



**ARCHITECTS LICENSING BOARD OF  
NEWFOUNDLAND AND LABRADOR**

**HOUSE OF ASSEMBLY  
13TH ANNUAL REPORT**

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ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

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# **REPORT FROM THE ALBNL CHAIR**

## **13<sup>TH</sup> Annual General Meeting**

### **November 23, 2022**

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It has been an interesting year serving as Chair of the Board.

I sincerely thank all Board Members and Lynda Hayward-Kirkland, our Executive Director, for their continued input, support, and persistence to deal with items tabled this year.

I also appreciate NLAA President, Jeremy Bryant's help in responding to issues this year regarding the ALBNL and NLAA's mutual interest in supporting our Architects Act.

#### The current ALBNL Board include

Rob Menchenton, Chair  
Greg Snow, Registrar  
Paul Chafe  
Richard Symonds  
Carl Yetman  
Sheldon Peddle, Lay Appointee  
Kimberley Street, Lay Appointee, who resigned this year

Lay Appointee, Kimberly Street's resignation was forwarded to the Provincial Government for Government to fulfill their mandate to ensure the Board has two (2) lay- appointees. As of last week, the Board was informed by the Provincial Government that they are still working on a replacement through their call for interest and appointment procedures.

#### **Ongoing Issues**

The Board has been kept busy again this year with the usual business of license renewals, new license applications, and coordinating our efforts with the other Regulators and the Canadian Architectural Licensing Authorities (CALA) in items of mutual concern. This year, CALA was officially renamed and incorporated as ROAC (Regulatory Organizations of Architecture in Canada).

I attended the first ROAC Annual General Meeting on November 18<sup>th</sup>, in Montreal and was formally elected to the Board of Directors. The Registrar will provide an update on the ROAC national activities in his Report for this year. Next year ROAC updates will fall under my report.

A dominant issue throughout this year was a carryover from last year regarding the issuance of a complaint against a former license holder that claimed the former license holder was practicing architecture without a valid license. At this stage, this item is with the Board's legal representation

**REPORT FROM THE ALBNL CHAIR**  
**13<sup>TH</sup> Annual General Meeting**  
**November 23, 2022**

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and expected to go before the courts for resolution regarding outstanding fines and levies owed to the Board because of enforcing our rights under the Architects' Act.

Ongoing items that the Board is still involved with are noted below

Firstly, last year the Board established an ATIPP Review Committee to review incoming ATIPP requests for copies of design review submissions made to various Service NL offices across the province. The Committee assembled a list and wrote the Minister of Department of Digital Government and Service NL pointing out our concern with the issue of cross-practice and, in some cases, simple lack of architect involved in the project submitted. Our letter also asked the Minister to review the file and to advise on their plan to address it in the interests of our Act.

Secondly, in response to an informal complaint received by the Board regarding the use of the protected term 'architectural' by person referring to themselves as 'architectural technician' or 'architectural technologist', the Board issued a Bulletin in June of this year to the industry leaders clarifying the protection of the term. This was met with some quick opposition by other users of the term. It also reached the provincial government who mobilized to amend the Architects Act to resolve it. The Board, through the guidance of our legal representative, recently issued some acceptable wording to the ADM for the government to use in the revisions to the Act.

Thirdly, with the two items above on our agenda, we had an opportunity to meet with the Hon. Minister of Digital Government and Service NL, Sarah Stoodley on November 15<sup>th</sup>. Both above items were discussed, and the ALBNL issued a follow-up memo requesting the Department to provide a timeline for response. We anticipate a follow-up meeting to be scheduled in the new year.

Respectfully submitted,



**Rob Menchenton, NLAA, AANB, NSAA, AAPEI, MRAIC**

## **REGISTRAR'S REPORT**

### **Architects Licensing Board of Newfoundland and Labrador**

#### **13<sup>th</sup> Annual General Meeting**

**November 23, 2022**

I have been honoured to continue in the role of Registrar again this year. I would like to thank all the Board and Lynda Hayward-Kirkland for their continued support and dedication.

#### **Our membership (as of Oct 1, 2022) is as follows:**

Full Members (License Holders):	143
Associate Members:	1
Intern Architects:	7
Life Members:	8
Retired:	4
Students:	9
Total (all categories):	172

## **NATIONAL UPDATE**

ROAC most recently met in person last Friday, November 18<sup>th</sup>. The following are some of the highlights:

### **Regulatory Organizations of Architecture in Canada (ROAC)**

- ROAC incorporation was finalized in 2021.
- AIBC hosts the registered office and AAA agreed to provide national administrative support to the initiative through a dedicated position at the association office. AAA engaged a placement agency to look after the receipt of applications. In addition to the Board of Directors, the ROAC incorporation provides for an Administrators Committee comprised of senior administrative staff from the eleven (11) regulatory bodies.

