

**IN THE MATTER OF AN APPLICATION UNDER SECTION 67 OF THE
PROFESSIONAL GOVERNANCE ACT, S.B.C. 2018, c. 47**

and

IN THE MATTER OF ANDREW BAZIUK, ARCHITECT AIBC

**DETERMINATION OF THE EXTRAORDINARY ACTION PANEL of THE
ARCHITECTURAL INSTITUTE OF BRITISH COLUMBIA**

Date of Hearing:	June 24, 2026 by videoconference
Extraordinary Action Panel: (the “Panel”)	Joe Minten, Architect AIBC, Chair Simon Ho, Architect AIBC Andrea Ritchie, public member
Counsel for AIBC:	Sabinder Sheina
Counsel for the Registrant Andrew Baziuk:	Lawrence Smith Fabio Thompson, articulated student
Independent Counsel to the Panel:	Andrew D. Gay, K.C.

A. INTRODUCTION

1. The AIBC brings an application under section 67 of the *Professional Governance Act*, S.B.C. 2018, c. 47 (“PGA”) to suspend the registration of the Respondent (“Mr. Baziuk”) on an interim basis while an investigation into Mr. Baziuk’s conduct is ongoing.
2. The AIBC submits that an interim suspension is necessary in the public interest on the basis that Mr. Baziuk’s practice of architecture puts the public at risk.
3. The application was brought on notice to Mr. Baziuk who opposes the application.
4. Mr. Baziuk was registered as an Architect with AIBC between 1997 and 2000, resumed practice in 2009 and has been a practising registrant since that time. Mr. Baziuk practises architecture through A.R. Baziuk Architect Ltd.

B. THE COMPLAINTS AND INVESTIGATION

The First Complaint

5. A complaint was submitted to the AIBC on December 17, 2024, in relation to Mr. Baziuk's conduct. The complainant (the "Complainant") is a designer and registrant of Applied Science Technologists & Technicians of BC ("ASTTBC"), a professional regulatory body also regulated under the PGA. The Complainant is an employee of a design firm known as [REDACTED] ("GDGI").
6. The Complainant stated that GDGI had a long and productive working relationship with Mr. Baziuk but that in the 14 months prior to the complaint, Mr. Baziuk was "no longer able to carry out his duties as an architect AIBC". The Complainant provided the following details supporting this concern:
 - (a) that Mr. Baziuk had made admissions that he does not understand the British Columbia Building Code (the "Building Code") anymore, particularly as it relates to fire ratings, and that because the Building Code has changed significantly over the course of his career he can not keep all the changes straight;
 - (b) that Mr. Baziuk requested that GDGI "redo and review a building code analysis (Part 3) on his behalf so that it is sufficient for building permit"; and
 - (c) that Mr. Baziuk was becoming "increasingly disorganized with correspondence, relying on GDGI to organize and maintain communications with clients, including the handling of contracts and payments".
7. On January 23, 2025, the AIBC's Investigation Committee directed an investigation into Mr. Baziuk's conduct and appointed one of its members, [REDACTED], an Architect registered with AIBC, as investigator. The investigation involved interviews with the Complainant and third-party witnesses, written communications with Mr. Baziuk through his counsel, as well as an in-person meeting at Mr. Baziuk's office. The investigator reviewed several project files that Mr. Baziuk was retained to provide architectural services on, as well as pending projects.
8. In Ms. [REDACTED] interview of the Complainant, the Complainant stated that he had a long multi-year working relationship with Mr. Baziuk and that Mr. Baziuk's conduct had changed in the last two to three years. In one example, the Complainant referred to a project involving a church in Abbotsford where the Complainant and Mr. Baziuk had a conversation with a contractor about electrical boxes and penetrations through a fire separation. The Complainant said that following that conversation Mr. Baziuk pulled him aside and said "I'm so glad you're here because I have no idea what I'm looking at". The Complainant was concerned

that Mr. Baziuk was dependent on the Complainant in relation to this issue when it should be the architect, not the designer, who is responsible for such issues.

9. In the interview with Ms. [REDACTED], the Complainant also referred to a pub project in Chilliwack (the "Pub Project"). The Complainant stated that Mr. Baziuk had no contact with the city inspector and that GDGI completed the Pub Project entirely on Mr. Baziuk's behalf who had "no idea what is going on" with the project. He stated that Mr. Baziuk conducted the final field review and applied his seal to documents but did not review the Complainant's plans or ensure they were compliant with the Building Code, something the Complainant says that Mr. Baziuk does not do anymore.
10. The Complainant further referred to a project involving a 4-storey home near Harrison Mills (the "4-Storey Building"). The Complainant stated that Mr. Baziuk asked him to review the design which had been repeatedly rejected by the local authority. When the Complainant reviewed the design, he observed that Mr. Baziuk had applied Part 9 of the Building Code which was inapplicable due to the house's size, and that Part 3 was the applicable part. The Complainant was concerned that Mr. Baziuk had not recognized this.
11. In the interview, the Complainant expressed the view in relation to Mr. Baziuk that "professionally he's a danger to the public with respect to his architectural practice" and that he does not view it as "safe for the public for him to be registered as a professional". He stated that this represents a noticeable change in Mr. Baziuk over the past few years.
12. The investigator obtained the Complainant's project files for three projects referenced above by the Complainant. She reviewed those files and found "negligible participation by Mr. Baziuk in matters relating to code and design for the projects". She stated that "the project emails solely directed to Mr. Baziuk pertained to his ability to seal drawings".
13. The investigator also interviewed the owner of GDGI, who is also an ASTTBC registrant (the "GDGI Owner"). She described this interview in her affidavit. The GDGI Owner stated that he had worked with Mr. Baziuk for about 15 years. Similarly to the Complainant, the GDGI Owner stated that he has noted a decline in Mr. Baziuk's involvement in projects in recent years. He said that increasingly GDGI would complete almost all of the design work. He said that his firm sends Mr. Baziuk emails about what they are doing and Mr. Baziuk typically does not have much to say in reply. As a result of a perceived change in Mr. Baziuk's professional abilities, the GDGI Owner stated that his firm no longer works with Mr. Baziuk because it is not fair to clients.
14. The GDGI Owner recounted an occasion when he and Mr. Baziuk were on site to conduct a field review related to firewalls and caulking and fire ratings. The GDGI Owner stated that Mr. Baziuk did not say much during that review but thanked the

GDGI Owner for being there, admitting that he had no idea what was being discussed. The GDGI Owner expressed the view that Mr. Baziuk “does not have a clue” of what is happening on projects or if something is wrong.

15. The GDGI Owner also recounted an occasion when Mr. Baziuk asked GDGI for help with a Building Code analysis because Mr. Baziuk was wrongly applying Part 9 of the Building Code to a Part 3 building.
16. The GDGI Owner stated that on projects Mr. Baziuk hardly ever provides markups on GDGI’s work and that Mr. Baziuk relies upon GDGI to have everything correct. He could not recall a project where Mr. Baziuk marked up any of their drawings. The GDGI Owner does not believe that Mr. Baziuk performs a proper review of drawings because of the short time that elapses between sending the drawings to Mr. Baziuk and receiving his response.
17. The GDGI Owner stated that during the AIBC investigation, Mr. Baziuk contacted him to provide complete files which the AIBC had requested.
18. The GDGI Owner expressed the opinion that Mr. Baziuk should not be providing architectural services because he is not sufficiently familiar with the Building Code, and that not all designers will have sufficient familiarity with the Building Code either, meaning the public is at risk.
19. Ms. [REDACTED] interviewed Mr. Baziuk by videoconference on March 18, 2025, and described the content of that interview in her Affidavit. Mr. Baziuk stated that, at the time of the interview, he was working on tenant improvement projects and daycare centres. He stated that his work almost always comes from drafting firms such as [REDACTED] (“4DD”). He said the drafting firm takes two thirds of the fee from the client and Mr. Baziuk takes one third to sign and seal drawings.
20. Mr. Baziuk said that most of his work is “small projects” with a total fee of typically \$3,000, of which he receives \$1,000.
21. When asked about the number of field reviews he performs, he stated: “I can’t afford it because my budget is blown by one inspection if it happens to be in Langley and I happen to be in Harrison Hot Springs”.
22. Mr. Baziuk described a church renovation project he was involved in. He stated that he was at all site meetings but did not particularize the work that he undertook. He stated that he does not take notes of discussions with designers and did not have examples of revisions or comments he makes on drawings.
23. Ms. [REDACTED] states that during the interview Mr. Baziuk was asked to provide an example of how he provides direct supervision over the architectural services performed by non-architects, but that he did not provide any example.

