Building Code excludes from the requirement to have a professional's stamp or seal the following:

2) Except as required in Sentence (8), architect and engineer seals and stamps are not required on plans or specifications for a building

a) 3 storeys or less in building height, for an **assembly occupancy** or care and detention occupancy that:

- iv. in the case of a single storey building, has a **gross area of 300 square metres** or less,
- v. in the case of a 2 storey building, has a **gross area of 150 square metres** or less on each floor, or
- vi. in the case of a 3 storey building, has a **gross area of 100 square metres** or less on each floor;¹²

2.2 Issue

Whether the current exclusions from the requirement to have an architect's stamp or seal are protecting the public adequately, and whether it is in the public interest for the exclusions to remain the same; or whether it would better protect the public and the public interest to restrict the exclusions and require an architect's stamp or seal on more categories/types of buildings.

2.3 Options

2.4.1 Require a professional stamp/seal for all Assembly Occupancy buildings, and for all Care and Detention (Institutional) Occupancy buildings.

Pros

- Consistent with all but two other provinces.
- Will assure professional design for higher risk occupants in spaces currently excluded.

Cons

- We will be required to assess individuals who are currently making their living doing a type of building that is no longer excluded.

2.4 Recommendations

A Professional stamp/seal should be required for Group A - Assembly Occupancy buildings and for Group B- Care and Detention (Institutional) Occupancy buildings.

2.5 Rationale

Safety of the public is at the forefront. These structures were exempt in the 1980s, but should no longer be exempt as building and safety codes have changed and the commercial environment of building construction has changed. These are larger, often open-aided designs. However, they still attract the public which means that there are large groups of people using them simultaneously. This large group could possible contain children, people with disabilities, and people unfamiliar with the layout of the building. Public safety in these types of buildings is a concern – particular in cases of emergency.

Category A *buildings* should require the stamp/seal of a professional. These buildings often have large occupancy loads at one time. Many of the activities in these buildings result in more high risk behaviour and persons with impaired

¹¹ Architects Act R.S.A. 2000 c. A-44 s.2(6)(a).

¹² Alberta Building Code 2006 Volume 1, Division C s.2.4.2.1(2)(a).

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judgement. Some people visit these buildings infrequently and are unfamiliar with building layout. They could be of all ages and may have disabilities. These buildings should be overseen by a professional because of the nature of the activity, complexity of the circulation and fire safety systems, and the added risk in many instances of commercial scale cooking equipment. An architect would also have professional accountability at the conclusion of the project, whereas the responsibility of a non-architect can be mitigated or dispersed.

Category B should be designed by architects for safety reasons. People residing in these buildings are in a controlled environment and cannot move freely on their own. The design and detailing of the building has an important role in helping the occupant and the care-giver move safely, and the risks in Category B are attached to the activity and do not decrease with size.

3.1 Current Legislation

The current legislation excludes from the scope of the Act:

2(6)(b) a building for **residential occupancy** that

- iii. is a single family dwelling, or
- iv. is a multiple family dwelling containing 4 dwelling units or less;

2(6)(c) a building, 3 storeys or less in height, for **residential occupancy** as a hotel, motel or similar use that,

- iv. in the case of a single storey building, has a **gross area of 400 square metres** or less,
- v. in the case of a 2 storey building, has a **gross area of 200 square metres** or less on each floor, or
- vi. in the case of a 3 storey building, has a **gross area of 130 square metres** or less on each floor;¹³

The current Alberta Building Code excludes from the requirement to have a professional's stamp or seal the following:

2) Except as required in Sentence (8), architect and engineer seals and stamps are not required on plans or specifications for a building

b) classified as a **residential occupancy** that is

- iii. a single family dwelling; or
- iv. a multiple family dwelling that contains 4 dwelling units or less.¹⁴

c) classified as a **residential occupancy**, 3 storeys or less in building height, as a hotel, motel or similar use that:

- iv. if 1 storey in building height, has a **gross area of 400 square metres** or less,
- v. if 2 storeys in building height, has a **gross area of 200 square metres** or less on each floor, or
- vi. if 3 storeys in building height, has a **gross area of 130 square metres** or less on each floor;¹⁵

3.2 Issue

Whether the current exclusions from the requirement to have an architect's stamp or seal are protecting the public adequately, and whether it is in the public interest for the exclusions to remain the same; or whether it would better protect the public and the public interest to restrict the exclusions and require an architect's stamp or seal on more categories/types of buildings.

