



ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA

Bulletin 22: Temporary Licence Requirements for Architects Registered in Another Jurisdiction Wishing to Provide or Promote Architectural Services in British Columbia

June 2017

IMPORTANT:

The AIBC transitioned to the Professional Governance Act on February 10, 2023. **This document has not yet been updated to reflect the new legislation and updated Bylaws.** Although there may be outdated terms and references in this document, note that the **general concepts and requirements remain the same.** If you have any concerns or questions, please contact practiceadvice@aibc.ca. For more information about the transition, go to aibc.ca/PGA.

In order for an architect registered in another jurisdiction (province, state or country) but not registered in British Columbia, to provide or to promote any architectural services in British Columbia, certain terms and conditions must be met to satisfy the AIBC's Temporary Licence requirements. Contact with the AIBC at the earliest possible opportunity is encouraged in order to ensure full understanding of the architect's obligations and responsibilities, thereby avoiding serious consequences resulting from a contravention of the *Architects Act*, AIBC Bylaws or AIBC Council rulings.

1.0 Promotion of Services

- 1.1** In order to comply with the *Architects Act* and AIBC Council rulings, an architect registered in another jurisdiction who wishes to promote or offer architectural services for any “specific commission” in B.C. (whether in response to an advertisement or by invitation or by taking initiative) must inform the AIBC of his/her intentions in advance.
- 1.2** While the actual provision of architectural services in B.C. must be done under the authority of a Temporary Licence or a Certificate of Practice issued by the AIBC (as per sections 27 and 38 of the *Architects Act*, and Part 2.0 of this bulletin), an architect registered in another jurisdiction may offer or promote services in order to compete for architectural projects in B.C. prior to obtaining a Temporary Licence but must do so in accordance with the following AIBC Council rulings:
 - 1.2.1** No general or non-specific project promotion or investigation is permitted under any circumstances.
 - 1.2.2** “Specific commission” applies to the expression of interest or offering of any

services through the submission of written or verbal proposals for services and/or fees to the prospective client or client's agent. This further applies to any and all services offered by architects, whether or not the *Architects Act* specifically requires an architect on the project. This includes but is not limited to any services in regard to building projects, advice, briefs, reports, studies, pro formas, consultation, interior design, feasibility studies, planning, programming, rezoning, urban design, field reviews, contract administration and construction management.

- 1.2.3 The applicant must establish eligibility for a Temporary Licence by notifying the AIBC in writing and in advance of offering or promoting any service, that he or she will be offering architectural services in British Columbia and will apply for a temporary licence if successful (see attached sample letter).
- 1.2.4 The applicant shall not provide architectural services prior to receiving a Temporary Licence in accordance with the *Architects Act* (see Part 2.0 below).
- 1.2.5 Architectural services may only be offered (and then provided) without applying for and obtaining a Temporary Licence if:
 - 1.2.5.1 the building project falls below the thresholds set out in Section 60 of the *Architects Act*; and
 - 1.2.5.2 the architect and/or the architectural firm are not promoting and/or do not intend to provide services representing **the architect and/or firm, using the term “architect(s)” or a derivative.**

2.0 Provision of Services

- 2.1 After establishing eligibility (see 1.2.3 above), and in accordance with Section 38 of the *Architects Act* and AIBC Bylaw 16, an architect must apply for and obtain (in advance of providing any such services) a Temporary Licence according to the following AIBC Council rulings:
 - 2.1.1 The applicant must apply for a separate Temporary Licence for each separate commission or project. A separate building project is determined by its separate building permit.
 - 2.1.2 The applicant must be a registered architect in good standing in another jurisdiction.
 - 2.1.3 The applicant must have a professional business relationship (by either direct agreement or through separate agreements with their mutual client) with a “collaborating architect” who is an Architect AIBC, and who practises in B.C. as a principal or shareholder under a Certificate of Practice.
 - 2.1.4 A Temporary Licence shall only be issued on a project when the applicant

and the collaborating architect agree and jointly undertake to:

- 2.1.4.1 include both their names, firms' names and local addresses on any drawings, specifications, or signs or announcements relating to the project;
- 2.1.4.2 sign and seal all drawings;
- 2.1.4.3 ascertain that all contract documents substantially conform to applicable codes and bylaws;
- 2.1.4.4 provide all necessary field review to ascertain that the construction substantially conforms to the contract documents; and
- 2.1.4.5 if acting as payment certifier under the *BC Builders Lien Act*, sign and seal the Certificate of Completion, and the licensee shall then file a copy of the certificate with the AIBC within seven days of its being signed.
- 2.1.4.6 if not acting as payment certifier, obtain a copy of the Certificate of Completion, and the licensee shall then file a copy of the certificate with the AIBC within seven days of its being signed; along with a letter, referencing the Certificate of Completion, signed by both the collaborating architect and the licensee, stating that the project has been 'completed' as defined by the *BC Builders Lien Act*.

- 2.1.5 A Temporary Licence must be maintained for a building project until one year after the receipt, by the AIBC, of the Certificate of Completion. The responsibility for ensuring that this document is submitted as outlined above rests with the licensee.
- 2.1.6 Whether or not a project has been confirmed or has approval to proceed, a Temporary Licence must be obtained for the provision of any architectural services. This includes but is not limited to any services related to a building project, e.g., advice, briefs, reports, studies, pro formas, consultation, interior design, feasibility studies, planning, programming, rezoning, urban design, field reviews, contract administration and construction management.
- 2.1.7 The AIBC shall establish, in conjunction with the applying and collaborating architects, the obligations of the applying and collaborating architects in advance of the issuance of the Temporary Licence. When such obligations are other than as set out in Section 2.1.4 above they are subject to ratification by the AIBC Council.
- 2.1.8 The initial term for a Temporary Licence continues from the date of its approval until the next January 1; the term thereafter is annual to January 1

or until the conclusion of obligations. The fee for a partial-year term will be no less than half of the annual fee. Temporary Licence fees are on a sliding scale according to construction cost defined as follows:

“Construction cost means the contract price(s) of all project elements designed or specified by or on behalf of the architect, permit fees, contingency amounts, and all applicable taxes including such value added taxes as GST whether recoverable or not.

Where there is no contract price for all or part of the project, the construction cost shall be the estimated cost of construction as determined by the architect at market rates at the anticipated time of construction.

Construction cost does not include the compensation of the architect and the architect’s consultants, the cost of the land, or other costs, which are the responsibility of the client. In the event that labour or materials are furnished by the client below market cost or when old materials are reused, the construction cost, for purposes of establishing the architect’s fee, is the cost of all materials and labour necessary to complete the work as if all materials had been new and as if all labour had been paid for at market prices at the time of construction or, in the event that the construction does not proceed, at existing market prices at the anticipated time of construction.”

- 2.1.9 The Licencee is required to provide a brief report regarding the project status and construction cost with each annual submission of Temporary Licence fees.
- 2.1.10 If a commission for which a Temporary Licence has been issued is terminated, or if there is material change in project status, the licensee and the collaborating architect must immediately advise the AIBC in writing. Early cancellation of the Temporary Licence will be permitted upon documented evidence that the project has been terminated. The licensee may apply for early termination of the Temporary Licence for other reasons, however, the onus is on the licensee to substantiate the request and the decision to grant the request will be at the discretion of the Registrar. Any refund available for cancellation of a Temporary Licence will be based on the AIBC’s refund policy outlined in Bulletin 01 “Fees, fines and charges.”

3.0 Consequences of Non-Compliance

- 3.1** Failure to comply with one or more of the foregoing requirements, terms or conditions constitutes a contravention of the *Architects Act* and will result in the following consequences for the architect (and firm if applicable) from the other jurisdiction:
- 3.2** In all cases:
 - 3.2.1 the architect and firm in non-compliance will be advised by the AIBC to cease and desist immediately from offering or providing services until the

