



**ARCHITECTS LICENSING BOARD OF
NEWFOUNDLAND AND LABRADOR**

7th Annual Report

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ALBNL 7th Annual Report (2016)

Introduction

The Architectural Licensing Board of Newfoundland and Labrador is a volunteer board. In 2016, its membership was as follows:

- James Case, NLAA, FRAIC, Chair
- Greg Snow, NLAA, MRAIC, Registrar
- Paula Pittman, NLAA, Finance Chair
- Paul Blackwood, NLAA, Immediate Past Chairperson
- David Dewling, NLAA, MRAIC
- Louise Pinsent Parsons, Appointed
- Jackie Manuel, P. Eng., Appointed
- Lynda Hayward, Hon. MRAIC, Administrative Director

It has been an extremely busy year with the routine business of examination of licensee credentials for registration and financial administration, assisting Service NL with interpreting and implementing the Architects Act (specifically Section 35 *Services Exempt under this Act*), the preparation of a position paper on the topic of “Direct Supervision”, implementation of a confidentiality agreement for Board members (guided by the spirit of the Newfoundland and Labrador Access to Information and Protection of Privacy Act 2015), and various considerations and inputs with respect to national licensing matters.

The Pivotal Issue Facing the ALBNL

An issue of “services overlap” was first identified by Service NL in 2012 when letters were exchanged between the ALBNL and the Department of Education regarding the requirement to have architects provide services for school construction and renovation. As the new chairperson for the ALBNL, the undersigned was not aware of this issue until it was formally brought to our attention in a letter from the Deputy Minister in February of this year. Representatives of the ALBNL met with the Deputy Minister and two Assistant Deputy Ministers on March 16th in an attempt to clarify the issue and thereby determine ALBNL’s position on the matter. The meeting was cordial and the ALBNL left explanatory materials for Service NL’s information.

In a subsequent letter from the Deputy Minister dated March 23rd, ALBNL and PEGNL were asked to “engage in a discussion around clarifying roles and qualifications of both Engineers and Architects in the design of buildings, with a view to re-establishing a Memorandum of Understanding (MOU) on the type(s) of work and building design, including building classes, size and other project characteristics, that either professional group can engage in”. The undersigned immediately engaged PEGNL in a number of face-to-face meetings and a host of emails, wherein attempts were made to resolve the so-called “services overlap” issue. Initially, there was a sense that progress could be made.

On May 9th, the ALBNL and PEGNL wrote a joint letter to the Deputy Minister of Service NL indicating essentially that both groups had made various proposals but were unable to agree.

We therefore suggested that detailed research be undertaken to determine how this “services overlap” was being handled in other jurisdictions. A meeting was then convened on June 6th with the DM and ADMs, and representatives of both the ALBNL and PEGNL.

In the opinion of the ALBNL representatives, this meeting did not go particularly well, as PEGNL’s interpretation of how other jurisdictions were treating this matter was divergent from the research that ALBNL had performed. The ALBNL’s former Chair, Paul Blackwood, put an exceptional effort into this, and because his research is so valuable (now and in the future) I have appended it to this report. (Refer to *Threshold When Services of an Architect is not required for Building Design in Canada.*)

In this meeting, ADM’s for Service NL reiterated their suggestion that an MOU between PEGNL and ALBNL be established, ostensibly to replace the one that was essentially rendered null and void with the adoption of the new Act in 2008. The ALBNL has no intention to re-establish a Joint Board of Practice given that past efforts and agreements were always challenged by PEGNL at some point in the future. Three years and hundreds of hours were expended just to establish common ground upon which to construct the last MOU.

The ALBNL is frankly, tired of the cyclical nature of this one-sided discussion with PEGNL.

The Deputy Minister, recognizing a stalemate of sorts, then suggested that he would have to consider bringing in a mediator to resolve the situation. ALBNL’s response was that we were more than agreeable to a mediated session.

That was where the matter lay until an email (September 15th) from the new Deputy Minister to both Boards indicated that he had read the file on this matter and was hopeful that progress to find a mutually satisfactory solution had been made over the summer.

In fact, there was no such agreement to find a satisfactory solution. ALBNL and PEGNL had clearly agreed to disagree.

Need to Define the Issue

Throughout the course of this discussion, it seems as though the issue as seen by Service NL may be different from the one promulgated by PEGNL.

From Service NL’s perspective the issue seems to stem from people who have been refused a permit to build / renovate based on Service NL’s invocation of Section 35 of the Architect’s Act. Those being turned down by Service NL often consider it to be an affront to their right to free enterprise. Many have complained loudly.

In the view of ALBNL, PEGNL have seized this situation as an opportunity to make the argument to Service NL that because their membership is widely distributed across the province, they offer the ability to assist people wishing to build and/or renovate both within the parameters of Section 35 and outside the parameters of Section 35. In other words, if PEGNL members could practice architecture unfettered by legislation, it would resolve the issue. Politicians would be spared the vitriol of constituents who have been refused a permit.

This argument of course is expedient and self-promoting – to say nothing of the fact that engineers are not, in the view of the ALBNL, qualified to practice architecture. They have

neither the training, the indoctrination, nor any standards or requirements for continuing education in architectural matters. Allowing them to practice architecture without any credentialed expertise is not in the public's interest. It is in fact, quite contrary, especially from a life safety and loss control perspective.

What has the ALBNL done to address the Concern and Assist Service NL?

The Architects Licensing Board made various offers to Service NL/PEGNL during the meetings held this past spring. For instance, the Board offered to set up a special licensing status for non-architects who would be examined by the Board for their credentials. This was flatly rejected by PEGNL who are adamant that architects must not exercise any authority over what it is they do, including the practice of architecture by a handful of their members.

After considerable debate, the ALBNL consensus to mitigate the issue for Service NL expands on the status quo as captured in Section 35 of the Architect's Act. That is, given the range of exceptions to the practice of architecture already enshrined in the Act, generally considered Part 9 application of the NBCC or renovations to interior spaces, that the six conditions applying to the latter may be resolved by professional architectural review.

In other words, if an applicant is denied building approval because a change to:

- a) a fire safety system,
- b) fire wall, fire separation, public corridor, etc.,
- c) a main entrance,
- d) construction or location of an exterior wall,
- e) the usable floor space or
- f) increasing the occupant load to 50 persons or greater,

a licensed architect should be able to intervene in order to determine whether or not the change is completely innocuous or requires professional input (i.e. "architectural services"). This refinement relies on the expertise of architects to offer professional opinion, and ultimately assist Service NL in processing a great many approvals which might otherwise have been rejections. But in order for it to be perfectly legal, it would also require slight rewording of the Architect's Act.

To this end, the ALBNL has created a list of architects who have expressed explicit interest in addressing architectural issues on small projects across the province. It is hoped that this will be cost effective and ensure quick turnaround of applications for the (building) public. We have prepared a rewording of the Act that will further facilitate architects' ability to streamline the provincial application process. (The proposed rewording is also appended to this report.)

Finally, the ALBNL has also established a sub-committee to deal directly with enquiries (typically rulings on the application of Section 35 of the Act) from Service NL with a mandate to respond within five working days.

Focusing the Issue

On December 8th 2016 Service NL released a revised "Guidance Document for the Submission of Building Plans and Specifications" indicating that for all NBCC Part 3 buildings, it is now acceptable for an "engineer skilled in the work concerned" to act as "designer". In the opinion

of the ALBNL this revision of the Guidance Document significantly undermines the intent of the Architect's Act. It also introduces the prospect of a professional service to the public that is unregulated as there is no current examination or credentialing of such skills.

It is the fervent hope of the ALBNL that this issue can be addressed in 2017 or, if the ALBNL has misinterpreted this action or taken it out of context, we apologize in advance and stand to be corrected.

Additional Work of the Board

Aside from the routine business of licensing all those who practice architecture in the province, throughout 2016 the ALBNL also dealt with national matters pertaining to registration. This involved ongoing correspondence with the Canadian Architectural Certification Board (CACB – responsible to adjudicate the educational qualifications of applicants for registration) and the Canadian Architectural Licensing Authorities (CALA – national representation of the eleven architectural regulators in Canada) on professional and educational credentials.

The Board adopted a position paper on the topic of Direct Supervision of the Practice of Architecture within a firm and has posted the same on the ALBNL's website under the Practice Bulletins section. This is a topic that the undersigned, Paul Blackwood and Dave Dewling committed a considerable effort towards over the past few years.

A new flyer that explains the circumstances under which an architect's professional services are required by law was prepared by the ALBNL for distribution to the Canadian Federation of Independent Business (CFIB), Local Service Districts and Municipalities, and Municipalities Newfoundland and Labrador (MNL). This flyer has now been produced and distributed.

A Word of Thanks

My election in 2016 as ALBNL Chairperson has been a great honour and has carried with a burden of considerable effort. My transition to Chair of course would have been most difficult without the thoughtful and objective counsel of the immediate past-chair Paul Blackwood and the indispensable Lynda Hayward, our Administrative Director.

I would also like to thank the Registrar Greg Snow, and other licensed members of the ALBNL for their worthwhile contributions: David Dewling and Paula Pittman (Finance Chair).

Our appointed (lay-person) board members Louise Pinsent Parsons and Jackie Manual have also been stalwart, encouraging, objective and elucidating. They are a treasured resource.

James B. Case, FRAIC, NLAA
ALBNL Chair

Threshold When Services of an Architect Are Not Required for Building Design in Canada*, and Application to Engineers

Prepared by the Architects Licensing Board of Newfoundland and Labrador – 03 June 2016

*While some provincial jurisdictions define separate scopes of work for Interior Designers within their Architects Act, this document does not detail this.