24. On July 22, 2025, Ms. [REDACTED] attended Mr. Baziuk's office to meet him in person and assess how he provides services and retains project documentation. Ms. [REDACTED] observed that Mr. Baziuk's office is located at a motel that he and his wife own and operate.
25. Ms. [REDACTED] states that she asked Mr. Baziuk numerous times for examples of his involvement in projects with designers and how he provides direction and direct supervision. She states that Mr. Baziuk was not able to provide any documentation demonstrating examples of his supervision (e.g. emails, marked up drawings etc.).
26. Ms. [REDACTED] asked Mr. Baziuk to show her copies of documentation she would expect an architect to retain. Mr. Baziuk stated that he does not keep hard copies of final sealed drawings. He was unable to locate and show Ms. [REDACTED] any email containing a copy of a sealed drawing set. Mr. Baziuk stated he does not keep written records of what occurs at meetings and relies on the design companies to document meetings.
27. In relation to the Pub Project, Mr. Baziuk told Ms. [REDACTED] that he "was relying on" the GDGI Owner and the Complainant to perform the Code check. When Ms. [REDACTED] asked if Mr. Baziuk checks the designer's calculations, he said he only did sometimes because he "really trusts him".
28. Mr. Baziuk advised Ms. [REDACTED] that in January 2024, he was hospitalized for three months. He advised that the design firm 4DD was "looking after" a project at that time. He advised Ms. [REDACTED] that he glanced at 4DD's work, but because he was not well, he told 4DD to "carry on". In the course of that discussion, Mr. Baziuk stated that if designers had problems, then he would meet with them at their office and "put my say in it". He told Ms. [REDACTED] that he would wait for the design firm to contact him to ask questions and did not have a set routine of when and how he supervised and reviewed the work of design firms.
29. Mr. Baziuk told Ms. [REDACTED] that when he receives Code reviews from designers, he looks at the Building Code "occasionally", does "part of the check", but feels he can rely upon the designer.
30. Ms. [REDACTED] asked Mr. Baziuk about a daycare project where the fee for architectural services was \$2,000. Mr. Baziuk stated that he works with 4DD on all such projects where the designer is familiar with the project type and has expertise with the Building Code. Mr. Baziuk stated that he was "involved a bit but not much" because the designer at 4DD knows daycare centres and if 4DD sees a problem then they discuss it.
31. On June 3, 2025, Ms. [REDACTED] met with the owner of 4DD (the "4DD Owner"). He told Ms. [REDACTED] that he was working with Mr. Baziuk on 3-4 projects, that Mr. Baziuk attends at his office about twice a week to review design work, but that some designs are so simple that not much input is required. The 4DD Owner said

he has contact with Mr. Baziuk about 3-4 times per week by text and phone and that Mr. Baziuk is “usually right on top of it more than we are”. In relation to Mr. Baziuk’s understanding of fire ratings and newer Building Code changes, the 4DD Owner stated that Mr. Baziuk did not have “specific referencing” to Building Code matters and that it was “more instinctual” that there needs to be fire separations “here and there and less about very specific stuff”. The 4DD Owner noted that he sends documents to Mr. Baziuk, who has his own project numbering system and keeps individual folders for projects.

32. At Ms. [REDACTED] request, Mr. Baziuk provided copies of his file documentation for his then active files, most of which were with 4DD. Ms. [REDACTED] attached what Mr. Baziuk provided to her Affidavit.
33. In her affidavit, Ms. [REDACTED] made observations about three projects for which she obtained project documentation: a daycare, a church and the 4-Storey Building. In relation to the daycare, Ms. [REDACTED] noted:
 - (a) Mr. Baziuk agreed to act as architect of record and Coordinating Registered Professional (the project involved mechanical and electrical engineers) for a fixed fee of \$2,000 which Ms. [REDACTED] describes as “very low”;
 - (b) the field review report consists of a single sentence with five pages of photos attached with no additional comments which, in Ms. [REDACTED] opinion, is not consistent with the expected standard for field reviews; and
 - (c) in the 33 pages of emails in the file, there is only one reference to Mr. Baziuk, when the designer wanted him to digitally seal a drawing. None of the other communications, including those relating to design or construction and field reviews, involved Mr. Baziuk, which in Ms. [REDACTED] opinion demonstrates a lack of engagement with the project and reveals the design firm’s primary role.
34. In relation to the church project, Ms. [REDACTED] noted:
 - (a) Mr. Baziuk’s file did not contain a copy of a marked-up drawing prepared by the designer; and
 - (b) although there are numerous email communications between the client and the designer relating to design, drawings, consultant coordination, and Building Code issues, the emails do not include Mr. Baziuk. The email communications involving Mr. Baziuk relate to the application of his seal to drawings or inspection reports.
35. In relation to the 4-Storey Building, Ms. [REDACTED] observed:

- (a) a drafts person completed the design drawings, but the drawings have Mr. Baziuk's logo in the title block. The drawings were sent back for review by the authority having jurisdiction because they did not comply with Part 3 of the Building Code. Mr. Baziuk then engaged GDGI to review the plans and provide comments and did not understand why the drawings were being rejected;
 - (b) when GDGI identified issues relating to Part 3 of the Building Code, Mr. Baziuk referred to hiring a Code consultant and that additional Building Code calculations should be completed by the original drafts person; and
 - (c) the documents in the project file contain numerous emails relating to missing documents, variance permits and mark-ups to comply with Part 3 of the Building Code, and while Mr. Baziuk was often copied on emails he rarely commented. When he did comment, his comments were confusing and did not demonstrate an understanding of the Building Code issue in question.
36. Ms. [REDACTED] said that she still has a large volume of documentation to review in relation to the investigation and that it will take several more months to complete the investigation and prepare an investigation report for the Investigation Committee.

The Second Complaint

37. A second complaint about Mr. Baziuk's conduct was submitted to the AIBC on April 9, 2026. In the second complaint, the complainant was a building inspector with the City of Mission, British Columbia (the "Building Inspector").
38. In the complaint form, the Building Inspector stated that his complaint related to "numerous" buildings, and identified two recent building projects: one is described as "assembly" and the other "commercial". The Building Inspector states in the form that he has had Mr. Baziuk as the architect and Coordinating Registered Professional on a number of projects over the years and is "very often concerned about the work being performed". The Building Inspector described his concerns as follows:

All design work & communication is done through a local design company ([REDACTED]), apparently through a relative of his who works there (unverified).

The 2 current projects are a new construction Dining Hall at a monastery, and a TI [tenant improvement] for a vape store.

Some recent concerns for 2 files we have open are:

- inaccurate/incomplete field reviews.