### **Canadian Architectural Certification Board (CACB)**

The CACB is responsible for certification, accreditation, and administration of the BEFA program. On October 27-30, 2022, the CACB Validation Conference was held in Ottawa. NLAA members, who attended the Conference included, Rob Menchenton, ALBNL Chair; Greg Snow, ALBNL Registrar; Jeremy Bryant, NLAA President; and Kathy Oke, Intern on Council representative.

### **Broadly Experienced Foreign Architect (BEFA) Program**

BEFA Statistics highlights:

- 486 applicants have been received since the implementation of the BEFA Program in 2012.
- Data from 2019, 2020 and 2021 shows that the COVID-19 outbreak did not impact the number of new applicants.
- In 2021, CACB received 69 applications (to March 31), the highest number of new applications since 2012.
- Countries of Origin for BEFA Applicants:  
Egypt, Iran, India, and the United Kingdom are the top four (4) countries of origin received since the implementation of the BEFA program.

- **Certification:**  
A total of 128 applicants have been granted BEFA Certification as of March 31, 2022, as follows:
  - Ontario: 40
  - British Columbia: 34
  - Alberta: 25
  - Québec: 12
  - Nova Scotia: 7
  - Manitoba: 5
  - Saskatchewan: 3
  - Northwest Territories: 1
  - Newfoundland and Labrador: 1
- **BEFA Interviews:**  
Since 2020, interviews have been held remotely via a newly developed Remote Interview Format. In 2021, 22 interviews were held and, as of March 31, 2022, 4 interviews have been held. With the support of the Federal Government, the process has transitioned to an interim on-line process.

### **International Relations**

- **Canberra Accord:**  
Since 2012 the CACB-CCCA has received a total of 111 applications from Canberra Graduates. HKIA (Hong Kong Institute of Architecture) is the current Chair of the Canberra Accord (2021-2023).
- **Canada-United States Mutual Recognition Agreement:**  
Effective July 1, 2022, the State of Idaho is a signatory to the Canada-United States Mutual Recognition Agreement. This brings the total of forty-two (42) licensing board States signatory to this agreement.
- **Canada-Europe:**  
The IRC continues to support Global Affairs with their ongoing discussions with the European CETA MRA review committee regarding the binding of the ACE-ROAC MRA to the CETA agreement.
- **Canada-Mexico-USA (Tri-National MRA):**  
A Tri-National meeting was held virtually in March 2021. The committee reviewed several items to streamline the application process and to take advantage of advancements in technology. NCARB will be hosting the next Tri-National meeting in the fall of 2022.
- **Asia-Pacific Economic Council (APEC):**  
To date no movement has been made on this file with the Japanese colleagues. Regarding Australia and New Zealand, they agreed to the use of the IRC domain specific online course in lieu of the interview for candidates coming to Canada. Australia and New Zealand will offer their interviews online to avoid travel costs for Canadians.

### **Internship in Architecture Program (IAP)**

- As of July 1, 2020, the categories of experience in the IAP were expanded to seventeen (17) and this prompted a two-year transition period for interns to complete their IAP requirements. The two additional categories are Envelope Detailing and Sustainability. As of July 1, 2022, interns who did not complete all their IAP requirements were automatically transferred to the new IAP. In addition to the IAP adjustments, Regulators clarified when students could log a maximum

of 760 hours of pre-graduate experience. The requirements are as follows:  
effective July 1, 2022, to be considered, student hours must be:

- Obtained while the student is enrolled and attending an accredited program; and,
- Completed in the final two years of a CACB accredited Masters' Program.

