



CHAPTER 106.

An Act to incorporate The Architectural Institute of British Columbia.

[Assented to 17th April, 1920.]

WHEREAS a petition has been presented praying that the qualifications necessary to permit persons to act or practise as architects be established by legislation: Preamble.

And whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of British Columbia, enacts as follows:—

1. This Act may be cited as the “British Columbia Architects Act.” Short title.

Interpretation.

2. In this Act, unless the context otherwise requires:— Architect.

(a.) The expression “architect” means any person who is engaged for hire, gain, or hope of reward in the planning or supervision for others of the erection, enlargement, or alteration of buildings for persons other than himself; but shall not include any draughtsman, student, clerk of works, superintendent, or other employee of a registered architect, nor any superintendent of buildings paid by the owner thereof acting under the directions and control of a registered architect:

(b.) The expression “building” means a structure consisting of foundations, walls, or roof, with or without other parts. Building.

3. (a.) No corporation shall be licensed to practise architecture within this Province or be granted a certificate of registration under this Act, but it shall be lawful for a corporation to have prepared, drawings, plans, and specifications for buildings as defined in Corporation shall not be licensed.

this Act which are to be and are constructed, erected, built, or their construction supervised by such corporation, provided such drawings, plans, and specifications shall be prepared under the personal supervision of a registered architect under this Act (whether such architect be in the employ of such corporation or not) and bear his official seal.

Partnership.

(b.) It shall be lawful, however, for one or more registered architects to enter into a partnership with one or more licensed professional engineers, licensed under the laws of this Province, for the practice of their professions.

Architectural
Institute.

4. (a.) All persons who shall cause their name to be registered under the provisions of this Act shall be and are hereby constituted a body politic and corporate, with perpetual succession and a common seal, with power to sue and be sued, under the name of "The Architectural Institute of British Columbia" (herein called the "Institute").

(b.) The head office of the Institute shall be at Vancouver, British Columbia.

Member.

5. Every person registered under the provisions of this Act shall be a member of the Institute.

Administration.

Council.

6. There shall be a Council of management of the Institute to be appointed in the manner provided for by this Act, and herein referred to as the "Council."

Composition
of Council.

7. (a.) The Council shall consist of five members, one of whom shall be a member of the Faculty of the University of British Columbia, and the remaining four shall be architects residing in British Columbia who have been practising the profession of architecture for at least five years before the dates of their appointments.

(b.) The first Council shall be appointed by the Lieutenant-Governor in Council within thirty days after the passing of this Act.

Council to meet.

8. (a.) The members of the Council so appointed shall, within one month or such other time as may be determined by the Lieutenant-Governor in Council, meet in the City of Vancouver, in the Province of British Columbia, for the purpose of organization at such time and place as may be directed by the Lieutenant-Governor in Council.

Quorum of Council.

(b.) Any three members of the Council shall be a quorum.

Rules and by-laws.

(c.) They shall make such by-laws as may be necessary for the government of the Institute, subject to ratification at the first annual meeting of the Institute.

Appointment of
first Council.

9. For the first Council the member who is the member of the Faculty of the University of British Columbia shall hold office for

the term of three years, and the other members so appointed by the Lieutenant-Governor in Council, being architects resident in British Columbia, shall hold office for the following terms respectively in the order in which their names appear in the Order in Council appointing them: The first two members mentioned for the term of two years and the third and fourth members mentioned for the term of one year.

10. After the first Council the member who is a member of the Faculty of the University of British Columbia shall be appointed by the Lieutenant-Governor in Council, and all other subsequent members of the Council shall be elected by ballot in such manner as may be provided for by the by-laws of the Institute at the annual meeting of the Institute or at a special meeting called for that purpose, and the member or members obtaining the greatest number of votes shall be declared elected. Election of Council.

11. No person shall be eligible for election to the Council or qualified to fill any vacancy thereon or to vote for any member thereof unless duly qualified under the provisions of this Act and the by-laws of the Institute. Qualifications for Council.

