Process for Review of Registration Board Recommendations
December 2019

This document outlines the process for applicants to request a review if their application for registration or licensing was recommended for rejection by the Registration Board. A list of Registration Board recommendations which are eligible to be reviewed can be found in Schedule A.

Background

Under the Architects Act, AIBC Council has the statutory responsibility for registration of registrants (architects, associates, temporary licensees, firms) as well as the issuance of Certificates of Practice. Recommendations made by the Registration Board on both registration and licensing matters are provided monthly to council, who then review and approve them at their meetings. Applicants whose application for registration or licensing has been recommended for rejection by the Registration Board have no statutory right of appeal under the Architects Act.

The AIBC is committed to ensuring that there is a transparent, objective, and accountable process for assessing applications for admission to the profession and for the registration of firms, which is consistent with council policy 1.35 and 1.37. An established review process provides another level of objectivity and is consistent with practices of other regulators.

Eligibility for Review

Applicants whose application for registration or licensing has been recommended for rejection by the Registration Board may apply for a review of the recommendation by submitting a written request to the Registration Review Panel.

Applicants may include any person applying for registration as an architect, associate or seeking a temporary licence, or a person or a firm applying for a Certificate of Practice. It is rare that an application does not meet the requirements at the time of the Registration Board’s review as staff would have provided initial guidance relating to satisfying the registration requirements.

The Registration Review Panel only reviews certain Registration Board recommendations. Schedule A lists the recommendations, which may be reviewed. There are no other avenues for appeal of such recommendations other than through a judicial review.¹

¹ Judicial review is a term for a legal proceeding in British Columbia Supreme Court in which a decision maker’s decision may be reviewed by a judge.
Review Process

An applicant must apply for a review in writing to the Registration Review Panel by using a form specified by the AIBC within 45 calendar days from the date of the letter from the Registration Board or the Director of Registration and Licensing on behalf of the Registration Board. The written request must set out the reasons for which the Registration Board recommendation should be reviewed and must include the Registration and Licensing Review Fee as published in Bulletin 1: Fees, Fines, and Charges.

The reason for the request must be outlined clearly, substantiated with documentation, and must be based on one or both of the following:

- The Registration Board has misinterpreted the Architects Act, AIBC bylaws or AIBC Council policy; and/or,
- The application process was not fair or objective (i.e. Registration Board failed to consider relevant documentation).

Upon receipt of the request for review, the Director of Registration and Licensing will assess to ensure the request satisfies the requirements as noted above, including that the request falls under the list of recommendations, which may be reviewed.

If the request satisfies the requirements, council will then be requested to appoint a Registration Review Panel. If the request does not meet the requirements, the applicant will be notified in writing.

Once constituted, the Registration Review Panel will conduct the review and may do one or more of the following:

- Review the entire record that was before the Registration Board when it reached its recommendation;
- Convene a meeting of the Registration Review Panel to review the written request;
- Invite the applicant to provide further information in writing, or to meet with the Registration Review Panel; and
- Invite a representative from the Registration Board to provide further information in writing or meet with the Registration Review Panel.

Written submissions received from either the applicant or the Registration Board will be copied to the other party for information.

The Registration Review Panel will respond to the applicant within 90 days of receipt of the request for review regarding next steps, including timelines. If the Registration Review Panel is unable to respond within 90 days, a request for an extension must be made to council for a further 90 days. The applicant will be notified of any timing issues.
Recommendations Following Review

After reviewing the request, the Registration Review Panel may confirm the recommendations of the Registration Board, or the Registration Review Panel may refer the matter back to the Registration Board to reconsider its recommendations, or for further deliberation in specified areas. The Registration Review Panel’s recommendations will be communicated in writing to both the applicant and the Registration Board.

Upon receipt of the Registration Review Panel’s recommendations, the Registration Board shall review and write its final recommendations with reasons, and then provide them to the Registration Review Panel and council. These final recommendations are not open to a further review.

Review and Decision by Council

Council will consider the following before making a final decision:

- Applicant’s reasons for review and submissions;
- Registration Panel Review recommendations, if any; and
- Registration Board’s recommendations.

The applicant will be notified in writing of council’s final decision. Following council’s final decision, there will be no further review under any AIBC process. As noted above, the applicant may seek independent legal advice as to judicial review.
Schedule A – Registration Board Recommendations That May Be Reviewed

The Review Panel only reviews certain Registration Board recommendations. The chart below outlines which recommendations can be reviewed.

<table>
<thead>
<tr>
<th>Registration Board Recommendations</th>
<th>May be Reviewed</th>
<th>Architects Act</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rejection of application for registration as an Architect AIBC based on “alternative qualifications”</td>
<td>Yes</td>
<td>Section 37</td>
<td>Council has discretion to admit to registration.</td>
</tr>
<tr>
<td>Rejection of application for registration as an Architect AIBC based on failure to meet the good moral character or professional conduct requirement; does not apply to other reasons, i.e. failing to meet the competency standards.</td>
<td>Yes</td>
<td>Section 36</td>
<td>Also applies to reinstating applicants rejected based on failure to meet the good moral character or professional conduct requirement.</td>
</tr>
<tr>
<td>Rejection of application for a Temporary Licence</td>
<td>Yes</td>
<td>Section 38</td>
<td>Council has discretion to grant a licence.</td>
</tr>
<tr>
<td>Rejection of application for registration as an Associate</td>
<td>No</td>
<td>Section 40</td>
<td>There is a robust process for review of applications in various phases, as well as an established and dedicated support structure for applicants to meet the requirements, i.e. Internship in Architecture Program.</td>
</tr>
<tr>
<td>Rejection of application for reinstatement as an Architect AIBC.</td>
<td>No</td>
<td>Section 53</td>
<td>Section is clear that only the discipline committee has jurisdiction.</td>
</tr>
<tr>
<td>Scenario</td>
<td>Result</td>
<td>Section</td>
<td>Comment</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Rejection of application for reinstatement as an Architect AIBC.</td>
<td>No</td>
<td>Section 73</td>
<td>Section is clear on the reinstatement requirements.</td>
</tr>
<tr>
<td>Rejection of application for firm registration based on firm structure and ownership</td>
<td>No</td>
<td>Section 26</td>
<td>The requirements under the Act are defined and clear.</td>
</tr>
<tr>
<td>Failed result from an Oral Review</td>
<td>No</td>
<td>Section 36</td>
<td>Candidates could apply to retake the Oral Review. Oral Review results are supported with reasons and recommendations to help guide candidates for a successful return Oral Review. There is a comprehensive support structure and resources available for candidates to pass the Oral Review.</td>
</tr>
<tr>
<td>Failed result from the written national exam –Examination for Architects in Canada (ExAC)</td>
<td>No</td>
<td>Section 36</td>
<td>There is a separate avenue for appeal and review of exam results at the national level.</td>
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