Jurisdiction	Types of Building Projects when the Services of an Architect are Not Required						Application of Architects Act to Engineers	Definition of Engineering taken from Engineers Act	Reference in the Architects Act to a Joint Board Between Architects and Engineers
	Group A Assembly	Group B Institutional	Group C Residential	Group D Business	Group E Mercantile	Group F Industrial			
Newfoundland and Labrador - Architects Act 2008	Building occupant load not greater than 50 people. No other exemptions. (The original intent was... "Building has only an assembly occupancy and an occupant load not greater than 50 persons. (i.e. no mixed occupancies))	Architect always required.	Building is a detached or semi-detached house, with or without a subsidiary apartment; or consists only of residential units, with a maximum of 15 bedrooms in total, where the access into each unit is only from the exterior; or is a lodging house or is a bed and breakfast where the maximum number of guest bedrooms does not exceed 4.	Building does not exceed 300m ² in total floor area and does not contain more than one dwelling unit.	Building does not exceed 300m ² in total floor area and does not contain more than one dwelling unit.	Building occupant load not greater than 50 people. (The original intent was... " Building has only an industrial occupancy and an occupant load not greater than 50 persons. (i.e. no mixed occupancies.))	Nothing shall be taken or construed to prohibit or preclude (b) an engineer who is licensed under the Engineers and Geoscientists Act from carrying on the practice of civil engineering, structural engineering, mechanical engineering, electrical engineering or materials engineering.	"Practice of engineering" means ... designing, preparing plans and specifications for or directing the construction...(i) that is ... designed for the use and convenience of human beings, and (ii) ... requires ... the professional application of the principles of mathematics, chemistry, physics or a related applied subject...	No reference to a Joint Board contained in the Architects' Act.
Newfoundland and Labrador - Architects Act 1978	Public occupant load not greater than 49 persons.	Architect always required.	Sleeping accommodations is for less than 20 persons.	Floor area does not exceed 277m ²	Floor area does not exceed 277m ² .	No requirement for an architect.	Act does not apply to an engineer who confines practice to engineering within the meaning of the <i>Engineers and Geoscientists Act</i> .	No reference to a Joint Board contained in the Architects' Act.	
Nova Scotia	Building not more than one storey and does not exceed 200m ² in building area.	Architect always required.	Building is a one-dwelling or two-dwelling unit; Building consist of not more than three storeys and does not exceed 450m ² in building area.	Building consist of not more than three storeys and does not exceed 450m ² in building area.	Building consist of not more than three storeys and does not exceed 450m ² in building area.	For low and medium hazard occupancies the building consists of not more than three storeys and does not exceed 450m ² in building area; and for high hazard buildings, the building is one storey and does not exceed 200m ² in building area.	Nothing shall apply to or limit or restrict a professional engineer from engaging in the practice of professional engineering, in the performance of any act of planning, designing or advising on the design of the erection, construction, alteration of or addition to a building, the preparation of plans, drawings, detailed drawings or specifications or graphic representations with respect thereto or reviewing work or assessing the performance of work in respect thereof, if the professional engineer responsible has relevant experience and is competent in the services provided;...	"Engineering" means the science and art of designing... the construction, ... on ... structures ...;	No reference to a Joint Board contained in the Architects' Act.

Jurisdiction	Types of Building Projects when the Services of an Architect are Not Required						Application of Architects Act to Engineers	Definition of Engineering taken from Engineers Act	Reference in the Architects Act to a Joint Board Between Architects and Engineers
	Group A Assembly	Group B Institutional	Group C Residential	Group D Business	Group E Mercantile	Group F Industrial			
New Brunswick	Architect always required.	Architect always required.	Building not more than 3 stories and not more than 600m2 in gross area.	Building not more than 3 stories and not more than 600m2 in gross area.	Building not more than 3 stories and not more than 600m2 in gross area.	Building not more than 3 stories and not more than 600m2 in gross area; Building used directly in the extraction, processing or storage of ore from a mine	Nothing shall prevent a professional engineer from carrying on the practice of architecture in connection with his work as an engineer.	"Practice of professional engineering" means ...designing, ... that requires the application of engineering principles and concerns the safeguarding of life, health, property, economic interests, the public welfare or the environment, or the managing of any such act.	There shall be a committee called the "Architect-Engineer Joint Practice Committee" for the purpose of assisting the Association and the Association of Professional Engineers of New Brunswick in the maintenance and development of the professional relationship between the two associations, including the considerations of questions or complaints relating thereto.
Prince Edward Island	Architect always required.	Architect always required.	Building not more than three storeys and does not contain more than two attached dwelling units, each of which is constructed directly on grade, or not more than 600m2 provided each dwelling unit is constructed directly on grade, with no dwelling unit constructed above another dwelling unit.	Architect always required.	Architect always required.	Building used for the extraction, processing or storage of ore from a mine. Building used for farming purposes.	Does not apply to a professional engineer practicing engineering within the meaning of that Act.	"Engineering works and systems" includes ... (iii) works and components of an electrical, mechanical, ...character and others dependent on the utilization or the application of chemical or physical principles, ... (v) the structural, electrical, mechanical, communications, transportation and other utility aspects of building components and systems, (vi) structures and enclosures accessory to engineering works and intended to support or house them...	Council may, in conjunction with the ...Professional Engineers, establish a Joint Practice Committee (a) to examine matters of mutual interest to architects and professional engineers; (b) to promote a harmonious professional relationship between architects and engineers; (c) to develop joint rules of practice governing the responsibilities of architects and engineers; and to resolve complaints regarding professional activities pursuant to the respective Acts.

Jurisdiction	Types of Building Projects when the Services of an Architect are Not Required						Application of Architects Act to Engineers	Definition of Engineering taken from Engineers Act	Reference in the Architects Act to a Joint Board Between Architects and Engineers
	Group A Assembly	Group B Institutional	Group C Residential	Group D Business	Group E Mercantile	Group F Industrial			
Ontario	Architect always required.	Architect always required.	Building is a detached or semi-detached dwelling unit; Building not more than 3 stories and 600m2 in building area, and no dwelling unit constructed above another.	Building not more than 3 stories and 600m2 in building area.	Building not more than 3 stories and 600m2 in building area.	Building not more than 3 stories and 600m2 in building area. Building used directly in the extraction, processing or storage of ore from a mine	<p>With respect to engineers:</p> <p>(a) Only an architect may prepare a design intended for residential occupancy that exceeds 600m2 in gross area and that does not exceed 3 storeys.</p> <p>(b) An architect or engineer may prepare a design that exceeds 600m2 in gross area or three storeys and is intended for industrial occupancy or mixed occupancy consisting of industrial other occupancy where none of the other occupancies exceed 600m2 of gross area.</p> <p>(c) Architects shall provide architectural services and engineers shall provide engineer services for: assembly occupancies; institutional occupancies; business and personal service occupancies and mercantile occupancies that exceed 600m2 in gross area or three stories; residential occupancies that exceed three stories; mixed occupancies consisting of industrial and other occupancies where others do not exceed 600m2 in gross area; mixed occupancies consisting of a combination of assembly and others other than industrial, institutional and others except industrial, business or personal services or mercantile with any other except assembly institutional or industrial where the building exceeds 3 stories or 600m2 in gross area; or any other occupancies where the building exceeds 3 stories or 600m2 in gross area.</p> <p>A professional engineer may perform services that are within the practice of architecture in preparing a design where to do so does not constitute a substantial part of the services within the practice of architecture related to the building and is incidental to other services provided as part of the practice of professional engineering.</p> <p>Only an architect may carry out general review of the construction, enlargement or alteration of a building, that is constructed, enlarged or altered in accordance with a design prepared or provided by an architect</p>	"practice of professional engineering" means any act of ... designing ...that requires the application of engineering principles and concerns the safeguarding of life, health, property, economic interests, the public welfare or the environment, or the managing of any such act.	Where a dispute arises between an architect and a professional engineer as to jurisdiction in respect of professional service, the matter may be referred to the Joint Practice Board and the Joint Practice Board shall consider the matter and assist the architect and the professional engineer to resolve the dispute.

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Manitoba	Architect always required.	Architect always required.	Building is not more than 600m ² building area or more than 3 stories.	Building is not more than 600m ² building area or more than 3 stories.	Building is not more than 600m ² building area or more than 3 stories.	Building is of low or medium hazard occupancy and is not more than 600m ² building area or more than 3 stories.	Does not prevent an engineer from engaging in that practice in relation to the erection, construction, enlargement or alteration of a building where an architect has planned the erection, construction, enlargement or alteration of the building; and does not prevent an engineer from designing buildings larger than 600m ² in building area and taller than 3 stories which are used for low, medium, or high hazard occupancies, used as an arena with an occupant load not greater than 1000 persons, or intended as a farm building.	Practice of professional engineering" means any act of planning, designing..., or managing any of the foregoing, that requires the application of engineering principles and that concerns the safeguarding of life, health, property, economic interests, the public interest or the environment;	Joint Board whose function is to assist engineers' and architects' associations in maintaining the professional relationship between the two associations, including (a) developing and recommending processes for co-operation by the two associations in carrying out their respective areas of responsibility in the public interest; (b) making joint representations to third parties on matters affecting the two associations; and (c) resolution of issues or disputes respecting areas of practice.
Saskatchewan	Architect always required.	Architect always required.	Building is not more than 600m ² building area or more than 3 stories.	Building is not more than 600m ² building area or more than 3 stories.	Building is not more than 600m ² building area or more than 3 stories.	Building is of low or medium hazard occupancy and is not more than 600m ² building area or more than 3 stories.	Does not apply to a professional engineer who is practicing professional engineering as defined by that Act.	Practice of professional engineering" means any act of planning, designing, ..., or managing any of the foregoing, that requires the application of engineering principles and that concerns the safeguarding of life, health, property, economic interests, the public interest or the environment.	No reference to a Joint Board contained in the Architects' Act.