12. All elected members of the Council shall hold office for the term of two years, except as hereinafter provided, and three shall form a quorum. Term of office.

13. (a.) In case of the resignation or death of any member or members of the Council not exceeding two, the other members of the Council shall have power to fill all vacancies so caused until the time of the holding of the next annual meeting, provided the said annual meeting is not to be held within the period of three months after the occurring of such vacancy or vacancies. Resignation, etc.

(b.) In case of the resignation or death of three or more members of the Council, the president or vice-president of the Institute, or, in case of their or either of their default for a period of ten days, any five members in good standing, shall have power to call a special meeting of the Institute upon a notice of not less than ten days for the purpose of filling the vacancies so caused.

(c.) In case of an election to fill the vacancies referred to in subsections (a) and (b) hereof, the members receiving the greater number of votes shall be considered the members elected to fill the vacancy which will require the longer term to expire, and so on until the vacancies are filled.

14. In case of any doubt or dispute as to who has or have been elected a member or members of the Council, or as to the legality of the election of any member or members of the Council, it shall be lawful for the other duly elected members to be and they are hereby constituted a committee to hold an inquiry and decide who (if any) Doubt or dispute to election.

is or are legally elected members of the Council, and the person or persons (if any) whom they decide to have been elected shall be and be deemed to be member or members legally elected, and if the election is found to have been illegal the said committee shall have the power to order a new election.

Meetings.

15. Meetings of the Institute and the Council shall be held at such times and places as may be fixed by the by-laws of the Institute or Council respectively, and in the absence of any rule or regulation as to the summoning of meetings of the Institute or of the Council, it shall be lawful for the president or, in the event of his absence, resignation, or death, for the secretary to summon the same at such time and place as to such officer seems fit by circular letter to be mailed to each member.

Presiding officer.

16. In the event of the absence of the president from any meeting, the vice-president or, in his absence, some member to be chosen from the members present shall act as president.

Majority vote.

17. All questions submitted to the Institute or the Council shall be decided by a majority of the members present, not being less than three in number in case of the Council and ten in case of the Institute.

Casting-vote.

18. At all meetings the president for the time being shall have only a casting-vote.

Council fees.

19. There shall be paid to the members of the Council such fees for attendance and such reasonable travelling expenses as may be fixed by by-law passed by the Institute at the annual meeting.

Officers of Council and Institute.

20. The Council shall annually elect from among its members a president and vice-president, and shall appoint a secretary and a treasurer and such other officers as may be necessary for the working of this Act, who shall hold office during the pleasure of the Council, and who shall, as well as being officers of the Council, hold the like position as officers of the Institute.

Salaries.

21. The Council shall have power to fix by by-law the salaries or fees to be paid to such officers and to the examiners appointed under the provisions of this Act.

Powers of Institute.

22. The Institute shall have power:—

- (a.) To acquire and hold such property as is necessary for the purposes for which the Institute is constituted, and to alienate, lease, mortgage, or otherwise charge or dispose of the same at pleasure: Provided that the annual value of the real property held at any one time for the actual use of the Institute shall not exceed five thousand dollars:

- (b.) To make and pass by-laws in accordance with this Act for the direction and management of the Institute, and for the admission to the study and practice of the profession of architecture, and all rules that may be deemed necessary for the maintenance of the dignity and honour of the said profession, and to alter and amend the same when deemed advisable: Provided that no such by-laws or amendments thereto shall be valid or take effect until approved by the Lieutenant-Governor in Council:
- (c.) Notwithstanding anything in this Act contained, any by-law may be disallowed by the Lieutenant-Governor in Council. By-laws subject to approval Lieut.-Governor in Council.

Who may practise.

23. (a.) The Council shall through its secretary give notice in the British Columbia Gazette of the completion of its organization; whereupon any person practising the profession of architecture within the Province of British Columbia at the time of the passing of this Act may become a member of the Institute by causing his or her name to be registered with the secretary of the Institute within six months after the date of publication of the said notice, together with credentials satisfactory to the Council of being competent and in practice, and by paying the secretary such fees as may by by-law or otherwise be made payable in that behalf: Provided, however, that in case any such person as aforesaid omits to be registered within the said period of six months through absence, illness, or inadvertence, such person may, at the discretion of the Council, be admitted to registration as an architect. Admission to registration.