matter is resolved to the AIBC's satisfaction; and

- 3.2.2 a detailed letter of explanation must be received promptly by the AIBC from the architect and firm prior to a decision regarding appropriate action. The explanation must include the name of the out-of-province architect(s) responsible for the project, if that information has not already been provided.
- 3.3 If the architect and/or firm has communicated with any other party concerned with the project, or an expression of interest has been submitted to any party, or a proposal for architectural services has been submitted to any party, this will be interpreted as offering services. If a letter of intent (as per "1.2.3" above) has not been filed with the AIBC prior to offering services, the AIBC shall require, within 10 days of the date of a letter to the architect on the matter, a minimum penalty in the amount equal to the applicable Temporary Licence fee for the project.
- 3.4 In addition, if the architect and/or firm has begun work on a project or provided services in any way without having been granted a Temporary License for the work (as per section 2.0 above), the AIBC shall require, within 10 days of the date of a letter to the architect on the matter, a minimum penalty in the amount equal to two times the applicable Temporary Licence fee for the project.
- 3.5 Penalties higher than the minimum penalties described in "3.3" and "3.4" may be applied upon approval by the Registrar and may be applied in cases where one or more of the following has occurred:
 - 3.5.1 repeat offence;
 - 3.5.2 knowing and blatant contravention; and/or
 - 3.5.3 high level of public risk as a result of the contravention.
- 3.6 Other conditions or requirements may be exercised at the discretion of the Registrar in order to rectify the non-compliance. This may include full or anonymous publication of the matter. However, if "3.9" below applies, publication will be mandatory.
- 3.7 In addition to satisfying any penalties or conditions listed above, the architect in non-compliance must submit an original Temporary Licence application form and applicable Temporary Licence fees. Architectural services on the project in question may not be resumed by the architect or firm until the Temporary Licence has been issued.
- 3.8 Only after all imposed obligations have been met may the architect(s) found in contravention apply for full registration with the AIBC. However, the Registration Board will have the previous non-compliance information available to them and will review the registration application carefully to ensure that the non-compliance matter has not jeopardized the eligibility of the applicant to apply through existing reciprocal licensing agreements. If the Registration Board finds that the non-compliance matter makes the applicant ineligible for reciprocal licensing, the

applicant may be required to successfully complete an oral review and fulfill any other specified conditions.

3.9 Failure to comply with any above-mentioned requirements or conditions shall:

- 3.9.1 render that architect and firm ineligible for a Temporary Licence on the project in question and any other project;
- 3.9.2 render all the principals of the architect's architectural firm and the architectural firm ineligible for membership or a Certificate of Practice until such time as the "settlement payment" is made in full with accrued interest and subject to all other requirements of the Act, Bylaws and AIBC Council rulings;
- 3.9.3 initiate the publication of a report on the matter in the next AIBC newsletter; and
- 3.9.4 result in the AIBC's filing a formal complaint of professional misconduct against that architect and all of the architectural firm's principals, with the architects' licensing jurisdiction(s).

3.10 In the event that a Temporary Licence is cancelled by the AIBC for non-payment of fees or for non-compliance with terms and conditions:

- 3.10.1 the licensee whose Temporary Licence is cancelled is not eligible for any subsequent Temporary Licence; and
- 3.10.2 the AIBC will advise building officials and project owners.

Bulletin Amendment History (2002 – 2017):

2002: First Edition October 2002

2005: Second Edition October 2005

2012: Revised November 2012 (Revised per Bylaw 10: Architect AIBC replaces MAIBC)

2017: Revised June 2017 paragraphs 2.1.4.5. and 2.1.4.6. to align with BC Builders Lien Act

2023: February. Document updated with PGA transition disclaimer, stating that some language may not reflect the new legislations and updated Bylaws. Although there may be outdated terms and references, the general concepts and requirements remain the same.

The AIBC does not provide legal, accounting or insurance advice and expressly disclaims any responsibility for any errors or omissions with respect to legal, accounting or insurance matters that may be contained herein. Readers of AIBC documents are advised to consult their own legal, accounting or insurance representatives to obtain suitable professional advice in those regards.

Sample Letter of Intent (cf. Bulletin 22 item A.3)

Date

Architectural Institute of British Columbia
#100 – 440 Cambie Street
Vancouver, BC
V6B 3N5

Attention: Director of Registration & Licensing

Dear Sir/Madam:

We are writing to inform you of our intention to submit an (expression of interest, letter of qualification, proposal) with (collaborating architectural firm if known at this time), to provide architectural services for the (project name, client and description). It is our intention, should we be successful, to apply for a Temporary Licence for the project in British Columbia. We will not provide any services until we have received a Temporary Licence.

We trust this is in order, and we would be pleased to provide further information that may be required.

Sincerely,