Jurisdiction	Types of Building Projects when the Services of an Architect are Not Required						Application of Architects Act to Engineers	Definition of Engineering taken from Engineers Act	Reference in the Architects Act to a Joint Board Between Architects and Engineers
	Group A Assembly	Group B Institutional	Group C Residential	Group D Business	Group E Mercantile	Group F Industrial			
Alberta	Building not more than 3 stories and not more than 300m ² in total floor area.	Building not more than 3 stories and not more than 300m ² in total floor area.	Single dwellings. Building with up to 4 dwelling units. Building not more than 3 stories in height and not more than 400m ² of floor area.	Building not more than 3 stories in height and not more than 200m ² in floor area.	Building not more than 3 stories in height and not more than 200m ² in floor area.	Building not more than 3 stories in height and not more than 200m ² in floor area.	<p>No individual or firm may engage in both the practice of architecture and the practice of engineering or hold out that it is entitled to engage in both the practice of architecture and the practice of engineering, unless it holds a certificate of authorization under this Act or the <i>Engineering and Geoscience Act</i> permitting it to do so.</p> <p>Does not apply applies to a professional engineer who has been granted authority by the Council to apply for a permit authorized by the regulations under the <i>Safety Codes Act</i>.</p> <p>On the recommendation of the Joint Board, Council may authorize a professional engineer to apply for a permit authorized by the regulations under the <i>Safety Codes Act</i> without the final design drawings and specifications of the building having the seal of a registered architect.</p>	<p>"Practice of engineering" means (i) ... preparing plans and specifications for or directing the construction, ... of any structure, work or process</p> <p>(A) that is aimed at the discovery, development or utilization of matter, materials or energy or in any other way designed for the use and convenience of humans, and</p> <p>(B) that requires in that ... designing, preparation or direction the professional application of the principles of mathematics, chemistry, physics or any related applied subject, ...</p>	<p>"Joint Board" means the Joint Board of Practice under Government Organization Act;</p> <p>The function and operation of the Joint Board of Practice shall be prescribed by agreement between the Council of the Architects Association and the Council of the Engineers Association, and the agreement shall include at least the following matters:</p> <p>(a) rules of procedure;</p> <p>(b) provisions respecting the assessment of applications for a certificate of authorization under the Architects Act and provisions respecting the assessment of applications for a certificate of authorization under the Engineering Act;</p> <p>(c) a procedure under which the Joint Board of Practice may act as a mediator of complaints or disputes of an interprofessional nature from members of the Architects Association or the Engineers Association or from persons who are not members when the complaint cannot be resolved by each of those Associations individually or by both of those Associations jointly;</p> <p>(d) an undertaking to work on other matters of interprofessional relations, including the co-ordination and publication of guidelines, standards and criteria and performance standards in the field of building design and construction;</p> <p>(e) provisions respecting recommendations on applications for authority to prepare final drawings for buildings with one seal of either an engineer or an architect in cases where the drawings would ordinarily fit within the category of design that requires the seal of both professions under the regulations authorized under the Safety Codes Act;</p> <p>(f) a method of recommending to the Association concerned that a qualified certificate of authorization limiting the scope of practice in the other profession by an individual who is a professional engineer or a registered architect be issued to an applicant</p> <p>(i) who has historically provided that service competently in Alberta, and</p> <p>(ii) who applied for the certificate before October 1, 1982;</p> <p>(g) any other matters agreed to between the Councils of both the Architects Association and the Engineers Association.</p>

Jurisdiction	Types of Building Projects when the Services of an Architect are Not Required						Application of Architects Act to Engineers	Definition of Engineering taken from Engineers Act	Reference in the Architects Act to a Joint Board Between Architects and Engineers
	Group A Assembly	Group B Institutional	Group C Residential	Group D Business	Group E Mercantile	Group F Industrial			
British Columbia	<p>A one story building, other than a school building, used for public assembly, provided the gross floor area does not exceed 275 m² and the unsupported span does not exceed 9 m.</p> <p>A building of more than one story, other than a school building, to be used for public assembly, provided the gross floor area does not exceed 235m².</p>	<p>A building, other than a veterinary hospital, used as a hospital, sanatorium or as a home for the aged and has a capacity not greater than 12 beds.</p>	<p>Design of your own one or two family dwelling.</p> <p>An apartment building consisting of less than 4 units.</p> <p>A motel consisting of not more than 10 units.</p>	<p>A building consisting of not more than 4702 in total floor area.</p>	<p>A building not greater than 470m² in gross floor area.</p>	<p>A building not greater than 470m² in gross floor area.</p>	<p>Does not require the registration of a professional engineer to the practice of engineering if the professional practice of the person is confined to professional engineering.</p> <p>A chemical, civil, electrical, forest, geological, mechanical, metallurgical, mining or structural engineer may design the erection, alteration or repair of a structure usually designed or supervised for these purposes by an engineer.</p>	<p>"Practice of professional engineering" means the carrying on of ..., civil, electrical, ..., mechanical, ... or structural engineering, ... and, without limitation, includes ... designing or directing the construction of public utilities, industrial works, railways, bridges, highways, canals, harbour works, river improvements, lighthouses, wet docks, dry docks, floating docks, launch ways, marine ways, steam engines, turbines, pumps, internal combustion engines, airships and airplanes, electrical machinery and apparatus, chemical operations, machinery, and works for the development, transmission or application of power, light and heat, grain elevators, municipal works, irrigation works, sewage disposal works, drainage works, incinerators, hydraulic works, and all other engineering works, and all buildings necessary to the proper housing, installation and operation of the engineering works embraced in this definition;</p>	<p>No reference to a Joint Board contained in the Architects' Act.</p>

NL Architects Act 2008

34.1(c) Only a person who is licensed under this Act is entitled (c) to engage or offer to engage in the provision of architectural services...

2(b) "Architectural services" means (i) the preparation or provision of a design...

2(e) "Design" means a plan, sketch, drawing, graphic representation, or specification intended to govern the construction, enlargement, or alteration of a building or part of a building and related site development.

35. Nothing in this Act shall be taken or construed to prohibit or preclude

(a) a person from providing architectural services for the construction, enlargement, or alteration of a

(i) detached or semi-detached house or row housing, with or without a subsidiary apartment,

(ii) building containing only residential units having a maximum of 15 bedrooms where access into each unit is only from the exterior,

(iii) lodging house or a bed and breakfast establishment where the maximum number of guest bedrooms does not exceed 4,

(iv) building, in whole or in part, used or intended for assembly or industrial occupancy only where the building's total occupant load does not exceed 50 persons

(v) building, in whole or in part, used or intended for a mercantile or personal services occupancy where the total area of all those floors located at and above the lowest outside grade does not exceed 300 square meters and the building does not contain more than one dwelling unit,

(vi) an existing building, which, when converted, is used or intended to be used entirely for those uses described in subparagraphs (i) to (v), and

(vii) an interior space for a building to which Part 9 of the National Building Code of Canada applies, including signs, finishes, fixed or loose furnishings, equipment, fixtures and portioning of space and related exterior elements including signs, finishes, and glazed openings used for display purposes, where the design does not, or is not likely to produce a reduction in the structural integrity of the building or a change to

(A) a fire safety system,

(B) fire wall, or fire separation, or a public corridor on a floor, as defined by the National Building Code of Canada,

(C) a main entrance,

(D) the construction or location of an exterior wall,

(E) the usable floor space through addition of a mezzanine, infill, or other similar element of the building, or

(F) an increase in the number of spaces within the building each designed for an occupant load of 50 persons or greater;

(b) an engineer who is licensed under the Engineers and Geoscientists Act from carrying on the practice of civil engineering, structural engineering, mechanical engineering, electrical engineering or materials engineering;

NL Engineers Act 2008

2(h) "practice of engineering" means ... designing, preparing plans and specifications for or directing the construction...

(i) that is ... designed for the use and convenience of human beings, and

(ii) ... requires ... the professional application of the principles of mathematics, chemistry, physics or a related applied subject...

14(1) A person, ... except a professional engineer ..., shall not engage in the practice of engineering.

(4) Subsection (1) does not apply to a person engaged in

(a) planning, designing or giving advice on the design of;

(b) preparing plans, drawings, detail drawings, specification or graphic representations for the design of; or

(c) inspecting work or assessing the performance of work under a contract for

the erection, construction or alteration of or addition to a building.

(5) In subsection (4), "building" means a building ... which (where) the services of a designer are not required by the National Building Code in the construction of the building...

(NBCC 2015 –C2.2.1.2 states, with respect to structural design only, that the designer shall be a professional engineer or architect skilled in the work concerned. The NBCC does not require a designer with a license in architecture or engineering for the construction of buildings.)

(6) In subsection (5), "designer" has the same meaning as that given to it in the latest edition of the National Building Code.

(NBCC 2015: "Designer" means the person responsible for the design.)

- (e) a person from preparing designs of building materials and systems for the purpose of marketing and selling building materials and systems; and
- (f) a person from preparing or providing a design intended to illustrate the fabrication or installation of component parts of a building project, where the design for the building project has been provided by an architect.
- (g) a person from providing architectural services for the enlargement or alteration to a Part 9 building; or for an interior space for a building to which Part 3 of the National Building Code of Canada applies where the design does not or is not likely to produce a reduction in the structural integrity of the building or a change listed in Section 35(a)(vii); provided documents issued for permits and construction have first been reviewed by an Architect, requested changes have been incorporated, and the Architect's seal is applied to them.

Regulations

- 32. (1)** The board may, with the approval of the minister, make regulations
- (a) prescribing conditions for the licensing of a person to practise as an architect and for the renewal of licences;
 - (b) respecting the conferral of honorary titles or other forms of recognition on persons and the rights and privileges of those who are given them, and their cancellation;
 - (b.1) respecting the use of stamps and seals;
 - (c) respecting alternative dispute resolution for the purposes of sections 14 to 31 and the procedure for that resolution; and
 - (d) prescribing time limits for events in the disciplinary process in sections 14 to 31 , including time limits for:
 - (i) the filing of an allegation,
 - (ii) the resolution of an allegation by the registrar,
 - (iii) the conduct of an investigation under section 18 ,
 - (iv) consideration of an allegation by the complaints authorization committee following completion of an investigation,
 - (v) responding to a complainant and respondent at each stage of the process,
 - (vi) the conduct of a practice investigation under subparagraph 18 (3)(c)(ii),
 - (vii) the appointment of an adjudication panel under section 19 , and
 - (viii) the conduct of a hearing and the filing of a decision or order by an adjudication panel following completion of the hearing.
 - (e) respecting the review and stamping of documents referenced in Section 35(g).
 - (f) respecting the responsibilities of direct supervision referenced in Section 13(2).