(b.) Any British subject, being at least twenty-one years of age, may, after the passing of this Act, apply for examination or certificate of registration under this Act, subject to the provisions of subsections (c), (d), and (e). Exemption from examination.

(c.) Any person who has been regularly employed as an architect's assistant or pupil in an architect's office during five years at the time of the passing of this Act shall be entitled to be registered as a member of the Institute, subject to the provisions of subsections (a) and (b) hereof.

(d.) The Council shall also admit to membership all members of Associations of Architects in any Province of Canada, all members of the Royal Institute of British Architects, and all British Associations of Architects of equal standing on their presenting their credentials.

(e.) Architects who are not members of such Associations as are referred to in the next preceding subsection and who have practised for five years shall be admitted without serving as students, but shall be required to pass the final examination, subject to the provisions of subsection (b).

(f.) The provisions of this Act shall not apply to any person employed in actual service for His Majesty's Naval, Military, or Aerial Service, or on the services of the Government of the Dominion of Canada, nor to any person who is employed as an architect by the Government of British Columbia or by a public service corporation, a public utilities or Government department, whose business is normally carried on in two or more of the Provinces of Canada, and who is by reason of his employment required to practise as an architect in other Provinces than that of his residence, may so practise in the Province of British Columbia without being registered or licensed under this Act.

(g.) Architects who were practising previous to the late War and who were accepted for service in the Forces of the British Empire, or were employed in munitions or other Government war-work under the British Crown, shall be entitled to all the rights and privileges conferred under subsection (a).

(h.) Nothing in this Act contained shall be construed so as to require the registration or license of any one registered as a professional engineer under any Act of the Province of British Columbia relating to the practice of professional engineering where the professional practice of such person is confined to professional engineering.

Registration after examination.

24. (a.) Any other person who applies for admission to registration as an architect after the passing of this Act shall be a British subject, not less than twenty-one years of age, and shall have served as a student not less than four years with a principal or principals entitled to register under this Act or with any other principal or principals approved by the Council, and shall have passed such qualifying examinations as may be required by the by-laws of the Institute, except in the cases provided for by this Act.

Architects from foreign country.

(b.) An architect seeking registration under this Act who is a citizen of a foreign country or State shall be admitted to practise architecture in this Province on passing such examination as may be prescribed by the Council: Provided that such foreign country or State of which he is a citizen recognizes the standards of qualification set out herein on an equal footing with its own, and admits the members of this Institute equally with their own citizens; and provided also that the applicant shall have been engaged in the continuous study or practice of architecture for a period of not less than eight years in the said country or State prior to his application for registration hereunder.

Non-resident architect.

(c.) Notwithstanding anything to the contrary in this Act, any person may engage the services of any non-resident architect to lay out, design, or direct the construction of any building in contemplation of erection of the value of two hundred and fifty thousand dollars or upwards, and such architect before commencing such work

shall pass such examination as may be required by the Council, but such architect while so engaged shall not hold himself out as a practising architect in British Columbia to secure other work unless and until he complies with the provisions in this Act contained.

25. The Council shall admit after sufficient examination every Graduates. graduate of a recognized school of architecture or technology, provided the course of study followed by such candidate shall have been not less than four years.

26. (a.) The Council shall admit as student associates any British Student associate. subject who is desirous of entering the profession of architecture.

(b.) Candidates shall give one month's notice to the secretary, giving their full names.

(c.) They shall pay such fees and submit to such examinations as shall be necessary in that behalf.

(d.) Any student who has matriculated in arts in any university in His Majesty's Dominions and any graduate in arts, science, or letters of any university in His Majesty's Dominions shall not be required to pass any preliminary examinations: Provided that any person who before the passing of this Act was entered as a student for a shorter term than five years but not less than three years with a principal or principals approved by the Council shall, on serving the full time of his indenture and passing the examinations prescribed by the Council, be entitled to register under this Act.