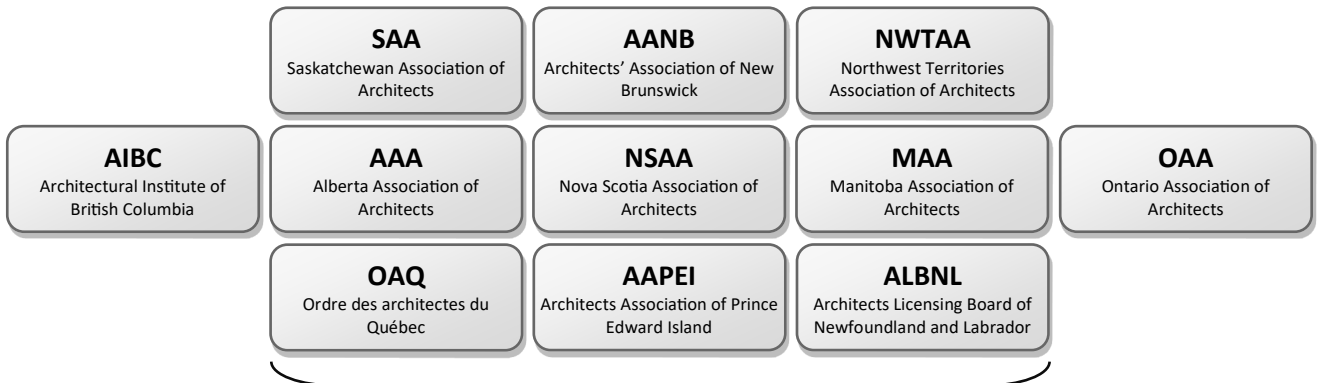
I would also like to note that the Chair of the Board, now a ROAC Director, will be providing the national updates next year and going forward.

Also, for everyone's information, I have appended the latest organizational chart showing the relationships between ROAC and other organizations/committees.

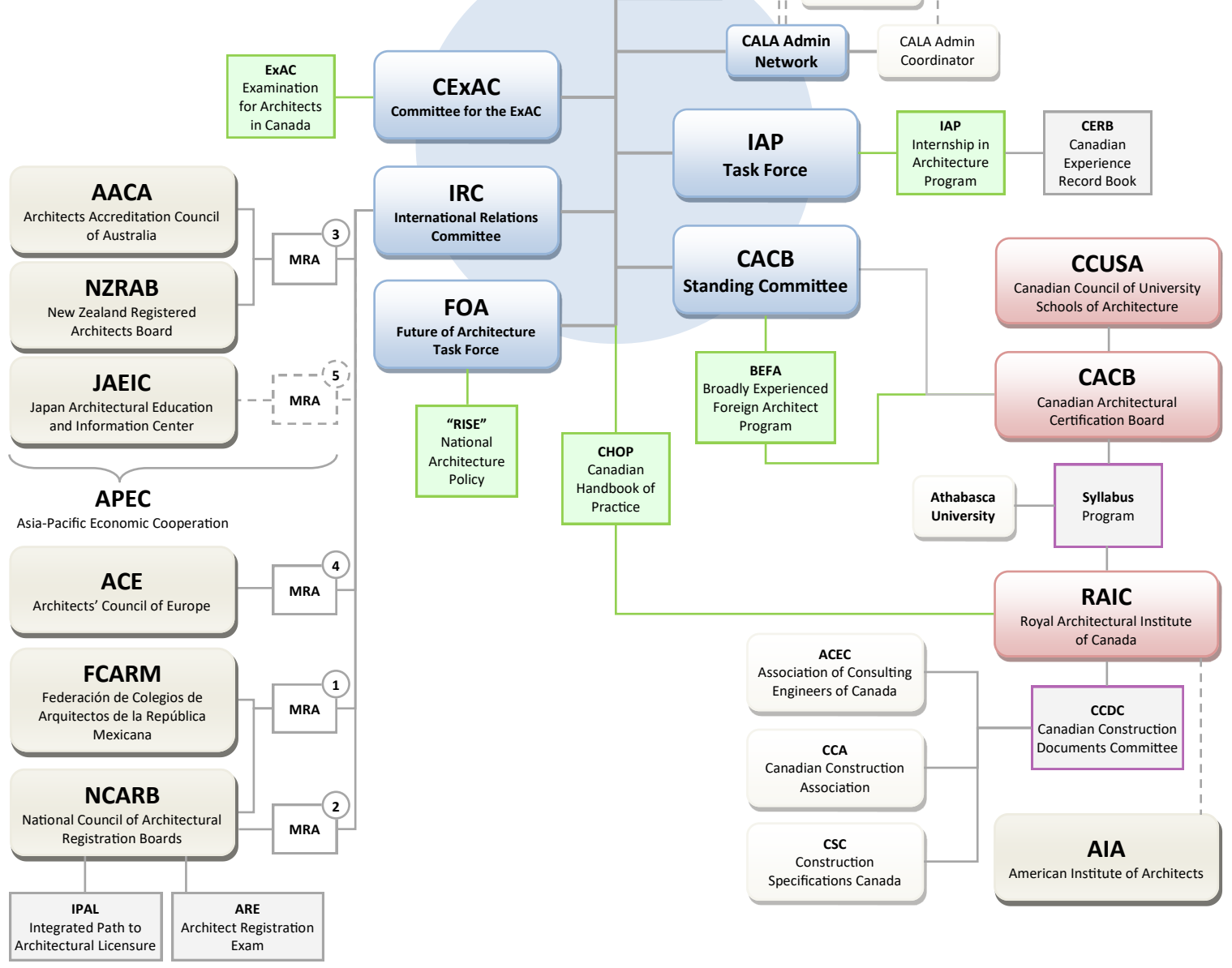
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Greg Snow", with a period at the end.