- Schedule C-B's & C-A's provided for incomplete projects.
- Incorrectly filled out letters of assurance.
- Use of seal on construction pictures
- unsealed plans/revisions
- Little experience regarding firestopping, yet comfortable to sign off noncompliant work.

Supportive documentation regarding the above points are included. My understanding from workers on site, who also are not impressed, is that there are some age & mobility related concerns as well.

I have tried over the years to establish contact with Mr. Baziuk through both phone & email, never having been successful. I can provide further examples on older files if you like.

39. The Building Inspector submitted various documents along with his complaint. They include an allegedly incomplete insulation review by Mr. Baziuk, signed and sealed schedules for allegedly incomplete projects, letters of assurance, sealed construction pictures, unsealed revisions to drawings, and a letter concerning firestopping for wall penetrations relating to the dining hall.
40. The Building Inspector cited various provisions of the AIBC Code of Ethics which he views as engaged by his complaint.
41. The AIBC gave Mr. Baziuk notice of the Building Inspector's complaint on May 1, 2026, but is yet to investigate it.
42. The Complainant's complaint and the Building Inspector's complaint are referenced below as the "Two Complaints".

Mr. Baziuk's Evidence

43. Mr. Baziuk provided an affidavit in opposition to the AIBC's application. He stated that his practice is focused on tenant improvements, smaller commercial projects, and community-based work, often in collaboration with drafting firms and other consultants.
44. Mr. Baziuk noted that he does not have a disciplinary record and has not previously been subjected to practice limitations or conditions.
45. Mr. Baziuk said that he never "knowingly" sealed drawings without appropriate review or "knowingly" permitted unsafe construction. He denied that he lacks knowledge of the Building Code.
46. Mr. Baziuk stated that he retains Building Code consultants to be cautious, and that this is consistent with responsible architectural practice.

47. Mr. Baziuk stated that he last worked with the Complainant and the GDGI Owner in 2024, and that neither of them ever expressed any concern about Mr. Baziuk's practice or competence.
48. In relation to the 4-Storey Building referenced by the Complainant and by Ms. [REDACTED], Mr. Baziuk stated as follows:
- (a) he told the owner that the plan for the building would not be considered three storeys, meaning another part of the Building Code would apply. In response the owner said "make it work"; and
 - (b) he viewed it as his duty to his client to make every reasonable effort to secure approval for the design and retained the Complainant to assist because the Complainant had expertise in the Building Code.
49. Mr. Baziuk stated that none of his projects have been found to be deficient in any way. In relation to emails sent to him, Mr. Baziuk said these were sent at the sole discretion of the sender, and that Mr. Baziuk never advised anyone about the content of emails that should be sent directly to him. He stated that he reviews all drawings and information provided to him "meticulously and in great detail".
50. Mr. Baziuk denied that he told the GDGI Owner that he had no idea what was going on in relation to any project.
51. Mr. Baziuk admitted that the markings made on the drawing referenced by the GDGI Owner were markings made by the client, not by him. Mr. Baziuk noted this in case the drawings were relied on, so that readers knew who made the markings and "could use their judgment as to whether they should be followed".
52. As for the fees he charges, Mr. Baziuk stated that his fees depend on the size of the project. Some have been around \$3,000 while others have been around \$20,000. He stated that it is difficult for him to track his exact hours on projects because he is managing the motel he owns and does not have set hours.
53. In response to Ms. [REDACTED] observations arising from her meeting with Mr. Baziuk, he stated:
- (a) the "expectation of extensive documentation reflects large firm practices, not necessarily sole practitioners;
 - (b) architects regularly rely on consultants and designers;

- (c) while he was hospitalized, Mr. Baziuk relied more on collaborators to maintain project continuity; and
- (d) it is standard practice to consult specialists for complex or evolving Building Code requirements and Mr. Baziuk's statement that he relies on others for detailed Building Code checks should be viewed in that light.

54. In response to the second complaint, Mr. Baziuk relies on his response to the AIBC as contained in a letter from Mr. Baziuk's lawyer on June 5, 2026. In that letter, Mr. Baziuk stated that:

- (a) he sealed Schedules C-A and C-B in May 2025, after the owners of the vape shop told him that a kitchenette which was part of the design would not be installed due to rising costs, and after all other deficiencies had been addressed. The client "informed the team that they considered the project complete" and Mr. Baziuk relied on this information to sign the schedules, excluding plumbing and mechanical. Subsequently, without notifying Mr. Baziuk, the owners of the vape shop installed the kitchenette prior to final inspection. Mr. Baziuk sealed updated schedules in April 2026, after having an "assistant" attend the project site because Mr. Baziuk was incapacitated by illness. Mr. Baziuk says he relied on information from his assistant's site visit together with his prior review. He stated that the assistant's name is [REDACTED]
- (b) in relation to the allegedly incomplete insulation review, Mr. Baziuk said that a partial inspection was done to facilitate the installation of mechanical equipment. He said an inspection was done by his "team" following which a report was issued to the City of Mission recommending that the inspected ceiling areas be drywalled ahead of the remainder of the building. He said that following the inspection, a roof leak "found its way into the attic space" and the roof assembly had to be repaired and replaced;
- (c) in relation to the sealed construction pictures, Mr. Baziuk stated that he was unable to attend the site due to illness and accordingly had an agent attend the site to photograph the insulated areas. Mr. Baziuk says he prepared and issued an inspection report after carefully reviewing the photographs. He included the sealed photographs with the report to identify the materials he relied upon;
- (d) concerning unsealed revisions to drawings, Mr. Baziuk believed that a consultant may have modified the drawings and provided them to the contractor who submitted them to the City without Mr. Baziuk's knowledge or authorization;

- (e) concerning the issue of firestopping in connection with the dining hall project, Mr. Baziuk said that his assistant continued to maintain contact with the project manager after Mr. Baziuk became incapacitated due to illness and injury. After receiving an email from the Building Inspector regarding fire penetration, Mr. Baziuk recommended an engineering firm be consulted. Mr. Baziuk said that based on information provided by his assistant he identified multiple deficiencies in the project's firestopping. On April 21, 2026, Mr. Baziuk issued a partial approval letter confirming that the deficiencies in the basement ceiling penetrations had been corrected. He said this followed a physical site visit, but did not say who conducted that site visit. He said that issues with floor penetrations remained incomplete. Mr. Baziuk said that he and his assistant returned to the site on May 8, 2026, following which he issued a list of deficiencies that were being addressed; and
- (f) concerning the Building Inspector's alleged inability to reach Mr. Baziuk by email or phone, Mr. Baziuk acknowledged he received an email about three months before that he did not respond to. He denied any prior contacts from the Building Inspector. Concerning the email, it apparently identified concerns the Building Inspector had with the dining hall project. The email arrived when Mr. Baziuk was ill and so he asked his assistant to look into the matter. Mr. Baziuk said that after reviewing the information collected by his assistant, he "determined that [the Building Inspector's] allegations were unfounded and left the matter at that.

Evidence of the 4DD Owner

- 55. The 4DD Owner provided an affidavit in which he states that he has worked with Mr. Baziuk for approximately 11-12 years and has had frequent interaction with him. The 4DD Owner said that on simple projects Mr. Baziuk provides "input and review, but the nature of the work does not always require extensive revisions or detailed markups".
- 56. The 4DD Owner said that Mr. Baziuk attends at the 4DD offices several times a week to review project materials and that they regularly communicated by telephone and text. He said that Mr. Baziuk examines design work, provides direction where necessary and participates in project discussions. He said that Mr. Baziuk is responsive and timely in his communications.
- 57. The 4DD Owner said that Mr. Baziuk conducts his own field reviews and inspections except when facing debilitating injury or illness in which case the 4DD Owner will attend the site and provide Mr. Baziuk with photographs, videos, and other information so he can review the work remotely. He said this occurred with the vape store inspection referenced above. The 4DD Owner's name is [REDACTED], and

in light of Mr. Baziuk's evidence described above, the Panel infers that the person whom Mr. Baziuk identifies as his "assistant" is the 4DD Owner.