3.3 Options

3.3.1 Maintain the status quo, at 4 dwelling units as the maximum exclusion for multi-family dwellings.

Pros

- Development industry and authorities are structured to deal with the current limits.
- If risk elements in multifamily are related to unit-to-unit interfaces, risk is related to numbers and not size.

Cons

- Potentially not as simple of a solution as using area to restrict the size of buildings.

¹³ Architects Act R.S.A. 2000 c. A-44 s.2(6)(b)-(c).

¹⁴ Alberta Building Code 2006 Volume 1, Division C s.2.4.2.1(2)(b).

¹⁵ Alberta Building Code 2006 Volume 1, Division C s.2.4.2.1(2)(c).

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3.3.2 Use area (square metres) to restrict the multi-family dwelling to a maximum area of 600 square metres and 3 storeys in height, which would equate to approximately 6 units in a multi-family dwelling.

Pros

- 600 square metres is the current ceiling to the scope of Part 9 of the building code.
- Consistent with 6 provinces.
- Encourages creativity in eco-friendly design for living.

Cons

- If risk elements in multifamily are related to unit-to-unit interfaces, risk is related to numbers and not size.

3.3.3 Restrict the size of single family dwelling units to 600 metres square, the ceiling of Part 9 of the Building Code.

Pros

- When a residence moves into Part 3 of the ABC, building forms and features such as increased glazing spans and interconnected spaces often result in engineering and construction systems that require significant coordination and detailing.
- Consistent with 5 other provinces.

Cons

- Single family dwellings over 600m² are relatively few and are a significant financial commitment to the owner. Most are done by builders with significant experience and demonstrated competence. Many are likely already designed by architects. There is much evidence that these buildings are well built and little evidence exists that these buildings present a risk to public health and safety.

3.3.4 Restrictions on hotels and motels should be changed to mirror Part 9 of the Building Code.

Overview

Family dwelling units can be more complex than hotels/motels (due to eating areas), which brings into question why the exclusions are more restrictive on hotels/motels than dwelling units.

Pros

- Current exclusion limit is arbitrary and difficult to defend
- Consistent with 5 provinces

Cons

- Area of exclusion increases difficult to measure if there is an increases risk

3.3.5 Restrict the exclusion to single family dwelling units only.

Pros

- Easier for authorities to administer.

Cons

- We will have to demonstrate that the large number of multifamily residences built under this exclusion over the years are a risk to the health and safety of the public, and to show what it is about them that constitutes that risk.

3.4 Recommendation

Restrict the exclusion for Group C – Residential Occupancy to single family dwelling units only.

3.5 Rationale

Anything larger has a system of shared exit corridors, fire separations and life safety systems. Designing these can be complicated and it is in the public interest to have these designs stamped/sealed by a professional. This option gives people the freedom to build their own home while requiring an architect for more complex structures.

Issue 4 Business and Personal Services Occupancy, Mercantile Occupancy, and Industrial Occupancy

4.1 Current Legislation

The current legislation excludes from the scope of the Act:

2(6)(d) a building, 3 storeys or less in height, for **warehouse, business and personal services occupancy**, for **mercantile occupancy** or for **industrial occupancy** that:

- iv. in the case of a single storey building, has **a gross area of 500 square metres** or less,
- v. in the case of a 2 storey building, has **a gross area of 250 square metres** or less on each floor, or
- vi. in the case of a 3 storey building, has **a gross area of 165 square metres** or less on each floor;¹⁶

The current Alberta Building Code excludes from the requirement to have a professional's stamp or seal the following:

2) Except as required in Sentence (8), architect and engineer seals and stamps are not required on plans or specifications for a building

d) 3 storeys or less in building height, classified as a **business and personal services occupancy**, mercantile occupancy, or industrial occupancy that:

- iv. if 1 storey in building height, has **a gross area of 500 square metres** or less,
- v. if 2 storeys in building height, has **a gross area of 250 square metres** or less on each floor, or
- vi. if 3 storeys in building height, has **a gross area of 165 square metres** or less on each floor;¹⁷

4.2 Issue

Whether the current exclusions from the requirement to have an architect's stamp or seal are protecting the public adequately, and whether it is in the public interest for the exclusions to remain the same; or whether it would better protect the public and the public interest to restrict the exclusions and require an architect's stamp or seal on more categories/types of buildings.

4.3 Options

4.3.1 Revise Exclusion to mirror Part 9 restrictions (600 square metres and 3 storeys)

Pros

- Consistent with 5 other provinces.
- Easier for authorities to administer.

Cons

- Exclusion will increase by 100m²
- Will need to show that the difference between 500m² & 600m² poses no additional risk.

4.3.2 Status Quo

Pros

- Development industry and authorities structured for current definition.
- Little evidence that buildings done under the current exclusions pose an unacceptable risk to the health and safety of the public.

¹⁶ Architects Act R.S.A. 2000 c. A-44 s.2(6)(d).

¹⁷ Alberta Building Code 2006 Volume 1, Division C s.2.4.2.1(2)(d).

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Cons

- High hazard Industrial buildings remain untouched.

4.3.3 Eliminate High Hazard Industrial Exclusion

Pros

- Assures professional judgement for a high risk connected to an activity and not a building size.

Cons

- Most high hazard Industrial buildings are engineering projects so may require a single seal designation or grandfathering.

4.4 Recommendations

Business and Personal Services Occupancy and Mercantile Occupancy scope should remain status quo.

Industrial Occupancies F2 & F3 should remain status quo, and the exclusion for F1 High Hazard should be eliminated.

4.5 Rationale

The types of people utilizing these buildings are a part of transient populations – they do not live in the buildings. There is a lower risk to public safety, because the people who work in these buildings are familiar with the premises and are able to assist in case of emergencies.

Business and Personal Services Occupancy:

These activities involve relatively low risk behaviour in normally predictable environments. There is little evidence that buildings done under the current exclusions pose an unacceptable risk to the health and safety of the public.

Mercantile Occupancy: Occupant load is low relative to other occupancies. Risk to public safety is less for what is often a small space hosting a transient population. There is little evidence that buildings done under the current exclusions pose an unacceptable risk to the health and safety of the public

Industrial Occupancy: The risks in buildings containing high-hazardous materials are related to the circumstance and not to the size, and all F1 occupancies should require a stamp/seal of a professional for public safety reasons. Buildings containing low- and medium-hazardous materials are less risk to the public in an emergency situation and will often have only employees who are trained and familiar with building evacuation protocol present. There seems to be little evidence that current F2 & F3 exclusions present an unacceptable risk to public health and safety.

Issue 5 Farm Building Not For Public Use

5.1 Current Legislation

The current legislation excludes from the scope of the Act:

2(6)(e) a building that is a farm building and not for public use. ¹⁸

The current *Alberta Building Code* does not contain exclusion for farm buildings.

5.2 Issue

Whether the current exclusions from the requirement to have an architect's stamp or seal are protecting the public adequately, and whether it is in the public interest for the exclusions to remain the same; or whether it would better protect the public and the public interest to restrict the exclusions and require an architect's stamp or seal on more categories/types of buildings.

5.3 Options

5.3.1 Status Quo

Pro

- Where there is no public occupancy there should be no risk to public health and safety and most of these buildings are simple in nature and often constructed by the farmer for her own use.

Cons

- The rise of the large industrial farm may present more complex buildings and farm workers who are not necessarily part of the farm family, thus accounting for the increasing risk of work-related accidents. Codes and OHS regulations may not be sufficient protection for the farm workforce.