Greg Snow, NLAA, MRAIC



**CALA/ROAC**



- MUTUAL RECOGNITION AGREEMENTS**
- [Oct 2005] "Tri-National" with USA and Mexico
  - [Jul 2013] Mutual reciprocity with NCARB (for all provinces; some states)
  - [Feb 2015] "Trilateral" with Australia and New Zealand, under APEC
  - [Oct 2018] Signed by ACE & CALA; awaiting consent via CIDA (Canadian International Development Agency)
  - [2019] Exploratory discussion with Japan, under APEC

- NOTES**
- CALA replaces **CCAC** (Committee of Canadian Architectural Councils)
  - FCARM replaces **COMPIAR** (Comité Mexicano Para la Pratica Internacional de la Arquitectura)



**Architects Licensing Board of Newfoundland and Labrador**  
**Financial Statements**  
*September 30, 2022*

# Architects Licensing Board of Newfoundland and Labrador

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*For the year ended September 30, 2022*

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To the Board of Architects Licensing Board of Newfoundland and Labrador:

## Opinion

We have audited the financial statements of Architects Licensing Board of Newfoundland and Labrador (the "Association"), which comprise the statement of financial position as at September 30, 2022, and the statements of operations, changes in net assets and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Association as at September 30, 2022, 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.

## Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Association in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

## Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the 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.

In preparing the financial statements, management is responsible for assessing the Association's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Association or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Association's financial reporting process.

## Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit 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 Association's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Association's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Association to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Mount Pearl, Newfoundland and Labrador

November 18, 2022

*MNP LLP*

Chartered Professional Accountants

# Architects Licensing Board of Newfoundland and Labrador

## Statement of Financial Position

As at September 30, 2022

	2022	2021
<b>Assets</b>		
<b>Current</b>		
Cash	30,126	35,871
Accounts receivable	2,099	3,708
Prepaid expense	5,916	4,333
Harmonized sales tax recoverable	-	203
	<b>38,141</b>	<b>44,115</b>
<b>Liabilities</b>		
<b>Current</b>		
Accounts payable and accruals	4,296	3,513
Harmonized sales tax payable	171	-
	<b>4,467</b>	<b>3,513</b>
<b>Deferred contributions</b>	<b>1,840</b>	<b>-</b>
	<b>6,307</b>	<b>3,513</b>
<b>Net Assets</b>		
Unrestricted	31,834	40,602
	<b>38,141</b>	<b>44,115</b>

Approved on behalf of the Board  
e-Signed by Robert Menchenton  
2022-11-21 17:25:36:36 GMT

President

The accompanying notes are an integral part of these financial statements

# Architects Licensing Board of Newfoundland and Labrador

## Statement of Operations

*For the year ended September 30, 2022*

	2022 <i>Budget</i> <i>(Note 3)</i>	2022	2021
<b>Revenues</b>			
Licenses and Fees	85,038	91,123	80,923
Other income	2,250	7,764	7,619
Education	2,500	-	-
	<b>89,788</b>	<b>98,887</b>	88,542
<b>Expenses</b>			
Administrative services	56,750	63,404	65,894
Annual general meeting and banquet	2,275	2,266	1,688
Bad debts	-	-	11,961
Continuing education	1,500	1,500	1,500
Courier	1,000	1,689	1,106
Insurance	3,900	5,262	3,676
Interest and bank charges	450	564	429
Licences and fees	179	165	-
Luncheon meetings	5,000	5,213	8,902
National levies	1,170	3,097	1,426
Office	2,583	2,547	3,931
Other national levies	2,196	649	991
Travel	2,500	505	-
Professional fees	8,360	18,923	6,770
Telephone	725	671	646
Website	1,200	1,200	1,200
	<b>89,788</b>	<b>107,655</b>	110,120
<b>Excess (deficiency) of revenue over expenses</b>	<b>-</b>	<b>(8,768)</b>	(21,578)

*The accompanying notes are an integral part of these financial statements*

**Architects Licensing Board of Newfoundland and Labrador**  
**Statement of Changes in Net Assets**

*For the year ended September 30, 2022*

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	<b>2022</b>	<b>2021</b>
<b>Net assets - beginning of year</b>	<b>40,602</b>	62,180
<b>Excess (deficiency) of revenue over expenses</b>	<b>(8,768)</b>	(21,578)
<b>Net assets, end of year</b>	<b>31,834</b>	40,602

