

**IN THE MATTER OF
THE PROFESSIONAL GOVERNANCE ACT, S.B.C. 2018, c. 47**

and

IN THE MATTER OF ARYO FALAKROU, ARCHITECTURAL TECHNOLOGIST

**DETERMINATION OF THE DISCIPLINE COMMITTEE
of THE ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA (“AIBC”)
ON PENALTY AND COSTS**

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| Date and Place of Hearing: | November 27, 2025, by videoconference |
| Panel of the Discipline Committee: (the “Panel”) | D. Brent North, Architect AIBC, Chair Brian Hart, Architect AIBC Andrea Ritchie |
| Counsel for AIBC: | Elizabeth Janzen |
| For the Registrant: | Aryo Falakrou, self-represented |
| Counsel to the Panel: | Andrew D. Gay, K.C. |

A. INTRODUCTION

1. The AIBC issued a citation against the respondent, Aryo Falakrou, on October 2, 2024. The citation was amended on December 12, 2024, and further amended on June 12, 2025 (the “Citation”).
2. Mr. Falakrou is an Architectural Technologist registered with AIBC. He is not an architect.
3. The hearing of the allegations contained in the Citation was held on July 7 and 9, 2025. The Panel issued its determination on August 15, 2025, finding that the AIBC had proved 12 of the 14 allegations in the Citation and had partially proved an additional allegation.
4. The hearing for penalty and costs was held on November 27, 2025.
5. This is the Panel’s determination on the issues of penalty and costs.

B. FINDINGS OF MISCONDUCT

6. The Panel's findings were set out in its decision dated August 15, 2025, and will not be repeated here. Broadly, the Panel found that Mr. Falakrou, on a number of occasions, held himself out as an architect, and used descriptions of himself and his work which imply, or are likely to lead the public to infer, that he was registered as an architect, and that he was entitled to use the title "architect" or was entitled to provide architectural services. The Panel found that Mr. Falakrou condoned or acquiesced in the use by others of descriptions which implied that Mr. Falakrou was registered as an architect or was entitled to provide architectural services.
7. The Panel found that Mr. Falakrou's conduct amounted, variously, to professional misconduct, violations of the *Architects Act*, R.S.B.C. 1996, c. 17 (the "*Architects Act*"), violations of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the "*PGA*"), and violations of the AIBC Bylaws.
8. The *Architects Act* was repealed and replaced by the *PGA* on February 10, 2023. The Panel found that Mr. Falakrou engaged in forms of misconduct both before and after the repeal of the *Architects Act*.

C. PANEL'S JURISDICTION WITH RESPECT TO PENALTY

9. The Panel's jurisdiction to issue a penalty arises from *PGA* section 75(6) says:

75(6) If, under subsection (5), an adverse determination is made against a respondent, other than a trainee, the discipline committee must do one or more of the following:

- (a) reprimand the respondent;
- (b) impose a penalty on the respondent in an amount that is,
 - (i) in the case of an individual, not more than \$100 000, and
 - (ii) in the case of a firm, not more than \$250 000;
- (c) impose conditions on the respondent's registration as a registrant of the regulatory body;
- (d) suspend the respondent's registration in the regulatory body
 - (i) for a specified period of time,
 - (ii) until the respondent complies with a requirement under paragraph (f), or
 - (iii) for a specified minimum period of time and until the respondent complies with a requirement under paragraph (f);

- (e) cancel the respondent's registration in the regulatory body;
- (f) require the respondent to
 - (i) complete a remedial program to the satisfaction of the board or the audit and practice review committee, or
 - (ii) appear before a committee established by the board and satisfy the committee that the respondent is competent to practise the registrant's regulated practice.

10. The power to issue penalties under the repealed *Architects Act* was very similar. Under subsection 50(3) the Panel was empowered to make the following orders:

- (a) reprimand of the member, architectural firm or licensee or a member who is an officer, partner, shareholder or employee of the architectural firm;
- (b) imposition of conditions on the certificate of practice of the member, architectural firm or licensee;
- (c) suspension of the member, architectural firm or licensee from practice for a specified period of time;
- (d) removal of the name of the member, architectural firm or licensee from the register;
- (e) cancellation of the licence of the licensee or certificate of practice of the member, architectural firm or licensee;
- (f) imposition of a fine on the member, architectural firm or licensee, payable to the institute and not greater than \$10,000.