5.4 Recommendation

This exclusion should remain and the Act and ABC should reflect the same

5.5 Rationale

There seems to be little evidence that the current exclusion present an unacceptable risk to public health and safety.

¹⁸ *Architects Act* R.S.A. 2000 c. A-44 s.2(6)(e).

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Issue 6 Re-locatable Industrial Camp

6.1 Current Legislation

The current legislation excludes from the scope of the Act:

2(6)(f) a re-locatable industrial camp building.¹⁹

The current *Alberta Building Code* does not contain exclusion for re-locatable industrial camp buildings.

6.2 Issue

Whether the current exclusions from the requirement to have an architect's stamp or seal are protecting the public adequately, and whether it is in the public interest for the exclusions to remain the same; or whether it would better protect the public and the public interest to restrict the exclusions and require an architect's stamp or seal on more categories/types of buildings.

6.3 Option

3.1 Remove the exclusion for all re-locatable industrial camp buildings.

Overview

A professional's stamp/seal should be required. When the provision was added in the 1980's the situation was much different. It was not apparent at the time how large or relatively permanent these camps might become.

Pros

- Allows a facility to be broken into components and dealt with under the appropriate occupancy class.
- Assures that both the manufactured components, each of which may be Code compliant from the plant, and their assembly and organization on site, which can significantly affect the performance of a single component, are properly executed.

Cons

- Most Industrial camp buildings are components of engineering projects, usually constructed in industrialized facilities.

6.4 Recommendation

Remove the exclusion for all re-locatable industrial camp buildings from our Act.

6.5 Rationale

These camps were excluded originally because of their small size and the cost/benefit analysis. They now have grown to large sizes and require a professional to properly design them to hold the increased capacity. These buildings will not fall under the other building classifications e.g., dining halls will fall under Group A- assembly occupancy requirements.

¹⁹ *Architects Act* R.S.A. 2000 c. A-44 s.2(6)(f).

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Issue 7 Provision for Single Seal

7.1 Current Legislation

The current Alberta Building Code allows the following “exclusion” for the requirement for an architect’s seal:

2.4.2.1.(3.) *Plans and specifications must be imprinted with the seals or stamps of either a registered architect, or one or more professional engineers qualified to engage in the appropriate combination of those branches of professional engineering that are applicable to building design and construction for a building that is*

a) 3 storeys or less in building height and classified as a residential occupancy, containing at least 5 but not more than 20 dwelling units in a single site.

7.2 Issue

Whether this exclusion from the requirement to have an architect’s stamp or seal on multi-family developments up to 20 dwelling units is in the public interest

7.3 Options

7.3.1 Removal of this provision from the Alberta Building Code

Pros

- Better protection for the public.
- Consistent with the Architects Act requirement regarding the practice of architecture by unqualified persons.
- Removal of what is at best an unclear and confusing provision for authorities having jurisdiction to administer.
- Removal of what will be more confusing if the Act revisions do actually eliminate the exclusion for building with up to 4 dwelling units.
- Removes the uncomfortable necessity for the Association to prosecute unauthorized practice under the Act, even though it is acceptable to building authorities.

7.3.2 Rewrite this provision to clarify the intent and to assure it is consistent with requirements for professional seals in both the Architects and Engineers Acts.

Pros

- Better protection for the public.
- Consistent with the Architects Act requirement regarding the practice of architecture by unqualified persons.
- Clarification of what is at best an unclear and confusing provision for authorities having jurisdiction to administer.

Cons

- If not properly written, could still allow unqualified persons to practice architecture.

7.4 Recommendation

This provision should be removed from the Alberta Building Code.

7.5 Rationale

This ABC provision is not clear in its intention, and regardless of which alternative interpretation is considered, it would likely still leave the public interest in the hands of a person qualified in only one focussed area of building design. Building

authorities already have the ability to require engineering involvement in buildings normally excluded from the requirement for professional seals if conditions warrant it. This provision adds nothing to public health or safety.

Allied Professions Executive Summary

The Task Force brings before the Legislation Committee, Council and members of the AAA this document for discussion, recommendations and approval.