58. The 4DD Owner said that the only contact between the building inspector and Mr. Baziuk was a single email. The 4DD Owner did not state how he has first-hand knowledge of this fact.
59. The 4DD Owner said that Mr. Baziuk contacted him after reading an email from the building inspector and asked him to inquire into the issues raised. The 4DD Owner attended the site of the dining hall project and "was informed that there were no issues regarding the review of insulation and vapour barriers..." and then communicated this to Mr. Baziuk. The 4DD Owner did not state who "informed" him of this, nor how that person was in a position to render such an opinion.

Argument in the Guise of Evidence

60. There are passages in the various affidavits which contain argument. This includes:
 - (a) in Ms. [REDACTED] affidavit, the final sentences in paragraphs 59(a), (b), and (c), and paragraph 60;
 - (b) in Mr. Baziuk's affidavit, paragraphs 28, 33, 34, 44, 47; and
 - (c) in the 4DD Owner's affidavit, paragraphs 19, 22, 23, 27 and 28.
61. The Panel has disregarded argument in the guise of evidence.

C. THE PANEL'S JURISDICTION

62. Sections 67(1) and (2) of the PGA say:
 - (1) If the board of a regulatory body, or a discipline committee established under section 75, considers the action necessary in the public interest during an investigation under section 66(1)(a) or pending a hearing under section 75, the board may, by order and without giving the registrant an opportunity to be heard,
 - (a) impose limits or conditions on the practice of the regulated practice by the registrant, or
 - (b) suspend the registration of the registrant.
 - (2) An order of the board under subsection (1) must

- (a) be in writing,
- (b) include reasons for the order, and
- (c) be delivered to the complainant, if any, and to the registrant.

63. Sections 6.10 and 6.11 of the AIBC Bylaws say:

6.10 The Investigation Committee or the Discipline Committee may take action under Section 67 of the PGA when considered necessary to protect the public interest.

6.11 Procedures and processes for initiating and issuing Section 67 orders must be conducted in accordance with Board Rules for Extraordinary Action to Protect the Public.

[See Schedule Q: Board Rules for Extraordinary Action to Protect the Public.]

64. Schedule Q of the Bylaws says, in part:

1.0 “Extraordinary Action Panel” means a panel of at least three members of the Discipline Committee, one of whom must be a Lay Committee Member, that is established for the purpose of conducting an extraordinary action to protect the public Proceeding pursuant to Section 67 of the PGA.

3.1 An extraordinary action to protect public must be initiated on the application of the Investigation Committee, the Discipline Committee, or the Registrar when considered necessary in the public interest, to take action in relation to risks to safety, health, and welfare of the public, including protection of the environment and promotion of health and safety in the workplace.

3.2 Before an order can be made in accordance with Section 67(1)(a) and (b) of the PGA there must be an application before the Extraordinary Action Panel.

6.1 The Extraordinary Action Panel may make an order if it is satisfied, on reasonable grounds, that extraordinary action is necessary to protect the public.

65. As a result of the above statutory and bylaw provisions, the Panel is empowered to make interim orders where it is necessary to protect the public interest. In such a case, the Panel can order a suspension of registration or the imposition of limits or conditions on the practice of the registrant.

66. In this case, the application for an interim order was initiated by the Investigation Committee.

D. APPLICABLE CASE LAW

67. Both parties cited *Scott v. College of Massage Therapists of British Columbia*, 2016 BCCA 180 ("*Scott*"), which is the leading case in British Columbia on interim applications to protect the public in the context of professional regulation.
68. In *Scott*, a client of a massage therapist complained to the College that the massage therapist had sexually assaulted her. The College brought an application to a panel of its inquiry committee under section 35 of the *Health Professions Act*, R.S.B.C. 1996, c. 183 ("HPA") seeking interim limits on the massage therapist's practice, which were imposed. The massage therapist appealed the panel's order.
69. Section 35 of the HPA and section 67 of the PGA are nearly identical. The HPA says that interim action can be taken if "necessary to protect the public" while the PGA says that interim action can be taken if "necessary in the public interest". The parties before us did not suggest that this minor difference in wording would make any difference in the analysis and we do not think it should.
70. The Court of Appeal in *Scott* relied on an English court decision known as *Perry* to identify a series of principles that should guide panel decision-making in these kinds of interim decisions, as follows:
 - (i) For an order to be necessary for the protection of the public the inquiry committee must be satisfied that there is a real risk to patients, colleagues or other members of the public if an order is not made. It is not enough for the panel to consider that an order is merely desirable.
 - (ii) The inquiry committee should consider the seriousness of the risk to members of the public if the registrant were allowed to continue practicing without restriction. This includes consideration of the seriousness of the allegation, the nature of the evidence and the likelihood of the alleged conduct being repeated if an interim order were not imposed.
 - (iii) The inquiry committee should take into account the impact which an order may have on the registrant: an order will impact upon the registrant's right to practice his or her profession and may also impact financially and on the registrant's reputation. The inquiry committee must balance the need for an interim order against the consequences for the registrant and satisfy itself that the consequences of the order are not disproportionate to the risk from which the panel is seeking to protect the public.
 - (iv) When considering an interim order, the inquiry committee is not making findings of fact or making findings as to whether the allegations are or are not established. It is sufficient for the inquiry committee to act if it takes the

view that there is a *prima facie* case and that the *prima facie* case, having regard to such material as is put before it by the registrant, requires that the public be protected by an interim order.

(v) As regards the amount of evidence before the inquiry committee, one would expect the allegation to have been made or confirmed in writing, whether or not it has yet been reduced to a formal witness statement. The inquiry committee will need to consider the source of the allegation and its potential seriousness. An allegation that is trivial or clearly misconceived should not be given weight.

(vi) If the inquiry committee decides that an interim order is necessary it should not automatically impose an interim suspension but should first consider whether an interim conditions of practice order would be sufficient and proportionate.

(the “Perry Guidelines”)

71. The court in *Scott* explained that a “*prima facie* case” is a case which “covers the allegations made and which, if believed, is complete and sufficient to justify a verdict in the complainant’s favour in the absence of an answer” (para. 80). A *prima facie* case is needed to demonstrate that the public requires protection through an interim order.
72. The court made it clear that it is not for the Panel, on an interim application of this kind, to decide the merits of the allegations. Nor is it the Panel’s role to decide issues of credibility. This application is not a “mini trial”. The provisional assessment of the facts to be undertaken by the Panel is directed at whether the complaint is manifestly unfounded or manifestly exaggerated (*Scott* at paras. 63 and 81).
73. The court held, at para. 75, that:

The committee should consider any evidence led by the registrant to establish that the allegation is manifestly unfounded or manifestly exaggerated. But the committee is not otherwise required to consider the registrant’s evidence as to whether or not the substantive allegation against him or her is or is not well founded; that is not the issue on the s. 35 application.

E. THE PARTIES’ SUBMISSIONS IN BRIEF

74. The AIBC submits that Mr. Baziuk is practising architecture in a manner that is contrary to professional standards and which puts the public at risk. It notes that he has a number of ongoing projects.