11. In relation to Mr. Falakrou's violations of the (repealed) *Architects Act* when that act remained in force, he must not be exposed to the higher level of fine available under the PGA. In relation to those *Architects Act* violations, if any fine were warranted, the maximum would be \$10,000. This flows from section 35 of the *Interpretation Act*, R.S.B.C. 1996, c. 238 which provides, among other things, that the repeal of an enactment does not affect the previous operation of that enactment nor a penalty incurred under it. This does not apply to any of Mr. Falakrou's violations of the PGA or the bylaws made under the PGA.

D. FACTORS RELEVANT TO PENALTY

12. The Panel is guided by the factors set out in *Law Society of British Columbia v. Ogilvie*, [1999] LSBC 17 as consolidated in *Law Society of British Columbia v. Dent*, 2016 LSBC 5 ("Dent"), as follows:
 - (a) the nature, gravity and consequences of the respondent's conduct;
 - (b) the respondent's character and professional conduct;
 - (c) any acknowledgement of the misconduct or remedial action taken; and
 - (d) public confidence in the profession including public confidence in the disciplinary process.
13. As noted in the AIBC's submissions, these factors have been applied by various professional regulatory bodies in a variety of discipline cases, including under the PGA. For example, see *Re Eloufy*, 2025 BCEGBC 13 at para. 7-20.
14. The Panel further agrees with the AIBC's submission that what underlies these factors is a concern for the public interest which is the Panel's primary consideration. Section 22 of the PGA provides that it is the duty of a regulatory body to serve and protect the public interest with respect to the exercise of the profession, professional governance and the conduct of registrants in the registrants' regulated practice; and to exercise its powers in the public interest.
15. Section 22(2) provides that a regulatory body has the following specific responsibilities which are relevant to Mr. Falakrou's case:

...

 - (b) to preserve and protect reserved titles or reserved practices, as applicable, in the public interest;
 - (c) to guard against the unlawful use of reserved titles or the unlawful practice of reserved practices;
 - (d) to govern the registrants of the regulatory body according to this Act, the regulations and the bylaws;

...

 - (f) to establish, monitor and enforce standards of practice to enhance the quality of practice so that registrants avoid
 - (i) professional misconduct,

...

...

(h) to establish, monitor and enforce standards of professional ethics amongst registrants; ...

E. ANALYSIS OF THE PARTIES' SUBMISSIONS

16. The AIBC submits that the appropriate penalty in this case is as follows:

- (a) The respondent will receive a reprimand;
- (b) The respondent must pay a penalty in the amount of \$15,000 to the AIBC within 30 days of the Panel's decision on penalty;
- (c) The respondent must complete a remedial program on the following terms:
 - i. The respondent is required to attend and complete the AIBC's Professional Practice Standards & Ethics Course ("the Course"), at his own expense. The respondent must provide his certificate of completion of the Course to the AIBC's Director of Professional Conduct and Illegal Practice by email to complaints@aibc.ca within 30 days of the Panel's decision on penalty.
 - ii. The respondent is required to attend at least two meetings ("Meetings") with a panel of the AIBC Conduct Review Committee ("Committee") over a period of one year from the date of the Panel's decision on penalty. The purpose of the Meetings will be to review and assess the respondent's promotional materials and his understanding of his professional obligations, and to ensure that his promotional materials are in compliance with those obligations.
 - iii. The first Meeting ("First Meeting") will take place at a time set by the Committee on consultation with the respondent not later than 60 days from the date the respondent provides his certificate of completion of the Course, subject to extension of time agreed to by the Director of Professional Conduct and Illegal Practice and the respondent if a panel of the Committee cannot be convened within this time period.
 - iv. The respondent will provide the Committee with a list of all websites and social media platforms on which he promotes his services (the "Advertising List") at least one week in advance of the First Meeting.

- v. The terms of the subsequent Meetings, including the number of Meetings and their dates, shall be at the discretion of the Committee.
- vi. The respondent must notify the Committee of any changes to the Advertising List throughout the one-year period.
- vii. At the conclusion of the one-year period, the Committee will provide a written report to the Registrar about the steps taken and the outcome of the Meetings.