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*The accompanying notes are an integral part of these financial statements*

# Architects Licensing Board of Newfoundland and Labrador

## Statement of Cash Flows

*For the year ended September 30, 2022*

	<b>2022</b>	<b>2021</b>
<b>Operating activities</b>		
Excess (deficiency) of revenue over expenses	<b>(8,768)</b>	<b>(21,578)</b>
Changes in non-cash working capital:		
Accounts receivable	<b>1,609</b>	<b>(828)</b>
Prepaid expenses	<b>(1,583)</b>	<b>(1,519)</b>
Harmonized sales tax recoverable	<b>203</b>	<b>(1,664)</b>
Accounts payable and accruals	<b>783</b>	<b>470</b>
Harmonized sales tax payable	<b>171</b>	<b>-</b>
Deferred contributions	<b>1,840</b>	<b>-</b>
<b>Decrease in cash resources</b>	<b>(5,745)</b>	<b>(25,119)</b>
<b>Cash resources, beginning of year</b>	<b>35,871</b>	<b>60,990</b>
<b>Cash resources, end of year</b>	<b>30,126</b>	<b>35,871</b>

*The accompanying notes are an integral part of these financial statements*



# Architects Licensing Board of Newfoundland and Labrador

## Notes to the Financial Statements

For the year ended September 30, 2022

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### 1. Nature 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.

### 2. Significant accounting policies

#### ***Basis of presentation***

The financial statements were prepared in accordance with Canadian accounting standards for not-for-profit organizations (ASNPO).

#### ***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 amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the reporting period.

Accounts receivable are stated after evaluation as to their collectability and an appropriate allowance for doubtful accounts is provided where considered necessary.

By their nature, these estimates are subject to measurement uncertainty, and the effect on the financial statements from changes in such estimates in future years could be material. These estimates and assumptions are reviewed periodically and, as adjustments become necessary they are reported in earnings in the years in which they become known.

#### ***Cash and cash equivalents***

Cash and cash equivalents include 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.

#### ***Government assistance***

Government assistance is recorded in the financial statements when there is reasonable assurance that the Association has complied with, and will continue to comply with, all conditions necessary to obtain the assistance. Government assistance is recorded as other income on statement of earnings.

#### ***Deferred contributions***

Deferred contributions consist of ExAC fees for two members. These fees are recognized as revenues as expenses occur.

#### ***Financial instruments***

The Association recognizes its financial instruments when the Association becomes party to the contractual provisions of the financial instrument. All financial instruments are initially recorded at their fair value, including financial assets and liabilities originated and issued in a related party transaction with management. Financial assets and liabilities originated and issued in all other related party transactions are initially measured at their carrying or exchange amount in accordance with Section 3840 *Related Party Transactions*.

At initial recognition, the Association may irrevocably elect to subsequently measure any financial instrument at fair value. The Association has not made such an election during the year.

The Association subsequently measures all financial assets and liabilities at amortized cost.

Transaction costs and financing fees directly attributable to the origination, acquisition, issuance or assumption of financial instruments subsequently measured at fair value are immediately recognized in net earnings. Conversely, transaction costs and financing fees are added to the carrying amount for those financial instruments subsequently measured at cost or amortized cost.

# Architects Licensing Board of Newfoundland and Labrador

## Notes to the Financial Statements

For the year ended September 30, 2022

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### **Financial asset impairment**

The Association assesses impairment of all of its financial assets measured at cost or amortized cost. The Association groups assets for impairment testing when testing when available information is not sufficient to permit identification of each individually impaired financial asset in the group or there are numerous assets affected by the same factors. Management considers whether the issuer is having significant financial difficulty or whether there has been a breach in contract, such as a default or delinquency in interest or principal payments in determining whether objective evidence of impairment exists. When there is an indication of impairment, the Association determines whether it has resulted in a significant adverse change in the expected timing or amount of future cash flows during the year. If so, the Association reduces the carrying amount of any impaired financial assets to the highest of: the present value of cash flows expected to be generated by holding the assets; the amount that could be realized by selling the assets; and the amount expected to be realized by exercising any rights to collateral held against those assets. Any impairment, which is not considered temporary, is included in current year excess of revenues over expenses.

The Association reverses impairment losses on financial assets when there is a decrease in impairment and the decrease can be objectively related to an event occurring after the impairment loss was recognized. The amount of the reversal is recognized in the excess of revenue over expenses in the year the reversal occurs.