Registrar's Report

Architects Licensing Board of Newfoundland and Labrador
7th Annual General Meeting, November 18, 2016

I have been honoured to take on the role of Registrar for the ALBNL this year and to carry on with the good work that Dave Dewling has done in past years. I would like to thank all of the Board and Lynda Hayward for their support and dedication in handling the many issues we are faced with on many fronts.

With respect to our current membership, our numbers remain steady, with many license holders along with a very strong contingent of interns.

Our current membership is as follows:

Associates	5
Interns in Architecture	11
Honorary Life Members	2
Retired	1
<u>License Holders</u>	<u>140</u>
Total Membership	159

Four Interns took the ExAC licensing exam this year. They were Mark Whelan, Michela Boschetti, Jessica Stanford and Ian Higenell.

As the ALBNL representative for the Canadian Architectural Licensing Authorities (CALA), I am pleased to report that the provinces continue to work well and cooperate on a number of initiatives. We most recently met in Toronto in October and had a very productive meeting. The following are some of the highlights:

- The **Canadian Architectural Certification Board (CACB) Committee** reported it is currently reviewing its funding with respect to deficits due to the Broadly Experienced Foreign Architect (BEFA) Program revenue shortfalls. This year's deficit will be paid off with a surplus currently held by CALA. A full BEFA review to deal with the program budget issues is awaiting federal funding, which is hoped to be provided in January 2017.

Other initiatives include the ongoing Validation process, dealing with the broad issues associated with the requirements of education, examination and experience, in addition to the Accreditation Auto-certification process for

architectural schools, to help streamline the certification process for recent graduates.

- The **ExAC Committee** reported that the program is running well, and they are continually looking at ways to improve the exam. The committee is currently looking at developing an online master registration list. This online platform could also be used for sharing information in a centralized fashion.
- The **International Relations Committee (IRC)** has been active on a number of fronts. The draft MRA between CALA and the Architect Council of Europe (ACE) has been finalized and CALA is currently soliciting jurisdictions' domain specific requirements to move this file forward towards a final agreement. This agreement will fall under CETA, when it comes into effect. The APEC Architect Project is in place, and in April the committee members met with the Committee on International Trade in Vancouver to discuss the TPP as it relates to this agreement. The Tri-National agreement continues between CALA and US and Mexico jurisdictions.
- RAIC representatives made a presentation to CALA regarding a proposal for a **Canadian Handbook of Practice (CHOP) RAIC/CALA MOA**. This would be a cooperative initiative between the two bodies to develop a new CHOP and explore ways to keep it as a live document, with continuing updates. Once the MOA is signed, the committee will be looking for volunteers from the membership of the licensing authorities.
- Due to the heavy administrative workload of CALA, it was agreed there was a need to consider creating a part-time **CALA Support Position**. A formal request has been sent to all jurisdictions to approve funding this position.
- NSAA President Gregory McNeil, brought forward a **Trademark Proposal**. This is an alternative approach to protecting the title "Architect" and would involve making the title "Architect" intellectual property and would be a more practical tool for enforcement. The OAA indicated that they would make contact with their IP Lawyer and come back with a cost proposal to determine feasibility for consideration.

Respectfully Submitted,



Greg Snow, NLAA, MRAIC

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Financial Statements

Year Ended September 30, 2016

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

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Year Ended September 30, 2016

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INDEPENDENT AUDITOR'S REPORT

To the Members of Architects Licensing Board of Newfoundland and Labrador

We have audited the accompanying financial statements of Architects Licensing Board of Newfoundland and Labrador, which comprise the statement of financial position as at September 30, 2016 and the statements of revenues and expenditures, changes in net assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

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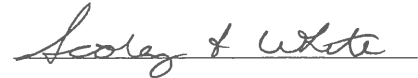
Independent Auditor's Report to the Members of Architects Licensing Board of Newfoundland and Labrador
(continued)

Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of Architects Licensing Board of Newfoundland and Labrador as at September 30, 2016, and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Mount Pearl, Newfoundland and Labrador

October 26, 2016



Chartered Professional Accountants

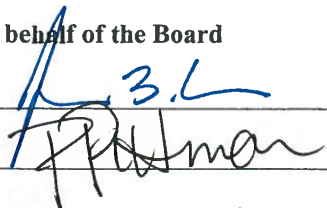
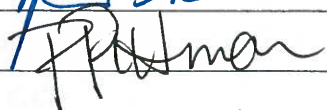
ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Statement of Financial Position

September 30, 2016

	2016	2015
ASSETS		
Current		
Cash	\$ 48,943	\$ 43,497
Accounts receivable	1,158	64
Prepaid expenses	2,439	3,345
	<u>\$ 52,540</u>	<u>\$ 46,906</u>
LIABILITIES & FUND BALANCES		
Current		
Accounts payable and accruals	\$ 2,612	\$ 3,024
Harmonized sales tax payable	1,213	1,724
Deferred revenue	3,680	912
	<u>7,505</u>	<u>5,660</u>
Fund balance		
Unrestricted	45,035	41,246
	<u>\$ 52,540</u>	<u>\$ 46,906</u>

On behalf of the Board

 Member
 Member

The accompanying notes are an integral part of these financial statements

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Statement of Revenues and Expenditures

Year Ended September 30, 2016

	Budget 2016 (Note 2)	2016	2015
Revenues			
Licence	\$ 73,315	\$ 79,400	\$ 81,259
Examination fees	1,824	912	1,340
Other income	4,000	2,296	3,733
	<u>79,139</u>	<u>82,608</u>	<u>86,332</u>
Expenses			
Administrative services	48,250	50,815	49,362
Annual general meeting and banquet	1,300	2,597	2,311
Continuing education	450	420	1,010
Courier	1,045	1,098	1,120
Examination of architects in Canada	2,539	1,537	1,707
Insurance	3,000	1,841	1,805
Interest and bank charges	472	351	471
Internship in Architecture Program	170	-	-
Licences and fees	3,289	2,171	3,300
Luncheon meeting	3,500	4,930	3,553
Miscellaneous	100	-	-
Office	2,650	2,605	3,915
International relations committee expenses	184	193	-
Professional fees	4,000	2,700	2,500
Public education	500	-	-
Telephone	1,690	1,791	1,688
Travel	4,500	4,120	6,389
Website	1,500	1,650	1,100
	<u>79,139</u>	<u>78,819</u>	<u>80,231</u>
Excess of revenues over expenses	<u>\$ -</u>	<u>\$ 3,789</u>	<u>\$ 6,101</u>

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Statement of Changes in Net Assets

Year Ended September 30, 2016

	2016	2015
Net assets - beginning of year	\$ 41,246	\$ 35,145
Excess of revenues over expenses	3,789	6,101
Net assets - end of year	<u>\$ 45,035</u>	<u>\$ 41,246</u>

The accompanying notes are an integral part of these financial statements

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Statement of Cash Flows

Year Ended September 30, 2016

	2016	2015
Operating activities		
Excess of revenues over expenses	\$ 3,789	\$ 6,101
Changes in non-cash working capital:		
Accounts receivable	(1,094)	3,897
Accounts payable and accruals	(412)	(999)
Deferred income	2,768	(428)
Prepaid expenses	906	(988)
Harmonized sales tax payable	(511)	(572)
	<u>1,657</u>	<u>910</u>
Increase in cash flow	5,446	7,011
Cash - beginning of year	<u>43,497</u>	<u>36,486</u>
Cash - end of year	\$ 48,943	\$ 43,497

The accompanying notes are an integral part of these financial statements

ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements

Year Ended September 30, 2016

Description of operations

Architects Licensing Board of Newfoundland and Labrador (the "Association") was created to oversee and enforce the rules governing architects in Newfoundland and Labrador under the Architects Act, 2008 as well as to promote and increase the knowledge, skill and proficiency of its members.

1. Summary of significant accounting policies

Basis of presentation

The Association prepares its financial statements in accordance with Canadian accounting standards for not-for-profit organizations.

Measurement uncertainty

The preparation of financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amount of assets and liabilities, disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the period. Such estimates are periodically reviewed and any adjustments necessary are reported in earnings in the period in which they become known. Actual results could differ from these estimates.

Cash and cash equivalents

Cash is defined as cash in bank, cash on deposit and short term deposits with maturity dates of less than ninety days, net of cheque issued and outstanding at the reporting date.

Financial instruments policy

Financial instruments are recorded at fair value when acquired or issued. In subsequent periods, financial assets with actively traded markets are reported at fair value, with any unrealized gains and losses reported in income. All other financial instruments are reported at amortized cost, and tested for impairment at each reporting date. Transaction costs on the acquisition, sale, or issue of financial instruments are expensed when incurred.

Income taxes

The association is a not-for-profit organization and is not subject to corporate income tax.

Fund accounting

The Association follows the restricted fund method of accounting for contributions. The General fund accounts for the organization's program delivery and administrative activities. This fund reports unrestricted resources.

Revenue recognition

Contributions related to general operations are recognized as revenue of the General Fund in the year in which the related expenses are incurred.

2. Budget comparative figures

The 2016 budget figures presented in the statement of operations are figures provided by management and have not been audited. These figures are included for the convenience of the reader only.

3. **Financial risk and concentration of risk**

The Association is exposed to various risks through its financial instruments and has a comprehensive risk management framework to monitor, evaluate and manage these risks. The following analysis provides information about the Association's risk exposure and concentration as of September 30, 2016.

Credit risk

Credit risk arises from the potential that a counter party will fail to perform its obligations. The Association is exposed to credit risk from members. The Association was established under the Architects Act 2008 and is authorized to licence architects in the province of Newfoundland and Labrador. In order to practice as a professional architect the individual must be licensed. The Association has a significant number of members requiring licences which minimizes concentration of credit risk. There has been no change to this risk exposure from the prior year.

Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with financial liabilities. The Association is exposed to this risk mainly in respect of its receipt of funds from its members. There has been no change to this risk exposure from the prior year.



BY-LAWS

As of 18 October 2010
Revised 09 March 2016

PART 1 - GENERAL

- .1 This document shall be known as the By-laws of the Architects Licensing Board of Newfoundland and Labrador.
- .2 The by-laws of the Board are presented in the order outlined in article 9 of the Act; and followed by additional by-laws as required to outline the administrative procedures of the Board.

PART 2 - DEFINITIONS

- .1 Unless otherwise noted, a *member of the Board* is any person elected or appointed to the Board.
 - .1 An *elected member of the Board* is any person of the Board elected by the membership of the Association.
 - .2 An *appointed member of the Board* is any person appointed to the Board by government.
- .2 The *Association* is the Newfoundland and Labrador Association of Architects.
- .3 A *License Holder* is a person granted a license to practise architecture by the Board.

PART 3 - BY-LAWS

3.1 LIST OF BY-LAWS

- .1 By-laws Prescribed by Section 9 of the Act are:
 - .1 Holding and Procedure of Board Meetings.
 - .2 The Appointment of Committees and the Duties and Responsibilities of Those Committees.
 - .3 Election of Members of the Board Under Subsection 5 (2) of the Act and Setting the Terms of Office.
 - .4 Payment of Travel and Other Expenses of Elected Members of the Board.
 - .5 Employment and Remuneration of Staff and Consultants.
 - .6 Code of Ethics.
 - .7 Remuneration and Payment of Travel Expenses of Members of Adjudication Tribunals.
 - .8 Participation of Members at a Meeting of the Board by Telephone or Other Telecommunications Device under Section 7.
 - .9 Voting by Members by Mail or Electronic Means.
- .2 Other By-laws Governing Administrative Procedures of the Board
 - .1 Role of the Chairperson
 - .2 Role of the Registrar
 - .3 Remuneration of the Registrar
 - .4 The Register
 - .5 The Regulations
 - .6 Banking
 - .7 Signing Authority
 - .8 Seal
 - .9 License Certificate
 - .10 Operating Agreement with the NLAA
 - .11 Place of Business
 - .12 Board Name

3.2 HOLDING AND PROCEDURE OF BOARD MEETINGS (Act Article 9(1)(A))

.1 Annual General Meeting (Act Article 7(5))

- .1 The Board shall hold an annual general meeting in November of each year, at a date, time, and place to coincide with the annual general meeting of the Association.
- .2 Notice of the annual general meeting shall be given to all members 30 days in advance of the meeting.
- .3 The agenda for the annual general meeting shall include:
 - .1 A report from the Chairperson.
 - .2 A report from the Registrar.
 - .3 A report from each standing committee.
 - .4 The Auditor's report.
 - .5 Appointment of auditors for the up-coming year. (Act Article 7(6))
 - .6 Questions from the membership.
 - .7 New business.
 - .8 Nominations and election of members to the Board.

.2 Other Board Meetings

- .1 The Board shall hold regular Board meetings one per month from September to June at a predetermined day and time set by the Board.
- .2 The Board shall meet between June and September upon the request of the Registrar.
- .3 The Board shall meet at all other times with the consent of not less than one half the membership of the Board.

.3 Decision Making

- .1 Decisions of the Board shall be by majority vote of Board members except when specifically indicated as being a decision of elected Board members only.

.4 Record of Board Meetings

- .1 The Board shall appoint a person to maintain a record of all Board meetings.
- .2 The record of all Board meetings and Board meetings shall be public except as it pertain to:
 - .1 Personnel issues.
 - .2 The Board shall be guided by the spirit of the government of Newfoundland and Labrador's Access to information and Protection of Privacy Act, 2015 in deciding on what information shall be held in confidence and what information shall be made available to the public.

.5 Election of the Chair

- .1 The election of the chair shall take place at the first Board meeting following the annual general meeting.
- .2 Any elected member of the Board shall be eligible to hold the chair.
- .3 The election of the Chair shall be by secret ballot of all Board members administered by an appointed member of the Board.
- .4 The term of the Chair shall be for one year.
 - .1 The Chairperson may be replaced for the duration of the term by a majority vote of all Board members at a regularly scheduled Board meeting.
- .5 Nothing prevents the Board from electing the same person to the Chair each year.
- .6 The Chair shall not hold the office of the Registrar or the chair of the Finance Committee.

.6 Election of The Registrar

- .1 The election of the Registrar shall take place at the first Board meeting following the annual general meeting.
- .2 Any elected member of the Board shall be eligible to become the Registrar.
- .3 The election of the Registrar shall be by secret ballot of all Board members administered by an appointed member of the Board.
- .4 The term of the Registrar shall be for one year.

- .1 The Registrar may be replaced for the duration of the term by a majority vote of all Board members at a regularly scheduled Board meeting.
 - .5 Nothing prevents the Board from electing the same person to the position of the Registrar each year.
 - .6 The Registrar shall not hold the office of the Chair of the Board or the chair of the Finance Committee.
- .7 Proxy
- .1 No member shall grant a proxy to another person to attend and vote at a Board meeting on his/her behalf.
- 3.3 THE APPOINTMENT OF COMMITTEES AND THE DUTIES AND RESPONSIBILITIES OF THOSE COMMITTEES (Act Article 9(1)(B))
- .1 The Board shall establish the following standing committees.
- .1 Complaints Authorization Committee
 - .1 The responsibilities for the Complaints Authorization Committee shall be per the requirements of the Act, including Article 18.
 - .2 Disciplinary Panel
 - .1 The responsibilities of the Disciplinary panel shall be per the requirements of the Act.
 - .3 Standing Committee on Finance
 - .1 The Standing Committee on Finance shall be a committee of one consisting of a member of the Board elected by the Board.
 - .2 The Committee shall be responsible for the financial records of the Board.
 - .3 The Committee shall have no power to expend monies without Board approval.
 - .4 The chair of the Committee shall not hold the office of the Chair of the Board or Registrar.
 - .4 Standing Committee on Continuing Education
 - .1 The Standing Committee on Continuing Education shall be responsible for developing and administering the requirements for continuing education.
 - .5 Standing Committee on Legislative Change
 - .1 The Standing Committee on Legislative Change shall oversee any amendments required to the Act, Regulations, By-laws, and Code of Ethics.
- .2 The Board may establish other committees as required to support the mandate of the Board.
- .3 The Board shall appoint committee members, except for the Finance Committee, as follows:
- .1 The Board, at its annual general meeting, shall request persons interested in sitting on any committee of the Board to make themselves known by placing their name on a list.
 - .2 The Board shall appoint committee members within 30 days of the Board's annual general meeting.
 - .1 While the Board shall consult the list of names compiled at the annual general meeting, the Board may proceed and appoint any willing persons who, in the Board's sole opinion, is best suited.
 - .3 Committee members shall hold office until such time as new members are appointed.
 - .4 Members of standing committees shall be limited to only those persons who hold a license or who are appointed members of the Board.
 - .5 The Board shall appoint persons to the Complaints Authorization Committee and the Disciplinary Panel in accordance with the requirements of the Act.
- 3.4 ELECTION OF MEMBERS OF THE BOARD UNDER SUBSECTION 5 (2) OF THE ACT AND SETTING THE TERMS OF OFFICE (Act Article 9(1)(C))
- .1 Board members elected by the membership of the Association prior to the proclamation of the Architects Act 2008 shall constitute the elected members of the Board until such time as an election of new Board members is held at the Board's first annual general meeting.
 - .2 Each member of the Association is eligible to run in an election for Board members provided that member is first nominated by another member of the Association.
 - .3 The deadline to nominate a person to the Board shall be immediately prior to the election.

- .4 Each member of the Association is eligible to cast a ballot for the election of Board members.
 - .1 A member must be in attendance at the election in order to cast a ballot.
- .5 The election of Board members shall be by secret ballot administered by an appointed member of the Board.
- .6 The individuals who receive the most votes shall be elected to the Board. In the case of a tie, the names of the individuals tied shall be placed into a hat and the name of the individual drawn randomly from the hat shall be declared elected.
- .7 Terms of Office for Elected Members (Article 5(6) of the Act)
 - .1 At the first Board meeting following the first election of Board members, the elected Board members shall attempt to agree among themselves which two members will hold a 3 year term, which two members will hold a 2-year term, and which one member shall hold a 1 year term, and failing that, names shall be drawn randomly from a hat for each term by an appointed member.
 - .2 The term of office for every Board member after the first election, shall be for three years.
- .8 Appointment of Replacement Board Members (Act Article 5(8))
 - .1 The Chair shall provide 7 days' notice to all other Board members when an election of a replacement Board member is required.
 - .2 Any member of the Board may put forward one or more names of members who have expressed a willingness to sit on the Board.
 - .3 The Board shall elect the replacement member by secret ballot.
 - .4 Where no candidate receives 50 percent plus 1 of the votes cast, then the candidate who has received the least number of votes shall be dropped and a subsequent vote held, until such time as a candidate is elected.
- 3.5 PAYMENT OF TRAVEL AND OTHER EXPENSES OF ELECTED MEMBERS OF THE BOARD (Act Article 9(1)(D))
 - .1 The Board shall reimburse reasonable expenses of elected members incurred in their role provided approval of such expenses is first obtained from the Board and the expenses are documented by original receipts.
 - .2 The Board may adopt, by resolution, guidelines for travel and other reimbursable expenses of its elected members.
- 3.6 EMPLOYMENT AND REMUNERATION OF STAFF AND CONSULTANTS (ACT ARTICLE 9(1)(E))
 - .1 Board Administrator
 - .1 The Board may retain the services of a Board Administrator to conduct the day-to-day affairs of the Board.
 - .2 The Board shall set the terms and conditions of service for the Board Administrator.
 - .3 The Board shall not enter into a contract for service for a Board Administrator greater than 12 months in length at any one time.
 - .4 The Board Administrator shall report to the Chairperson.
 - .2 Financial Auditor
 - .1 The Finance Committee shall, at the Board's annual general meeting, make a recommendation for the appointment of an auditor of the Board's finances and indicate the associated cost.
 - .2 The License Holders shall vote on the appointment of auditor of the Board's finances at that meeting.
 - .3 The auditor of the Board's finances in the first year of operation shall be the same auditor engaged by the Association.
 - .3 Other Consulting Services
 - .1 The Board may retain the services of other consultants the Board deems necessary.