17. Mr. Falakrou did not accept there was a basis for any penalty. He submitted:

- (a) per his oral submissions and his November 25, 2025 letter to the Panel, that he disagrees with the Panel's liability decision in its entirety and says that he should not be penalized;
- (b) per his oral submissions, that he does not accept the Panel's decision and that the AIBC should be reviewing the applicable bylaws again;
- (c) per his November 25, 2025 letter that he has not acted improperly and that AIBC incorrectly interpreted and manipulated the wording on his website and YouTube channels to suggest he was holding himself out as an architect;
- (d) per his oral submissions and his November 25, 2025 letter to the Panel that the proposed penalties would compound the financial hardship he is experiencing due to his health issues; and
- (e) in response to the Panel's inquiry regarding the possibility of a suspension rather than a fine, Mr. Falakrou indicated that a suspension would raise an issue of pride for him, but otherwise he did not express a particular view on whether a suspension would be more or less appropriate than a fine from his perspective.

18. The Panel accepts the AIBC's submission on penalty, in principle, for the following reasons, applying *Dent* (above) and subject to the noted modifications:

- (a) All of the AIBC's proposed penalties fall within the Panel's jurisdiction as articulated in Part C of this decision.
- (b) The professional misconduct is serious in nature. It took place over several years and persisted despite requests from the AIBC to correct the misrepresentations. The misconduct comprised numerous instances of misleading statements on Mr. Falakrou's website, YouTube channel and other websites on which he promoted and

marketed his business to the public. The Panel agrees with the view expressed in *Law Society of Ontario v. Kamal*, 2018 ONLSTH 110 at para. 13, that “confusing or misleading advertising is serious misconduct, as members of the public are ill-served by advertisements that confuse or mislead”.

- (c) There is a strong public interest in ensuring that persons who are not qualified and legally entitled to use a professional title, or to promote their services as those of a more highly qualified professional, not do so. The public is clearly at risk of being misled when this occurs, and such conduct must be deterred.
- (d) Mr. Falakrou does not have a disciplinary history, which militates toward moderation in the penalty. However, the Panel notes that Mr. Falakrou is an experienced architectural technologist, having been registered with AIBC for over a decade, and he should have known that he could not promote himself as an architect.
- (e) Shortly before the date of the originally scheduled (but adjourned) penalty hearing, Mr. Falakrou removed most of the offending representations from his and other websites or requested their removal. While a positive step, this was late in the day, long after the AIBC brought the issues to Mr. Falakrou’s attention and well after this Panel issued its decision finding misconduct. Further, in the penalty hearing Mr. Falakrou did not acknowledge any wrongdoing, and instead took the position that the AIBC’s Bylaws need reform. In his November 25, 2025 letter to the Panel, Mr. Falakrou denied wrongdoing and said that he modified his website and removed the use of the word “architect” from his website because of “harassment” from the AIBC and its lawyer even though, in his view, the website content did not imply that he was an architect. The Panel rejects the allegation of harassment.
- (f) The Panel notes the AIBC’s submission that, although the violations itemized in the Citation have been remedied, further items of concern have been identified since the Panel issued its August 15, 2025 liability decision. This includes an advertisement for Mr. Falakrou’s business and various blog posts which suffer from the same problems as those addressed in the Panel’s August 15 2025 decision. No penalty can be applied to these occurrences as they are outside the period of the Citation, however they are relevant to the need for ongoing monitoring of Mr. Falakrou’s promotions, a matter addressed below.

- (g) A reprimand represents the minimum possible penalty for the maintenance of public confidence in the profession and for a respondent's professional record. By itself however, the Panel views this as insufficient in the case of prolonged and repeated misrepresentations and misuse of a professional title, particularly where the respondent, as here, maintains that he did nothing wrong and should be entitled to describe his work in the manner he did.
- (h) The Panel finds that a monetary penalty is an appropriate remedy in this case, including for the purpose of general and specific deterrence and recognizing the duration and seriousness of the repeated misconduct. The importance of fines to achieve general deterrence is addressed in *Law Society of British Columbia v. Lyons*, 2008 LSBC 38 at para. 20. In the present case, the Panel finds there is a clear need for specific deterrence as well, as Mr. Falakrou does not accept that he has done anything wrong. The maximum fine under the *Architects Act* is \$10,000 and under the PGA is \$100,000.
- (i) The penalty provisions applied by the Panel must correspond to the provisions in force at the time of the misconduct. Any monetary penalty must therefore be comprised of amounts proportional to the periods of time during which the conduct contravened the Architects Act and the PGA respectively. The Panel agrees with the AIBC that about six months of the respondent's misconduct occurred under the *Architects Act* while approximately two years and four months of the misconduct occurred under the PGA.
- (j) The Panel accordingly finds that the AIBC's proposed penalty of \$15,000, comprised of \$2,500 under *Architects Act* section 50(3)(f) and \$12,500 under PGA section 75(6)(b)(i), is both appropriate and generally proportionate to the percentage of time the misconduct occurred under the two acts.
- (k) However, the Panel finds that in consideration of Mr. Falakrou's statements about his financial situation (further addressed below), he should be afforded 90 days from the date of this decision to pay the monetary penalty rather than the 30 days proposed by the AIBC.