75. The AIBC argues that the information obtained in the investigation of the first complaint suggests that Mr. Baziuk has relinquished his professional obligations to design firms, with respect to providing architectural services on multiple projects. The AIBC argues that he has done so because he does not have the competence to perform the architectural services. For example, he has stated that he does not know what is being looked at and discussed during field reviews of his projects.

76. The AIBC argues that the evidence establishes a *prima facie* case that Mr. Baziuk's conduct is in contravention of multiple Professional Standards in the AIBC Bylaws, Schedule A: Code of Ethics and Professional Conduct (the "Code of Ethics"). This includes:

(a) Professional Standard 3.1 which states:

In practising the profession of architecture, Architects must act with reasonable care and competence, and must apply the knowledge, skill and judgement, ordinarily applied by Architects practising in the province of British Columbia;

(b) Professional Standard 6.1 which states:

An Architect providing Direct Supervision of non-Architects in the Regulated Practice and Reserved Practice is accountable and responsible for all architectural services provided;

(c) Professional Standard 4.2 which states:

Registrants must not counsel or condone employees, consultants, associates or other parties to violate or fail to give regard to applicable enactments and standards established by government or the AIBC, including the Professional Governance Act, *Architects Regulation*, and the Bylaws, including the Code of Ethics; and

(d) Professional Standards 8.2 and 8.4 which state:

8.2 Architects must have regard for any Practice Guidelines and commentary in the Code of Ethics in relation to use of the Seal.

8.4 Architects must not apply their Seal:

(a) to documents not prepared by them or under their Direct Supervision;

77. The AIBC submits that there is no indication that the complaints are manifestly unfounded or submitted with malice.

78. The AIBC further argues that the evidence shows that, without an interim order, the public is at risk. It points to the seriousness of the alleged professional misconduct, the absence of measures in place to protect the public, and the probability of harm.

79. The AIBC submits:

If Mr. Baziuk is permitted to continue practising as he has been, he will continue to be able to seal and submit instruments of service that he did not produce and over which he did not have Direct Supervision, that will be relied on by local authorities and other third parties. This creates the risk of deficient or inadequate services that lead to a risk of harm to the health and safety of the public.

The fact that Mr. Baziuk has repeatedly stated that he trusts the skill and competence of designers and relies on them to approach him about issues demonstrates that he has relinquished his professional obligations.

80. The AIBC says that no remedy short of an interim suspension will adequately protect the public. It argues that it is difficult to conceive what limits or conditions would be imposed and how they would be monitored or enforced. The AIBC suggests that the financial impacts on Mr. Baziuk will not be unduly onerous because Mr. Baziuk has a separate motel business.

81. Finally, the AIBC says:

The AIBC submits that an interim suspension from practice is required to curtail Mr. Baziuk from deferring to designers on projects with whom he works, and as such enabling them to engage in the practice of architecture. An interim suspension is also required to preserve the Complainants' and the public's confidence in the AIBC's ability to regulate its Registrants.

82. Mr. Baziuk argues that there is no basis for interim action. In the alternative, he submits that if action is taken, there are terms and conditions that are sufficient to protect the public interest, and that a suspension would be unduly onerous.

83. Mr. Baziuk says that in over 20 years of practice he has never been the subject of a complaint. He argues that there is no evidence that any of the projects which are the subject of current investigations involved structural failure, unsafe construction, or harm to the public.

84. Mr. Baziuk submits that the AIBC has not established a *prima facie* case. He notes that its investigation has been ongoing for more than a year and argues that there is no evidence that Mr. Baziuk has endangered or will endanger public safety if he

continues to practice as an AIBC registrant. He cites the 4DD Owner's affidavit as evidence that he is not disengaged from his projects. He submits:

“...unless the AIBC has established that any of Mr. Baziuk's past projects have put public safety into jeopardy, AIBC has not established a *prima facie* case against Mr. Baziuk.”

85. Mr. Baziuk argues that the allegations made against him are unsupported opinions and are subjective. He also argues that there is inconsistency as between the evidence of the Complainant and the GDGI Owner and that this means little reliance should be placed on their opinions. He submits that GDGI continued to do work with him after it allegedly had concerns about his competence, and this calls into question the reliability of the allegations against him.
86. Mr. Baziuk argues that it is commonplace in the profession to rely upon others, such as Building Code consultants, and that consultation with specialists shows diligence rather than a lack of competence.
87. Mr. Baziuk asks rhetorically why, if the AIBC is aware that design companies are illegally practicing architecture, no action has been taken against them.
88. Mr. Baziuk argues that the specific projects referenced by the AIBC do not suggest a risk to the public. He submits that these projects involved project management issues or disagreements, not safety failures, that these were addressed through normal professional processes, and do not demonstrate incompetence or risk to the public.
89. Mr. Baziuk argues that other measures are already in place to protect the public. He says that all of his projects are subject to additional inspections by independent third parties, as well as oversight by the municipality in which the project is undertaken.
90. Mr. Baziuk submits, in the alternative, that a suspension of his registration would be disproportionate. He argues that given his age and how long further investigative and potential disciplinary proceedings will take, an interim suspension will effectively be a permanent suspension ending Mr. Baziuk's career. He further argues that a suspension would disrupt ongoing projects and be harmful to clients.
91. Mr. Baziuk submits that a suspension would cause him significant financial harm. He says that his motel business is operating at a loss and therefore provides no financial security.
92. Between his written and oral submissions Mr. Baziuk proposed, in the alternative to a suspension of his registration, that the following possible terms or conditions be considered by the Panel, if interim action is needed at all:

- (a) that Mr. Baziuk be prohibited from acting as the “architect of record” on Part 3 projects without another architect signing off on the work;
- (b) that there be mandatory peer review, in the sense that Mr. Baziuk would be prohibited from sealing drawings or submissions unless those are approved by another architect;
- (c) that an AIBC member supervise Mr. Baziuk’s work, or that the AIBC appoint a practice monitor;
- (d) that Mr. Baziuk’s practice be limited to tenant improvements and small projects;
- (e) that Mr. Baziuk be required to undergo quarterly practice audits;
- (f) that Mr. Baziuk undertake continuing education as stipulated by the AIBC, such as courses on the Building Code and life safety;
- (g) that Mr. Baziuk be assigned a fee schedule by the AIBC so that there is no question whether or not his fees are adequate to deliver proper services in accordance with the AIBC guidelines; and
- (h) that Mr. Baziuk maintain, in addition to electronic records, hard-copy versions of all sealed drawings for the duration of any interim order, and that he provide periodic interim reports regarding his architectural practice to demonstrate ongoing compliance with all AIBC guidelines.

F. ANALYSIS

- 93. For the reasons set out in this section, the Panel has concluded that interim action is necessary in the public interest.
- 94. The AIBC argues that Mr. Baziuk has been practising contrary to professional standards and Mr. Baziuk denies this. However, it is not for this Panel, on an interim application, to decide that issue. That will be decided if and when there is a disciplinary proceeding. The question before this Panel is whether interim action is necessary to protect the public. The Panel must be “satisfied that there is a *prima facie* case supporting the allegations, and that having regard to the material put before it by the registrant, the public requires protection through an interim order” (*Scott* at para. 81).
- 95. *Scott* provides that the Panel should “consider any evidence led by the registrant to establish that the allegation is manifestly unfounded or manifestly exaggerated. But the committee is not otherwise required to consider the registrant's evidence

as to whether or not the substantive allegation against him or her is or is not well founded” (para. 75).