- .2 The Board shall attempt to obtain not less than three proposals for any consulting services in excess of \$1,000 prior to the selection of the consultant.
- 3.7 CODE OF ETHICS (Act Article 9(1)(F))
- .1 The Code of Ethics shall be the Code of Ethics dated 18 October 2010 and adopted by the Board.
- 3.8 REMUNERATION AND PAYMENT OF TRAVEL EXPENSES OF MEMBERS OF ADJUDICATION TRIBUNALS (Act Article 9(1)(G))
- .1 The Board shall reimburse reasonable expenses of members of adjudication tribunals incurred in their role provided approval of such expenses is first obtained from the Board and the expenses are documented by original receipts.
 - .2 The Board may adopt, by resolution, guidelines for travel and other reimbursable expenses of members of adjudication tribunals.
- 3.9 PARTICIPATION OF MEMBERS AT A MEETING OF THE BOARD BY TELEPHONE OR OTHER TELECOMMUNICATIONS DEVICE UNDER SECTION 7 (Act Article 9(1)(H))
- .1 Attendance at an Annual General Meeting
 - .2 Attendance at Other Board Meetings (Act Article 7(2))
 - .1 Nothing prohibits a member of the Board from attending a Board meeting via teleconference, if so arranged in advance.
- 3.10 VOTING BY MEMBERS BY MAIL OR ELECTRONIC MEANS (Act Article 9(1)(I))
- .1 Voting at an Annual General Meeting of the Board
 - .1 Voting at an annual general meeting shall be limited to those members physically present at the meeting venue.
 - .2 Voting at Other Board Meetings
 - .1 Where, in the opinion of the Chair, it is in the best interest of the Board to make a ruling on an issue between scheduled Board meetings, and it is an issue that the Chair is of the opinion can be easily decided on by a yes-no vote without need for discussion by the Board, the Chair may call for an electronic vote, which is to have the same effect as if the decision were made at a regularly scheduled Board meeting.

PART 4 - OTHER ADMINISTRATIVE BY-LAWS

4.1 ROLE OF THE CHAIR:

- .1 The role of the Chair includes:
 - .1 Chairing meetings of the Board and the annual general meeting.
 - .2 Public spokesperson of the Board.
 - .3 The immediate supervisor of any employees of the Board
 - .4 Filing an annual report to the Minister. (Act Article 10(1))
 - .5 Other duties as prescribed from time to time by a majority vote of the Board.
 - .6 Report to the Board.

4.2 ROLE OF THE REGISTRAR

- .1 The role of the Registrar is to:
 - .1 Maintain a registry of license holders.
 - .2 Enter and remove names in the registry as directed by the Board.
 - .3 Review applications for license and license renewal and make recommendations to the Board.
 - .4 Attend meetings of regulators on behalf of and at the approval of the Board.
 - .5 Report to the Board.

4.3 REMUNERATION OF THE REGISTRAR (Act Article 5(11))

- .1 The Registrar shall not be paid except for out-of-pocket expenses approved by the Board.

4.4 THE REGISTER (Act Article 12(1))

- .1 The Registrar shall maintain a register containing the names of all persons granted a licence, together with a record of renewals and cancellations, submissions required for licensing and renewals, and any disciplinary actions taken, and associated dates.
- .2 The Register shall be a public document and made readily available for viewing by the public.

4.5 REGULATIONS

- .1 The Board shall only request the Minister to modify the Regulations provided that first:
- .1 The Standing Committee on Legislative Change has reviewed the proposed amendment;
 - .2 License Holders are notified in writing of the draft amendment and given 30 days to file comments to the Committee.
 - .3 The Committee has reviewed comments received and has proposed wording of the amendment to the Board.
 - .4 The Board has approved the proposed amendment.
- .2 The Board shall notify License Holders immediately upon a change to the Regulations.

4.6 BANKING

- .1 The bank of the Board shall be the Royal Bank of Canada, Main Branch - Water Street, St. John's, Newfoundland and Labrador.
- .2 The Board shall maintain a chequing account and other accounts as approved by the Board from time-to-time.
- .3 The Board shall maintain no credit facility with the bank or other lending authority but may hold credit facilities with its trade suppliers, but only to the extent needed to conduct the Board's business.

4.7 SIGNING AUTHORITY

- .1 The Chair shall sign documents on behalf the Board, and in his absence, the Registrar may sign; unless otherwise noted.
- .2 Banking documents, including cheques, shall be signed by any two of the following:
- .1 The Chair;
 - .2 The Registrar;
 - .3 The chair of the Standing Committee on Finance.

4.8 SEAL

- .1 The Board shall approve a design for the seal referenced in Article 37 of the Act. The Board shall own the copyright of the design.
- .2 The Board shall grant each License Holder a license to apply the design of the seal to documents reference in Article 37 of the Act as long as the License Holder holds a valid license.
- .3 For each License holder the Board shall have made a rubber stamp containing the design of the seal and the name of the License Holder, and shall loan such rubber stamp to the License Holder on the condition it is immediately returned to the Board when the License Holder no longer holds a license.

4.9 LICENSE CERTIFICATE

- .1 The Board shall approve a design for a license certificate. The Board shall own the copyright of the design.
- .2 The Board shall, upon approval of a license or the renewal of a license, issue a license certificate to the License Holder.

4.10 OPERATING AGREEMENT WITH THE NLAA

- .1 The Board may enter into an operating agreement with the Newfoundland Association of Architects for such items common to the Board and the Association which, if administered jointly, would be administratively efficient or result in a cost savings, provided no item undermines the independence of the Board from the Association.
- .2 The operating agreement may include such items as:
 - .1 Common invoicing and collection of license and full-membership fees.
 - .2 Common telephone, fax, and e-mail facilities.
 - .3 Common web site, provided information published by the Board is separately identified from that of the Association.
 - .4 Selection of a common date and venue for annual general meetings.

4.11 PLACE OF BUSINESS

- .1 The Board's official place of business, for purposes of receipt of notices, shall be:
 - .1 P.O. Box 5204
St. John's, Newfoundland and Labrador, Canada, A1B 2R9

4.12 BOARD NAME

- .1 The Board shall be known as the Architects Licensing Board of Newfoundland and Labrador.
- .2 The acronym of the Board shall be ALBNL.

4.13 MISCELLANEOUS

- .1 Votes
 - .1 Every vote at a Board meeting and at an annual general meeting shall be public unless specifically noted otherwise in these By-laws.
 - .2 Ballots of a secret vote shall be available for viewing by any *License Holder* upon receipt of a request immediately following the vote.
- .2 Standard Forms
 - .1 Application to Practise Architecture In Newfoundland and Labrador
 - .2 Application For License Renewal Form
 - .3 Letter Granting License
 - .4 Notice of License Expiration
- .3 Confidentiality Agreement

Each person, immediately following their election or appointment to the Board, shall enter into a confidentiality agreement, adapted and amended by the Board from time-to-time, before attending Board meetings and before having access to records of the Board.

- 5.1 This is to certify this document is the official record of all current by-laws of the Licensing Board of Newfoundland and Labrador Architects as of the date prescribed below.



ALBNL Chair:



ALBNL Registrar:

Date Revised and approved by the Board: March 9, 2016



ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

P.O. BOX 5204
ST. JOHN'S, NL
CANADA A1C 5V5

TEL (709) 726-8550
FAX (709) 726-1549
albnl@albnl.com / www.albnl.com

CODE OF ETHICS

As of 18 October 2010

PART 1 - GENERAL

- .1 This document shall be known as the Code of Ethics of the Architects Licensing Board of Newfoundland and Labrador.
- .2 This document has been modelled after the Code of Ethics and Professional Conduct published by the Nova Scotia Association of Architects 22 January 1998.

PART 2 - DEFINITIONS

- .1 The *Association* is the Newfoundland and Labrador Association of Architects.
- .2 A *License Holder* is a person granted a license to practice architecture by the *Board*.

PART 3 - CODE OF ETHICS

3.1 COMPETENCE

- .1 In practicing architecture, a *License Holder* shall act with reasonable care and competence, and shall apply the knowledge, skill and judgement which is ordinarily applied by *License Holders* currently practicing in the Province of Newfoundland and Labrador.
- .2 A *License Holder* shall remain informed with respect to the practice of architecture in the Province of Newfoundland and Labrador.
- .3 A *License Holder* shall undertake to perform professional services only when qualified, together with those whom the *License Holder* may engage as consultants, by education, training and experience in the specific areas involved.
 - .1 A *License Holder* shall limit professional practice to areas of personal competence or shall engage others (including staff) who are competent in supplementary areas.
 - .2 Where so governed under Provincial statute, other professionals must be engaged to practice their professions.

3.2 CONFLICT OF INTEREST

- .1 Except as permitted hereunder and with full disclosure under Section 3.5, a *License Holder* shall avoid actions and situations where the *License Holder's* personal interests conflict or

appear to conflict with professional obligations to the public, the client and to other *License Holders*.