- (l) The Panel finds that under PGA section 75(6)(c), conditions should be imposed on Mr. Falakrou's registration in the public interest. In particular, the Panel agrees with the AIBC that a remedial program where Mr. Falakrou appears before a panel of the Committee and engages, at the direction of the Committee, over the course of one year from the date of this decision, is a reasonable and warranted process to review and assess Mr. Falakrou's promotional materials and his understanding of his professional obligations, and to ensure that his promotional materials are in compliance with those obligations. This is important because Mr. Falakrou does not appear to understand his professional obligations, did not accept that he engaged in wrongdoing, and continued to engage in promotions that are inconsistent with the legislative scheme following this Panel's August 15, 2025 decision.
- (m) In respect of the remedial program, the Panel finds that the AIBC's proposed regimen is overly prescriptive and that the Committee should have more discretion in its establishment of the program requirements, as addressed below in the Panel's order.

19. The Panel rejects Mr. Falakrou's submission on penalty, for the following reasons.

- (a) Mr. Falakrou's focus was on revisiting the Panel's liability decision and on arguing that the AIBC needs to revisit its bylaws. Mr. Falakrou remains under the misapprehension that the disciplinary process is a vehicle for changing the AIBC Bylaws, or that either the Investigations Committee or the Disciplinary Panel have the mandate to modify the bylaws, and/or that either of them has the power to amend the legislation.
- (b) Mr. Falakrou is an experienced registrant who had multiple opportunities throughout the process leading to this hearing to inform himself about the regulatory scheme governing the alleged misconduct and had the opportunity to seek legal advice. In the end, Mr. Falakrou's submissions failed to address his misconduct and largely failed to address the factors relevant to penalty. Instead, Mr. Falakrou argued that he had not done anything wrong. He argued that he had "rights" that were not being recognized by the AIBC and that the AIBC was "harassing" him. In defiance of this Panel's August 15, 2025 decision, Mr. Falakrou stated, "I do not agree I presented myself as an architect", and asked, "why do I deserve to be penalized".

- (c) A member of a professional body who disagrees with a rule, law or bylaw that governs them cannot simply disregard it and carry on, as that would defeat the intent of the legislative scheme.
- (d) The Panel does not take Mr. Falakrou's failure to show remorse or to accept accountability for his actions as an aggravating factor respecting penalty. However, the Panel treats this as the absence of a mitigating factor.
- (e) The Panel has received limited submissions about the state of Mr. Falakrou's health. It accepts that he is currently under a physician's care, and that, per his statements, he is not currently working. The Panel has taken this into account in relation to the length of time afforded to Mr. Falakrou to pay the monetary penalty.
- (f) Mr. Falakrou asserts that he is suffering from financial hardship. However, the Panel is unable to accept this assertion at face value, nor is it able to independently ascertain his financial circumstances. Mr. Falakrou did not support this submission with any evidence. However, the Panel has taken Mr. Falakrou's submission into account in connection with the time afforded to him to pay the monetary penalty, as indicated above in paragraph 18(k).

F. PANEL'S ORDER IN RELATION TO PENALTY

20. The Panel orders that:

- (a) Mr. Falakrou be reprimanded;
- (b) Mr. Falakrou must pay a penalty in the amount of \$15,000 to the AIBC within 90 days of this decision; and
- (c) It is a condition of Mr. Falakrou's registration that he:
 - i. attend and complete the AIBC's on-demand, online, Professional Practice Standards & Ethics Course (the "Course"), at his own expense. Mr. Falakrou must provide his certificate of completion of the Course to the AIBC's Director of Professional Conduct and Illegal Practice by email to complaints@aibc.ca within 60 days of this decision; and