(e.) Notice and evidence of existing studentship shall be given to the secretary within six months after the passing of this Act, and shall be accompanied by such fees as the Council shall from time to time direct and with proper certificate of such studentship.

27. Upon and after the passing of this Act, students shall serve Students. such term as is required to be served by the provisions of this Act under indenture to a registered architect, which indenture and any assignment thereof, with affidavit of execution thereto attached, shall be filed with the secretary upon payment of such fee as the Council may by regulation direct.

28. The Council may shorten the period of studentship to a term Period of studentship. of not less than three years in favour of graduates of any recognized college or school of architecture or technology approved by the Council.

Examinations.

29. (a.) The Council shall appoint examiners for the purpose of Examinations. ascertaining and reporting on the qualifications of all persons who present themselves for admission to the study or practice of architecture under the provisions of this Act.

(b.) The Council shall also prescribe the subjects for such examination, which shall take place in each year on the dates previously fixed and advertised by the Council.

(c.) The scope of the examinations and the methods of procedure shall be prescribed by the Council, with special reference to the applicant's ability to design and supervise architectural works which shall ensure the safety of life and property.

Penalties.

Practising without
a certificate a
misdemeanour.

30. (a.) After the expiration of six months from the date of the publication of the notice of the completion of the organization of the Council referred to in section 23 hereof, save as in this Act otherwise provided, it shall be unlawful for any person not holding a certificate of registration in British Columbia under the provisions of this Act to practise as an architect or to advertise or put out any signs, cards, or other device for the purpose of or with a view to indicating to the public that he or she is entitled to practise as an architect under this Act.

(b.) Provided, however, that nothing contained in this Act shall prevent any person, firm, or corporation from making plans or specifications for or supervising the erection, enlargement, or alteration of buildings or any parts thereof to be constructed for their own use by themselves or their own employees or by contractors employed by them; provided that the working drawings of such construction are signed by the authors thereof, with a true statement thereon of their relation to such construction and that the makers thereof are not architects; and provided nothing in this Act contained shall be held or construed to have any application to any building, remodelling or repairing of any building or other structure outside of the corporate limits of any city or town where such building or structure is to be or is used for a private dwelling or farm purposes, or for the purpose of outbuildings or auxiliary buildings in connection with such private dwelling or farm premises; nor shall said Act apply to any building, remodelling or repairing of any building or structure within the corporate limits of any city or town where the total cost of said building, remodelling, or repair does not exceed the sum of ten thousand dollars.

(c.) Provided that nothing contained in this Act shall be construed so as to prevent any civil, mining, mechanical, electrical, metallurgical, chemical, geological, or structural engineer from carrying on the work of designing or supervising the building, remodelling or repairing of any structure usually designed or supervised as to its construction, alteration, or repair by such engineer.

(d.) Provided that nothing in this Act contained shall apply to the construction of a warehouse for the storage of produce by any agricultural or horticultural association of the Province, whether

such warehouse be constructed within or without the limits of any city or town.

(c.) Any person who contravenes the provisions of subsection (a) hereof shall be liable, upon summary conviction, to a fine not exceeding twenty-five dollars for the first offence and not exceeding two hundred dollars for every subsequent offence. In default of payment and of sufficient distress, the defendant shall for the first offence be liable to imprisonment for any term not exceeding one month, and for each subsequent offence for any term not exceeding one month.

31. (a.) The secretary shall in every year cause to be printed, published, and kept for inspection at his office, free of charge, under the direction of the Council, a correct register of the names in alphabetical order according to the surnames, with the respective residence, of all persons appearing on the register on the first day of January in every year; and such register shall be called the "architects' register."

Architects' register.

(b.) The secretary shall keep a similar register of student associates.

Students' register.

32. (a.) Members and student associates shall pay on such registration such annual fee as shall be required by the by-laws.

Fees.

(b.) The names of those in default shall be removed from the respective registers by the secretary after one month's notice by prepaid registered mail to the parties, and shall not be reinserted except upon the payment of all arrears and of such fine (if any) as may be imposed by the by-laws of the Institute.