- .1 A *License Holder* shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.
 - .2 All parties compensating the *License Holder* must so agree prior to the *License Holder's* rendering services to the second and subsequent parties.
- .2 A *License Holder* having a personal association or interest which relates to a project shall fully disclose in writing the nature of the association or interest to the *License Holder's* client or employer. If the client or employer objects, then the *License Holder* will either terminate such association or interest or offer to give up the commission or employment.
- .1 Personal association includes (but is not limited to) friendship or family relationship; personal interest includes (but is not limited to) direct or indirect potential for financial or material gain.
 - .2 The *License Holder* is required to make disclosure as soon as there is a personal association or interest, or an awareness of a potential or perceived conflict of interest, to which a client or employer might object.
- .3 Except as permitted under Clause 5.3.7, a *License Holder* shall not solicit or accept compensation or benefit from material or equipment suppliers in return for specifying or endorsing their products.
- .1 Under this Clause, "endorsing" means "accepting" or "approving" for use on a project.
 - .2 Pursuing or receiving a "kickback" is disallowed.
 - .3 A *License Holder* must make recommendations based on independent professional judgement and uncompromised evaluation.
 - .4 Neither agreement between the parties nor disclosure (in whole or part) of the receipt of benefits in exchange for recommending products will eliminate or waive the *License Holder's* conflict of interest under this Clause.
- .4 A *License Holder* acting as the interpreter of construction contract documents and reviewing construction for conformance with the contract documents shall render decisions impartially.
- .1 Regardless of which party in a project's administrative structure had engaged and pays the *License Holder*, the *License Holder* shall interpret construction contract documents impartially, as if disinterested.
- .5 A *License Holder* who is a juror or advisor for an approved competition shall not subsequently provide any services to the winner or, if there is not winner, for any derivative commission.
- .1 This applies equally to a *License Holder* who was, or who had agreed to serve as, a juror or advisor but was discharged or withdrew.

3.3 FULL DISCLOSURE

- .1 A *License Holder* shall disclose if the *License Holder* has a related personal or business interest when making a public statement on an architectural issue.
 - .1 Personal interest includes (but is not limited to) friendship or family relationship or direct or indirect potential for financial or material gain.
 - .2 A *License Holder* 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.

- .2 A *License Holder* shall accurately represent to the public, a prospective or existing client or employer the *License Holder's* qualifications and the scope of the *License Holder's* responsibility in connection with work for which the *License Holder* is claiming credit.
 - .1 An architectural firm's representations must accurately reflect current principals and staff capacities.
- .3 A *License Holder* who, in the provision of services, becomes aware of an action taken by the *License Holder's* employer or client, against the *License Holder's* advice, which violates applicable building laws or regulations, shall, (i.) refuse, in writing to the employer or client, to consent to the violation; and (ii.) should the employer or client refuse to take action to correct the violation, report the violation, in writing, to the authority having jurisdiction.
 - .1 A *License Holder* in such a situation must take all reasonable steps to convince such an employer or client to comply with the building laws or regulations.
- .4 A *License Holder* shall not knowingly make or assist others to make, either a false or misleading statement or an omission or material fact about education, training, experience or character when applying for or renewing registration as a *License Holder*.
- .5 A *License Holder* who knows of an apparent violation of the Architects Act, Regulations, By-Laws, Code of Ethics, or *Board* rulings shall report such knowledge to the Association.
 - .1 A *License Holder* must not withhold information from the *Board* about an apparent infraction regardless of who might ask the *License Holder* or require the *License Holder* under an agreement, to do so.
 - .2 A *License Holder* acting in the capacity of a mediator or arbitrator, under an agreement which includes a confidentiality provision, is not obliged to report information so received to the *Board*.
- .6 Except as prohibited by Clause 5.2.3, a *License Holder*, whether compensated or not, may permit the *License Holder's* name, portrait or reputation to be attached to an endorsement of other's services or products.
- .7 A *License Holder* having a financial interest in any building material or device which the *License Holder* proposes to specify for a project shall disclose this interest to the client and shall request and receive written approval for such specification from the client and shall include a copy of this approval in the construction contract documents.
 - .1 This permits a *License Holder* to have a prior or ongoing proprietary interest. The *License Holder* should also request the *License Holder's* staff and sub consultants to make similar disclosures to the *License Holder*.

3.4 COMPLIANCE WITH LAWS

- .1 In practicing architecture, a *License Holder* shall not knowingly violate any law or regulation.
 - .1 A *License Holder* must not counsel the *License Holder's* employees, consultants or associates knowingly to disregard, violate or otherwise abuse any bylaw, regulation or code affecting the practice of architecture.

- .2 A *License Holder* shall neither offer nor make any payment or gift to a public official (whether elected or appointed) with the intent of influencing the official's judgement in connection with a prospective or existing project.
 - .1 A *License Holder* must not offer or provide a bribe or "kickback" to any person.
 - .2 Nominal entertainment and hospitality expenditures by a *License Holder* hosting a public official are permitted.
- .3 A *License Holder* shall comply with the Architects Act of Newfoundland and Labrador, the Regulations under the Architects Act, By-Laws, Code of Ethics, and *Board* rulings.
 - .1 A *License Holder* must not directly or indirectly condone or encourage contravention of the *License Holders' Act*, Regulations and The Board rulings by others.
- .4 In practising architecture, a *License Holder* shall take into account all applicable federal, provincial and municipal building laws and regulations and a *License Holder* may rely on the advice of other professionals and other qualified persons as to the intent and meaning of such regulations.

3.5 CONDUCT

- .1 Each office maintained for offering architectural service to the public shall have a *License Holder* who has direct knowledge and supervisory control of the services.
 - .1 A *License Holder'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.
 - .2 Proposals of service; agreements; assurances; certifications; official submissions to authorities having jurisdiction; and other representations on behalf of an architectural firm must be made by a *License Holder*.
 - .3 When an authority having jurisdiction receives a formal presentation (e.g., to a design panel, public hearing, advisory commission or elected body) on an architectural matter, the presentation shall be made by (or under the attending, personal supervision of) a *License Holder*.
- .2 A *License Holder* shall seal the *License Holder's* work in accordance with the requirements of the Architects Act, Regulations, By-laws, Code of Ethics, and *Board* rulings.
 - .1 A *License Holder's* seal is to be applied only by that *License Holder* and is to be used only on documents prepared by the *License Holder* personally or by other persons under the *License Holder's* supervision, direction and control.
- .3 A *License Holder* shall neither offer nor make any gifts, other than of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgement of a prospective client in connection with a project in which the *License Holder* is interested.
 - .1 A *License Holder* must not offer or provide a bribe or "kickback" to any person.
- .4 A *License Holder* shall not engage in conduct involving fraud or wanton disregard of the rights of others.
- .5 A *License Holder* shall conduct the *License Holder's* affairs in a professional manner and refrain from any act which would reflect unfavourable on the profession as a whole.
 - .1 A *License Holder's* conduct towards other *License Holders* shall be characterized by courtesy and good faith.

- .2 A *License Holder* shall give due regard to the professional obligations of those from whom the *License Holder* receives or to whom the *License Holder* gives authority, responsibility or employment, or of those with whom the *License Holder* is professionally associated.
 - .3 A *License Holder* shall give due regard for the interests of both those who commission and those who may be expected to use or be exposed to the product of the *License Holder's* services.
 - .4 A *License Holder* who engages in any profession, business or occupation concurrent with the practice of architecture must not allow such outside interests to jeopardize or come into conflict with the *License Holder's* professional integrity or obligations.
 - .5 Dishonourable conduct in the professional or private life of a *License Holder* which reflects adversely on the integrity of the profession must be avoided.
- .6 A *License Holder* shall not falsely or maliciously injure the professional reputation or business prospects of another *License Holder*.
 - .7 A *License Holder* shall not supplant or attempt to supplant another *License Holder* after the other *License Holder* has been retained or definite steps have been taken toward the other *License Holder's* retention.
 - .8 A *License Holder* may only accept a commission for a project when the services of any *License Holder* previously retained for the project have been terminated.
 - .1 A *License Holder*, on being either approached or instructed to proceed with services for which the *License Holder* knows or can ascertain by reasonable inquiry that another *License Holder* is or has been engaged by the same client, shall notify the other *License Holder* in writing of that fact.
 - .2 The foregoing notwithstanding, there are several necessary pre-conditions to a "successor" firm's providing services which are based upon and which continue and complete those initiated by its predecessor: (i.) there must have been no supplanting of the original firm by a successor firm; (ii.) the resignation or termination of the original firm must have been done in accordance with the terms of its client/*architect* agreement; (iii.) the original owner must have paid for the services of the original firm; (iv.) in the case of property transfer to a new owner, there must have been legal acquisition by the new owner of the original architectural firm's copyright and drawings (either directly from the original firm or from the original owner, if that owner was legally entitled to sell them).
 - .9 A *License Holder* may only provide the same service for the same client on the same project as another *License Holder* through the medium of an approved competition.
 - .1 The "same client" includes technically different clients, authorities or departments connected to or part of a broader client.
 - .2 Any attempt to circumvent the Regulations by sequential engagement and disengagement of a series of *License Holders* is considered a non-approved form of competition.
 - .10 Except in an approved competition, a *License Holder* shall provide no form of service until retained and in receipt of the client's instructions.
 - .1 Speculative services to lure or entice a client, or "loss leaders," are not permitted.
 - .2 Prior to being retained, a *License Holder* is 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.
 - .3 A *License Holder* has a duty to communicate with a client and to keep a client reasonable informed.
 - .4 A *License Holder* who provides personal input to a public organization, occupies political office or is a board or committee member (on either a paid or voluntary basis) must not provide any form of architectural services to that organization in that capacity (but may do so in accordance with Clause 3.5.16).
 - .11 An approved architectural competition is either a competition conducted according to the current "Canadian Rules for the Conduct of Architectural Competitions" or an

alternate arrangement, specifically approved in writing by the *Association*, that assures equitable treatment and equal and adequate remuneration to participating *License Holders*.

- .1 Prior to a *License Holder's* participation, an architectural competition's "approved" status must be confirmed with the *Association*.
 - .2 A *License Holder* invited to participate in a non-approved architectural competition must decline the invitation and advise the *Association* of the competition.
- .12 A *License Holder's* conduct when participating in an approved competition must comply with the "Canadian Rules for the Conduct of Architectural Competitions" or as directed by the *Association*.
- .13 A *License Holder* shall not attempt to influence the awards of an approved competition, except as a jury member
- .1 Any actions which involve bribery, pressure or unusual contact with the competition authorities are prohibited.
- .14 A *License Holder* shall not attempt to obtain a commission to be awarded by an approved competition, except as an entrant.
- .15 A *License Holder* receiving monies for services provided by others shall not use such monies for the *License Holder's* own purposes, and shall distribute them promptly to those so entitled.
- .1 The Clause requires a *License Holder* to fulfil the expectation that funds received by a *License Holder* on behalf of others will be properly managed.
 - .2 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 *License Holder* by sub consultants and suppliers. This provision does not apply to employees of the *License Holder*.