### **Income taxes**

The Association is a not-for-profit organization without share capital and is not subject to corporate income tax under the Income Tax Act.

### **Revenue recognition**

The Association follows the deferral method of accounting for contributions. Restricted contributions are recognized as revenue in the year in which the related expenses are incurred. Unrestricted contributions are recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

Licenses and examination fees related to operations are recognized as revenue in the year in which the related expenses are incurred.

Other revenue and education fees are recognized when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

### **3. Budget comparative figures**

The 2022 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.

### **4. Financial instruments**

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, 2022.

#### **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. Management believes that this risk is minimal. There has been no change to this risk exposure from the prior year

# Architects Licensing Board of Newfoundland and Labrador

## Notes to the Financial Statements

For the year ended September 30, 2022

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### **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 and accounts payable. Management believes that this risk is minimal. There has been no change to this risk exposure from the prior year.

### **5. Impact on operations of COVID-19 (coronavirus)**

In early March 2020 the impact of the global outbreak of COVID-19 (coronavirus) began to have a significant impact on businesses through the restrictions put in place by the Canadian, provincial and municipal governments regarding travel, business operations and isolation/quarantine orders.

At this time, it is unknown the extent of the impact the COVID-19 outbreak may have on the Association as this will depend on future developments that are highly uncertain and that cannot be predicted with confidence. These uncertainties arise from the inability to predict the ultimate geographic spread of the disease, and the duration of the outbreak, including the duration of travel restrictions, business closures or disruptions, and quarantine/isolation measures that are currently, or may be put in place by Canada and other countries to fight the virus. While the extent of the impact is unknown, we anticipate this outbreak may cause reduced operation, which may negatively impact the Association's business and financial condition.

**BY-LAWS**

As of 18 October 2010  
Revised 14 February 2020

PART 1 - GENERAL

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- .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

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- .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

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- 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

.13 Miscellaneous

3.1.1.1 Holding and Procedure of Board Meetings (Act Article 9(1)(A))

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

- 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.
- Notice of the annual general meeting shall be given to all members 30 days in advance of the meeting.
- 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 pertains to:
  - Personnel issues.
  - 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.
  - 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.

- 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.

3.1.1.2 The Appointment of Committees & the Duties and Responsibilities of those Committees (Act Article 9(1)(B))

.1 The Board shall establish the following standing committees.

.1.1 Complaints Authorization Committee

- The responsibilities for the Complaints Authorization Committee shall be per the requirements of the Act, including Article 18.

.1.2 Disciplinary Panel

- The responsibilities of the Disciplinary panel shall be per the requirements of the Act.

.1.3 Standing Committee on Finance

- The Standing Committee on Finance shall be a committee of one consisting of a member of the Board elected by the Board.
- The Committee shall be responsible for the financial records of the Board.
- The Committee shall have no power to expend monies without Board approval.
- The Committee Chair shall not hold the office of the Board Chair or Registrar.

.1.4 Standing Committee on Continuing Education

- The Standing Committee on Continuing Education shall be responsible for developing and administering the requirements for continuing education.

.1.5 Standing Committee on Legislative Change

- 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.

- 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.

3.1.1.3 Election of Board Members 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.

- A member must attend 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)

- 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.
- 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))

- The Chair shall provide 7 days' notice to all other Board members when an election of a replacement Board member is required.
- Any member of the Board may put forward one or more names of members who have expressed a willingness to sit on the Board.
- The Board shall elect the replacement member by secret ballot.
- 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.

3.1.1.4 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.

3.1.1.5 Employment and Remuneration of Staff and Consultants (ACT ARTICLE 9(1)(E))

.1 Executive Director

- The Board may retain the services of an Executive Director to conduct the day-to-day affairs of the Board.
- The Board shall set the terms and conditions of service for the Executive Director.
- The Board shall not enter a contract for service for an Executive Director greater than 12 months in length at any one time.
- The Executive Director shall report to the Chairperson.

.2 Financial Auditor

- 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.
- The License Holders shall vote on the appointment of auditor of the Board's finances at that meeting.
- 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

- The Board may retain the services of other consultants the Board deems necessary.
- 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.

#### 3.1.1.6 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.

#### 3.1.1.7 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.

#### 3.1.1.8 Participation of Members at a Board Meeting by Telephone or other Telecommunications Device under Section 7 (Act Article 9(1)(H))

##### .1 Attendance at an Annual General Meeting

- Nothing prohibits a member from attending an annual general meeting of the Board via teleconference, if so, arranged in advance and at the cost to the member.