- ii. appear before a panel of the AIBC's Conduct Review Committee ("the Committee") and engage in a remedial program at the Committee's direction, commencing within 60 days of the Panel's decision, or such later date as directed by the Committee, and extending over the course of one year from the date of the first appearance. At the Committee's discretion, the program may include, but shall not be limited to:
 - a. not less than quarterly meetings with the Committee's panel, or such other frequency at the Committee's discretion, to review and address Mr. Falakrou's promotional materials and his understanding of his professional obligations relating to use of titles and permissible promotions including the obligation not to promote himself as an architect; and to ensure that his promotional materials are in compliance with those obligations, including as set out in the Panel's August 15, 2025 decision;
 - b. provision to the Committee's panel as requested from time to time, of a list of all websites and social media platforms on which Mr. Falakrou promotes his services (the "Advertising List");
 - c. at the conclusion of the 1-year period, a report to be submitted from the Committee to the Registrar and to the Chair of the Discipline Committee, regarding the content and outcome of the review; and
 - d. if Mr. Falakrou fails to comply with the conduct review requirements, as established by the Committee the Committee shall refer the matter of non-compliance to the Registrar and to the Chair of the Discipline Committee.

G. PANEL'S JURISDICTION WITH RESPECT TO COSTS

- 21. The Panel's jurisdiction to award costs is provided in PGA section 81 which provides:
 - (1) A discipline committee or panel, in the context of a discipline hearing under section 75, may require the respondent to pay the costs of one or both of the following:
 - (a) an investigation;

- (b) the hearing under section 75.
- (2) Costs assessed under subsection (1)
 - (a) must not exceed the actual costs incurred by the regulatory body during the course of the investigation and hearing, and
 - (b) may include the salary costs for employees or officers engaged in the investigation and hearing.
- (3) The board may make bylaws governing the assessment of costs under subsection (1), including the following:
 - (a) the factors to be considered in assessing costs;
 - (b) the maximum amount of costs that may be assessed within the limits set out in subsection (2);
 - (c) the time allowed for payment of costs;
 - (d) the extension of time for payment of costs.
- (4) The amount of costs assessed against a respondent under subsection (1) may be recovered as a debt owing to a regulatory body and, when collected, that amount is the property of the regulatory body.

22. AIBC Bylaw 7.43 provides that if costs are ordered against a respondent, the Panel must assess the amount of costs payable in accordance with Schedule S of the Bylaws.

23. AIBC Bylaw 7.45 provides that recoverable costs may include the actual costs incurred by the AIBC during the course of the investigation and the discipline hearing, including any applications or pre-hearing conferences. It expressly provides that recoverable costs include the fees charged and expenses incurred by legal counsel retained by the AIBC including those of the Panel's independent legal counsel, and the cost of a court reporter for the proceeding.

24. AIBC Bylaws Schedule S provides that:

- (a) Costs are not ordered as a punitive measure. They are not intended to address the conduct that is the subject of the discipline process (sections 1.2 and 1.3);

- (b) The AIBC's recoverable costs include all costs incurred from the authorization of the investigation to the resolution of the proceeding under PGA section 75 (section 3.1);
- (c) For the purpose of calculating costs respecting a discipline hearing, recoverable costs include the costs incurred from the issuance of the citation to the conclusion of the proceeding under PGA section 75 (section 3.3); and
- (d) In determining the costs the respondent must pay, the Panel considers "whether AIBC proved all the charges set out in the Citation to the requisite standard, and if so, the seriousness of the charges which were not proven relative to those which were proven" (section 3.4).

25. AIBC Bylaw 7.46 provides that costs are to be paid in full within 30 days unless the Panel grants an extension. Bylaw 7.48 provides that a respondent may make a written request to the Panel for an extension of time from an order to pay costs due to hardship and must provide suitable documentation to support the request. The Panel interprets these provisions as meaning that the Panel, in its present decision, may grant an extension beyond the 30 days pursuant to Bylaw 7.46, and that following its decision a respondent may apply for an extension of time from the Panel's order pursuant to Bylaw 7.48.

H. FACTORS RELEVANT TO COSTS

26. Under section 81 of the PGA and section 7.44 of the AIBC Bylaws, costs are discretionary. The PGA does not identify the factors to be assessed in determining if costs should be awarded, nor the factors to be assessed in determining whether the amount of costs awarded should be the actual costs incurred by the regulatory body or some lesser amount.