96. Accordingly, Mr. Baziuk’s first argument, that the allegations are “unproven” is misconceived. The AIBC’s burden on this application is not to prove the allegations.
97. In the Panel’s view, there is a *prima facie* case supporting the allegations and there is nothing to indicate that the allegations are manifestly unfounded or manifestly exaggerated.
98. The *prima facie* case is established through a combination of the following:
 - (a) the complaints were submitted in writing and are not “trivial” or “clearly misconceived” (*Scott*, para. 55(v));
 - (b) the source of the allegations (*Scott*, para. 55(v)) - i.e. that one of the complainants is a regulated professional and the other is public official responsible for the issuance of building permits. Both had opportunity to review aspects of Mr. Baziuk’s work or to interact with him;
 - (c) the complaints contain examples of matters that raise serious questions about Mr. Baziuk’s competence and there is additional corroborating evidence:
 - i. the Complainant says that Mr. Baziuk admitted that he does not understand the British Columbia Building Code (the “Building Code”) anymore, particularly as it relates to fire ratings, and that because the Building Code has changed significantly over the course of his career Mr. Baziuk cannot keep all the changes straight;
 - ii. this is corroborated in part by the interview evidence of the GDGI Owner who said that Mr. Baziuk admitted, in connection with a field review of firewalls and fire ratings, that he had no idea what was being discussed;
 - iii. in relation to the 4-Storey Building, the Complainant stated that Mr. Baziuk had applied Part 9 of the Building Code which was inapplicable due to the size of the building, and that Part 3 was the applicable part. The Complainant was concerned that Mr. Baziuk had not recognized this. The GDGI Owner gave similar evidence. Ms. [REDACTED] noted that the design drawings had Mr. Baziuk’s logo in the title block, and those drawings were sent back for review by the authority having jurisdiction because they did not comply with Part 3 of the Building Code. Mr. Baziuk did not appear to understand why the drawings were being rejected;

- iv. the Complainant says that Mr. Baziuk requested that GDGI review and redo a Building Code analysis (Part 3) on his behalf so that it is sufficient for building permit. This is one of numerous pieces of evidence suggesting that Mr. Baziuk is deferring his professional duties to non-architects; and
 - v. the Complainant stated that Mr. Baziuk was becoming “increasingly disorganized with correspondence, relying on GDGI to organize and maintain communications with clients, including the handling of contracts and payments”;
- (d) There is considerable evidence that Mr. Baziuk does not have the level of professional involvement in projects that is required of an architect or is abdicating his responsibility to non-architects:
- i. The investigator obtained the Complainant’s project files for three projects referenced by the Complainant. She reviewed those files and found “negligible participation by Mr. Baziuk in matters relating to code and design for the projects”. When viewed alongside the GDGI Owner’s evidence that GDGI would complete almost all of the design work itself without Mr. Baziuk’s involvement, this is very concerning to the Panel. The Panel has reviewed the documentation attached to Ms. [REDACTED] affidavit and the Panel concludes that Ms. [REDACTED] characterization is fair;
 - ii. Similarly, Ms. [REDACTED] stated that she asked Mr. Baziuk numerous times for examples of his involvement in projects with designers and how he provides direction and direct supervision. She stated that Mr. Baziuk was not able to provide any documentation demonstrating examples of his supervision (e.g. emails, marked up drawings etc.). This is consistent with the GDGI Owner’s statement that, during the AIBC investigation, Mr. Baziuk contacted him to provide complete files which the AIBC had requested;
 - iii. Ms. [REDACTED] stated that during her interview of Mr. Baziuk, she asked him to provide an example of how he provides direct supervision over the architectural services performed by non-architects, but that he did not provide any example;
 - iv. Mr. Baziuk told Ms. [REDACTED] that he does not keep hard copies of final sealed drawings. He was unable to locate and show Ms. [REDACTED] any email containing a copy of a sealed drawing set. Mr. Baziuk stated he does not keep written records of what occurs at

meetings and relies on the design companies to document meetings;

- v. The GDGI Owner stated that Mr. Baziuk hardly ever marks up GDGI's work and could not recall an occasion on which Mr. Baziuk marked up one of their drawings;
 - vi. In relation to the Pub Project, the Complainant gave interview evidence that Mr. Baziuk did not review the Complainant's plans or ensure they were compliant with the Building Code, something the Complainant said that Mr. Baziuk does not do anymore. The GDGI Owner gave similar evidence, stating that Mr. Baziuk hardly ever provides markups on GDGI's work and that Mr. Baziuk relies upon GDGI to have everything correct. The GDGI Owner could not recall a project on which Mr. Baziuk marked up any of their drawings;
 - vii. Further in relation to the Pub Project, Mr. Baziuk told Ms. [REDACTED] that he "was relying on" the GDGI Owner and the Complainant to perform the Code check. When Ms. [REDACTED] asked if Mr. Baziuk checks the designer's calculations, he said he did sometimes because he "really trusts him";
 - viii. In relation to a daycare project, Mr. Baziuk told Ms. [REDACTED] that he was "involved a bit but not much" because the designer at 4DD knows daycare centres and if 4DD sees a problem then they discuss it;
 - ix. The field review report for the daycare project consists of a single sentence with five pages of photos attached with no additional comments; and
 - x. Mr. Baziuk told Ms. [REDACTED] that when he receives code reviews from designers he looks at the Building Code "occasionally", does "part of the check" but feels he can rely upon the designer.
- (e) There is evidence that Mr. Baziuk is not fulfilling his professional responsibilities when it comes to field reviews. An example is given below in relation to the daycare project. When asked by Ms. [REDACTED] about the number of field reviews he performs, Mr. Baziuk stated: "I can't afford it because my budget is blown by one inspection if it happens to be in Langley and I happen to be in Harrison Hot Springs". This is a highly concerning answer as field reviews are vital to public safety and must be diligently completed before an architect can sign and seal a Schedule C-A or C-B;

(f) There is evidence of Mr. Baziuk improperly using, or failing to use, his seal. For example:

- i. His failure to seal an architectural drawing apparently issued by Mr. Baziuk in relation to the daycare project, which drawing also contains no reference as to its purpose;
- ii. Mr. Baziuk sealed and issued a final inspection report in connection with the daycare project when no final report should have been issued as there is evidence of continued construction in progress as shown in the photographs;
- iii. Mr. Baziuk did not seal architectural drawings apparently issued by him in connection with the 4-Storey Building. As the file contains no sealed drawings the Panel infers that the unsealed drawings were issued; and
- iv. Mr. Baziuk made no use of his seal on architectural drawings relating to the dining hall project (second complaint) even though the drawings appear to have been issued to and received by the City of Mission.

The AIBC Code of Ethics provides that an architect must apply their seal, with signature and date, to drawings and specifications issued for approval or reliance by any party. Use of the seal is a solemn confirmation that, in the architect's opinion, the sealed document is ready for publication and intended to be relied upon and used by others for the purposes intended.