##### .2 Attendance at Other Board Meetings (Act Article 7(2))

- Nothing prohibits a member of the Board from attending a Board meeting via teleconference, if so, arranged in advance.

#### 3.1.1.9 Voting by Members by Mail or Electronic Means (Act Article 9(1)(I))

##### .1 Voting at an Annual General Meeting of the Board

- Voting at an annual general meeting shall be limited to those members physically present at the meeting venue.

##### .2 Voting at Other Board Meetings

- 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.

### 3.1.2 Other By-Laws Governing Administrative Procedures of the Board

#### 3.1.2.1 Role of the Chair:

##### .1 The role of the Chair includes:

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

#### 3.1.2.2 Role of the Registrar:

##### .1 The role of the Registrar is to:

- Maintain a registry of license holders.
- Enter and remove names in the registry as directed by the Board.



- Review applications for license and license renewal and make recommendations to the Board.
- Attend meetings of regulators on behalf of and at the approval of the Board.
- Report to the Board.

### 3.1.2.3 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.

### 3.1.2.4 THE Registrar (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.

### 3.1.2.5 Regulations

.1 The Board shall only request the Minister to modify the Regulations provided that first:

- The Standing Committee on Legislative Change has reviewed the proposed amendment;
- License Holders are notified in writing of the draft amendment and given 30 days to file comments to the Committee.
- The Committee has reviewed comments received and has proposed wording of the amendment to the Board.
- The Board has approved the proposed amendment.

.2 The Board shall notify License Holders immediately upon a change to the Regulations.

### 3.1.2.6 Banking

.1 The bank of the Board shall be a Canadian Chartered Bank.

.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.

### 3.1.2.7 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:

- The Chair;
- The Registrar;
- The chair of the Standing Committee on Finance.

### 3.1.2.8 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.

#### 3.1.2.9 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.

#### 3.1.2.10 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:

- Common invoicing and collection of license and full-membership fees.
- Common telephone, fax, and e-mail facilities.
- Common web site provided information published by the Board is separately identified from that of the Association.
- Selection of a common date and venue for annual general meetings.

#### 3.1.2.11 Place of Business

.1 The Board's official place of business, for purposes of receipt of notices, shall be:  
P.O. Box 5204  
St. John's, Newfoundland and Labrador, Canada, A1C 5V5

#### 3.1.2.12 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.

### PART 4 - MISCELLANEOUS

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#### 4.1 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.

#### 4.2 Standard Forms

- Application to Practise Architecture In Newfoundland and Labrador
- Application For License Renewal Form
- Letter Granting License
- Notice of License Expiration

#### 4.3 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.

PART 5 - APPROVAL OF THE BY-LAWS

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

A handwritten signature in black ink, appearing to read "J. Bean", is positioned above a horizontal line.

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ALBNL Registrar and Acting Chair:

Date accepted by the Board: 14 February 2020



## ARCHITECTS LICENSING BOARD OF NEWFOUNDLAND AND LABRADOR

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

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### CODE OF ETHICS

As of 18 October 2010

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#### PART 1 - GENERAL

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- .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

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- .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

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##### 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

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- 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" followed by a stylized flourish.

Signature of the Chairman:

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

Signature of the Registrar:

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Date: October 18<sup>th</sup> 2010



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**ALBNL 13<sup>TH</sup> ANNUAL GENERAL MEETING MINUTES**

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**DATE:** Wednesday November 23, 2022

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**MEETING PLACE:** Holiday Inn Express & Suites, St. John's Airport, St. John's, NL

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**IN ATTENDANCE**

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**License Holders**

Paul Chafe, NLAA	Chris Bowes, NLAA
Peter Jackson, NLAA	John Hearn, NLAA
John Hancock, NLAA	Ron Peters, NLAA
Jeremy Bryant, NLAA	Gary Walsh, NLAA
Rob Menchenton, NLAA	Carl Yetman, NLAA
Roman Halitzki, NLAA	Charles Henley, NLAA
Greg Snow, NLAA	Glenn Barnes, NLAA
Tina Birmingham, NLAA	Amelia Hollingshurst, NLAA
Paula Pittman, NLAA	Mark Gale, NLAA
Chris Woodford, NLAA	Mark White, NLAA
Nick Herder, NLAA	Michela Boschetti, NLAA

**Observers**

Kathy Oke - Intern Architect; Luke Godden – Intern Architect, Devan Burry – Intern Architect, John Follett – Intern Architect, Sandy Gibbons – Life Member, Aaron Cull – Student Member

**Appointed**

Sheldon Peddle

**Executive Director**

Lynda Hayward-Kirkland, Hon. NLAA, Hon. MRAIC

**GREETINGS**

Rob Menchenton, Board Chair, welcomed everyone to the 13<sup>th</sup> Annual General Meeting.