27. The Bylaws are likewise silent, except for section 4.4 of Schedule "S" which provides as follows:

In determining Costs the Respondent must pay, the Discipline Hearing Panel considers whether AIBC proved all the charges set out in the Citation to the requisite standard, and if so, the seriousness of the charges which were not proven relative to those which were proven.

28. As indicated above, Schedule "S" further identifies what costs are "recoverable" should costs be awarded.

29. In the professional discipline context, the court in *Kamani v. College of Dental Surgeons of British Columbia*, [1994] B.C.J. No. 1368, 48 A.C.W.S. (3d) 655 held that, as a general rule, the successful party should recover costs on those issues over which the party achieved success (para. 55).
30. The discretion to award costs must be exercised “judicially” (*Kamani*, above, at para. 42, citing *B.C. (Govt.) v. Worthington (Can.) Inc.*, 1988 CanLII 175 (BCCA)). Factors considered by other regulators include the seriousness of the misconduct, the registrant’s financial circumstances, the penalty’s total effect, including fines, and the extent to which the parties conduct resulted in costs accumulating or being saved: *Law Society of British Columbia v. Racette*, 2006 LSBC 29.
31. The British Columbia Court of Appeal decision in *Law Society of British Columbia v. Tungohan*, 2017 BCCA 423 provides that disciplinary tribunals should consider evidence of financial hardship caused by a costs award and whether the costs award amount becomes punitive if it is disproportionate to the size of the penalty. The court was also concerned with the seriousness of the implications should the respondent be unable to pay the costs award (para. 51). The court further held that a relevant consideration is whether the respondent’s conduct resulted in higher hearing costs (para. 51).
32. The AIBC cited several cases decided by the Discipline Committee of Engineers and Geoscientists BC (the regulatory body for professional engineers and geoscientists in British Columbia). In those cases, the respective panels ordered costs at the level of 80% or 90% of the regulator’s actual costs. However, in two of those cases (Re Eloufy and Re Swalehe) the respondent made no submissions on costs, and in the other (Re Heringa) the respondent did not raise financial hardship.

I. ANALYSIS OF THE PARTIES’ SUBMISSIONS

33. The AIBC proposes an award of costs as follows:
 - (a) \$55,000, representing approximately 80% of its actual costs (taxes excluded), as itemized in Exhibits 2 and 3, entered into the record of this hearing.
 - (b) \$1,723.25, representing 100% of its actual disbursements.
 - (c) No award of costs related to the investigation phase prior to the Disciplinary Hearing.

- (d) No award of costs in connection with the fees of the Panel's independent legal counsel.
- (e) No reduction of the costs claimed above on account of the single unproven allegation in the proceedings, as this was immaterial to the overall time involved.
- (f) That the awarded costs must be paid by Mr. Falakrou within 30 days of the Panel's decision, per AIBC bylaw 7.45.

34. Mr. Falakrou submitted that he has been unable to work for health reasons and that he would be unable to pay a costs award. As indicated above, he did not provide any supporting evidence. Mr. Falakrou did not argue that the AIBC did not incur the costs it claimed to have incurred, and did not argue that it was unreasonable for the AIBC to have incurred those costs, other than to argue that the AIBC should not have brought disciplinary proceedings against him at all.

35. Mr. Falakrou was given considerable warning by the AIBC that he may face a costs award in this case. Exhibit 1 in this proceeding reveals that the AIBC issued the following correspondence to Mr. Falakrou:

- a. By letter dated October 15, 2024, the AIBC notified Mr. Falakrou that the Panel could award costs against him and referred him to Schedule S of the Bylaws, noting that the Schedule sets out guidelines for the assessment of costs;
- b. An email message from the AIBC's counsel to Mr. Falakrou dated October 28, 2024 references a phone call which took place between them. The email indicates that counsel advised Mr. Falakrou that the financial implications of the hearing may be significantly greater than the penalty amount which had been proposed as a resolution by the Investigation Committee during a consent resolution process, including on the basis that the AIBC may be entitled to recover all or part of its costs depending on its level of success; and
- c. By letter dated January 13, 2025, the AIBC again reminded Mr. Falakrou that the AIBC would be entitled to recover its costs, including legal fees, in the event the AIBC were successful at the hearing. The AIBC's counsel put Mr. Falakrou on notice that the AIBC reserves the right to recover its "full actual legal expenses" in the event it succeeds at the hearing.