(g) When interviewed, Mr. Baziuk told Ms. [REDACTED] that most of his work is "small projects" with a total fee of typically \$3,000 of which he receives \$1,000. The Panel's view is that a fee this small is highly unusual and suggests very minimal involvement in the project, unless the work is partially *pro bono*. The Panel notes Mr. Baziuk's affidavit evidence that sometimes his fee is considerably higher but he provided no documentary support for that evidence. Fees this low, in combination with the other evidence, give rise to a *prima facie* concern that Mr. Baziuk is involved in projects simply to apply his seal on behalf of non-architects, contrary to his professional obligations, thereby effectively deferring his professional responsibility to designers;

(h) The Building Inspector's complaint, while yet to be investigated by the AIBC, raises similar concerns to those set out above: undue reliance on designers, lack of communication on the project, including with the authority having jurisdiction, and competence concerns; and

- (i) Mr. Baziuk appears to have signed and sealed Building Code schedules when the file materials indicate that he did not undertake the work necessary to give the assurances contained in those schedules. An example of this is given below at paragraph 108-110.
99. The above matters concern the Panel that Mr. Baziuk lacks basic competence in relation to the Building Code, particularly in relation to firewalls and fire ratings, and that Mr. Baziuk is abdicating his professional responsibilities to non-architects.
100. Section 5.2 of the AIBC Bylaws says that Registrants must adhere to the Code of Ethics and Professional Conduct set out in Schedule A to the Bylaws.
101. Mr. Baziuk points to his long history of practice without prior complaints or discipline. The Panel observes that the complaints at issue in this case concern relatively recent events and that the Complainant and the GDGI Owner describe Mr. Baziuk's competence as declining in recent years. Accordingly, while the Panel acknowledges Mr. Baziuk's point, it gives little weight to this aspect of his argument.
102. The Panel notes Mr. Baziuk's argument that some of the statements given by the Complainant and the GDGI Owner amount to opinion, rather than facts. The Panel agrees with this, but notes that some of the statements are factual. The Panel has put little weight on the opinions and has focused on the statements of fact.
103. The Panel emphasizes that no allegation of misconduct or incompetence has been proved and the Panel makes no finding that they are proved. The Panel solely finds that there is a *prima facie* case of the matters alleged, including a *prima facie* case that Mr. Baziuk is failing to comply with his obligations under the Code of Ethics, and that this gives rise to real concerns for the public interest.
104. The Panel has carefully considered the evidence of 4DD Owner but has concluded that it does not reveal the complaints against Mr. Baziuk to be manifestly unfounded or manifestly exaggerated. In the Panel's view, that evidence does not negate the *prima facie* case as that term is defined in *Scott*.
105. The Panel is not persuaded by Mr. Baziuk's argument that the AIBC's application should fail because there is no evidence that Mr. Baziuk's work, or the projects in question, have led to harm to any person or have been found to be defective. Proof of actual harm or structural defect is not required, nor logically should it be. If a professional person is incompetent, or is acting in violation to the profession's code of ethics, the public is at risk.
106. The Panel has considered the seriousness of the risk to members of the public if Mr. Baziuk were allowed to continue practicing without restriction. This includes considering the seriousness of the allegations, the nature of the evidence, and the likelihood of the alleged conduct being repeated if an interim order were not imposed. In the Panel's view, the allegations are serious despite the absence of

evidence of actual harm. When an architect is not competent to do the work themselves and abdicates responsibility to non-architects, the public is put at risk. It cannot be said how this risk will manifest, but it is very concerning nonetheless. The “nature of the evidence” is addressed above and it points to real concerns. The Panel believes there is a high likelihood of the problems continuing if interim action is not taken. The evidence does not suggest this is a “one off” case. Where the concerns are about competence and a general abdication of duty, recurrence is a very real prospect.

107. The evidence of Mr. Baziuk’s lack of diligence in relation to several projects is concerning. The Panel will again refer to the daycare project by way of example. Mr. Baziuk’s conduct in relation to the daycare project is troubling from a public protection perspective. A daycare is of course a place where children assemble. The consequences of an architect abdicating their duty in this context can be grave. For example, a failure to ensure proper fire separation elements can lead to injury or death. An architect who permits non-architects to take charge of this work puts the public at risk. In this case, the file documents obtained by the AIBC suggest that Mr. Baziuk was almost entirely uninvolved. He admitted that he was “involved a bit but not much” in daycare projects because the designer at 4DD knows daycare centres. In months of correspondence, there is only a single email involving Mr. Baziuk, when the designer wanted him to seal a drawing. He did not appear to have any meaningful involvement in the design, and appears to have completed a highly cursory field review containing no meaningful comments or analysis. There is only a single field review report at the conclusion of construction and no evidence that Mr. Baziuk was present during construction or (recognizing that he may have been ill) that he ensured another registered professional was undertaking the necessary reviews. He appears to have left the review of the construction for the entire project to a non-architect. This is a *prima facie* case of abdication of duty that, in the Panel’s view, puts the public at risk, despite the absence of evidence of actual harm.
108. Mr. Baziuk was the Coordinating Registered Professional in relation to the daycare project. He executed a Building Code Schedule B (Assurance of Professional Design and Commitment for Field Review), giving his assurance that:

“the design of the architectural components of the plans and supporting documents prepared by the registered professional of record in support of the application for a building permit substantially comply with the Building Code and other applicable enactments respecting safety, except for construction safety aspects”.
109. By executing the Schedule B, Mr. Baziuk further undertook to be responsible for field reviews of the architectural components during construction. The Panel would expect to have seen evidence in the file of a detailed review by Mr. Baziuk of all design elements and several detailed field reviews in the course of a project of this

nature. Further, as the Coordinating Registered Professional, Mr. Baziuk should have had communication with the consultant team during construction and made requests for closing documents at the time of occupancy. None of these documents exist or were provided to the Panel and Mr. Baziuk offered no legitimate explanation for their absence.

110. When he executed the Schedule B, Mr. Baziuk struck out the “Structural” and “Mechanical” elements from the Summary of Design and Field Review Requirements, indicating he was not taking responsibility for these elements. But he took responsibility for everything else, including plumbing, fire suppression systems, electrical, and geotechnical. There is no indication that, in fact, Mr. Baziuk took responsibility for these elements or had the expertise to do so. Yet, Mr. Baziuk subsequently executed the Schedule C-A and Schedule C-B, giving his assurance to the authority having jurisdiction that: (a) he fulfilled his obligations, as both the Coordinating Registered Professional and as a registered professional, for field reviews; (b) the components for which he took responsibility in the Schedule B substantially comply in all material respects with the applicable requirements of the Building Code and other applicable enactments respecting safety; and (c) those components comply with the plans and supporting documents submitted to the authority having jurisdiction. The Panel is of the view that there is a *prima facie* case that Mr. Baziuk did not take the steps necessary to be able to give these assurances. Further, Mr. Baziuk should have crossed out some of the architectural line items in the Schedule B as they would not apply to a tenant improvement, demonstrating further misuse or misunderstanding of the Schedule.
111. Further, as Coordinating Registered Professional, Mr. Baziuk had to coordinate the field reviews performed by all registered professionals. If he was not taking responsibility for “Structural” and “Mechanical” elements, he nevertheless had to coordinate the field reviews of those elements by others. There is nothing in the file documentation to indicate this happened.
112. The evidence relating to the single field review conducted by Mr. Baziuk suggests, on a *prima facie* basis, that it was deficient. The Panel observes that the field review contains none of the following:
 - Attendees list;
 - Distribution / circulation list;
 - Action / Summary list;
 - Photos do not provide a label that identifies the space; and
 - Justification for conclusion that the project is “ready for occupancy”. The single sentence report is too brief and insufficient.
113. The Panel further notes that there is evidence indicating that the project was not ready for occupancy. The photographs in the file appear to show that:

- construction materials remained in the space (ladders, paint buckets, construction debris);
 - exit signs are missing;
 - doors and door frames are missing and simply roughed-in, which indicates that the work was not complete; and
 - the janitor's closet / boiler room is missing a service door. The space cannot be occupied with this door missing as this is considered hazardous.
114. Ms. [REDACTED] states that in her experience the single sentence field review report is "below the standard that would be expected". The Panel agrees.
115. Whether there is anything defective with the design or construction of the daycare project is not known, and the Panel is not suggesting that there is. However, the risk to the public arises when the professional responsible for ensuring that the design and construction comply with the Building Code and all other relevant enactments concerning safety, does not diligently fulfil this duty. There is a *prima facie* case that this is what happened in relation to the daycare project.
116. In relation to the vape store project (second complaint) it appears that Mr. Baziuk issued the Schedule C-B on May 21, 2025, and on the same day the Building Inspector noted that the project was not complete and noted various deficiencies and the absence of Schedule C-Bs prepared by relevant consultants (e.g. structural engineer), which should have been included in the final submission and reviewed by the Coordinating Registered Professional, Mr. Baziuk. The Schedule C-A appears to have been submitted prematurely. A subsequent Schedule C-A submitted on April 1, 2026, is missing an initial from Mr. Baziuk.
117. For all of the above reasons, the Panel concludes that there is a "real risk" to the public (*Scott*, para. 55(i)) if Mr. Baziuk is allowed to continue to practice architecture pending the conclusion of the investigation and any disciplinary proceeding that may follow.
118. Mr. Baziuk argues that other measures are already in place to protect the public. He says that all of his projects are subject to additional inspections by independent third parties, as well as oversight by the municipality in which the project is undertaken. In the Panel's view, this argument is misconceived. BC's system of building design and supervised construction is founded on the principle of professional responsibility. It is the architect who, by virtue of applying their seal and submitting Letters of Assurance, assumes responsibility for the safety of the design and completeness of the work and all relevant checks and reviews. Despite the involvement of other stakeholders in the design and construction process, there is no substitute for the responsibility assumed by the architect. The architect is typically the Coordinating Registered Professional on the project, responsible for ensuring that all Code-related elements that are relevant to the project are clearly identified by each registered professional required on a project. There is no

one else to fulfil the public protection role of the Coordinating Registered Professional if they fail in their duties.

119. The Panel has weighed the need for interim action against the likely harm to Mr. Baziuk. Mr. Baziuk argues that given the protracted duration of the AIBC's investigation, and its ongoing information requests, that any interim order lasting for the length of the investigation would not, in substance, be interim. Rather, it would effectively terminate Mr. Baziuk's architectural career, particularly in light of his age and the fact that the investigation has already exceeded 1.5 years, with no definitive timeline provided by the AIBC for its completion. In these circumstances, Mr. Baziuk argues that granting the application would, in effect, bring Mr. Baziuk's architectural career to an end.
120. The Panel does not think that the investigation has been unduly lengthy and does not think that Mr. Baziuk's age and proximity to retirement should work in his favour. The Panel believes that it should make whatever order is necessary to protect the public, regardless of the registrant's age or stage in his career.
121. As an interim order is being made by this Panel, it will be incumbent on the AIBC to move the investigations forward in a timely manner.
122. As for the economic impact of interim action on Mr. Baziuk, there is no evidence before us about Mr. Baziuk's sources and level of income, or generally his level of financial security. We note his counsel's statements that the motel business is not profitable and that an order suspending Mr. Baziuk's registration is likely to have significant financial consequences for him. This seems plausible to the Panel, but the prospect of financial repercussions cannot be a bar to interim action or the public interest will not be protected. We revisit this topic in the discussion of remedy below.
123. There are some references in the evidence to Mr. Baziuk's cognitive health. Mr. Baziuk alleges that the AIBC applied heightened scrutiny of his practice due to his age and that this amounts to age discrimination. As a result, Mr. Baziuk filed a complaint against the AIBC with the British Columbia Human Rights Tribunal. In this application, the AIBC has not argued that Mr. Baziuk's cognitive health is a basis for action under PGA section 67. Accordingly, the Panel sees no need to address the matter further, and it has played no role in the Panel's conclusions.
124. To conclude, the Panel finds that a *prima facie* case has been established in accordance with *Scott* and that there is a real risk of harm to the public if interim action is not taken. The Panel finds that there is a strong case that Mr. Baziuk has abdicated his responsibility as a professional, deferred to non-architects, given assurances he was not in a position to give, and failed to exercise basic diligence in relation to projects. Interim action is necessary to protect the public interest.

Remedy

125. In accordance with the sixth Perry Guideline above, having concluded that interim action is necessary to protect the public interest, the Panel should not automatically impose an interim suspension of Mr. Baziuk's registration but should first consider whether imposing interim conditions on Mr. Baziuk's practice would be sufficient and proportionate.
126. We have done that, but for reasons set out in this section the Panel has concluded that the only viable interim action that will sufficiently protect the public interest is an interim suspension of Mr. Baziuk's registration.
127. Fundamentally, the Panel's view is that there is a significant risk to the public if Mr. Baziuk is permitted to apply his seal to documents, including drawings, schedules, and other submissions pending the investigation's conclusion and possible disciplinary proceeding. The Panel has reached the conclusion that there is a *prima facie* case that Mr. Baziuk lacks minimal competency, abdicated his professional responsibilities, has improperly used his seal without undertaking the necessary diligence, and cannot be relied upon to fulfil his public protection duties as an architect. Having reached the conclusion that Mr. Baziuk should not be applying his seal, the remedial options are limited.
128. Limiting Mr. Baziuk to small projects requiring an architect does not address the problem. An absence of diligence, or the presence of incompetence, in relation to small projects still puts the public at risk. The Panel notes that residential projects entirely captured by Part 9 of the Building Code do not in fact require an architect's involvement. This means that even in the face of a suspension of his registration, Mr. Baziuk will be able to assist clients with Part 9 buildings that are not captured by section 5(2) of the *Architects Regulation*, so long as he does not hold himself out as a practising architect while under suspension. Further, Mr. Baziuk will also be able to assist clients with building alterations not captured by section 5(3)(a)(i) to (vii) of the *Architects Regulation*, again so long as he does not hold himself out as an architect.
129. It does not make sense to the Panel to contemplate the involvement of a peer reviewer, supervising architect or other similar person if Mr. Baziuk should not be using his seal. It would fall to the other architect to apply their seal in relation to the various aspects of the architectural projects. This would not happen unless the other architect undertook all of the underlying work necessary to permit them to seal documents. The other architect would, in fact, assume responsibility. There is no practicality to this. It should not be realistically contemplated that clients will pay for redundancy in this way.
130. The Panel does not view periodic practice audits or conditions regarding record-keeping as sufficient public protection. These approaches allow Mr. Baziuk to

continue to use his seal without restriction which the Panel has concluded is not in the public interest.

131. Having Mr. Baziuk complete remedial courses or continuing education, while positive, is not sufficient protection of the public interest. In the Panel's view, the concerns with competence and abdication of responsibility are too significant and too immediate for coursework to be an acceptable solution.
132. Ultimately, the Panel's view is that a suspension of Mr. Baziuk's registration is the only viable option to reasonably protect the public interest. The Panel is very mindful of the likely impact of this decision on Mr. Baziuk, but has concluded that the very real public protection concerns must take priority.

Conclusion and Order

133. The Panel makes the following order under section 67 of the PGA:

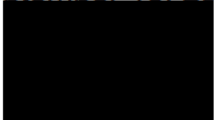
- (a) Mr. Baziuk's registration is suspended pending the conclusion of the investigation of the Two Complaints and the conclusion of any disciplinary proceeding which may arise from those investigations.

134. The Panel directs that:

- (a) the AIBC attend to the delivery of these reasons to Mr. Baziuk and to the two complainants in accordance with section 67(2) of the PGA; and

- (b) the Registrar notify the Superintendent of the order made in accordance with section 67(5) of the PGA.

September 10, 2026



Joe Minten, Architect AIBC, Chair



Simon Ho, Architect AIBC



Andrea Ritchie, Public Member