This document contains the suggested directions for negotiation and guiding principles (including the Task Force's recommendations and rationale to date) intended to be used by the AAA as it enters into the legislative review process with the Government of Alberta.

This document should not be considered a final draft. It is being presented to the Legislation Committee, Council and AAA membership to determine: a) whether to endorse the recommendations in principle; and b) whether any fundamental changes to the recommendations need to be made.

This is not intended to be the exact document that will be shared with the Government of Alberta.

Current Legislation

The Alberta Association of Architects Bylaws currently provides for a class of membership called "Affiliate Member".

The description of this category is open-ended. If Council deems the profession in question to be "allied to the profession of architecture or interior design²⁰", then an application for membership may be made in this category.

Issue

The issue is whether the current legislation/status quo is sufficiently protecting the public interest. If not, how can the legislation be improved:

- To offer certain allied professions membership with the Alberta Association of Architects (AAA) that would ensure better protection of the public;
- To determine what titles can be used by the allied professions and what title protection would be required if they become part of the AAA membership;
- To determine what the scope of the allied professions would be if they become part of the AAA membership.

Recommendations

1. The *Architects Act* should enable the AAA to establish categories of membership for allied professions through the Bylaws, and to allow the assignment of protected title and/or potential scope in the future.
2. The *Architects Act* and *General Regulation* should allow architectural technologists and interior design technologists to be formally included in the AAA membership and be held to the high standards that membership requires. Membership would be set up similarly to that of registered architects and licensed interior designers. There would be the possibility of an internship, exam and/or courses approved by Council. There would be protection of the title Certified Architectural Technologist and Certified Interior Design Technologist.
3. Certified technologist would not be given a protected scope of practice at this time.
4. Other allied professions should not be added to the membership at this time.

²⁰ Alberta Association of Architects Bylaws s.7.12(1).

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Rationale

Better protection of the public by holding technologists to AAA membership standards including complaint review, compliance with professional development requirements and compliance with any other criteria under the *Architects Act* and *General Regulation*.

Better protection of the public by requiring technologists to adhere to all other regulations within our legislation.

What We Learned

Architectural technologists used to be affiliated with the AAA until resource restrictions forced the affiliate membership exam to be dropped. At this point, architectural technologists can become ASET.

Ontario has made steps towards incorporating licensed technologists into the Ontario Association of Architects (OAA). In 2011 they were brought under the *Ontario Architects Act*, and were given an expanded scope. However, licensed technologists regulated by the OAA are not given the same benefits as other members. Architectural technologists can also belong to the Association of Architectural Technologists of Ontario – an organization that regulates their practice.

South Africa has perhaps taken the most progressive steps towards incorporating other affiliated professions. They permit any of the four registered member categories to be Council members, and their Act treats all members as equal. The only exception to this equality is that members must not work beyond their statutory scope.

In terms of non-architectural professions, paralegals have largely been excluded from the practice of law. However, this attitude may slowly be changing given the ongoing access to justice crisis and the need for legal education and expertise. Ontario is currently the only province that regulates paralegals.

Allied Professions Recommendations

Current Legislation

Alberta Architects Act Bylaws

(4) *In addition to authorized entities established by the Architects Act, the following categories of membership are established in the Association:*

(h) Affiliate Member;

Affiliate Members

7.12

- 1) *An individual who is a member of a profession or discipline that the Council by resolution has approved as being allied to the profession of architecture or interior design may apply for membership in the Association as an Affiliate Member.*
- 2) *On payment of the appropriate fee, the Council may approve the entry in the records of the Association of an individual referred to in subsection (1) in the category of Affiliate Member and issue this individual a certificate of membership.*
- 3) *An Affiliate Member is entitled:*
 - a) *to attend annual general meetings and special general meetings, unless the meeting votes to exclude those persons who are not registered architects or licensed interior designers, but is not entitled to vote;*
 - b) *to receive the newsletter published by the Association;*
 - c) *to receive such information as the Council may direct from time to time; and*
 - d) *to use the words “AAA, Affiliate Member” after his/her name to indicate that the person is an affiliate member of the Association.*
- 4) *An Affiliate Member shall pay such annual dues as are specified by the Council.*

Issue

It is recommended by the government to expand to allied professions for the purpose of viability and survivability due to the boomer generation retirement.