Suspension for Misconduct.

33. (a.) The Council may, in its discretion, reprimand, censure, suspend, or expel from the Institute any architect guilty of unprofessional conduct, negligence, or misconduct in the execution of the duties of his office, or convicted of a criminal offence by any Court of competent jurisdiction.

Revocation of certificate.

(b.) The Council may, by resolution, direct the secretary to restore to the register any name removed therefrom either without fee or upon payment of such fee, not exceeding the fees in arrears or unpaid, and one additional renewal fee as the Council may from time to time fix, and the secretary shall restore the name accordingly.

(c.) The name of any person removed from the register at the request of such person or with his consent shall, unless it might if not so removed have been removed by order of the Council, be restored to the register on his application and on payment of such fees, not exceeding such fees as shall be in arrears, and one additional registration fee as the Council from time to time may fix.

(*d.*) Any person who has failed to pass an examination, or whose name has been ordered to be erased from the register, or who feels himself aggrieved, or is affected by any order of the Council, or any decision of the Board of Examiners, may appeal from such order, finding, action, or decision to any Judge of the Supreme Court at any time within six months from the date of such order, finding, action, or decision, or the publication thereof; the said Judge thereof, upon the hearing of such appeal, which may be analogous to appeal to the County Court under the "Summary Convictions Act," may make such order confirming or reversing in whole or in part, or varying the order, finding, action, or decision appealed from, or directing further inquiries by the Council into the facts of the case, and as to costs, as to the said Judge thereof shall seem right in the premises. Such order when so made shall be final.

Notices.

34. (*a.*) Subject to the other provisions of this Act, all notices and documents required by or for the purpose of this Act, when sent by registered post prepaid, shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of the mail; and in proving such sending it shall be sufficient to prove that the letter containing the notices or documents was prepaid and properly addressed and registered and put in the post.

(*b.*) Such notice and documents, when sent to the Council or other authorities, shall be deemed to be properly addressed if addressed to the said Council or other authorities or to some officer of the Council or authority at the principal place of business of the Council or authority, and when sent to a person registered under this Act shall be deemed to be properly addressed if addressed to him according to his address registered in the register of the Institute.

Funds.

35. (*a.*) All moneys arising from fees payable on registration or from the annual fees or from the sale of copies of the register or otherwise shall be paid to the secretary of the Council, and by him paid over to the treasurer, to be applied in accordance with such regulations as may be made by the Council towards defraying the expenses of registration and the other expenses of the execution of this Act, and, subject thereto, towards the support of museums, libraries, or lectureships or for other public purposes connected with the profession of architecture, or towards the promotion of learning and education in connection with architecture.

(*b.*) The Council shall have the power to invest any sum not expended as above in such securities as shall be approved by the Lieutenant-Governor in Council in the name of the Institute, and to change the same at will, and any income derived from such invested sums shall be added to and be considered as part of the ordinary income of the Institute.

36. (a.) It shall be the duty of the secretary to keep the register Duties of secretary. in accordance with the provisions of this Act and the by-laws, orders, and regulations of the Council.

(b.) All deeds of the Institute shall be signed by the president and the secretary and sealed with the common seal of the Institute.

37. Nothing in this Act shall authorize the Institute to impose Fees. any fees higher than the following:—

Admission as student associates	\$35 00
Each examination	25 00
Student's annual fee	5 00
Admission to practise	50 00
Member's annual fee	15 00
Fines	10 00

38. Every architect registered in accordance with the provisions Seal. of this Act shall have a seal, the impression of which must contain the name of the architect, his place of business, and the words "Registered Architect, British Columbia," with which he shall stamp all working drawings and specifications issued from his office for use in the Province of British Columbia.

39. The Secretary shall, whenever required by the Lieutenant- Returns. Governor in Council so to do, transmit to the Provincial Secretary a certified return under the seal of the Institute, setting forth all such information and particulars relating to the Institute as may from time to time be required or asked for.

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