36. In the Panel's view, these warnings have to be viewed alongside the fact that Mr. Falakrou's arguments in this proceeding were almost entirely meritless and misconceived. He viewed this proceeding as an opportunity to argue over the appropriateness of the AIBC's Bylaws, rather than to come to terms with the allegations made against him. In the Panel's view, he must bear the cost consequences of this course of action.
37. The Panel has taken into account the concerns expressed by the court in *Tungohan* (above) about the consequences of costs awards and Mr. Falakrou's statement that he will be unable to pay the costs award which, if true, could result in cancellation of his registration pursuant to Bylaw 7.49. Alongside those concerns, the Panel has balanced the fact that Mr. Falakrou has, by pursuing misconceived and irrelevant arguments, and using this proceeding as a platform to advocate law reform, caused significant expense to the AIBC and its members which should have been unnecessary. The Panel has also considered that there is no documentary evidence relating to Mr. Falakrou's income or financial status. The Panel has balanced the competing concerns both in relation to the amount ordered and in relation to the time to be provided to Mr. Falakrou to pay the costs, as set out below.
38. The Panel has also taken into account the fact that the AIBC did not prove one of the 14 allegations and only partially proved another. The Panel agrees with the AIBC that the time taken for the hearing would have been no different, or almost no different, had those allegations not been advanced. Further, the allegations not proven were relatively minor. The AIBC amply proved the vast majority of its case as described above in paragraph 6.
39. The Panel has also taken into account the fact that the AIBC is taking a more moderate approach to costs than it could under the Bylaws. For example, the Bylaws permit the AIBC to seek recovery of the costs of retaining legal counsel for the Panel, but the AIBC is not seeking recovery of that amount. The AIBC is also not seeking investigative costs.
40. Finally, while costs are discretionary, the Panel has taken into account that the PGA contemplates that costs awards can be up to the "actual costs" of the regulatory body (section 81(2)). While the PGA does not mandate that this be the norm, it is an indicator that the Legislature contemplated the possibility of large costs awards in the disciplinary context.
41. Balancing all of the competing factors, the Panel believes that the amount of the costs award should be lower than the award sought by the AIBC, but should still be significant.

42. In relation to the amount, Ms. Perez Velez Affidavits #1 and #2 set out the amount AIBC paid to its prosecuting counsel, which is approximately \$78,000 including disbursements and taxes. The dates and amounts of the various invoices are identified, but the affidavits do not contain a description of the work conducted. Mr. Falakrou did not take issue with the reasonableness of the fees. The Panel can take some notice of the amount of work necessary to prepare for and conduct a hearing of this nature and does not find the amount of the fees to be discordant. The number of instances of misconduct in this case increased the expense considerably. In any event, as set out below, the Panel will be discounting the fees.
43. The affidavits also identify the amount paid by the AIBC to the court reporter (\$1476.20) and to a process server for serving the citation (\$271.86). These amounts are not disputed by Mr. Falakrou.
44. AIBC Bylaw 7.45 says that “A Respondent must pay the full amount of a Costs order within 30 days, unless the Discipline Hearing Panel orders an extension.” The Panel interprets this as described in paragraph 25, above.
45. Even though there is no evidence of Mr. Falakrou’s financial status, the Panel does not entirely discount Mr. Falakrou’s statement that he is suffering from financial difficulties. In the circumstances, payment within 30 days seems onerous and the Panel concludes that an extension is merited.

J. PANEL’S ORDER IN RELATION TO COSTS

46. In all of the circumstances, the Panel concludes that the following is a reasonable award of costs and it orders accordingly:
 - (a) Mr. Falakrou must pay the AIBC’s costs in the amount of \$45,000 plus disbursements in the amount of \$1,723.25, for a total of \$46,723.25 (the “Costs”); and
 - (b) Mr. Falakrou must pay the Costs to the AIBC within 6 months of the date of this decision.

47. Nothing in this decision prevents Mr. Falakrou from applying in writing to the Panel for a further extension of the time to pay the Costs under Bylaw 7.48 due to hardship. The Panel emphasizes, however, that in such a case, Bylaw 7.48 requires that Mr. Falakrou provide "suitable documentation" to support the request.

Dated: January 16, 2026

[REDACTED]
D. Brent North, Architect AIBC, Chair

[REDACTED]
Brian Hart, Architect AIBC

[REDACTED]
Andrea Ritchie