The public will be better protected through the regulation of allied professions. If allied professions act in contravention of their professional standards, their certification will be removed. Approved titles used by allied professions will communicate their membership in the AAA to the public.

What We Learned

The AAA has a history with architectural technologists. In the past, architectural technologists have been able to become members of the AAA through the affiliated membership category. The AAA had (until approximately 2005-2006) exams for architectural technologists to complete and become affiliate members. These members were entitled to use the designation “architectural technologist” and “Arch. Tech, AAA” after their name. The exams were dropped because the Association lacked the necessary resources to maintain the affiliate membership. Now architectural technologists have the option of becoming members of ASET and they take the examination from them.

In 2011, the OAA brought Licensed Technologists (LTs) in under the *Ontario Architects Act*. In addition to bringing LTs under the *Act*, LTs were also given an expanded scope that includes larger restaurant spaces and 4 story residential buildings.

There is a parallel association for architectural technologists in Ontario as well. The Association of Architectural Technologists of Ontario (AATO) is a registered non-profit organization founded in 1969. It gains its authority to regulate architectural technologists from the *Association of Architectural Technologists of Ontario Act, 1996* (AATO Act).

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The AATO Act is largely a title act (it does not give architectural technologists any expanded scope over unregistered persons). It protects the titles “Architectural Technologist”, “Architectural Technician”, “Registered Building Technologist”, and “Registered Building Technician”. The title protection enjoyed by AATO is likely a factor in why the OAA decided to call its members “Licensed Technologists”.

In Ontario, Licensed Technologists (LT’s) are regulated by the OAA, but they are not given the same benefits of membership as architects licensed under the Act. LT’s cannot vote at an election of members of the Council, are not eligible for election to the Council, and may not vote at the annual or other general meetings of the Members of the OAA.

South Africa, in contrast to Ontario, permits any of the four registered member categories to be Council members. Their Act treats all registered member types as equal, and all candidate membership types as equal. The only caveat that is attached to the treatment of specific registered categories is that members must not perform work that is outside of the scope permitted for their category of membership. The approach in South Africa has a feeling of community. It openly embraces various levels of architectural education and allows the design community to organize itself through multi-disciplinary firms.

In terms of other professions, historically, paralegals have not been permitted to engage in the practice of law. The rationale behind this prohibition has often been cited as being motivated by a concern on the part of the legal profession to protect the public from unqualified individuals practicing law.

The legal profession has in recent years become less complacent about the continued exclusion of paralegals from regulation. This is partly due to the access to justice crisis that has arisen in Canada. It is a largely undisputed fact that it is not possible for all Canadians to access the justice system. This problem is exacerbated by the high legal fees charged by lawyers for their services, and the monopoly that lawyers have over legal services. The legal community has begun to recognize paralegals as an important asset in relieving the access to justice crisis. Paralegals are capable of providing many legal services that are currently within the exclusive domain of lawyers at a fraction of a lawyer’s fees. There is still resistance in the legal community across Canada to regulate paralegals and to give them scope over certain aspects of legal services. A large portion of the resistance is a reluctance to let go of the profession’s monopoly over legal services. The arguments against paralegals are often weak, as regulation and a continuing professional education program would solve most concerns.

Ontario is the only province in Canada thus far that regulates paralegals, and has done so since 2006. The Paralegal Society of Ontario recently commented on the state of the Ontario regime, stating:

As you know, in 2006, the Law Society Act was amended by the Access to Justice Act, 2006 to provide for paralegal regulation in Ontario. The legislation sets out statutory requirements for several progress reviews on the implementation of paralegal regulation. On June 28, 2012, the LSUC delivered its five year report to the Attorney General. The report found that paralegal regulation is effective in regulating paralegals and beneficial to the public who use their services.