3.6 SERVICES RELATED TO FIRMS

- .1 A *License Holder* who chooses to provide direct supervision to a firm referenced in Section 13(2) of the Architects Act must be either an employee or contract employee of the firm, and shall limit the direct supervision to that firm, and any partnership and joint venture that the firm is a member of.
 - .1 The *License Holder* agrees to notify the *Board* 30 days in advance of the name of the firm, and where direct supervision is provided to any partnership or joint venture that the firm is a member of, then the name of the partnership or joint venture; and to notify the *Board* immediately when direct supervision ceases.
 - .2 Where the *License Holder* is a employee or contract employee of more than one firm, direct supervision shall be provided to only one firm and any partnership or joint venture that the firm is a member of.
- .2 A *License Holder* who, in the provision of services to a firm operating under Section 13 of the Architects Act, suspects that the offering and provision of architectural services are not being made under the direct supervision of a *License Holder*, shall, immediately stop providing architectural services to the firm until such time as the *License Holder* is satisfied that the required direct supervision is being performed by a *License Holder*.

- .3 A License Holder shall not provide architectural services or supervision to any firm who offered or provided architectural services and, in the preceding six months, failed to meet the requirements of Section 13 of the Architects Act.

PART 4 - APPROVAL OF THE CODE OF ETHICS

- 4.1 This is to certify this document is the official record of the Code of Ethics of the Architects Licensing Board of Newfoundland and Labrador *License Holders* as of the date prescribed below.

A handwritten signature in black ink that reads "A. BACKWOOD" with a stylized flourish at the end.

Signature of the Chairman:

A handwritten signature in black ink, appearing to read "Gene Delvin", with a stylized flourish.

Signature of the Registrar:

Date: October 18th 2010



ALBNL 7TH ANNUAL GENERAL MEETING MINUTES

DATE: November 18, 2016
TIME: 9:25am
MEETING PLACE: Junior Common Room, R. Gushue Hall, MUN, St. John's, NL

PRESENT:

The attendance record is attached to the minutes for record purposes.

GREETINGS:

The Chair, Jim Case, welcomed everyone to the ALBNL 7th Annual General Meeting.

MEETING CALL TO ORDER:

The meeting was called to order at 9:25am.

1. BUSINESS MEETING AGENDA:

The Meeting Agenda was tabled. Motion: That the Meeting Agenda, as circulated, be accepted. Moved by Charles Henley and Seconded by Gary Walsh. The Motion was carried.

2. THE ALBNL 6th ANNUAL GENERAL MEETING MINUTES:

The ALBNL 6th Annual General Meeting Minutes were tabled. Motion: That the ALBNL 6th Annual General Meeting Minutes, as circulated, be accepted. Moved by Strat Barrett and Seconded by Charles Henley. The Motion was carried.

2.1 BUSINESS ARISING FROM THE 6TH AGM Minutes:

4.1 Report of the Chair:

The action items brought forward from the previous AGM focussed from the report of Chair; they were:

- a. To revise the Code of Ethics; and**
- b. To prepare a policy paper on Design Build:**

The first two items are interlinked. The current Code of Ethics did not deal with Design-Build RFPs. The Board was requested to figure out what the policy should be and then challenge the Code of Ethics. Design Build RFP's include a broad range of design services. The Code specifically states that an architect shall not enter into work for the same project, for the same client, and under the same circumstances, as another architect.

The Design-Build RFPs projects are contrary to the Code and are turning into unsanctioned design competitions. The Board recommended finding someone to research what the issues are nationally and locally. Currently the Code of Ethics has two modes of delivery, Contract and Design Competition; should the ALBNL open up the Code to another mode of delivery, then there is the question of enforcement.

The questions on the above were raised at the national level for guidance and the responses received indicated that each jurisdiction struggled the same way as the ALBNL.

The Board recommended that the issue of Design Build be brought forward to the NLAA and Canadian Architectural Licensing Authorities (CALA) to provide some guidelines on a policy paper. The NLAA response was that the Canadian Design-Build Institute would have the applicable information, and no responses were received from CALA.

c. To prepare a new Brochure/Flyer for the Canadian Federation of Independent Business (CFIB) to distribute to its members:

The new flyer was produced and a copy was included in the AGM meeting package for information purposes; the document was circulated to the CFIB, Local Service Districts and Municipalities, and Municipalities NL.

d. The Board, in conjunction with the NLAA, was to participate in the Municipalities Conference to enhance a better public information campaign:

On June 14th an email was sent to Municipalities NL stating that the NLAA was very interested in exhibiting and possibly speaking at their convention this year in St. John's; and inquiring what were the opportunities available to exhibit at their trade show or even be a presenter at one of their sessions.

A response email was received from the Municipalities NL Administration office on June 15th informing the NLAA that they were in the early stages of convention and would discuss our request with their President and CEO; at that time, the NLAA was informed that a response would follow soon. After several follow up emails and telephone calls to Municipalities NL on the status of our request, no response was ever received.

3. BOARD REPORTS:

3.1. Report of the Chair:

Jim Case read his report. There were a variety of important topics brought forward.

- A discussion centred around the area of overlap in building designs between the respective scopes of practice with architects and engineers; it was noted by the Chair that a detailed research report was inadvertently omitted in the AGM package titled "Services of an architect are not required provided" completed by Paul Blackwood. *Action: It was recommended that the document be forwarded to the membership shortly following the AGM.*
- Scale of Fees not being used by Clients.

- Project Management/Request for Information (RFI): It's a change in the way that business is happening in the architectural profession now and part of the reason for this is the contracts that Architects use; contracts that Architects have with their clients and the CCDC contracts. RFI's lead to change orders; it appears larger companies are using this process because they see opportunities in how Architects' contracts are written and they are able to use this process. A methodology has been established. The erosion of the profession is ongoing. The NLAA must change how their contracts are written. The next step depends on whether or not we want to change the way the methodology is happening.
Action: The Board to look into this.
- The value of design; it is always the big issue we have in this culture.

3.2 Report of the Registrar:

Greg Snow read his report; updates were provided to the membership in regards to both local and national activities.

Action: That the membership listing be included with the Registrar's annual report.

3.3 Finance Chair's Report:

3.3.1 Financial Report:

On behalf of the Finance Chair, Lynda Hayward, Administrative Director, presented the Financial Statement to the membership, prepared by Sooley & White Chartered Professional Accountants – Sept. 1st 2015 to September 30th 2016. Excess of revenues over expenses showed a moderate balance of \$3,789.

Motion: That the Financial Statement prepared by Sooley & White Chartered Professional Accountants for the Year Ended September 30th 2016 be approved.

Moved: Greg Snow, Seconded: Jeremy Bryant, Verdict: Motion Carried

3.3.2 Reappointment of the Auditors:

Motion: That Sooley & White Chartered Professional Accountants be reappointed for the year 2016-17. Moved: Jeremy Bryant, Seconded: Strat Barrett, Verdict: Motion Carried

4. COMMITTEE REPORTS:

4.1 Standing Committee on Continuing Education:

The Chair tabled the report from the Standing Committee on Continuing Education Chair, Rob Menchenton. The report was deferred. No discussion from the floor followed.

4.2 Standing Committee on Legislative Change:

The Chair, Paul Blackwood, reported there was no activity with this committee to report for the past year; waiting on the direction from the Board.

4.3 Complaints Authorization Committee:

No report was presented.

4.4 Disciplinary Committee:

The Chair, Sandy Gibbons, reported there were no complaints brought forward for the Committee to act upon.

5. NEW BUSINESS:

6. BOARD ELECTIONS:

For the positions of new Board members, two nominations were put forward namely: Taryn Sheppard and Paul Chafe. A request for additional nominations from the floor was announced three consecutive times. Taryn Sheppard and Paul Chafe elected by acclamation.

Motion: That nominations cease for the positions of the new Board Members.

Moved by: Paul Blackwood Seconded: Strat Barrett Verdict: Motion Carried

A round of applause was extended to the new incoming Board Members.

7. OTHER BUSINESS:

- A discussion took place on the establishment of the Board's new sub-committee to deal directly with enquiries (typically rulings on the application of Section 35 of the Act) from Service NL with a mandate to respond within five working days.
- The ALBNL Committee's Listing for 2016-17 was reviewed.

Action: the 2016-17 List to be updated.

8. ADJOURNMENT

The meeting adjourned at 11:45am.



Jim Case NLAA
Chair - ALBNL

Minutes recorded by:
Lynda Hayward Hon. MRAIC
Administrative Director



AGM ATTENDANCE RECORD

Print Name	Signature
JAMES B. CASE	
GREG SNOW	
PETER JACKSON	
Rezkar A. Pasha	
Tina Birmingham	
Sue Wright	
SANDY GIBBONS	
TOM HERRICKS	
CHARLIE HENLEY	
EMILY CAMPBELL	
TIM ROSENBERG	
CARL YETMAN	
BEATON SHEPPARD	
MICHELA BOSCHETTI	
Paul Chafe	
PAUL BLACKWOOD	
Jackie Manuel	
IAN HIGENELL	
Mark Whalen	
MIKE COOK	
GARY WALSH	
RON PETERS	
Glen Barnes	
TARYN SHEPPARD	
Jessica Stanford	
Veronny Bryans	
KEVIN NYATHI	

Print Name	Signature
<p> <i>Will Burray</i> SAT BERRY <i>Lynda Hayward</i> </p>	<p> <i>Will Burray</i> SAT. <i>Lynda Hayward</i> </p>