**1. MEETING CALL TO ORDER**

The meeting was called to order at 2:09pm.

## **2. BUSINESS MEETING AGENDA**

Motion: That the Business Meeting Agenda, as circulated, be accepted. Moved: Tina Birmingham, seconded: John Hancock, Verdict: Motion carried.

## **3. THE ALBNL 12<sup>th</sup> ANNUAL GENERAL MEETING MINUTES**

Motion: That the 12<sup>th</sup> AGM Minutes of November 17, 2021, as circulated, be approved. Moved: Jeremy Bryant, seconded: Paul Chafe, Verdict: Motion carried.

### **3.1 BUSINESS ARISING FROM THE 12<sup>TH</sup> AGM Minutes**

8.1 Call for Expressions of Interest to sit on Board Committees was acted upon.

## **4. BOARD REPORTS**

### **4.1. Report of the Chair**

Motion: That the Chair's Annual Report as circulated be approved. Moved: Jeremy Bryant, seconded: Tina Birmingham, Verdict: Motion Carried.

### **4.2 Report of the Registrar**

Motion: That the Registrar's Annual Report as circulated be approved. Moved: Jeremy Bryant, seconded: John Hancock, Verdict: Motion Carried.

### **4.3 Financial Report**

#### **4.3.1 Financial Statement**

The Financial Statement prepared by MNP Chartered Professional Accountants – Oct. 1<sup>st</sup>, 2021 to September 30<sup>th</sup>, 2022 was tabled, reviewed, and discussed. Motion: That the Financial Statement for the Year Ended September 30<sup>th</sup>, 2021 as circulated be approved. Moved: Greg Snow, Seconded: Gary Walsh, Verdict: Motion Carried.

#### **4.3.2 Reappointment of the Auditors**

License Holders were informed MNP on November 21<sup>st</sup> notified the ALBNL that the accounting firm is unable to complete the audit for next year due to a lack of staff capacity at the audit level and increased audit standards which would require a higher fee for the ALBNL. The ALBNL will obtain quotes from local accounting firms.

Action: Board

#### **4.3.3 Projected Budget**

A copy of the Board's approved projected budget for the following year will be included in the meeting documentation. Action: Board

## **5. COMMITTEE REPORTS**

### **5.1 Standing Committee on Continuing Education**

The detailed report of the Standing Committee on Continuing Education submitted by Rob Menchenton was tabled and discussed. Rob reported he would be stepping down from this Committee. Peter Jackson, Paula Pittman, and Amelia Hollingshurst are the current committee members. Peter Jackson agreed to be Committee Chair.

### **5.2 Standing Committee on Legislative Change**

No activity reported.

### **5.3 Complaints Authorization Committee**

No activity reported.

### **5.4 Disciplinary Committee**

No activity reported.

## **6. NEW BUSINESS**

## **7. ELECTION**

Sheldon Peddle, Appointed, chaired the Election.

Carl Yetman and Paul Chafe names were put forward for a three-year term on the Board. A call for additional nominations was acknowledged three consecutive times. With no additional names brought forward, a motion that nominations cease for the call of additional License Holders was moved by Sheldon Peddle, seconded by John Hancock, and carried. Carl Yetman and Paul Chafe elected by acclamation.

Board Members for the October 1, 2022, to September 30<sup>th</sup>, 2023, are as follows:

- Rob Menchenton
- Greg Snow
- Paul Chafe
- Richard Symonds
- Carl Yetman
- Sheldon Peddle, Appointed by Government
- Vacant, Appointed by Government

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

## **8. OTHER BUSINESS**

### **8.1 Call for Expressions of Interest to sit on Board Committees**

A call for expressions of interest to sit on the Board Committees was tabled.

Motion: That the Committee listing as tabled in the report and with the new committee member addition on the Standing Committee on Continuing Education be accepted. Moved: Jeremy Bryant, Seconded, Mark White, Verdict: motion carried.

## **8.2 ALBNL License Holders Registry**

The website registry of ALBNL Licence Holders was included in the meeting documentation for information purpose.

## **9. ADJOURNMENT**

On a motion by License Holder, Charles Henley, the ALBNL 13<sup>th</sup> Annual General Meeting adjourned at 4:11pm.



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Rob Menchenton NLAA  
ALBNL Chair

Minutes recorded by

Lynda Hayward-Kirkland  
Executive Director