There is therefore a positive example in Canada of how expanding the regulatory regime to include other professionals has produced a benefit to society

Options

Certified Architectural Technologists and Certified Interior Design Technologists

1.1 Inclusion of Certified Architectural Technologists and Certified Interior Design Technologists in the Architects Act and General Regulation

Pros

- Higher accountability as part of the AAA than working in the public domain. This raises the bar for the profession as a whole which is in the public’s best interest.

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- AAA would be able to remove certification if they are in contravention of the Act, indicating to the public that the technologist is not in good standing with their professional body
- Cons
- Without a scope modification, AAA would be able to remove certification but not ability to work.

Other Allied Professions

1.2 Inclusion of BIM Specialists, Building Envelope Specialists, Residential Designers and Heritage Architects in the *Architects Act* and *General Regulation*.

Pros

- Regulation of specialists would create minimum standards; the public would be better protected through a minimum requirement.
- AAA would be able to remove certification if they are in contravention of the Act, indicating to the public that the specialist is not in good standing with their professional body

Cons

- Hard to quantify specialist categories
- Few programs for specialists. Courses or minimum standards would need to be created.

Recommendations

Recommendation for section in the *Architects Act* which creates a statutory mechanism allowing allied professions to become members of the Alberta Association of Architects, the included allied professions will be provided for and expanded upon in the *Architects Act* and *General Regulation* and the Bylaw.

Recommendation for the inclusion of architectural technologists and interior design technologists in the *Architects Act* and *General Regulation* through the regulation with a protected title of Certified Architectural Technologist and Certified Interior Design Technologist.

Recommendation that the wording in the legislation allow the allied professions to receive expanded scope at a later date. During negotiations with the government, the AAA should request to reserve the titles 'Registered Architectural Technologist' and 'Registered Interior Design Technologist'.

Recommendation not to include Other Allied Professions in the *Architects Act* and *General Regulation* at this time.

Rationale

The addition of specific allied professions through the *General Regulation* rather than the *Architects Act* allows the AAA to adapt to changes in the industry more efficiently.

Becoming members of a professional body would create higher accountability for technologists and therefore provide better protection for the public. Membership with the AAA will provide an internship program approved by Council and the addition of an exam and/or additional courses creates a higher standard of accountability than they presently hold as affiliate members. Technologists would be subject to complaints, complaint review, compliance with professional development standards and any other requirements for membership stated in the *Architects Act* and *General Regulation*.

The title protection technologists receive would indicate to the public that they are held to the standard of a professional body, not simply using a title adopted from the public domain.

The AAA may want to change the name for technologists from 'certified' to 'registered' if they receive expanded scope. The difference in title will indicate to the public the change in scope of practice.

Licensed Interior Designers Recommendations

Current Legislation

Alberta Building Code 2006

Division A

Article 1.4.1.2 Interior design means that portion of the practice of architecture that is limited to

- a) giving advice or preparing designs, plans, drawings, detail drawings, specifications or graphic representations respecting
 - i) interior finishes in a building
 - ii) fixed or loose furnishings, equipment or fixtures for use in a building, or
 - iii) partitions in a building that are used to subdivide a floor area, and
- b) the administering of construction contracts, inspection of work and assessment of the performance of work, and the quality of materials related to the work described in Clause (a), but does not include services that
 - a) affect the structural integrity of a building, including remove of or alterations to floor and roof elements,
 - b) affect the electrical or mechanical systems of a building,
 - c) alter the construction or location of a building enclosure system,
 - d) add usable floor space through the addition of mezzanines, infill or similar elements, or
 - e) through organization or change in occupancy, affect the number, location or size of exits or stairways within or attached to a building or proposed building.²¹

Division C

Sentence 2.4.2.1 (7) Notwithstanding the requirements of sentences (3) and (4), if the project is restricted to interior design work, the seal or stamp of an interior designer may be accepted instead of an architect seal or stamp for that interior design work.

- (3) Plans and specifications must be imprinted with the seals or stamps of either a registered architect, or one or more professional engineers qualified to engage in the appropriate combination of those branches of professional engineering that are applicable to building design and construction for a building that is
 - a) 3 storeys or less in building height and classified as a residential occupancy, containing at least 5 but not more than 20 dwelling units in a single site,
 - b) classified as an industrial occupancy and the occupant load is 28m² per person or greater, or
 - c) classified for more than one occupancy group if,
 - i) the major occupancy of the building is industrial,
 - ii) the occupant load is 28m² per person or greater, and
 - iii) any occupancy other than the major occupancy does not exceed 400m² in building area.
- (4) For buildings other than those described in Sentences (2) and (3), the building plans and specifications must be imprinted with the seals and stamps of both
 - a) a registered architect in the case of architectural design, and

²¹ Division A 1-11.

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b) one or more professional engineers qualified to engage in the appropriate combination of those branches of professional engineering that are applicable to building design and construction in the case of engineering design.

The Architects Act, RSA 2000, c.A-44

Section 1

(c) “authorized entity” means a registered architect, architects corporation, architects and engineers firm, visiting project architect, restricted practitioner, licensed interior designer, interior design corporation and visiting project interior designer;

(g.1) “interior design corporation” means a corporation that holds a permit under section 20(4.3);

(i.1) “licensed interior designer” means an individual who holds a certificate of registration under section 20(4.1) and an annual certificate under section 22.1.

(q) “visiting project interior designer” means an individual who holds a license under section 20(4.2).

Section 2

(1) Except as otherwise provided in this Act, no person except an authorized entity shall engage in the practice of architecture.

(7) Subsection (1) does not apply to a licensed interior designer who is engaged in that portion of the practice of architecture that is defined as interior design in the regulations.

The Architects Act General Regulation, AR 200/2009

Subsection 1(g) *“interior design” means that portion of the practice of architecture that is limited to*

(i) planning, designing or giving advice on the design of or on the erection, construction or alteration of or addition to the interior of a building,

(ii) preparing plans, drawings, detail drawings, specifications or graphic representations for the design of or for the erection, construction or alteration of or addition to the interior of a building; and

(iii) reviewing work and assessing the performance of work under a contract for the erection, construction or alteration of or addition to the interior of a building, and

(iv) engaging or coordinating architectural and engineering work within the interior of a building,

but does not include engineering work or any work on the exterior shell of a building, environmental separations or exits;

Issue

The current definition of interior design is inconsistent in legislation; the *ABC* and the *Architects Act* and *General Regulation* have different definitions. The inconsistency of these definitions of interior design changes the scope within which licensed interior designers are able to work.

The purpose of regulating licensed interior designers is to protect the public. If the definitions remain inconsistent, licensed interior designers will be prohibited from doing work for which they have been qualified by the Alberta Association of Architects and individuals not licensed will be prohibited from doing work, such as furnishings and finishes that need not be regulated in the public interest.

The Task Force will consider the appropriate definition for interior design and the appropriate scope for the purpose of protecting the public.

Option

Adopt the definition of *interior design* from the *Architects Act* and *General Regulation* and have it appear in the *Alberta Building Code*.

This recommendation would require communication with provincial and municipal governments in order to have the building code updated to reflect these recommended changes.

Recommendation

Have the *Alberta Building Code* adopt the current definition of interior design from the *Architects Act* and *General Regulation*.

Rationale

The current *ABC* definition prohibits a licensed interior designer from including an interconnecting stairway or mezzanine addition in their professional services. Such work is allowed by the *Architects Act* definition of interior design, and is currently being done in a number of instances.

It is the opinion of the Association that licensed interior designers are qualified to do this work and are both required and prepared to assume professional responsibility for it. *ABC* Articles 1.4.1.2 ai & aii, while activities regularly done by licensed interior designers in the course of their work, are not restricted activities under the *Architects Act* so do not appear in the legislation's definition of interior design, nor should they appear in the *ABC* definition.

A consistent definition based on the current *Architects Act* definition would more accurately describe the scope of practice requiring a professional seal, which is a purpose of both the *Architects Act* and the *Alberta Building Code*.