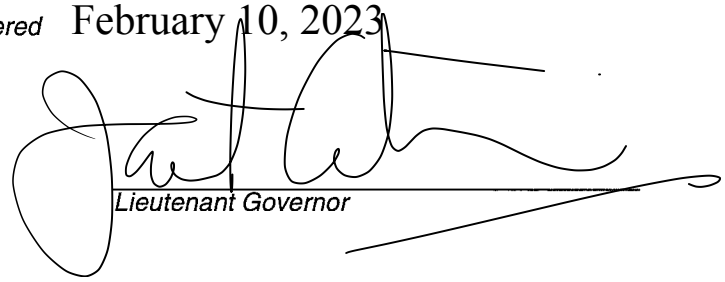


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 65

, Approved and Ordered February 10, 2023



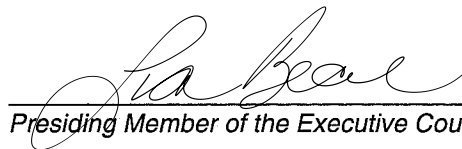
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective February 10, 2023, the attached Architects Regulation is made.



Minister of Post-Secondary Education and Future Skills



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Professional Governance Act, S.B.C. 2018, c. 47, ss. 31 (7), 90 (5) and 118 (2)*

Other: _____

R20659602

ARCHITECTS REGULATION

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Definitions

- 1 In this regulation:

“**Act**” means the *Professional Governance Act*;

“**building**” means a building as defined in the building code;

“**building area**” means a building area as defined in the building code;

“**building code**” means the British Columbia Building Code established by the order of the Minister of Municipal Affairs and Housing numbered BA 2018 1 and dated July 16, 2018;

“**designation**” means the designation of the profession of architecture under section 89 (1) of the Act;

“**former Act**” means the *Architects Act*, R.S.B.C. 1996, c. 17;

“**gross area**” means the aggregate area of all storeys of a building;

“**institute**” means the Architectural Institute of British Columbia referred to in section 2 (1);

“**major occupancy**” means major occupancy as defined in the building code;

“**mixed-use building**” means a building with more than one major occupancy type;

“**occupancy**” means occupancy as defined in the building code;

“**practice of architecture**” means the provision of

(a) advice or services that are based on an architectural body of knowledge in relation to the design, planning, review or coordination of the construction or alteration of buildings, or

(b) advice or services that are ancillary to those described in paragraph (a);

“**protective purposes**” means the safety, health and welfare of the public, including the protection of the environment and the promotion of health and safety in the workplace;

“**storey**” means a storey as defined in the building code.

Regulatory body and councillors

- 2 (1) The Architectural Institute of British Columbia continued under the former Act is continued as a regulatory body established under Division 2 of Part 7 of the Act and

- (a) its bylaws made under the former Act continue as bylaws made under the Act, except to the extent that they are inconsistent with the Act,
 - (b) its council under the former Act is continued as a council established under section 23 the Act,
 - (c) each individual who is a councillor of the council continued under paragraph (b) is continued as a councillor under the Act,
 - (d) its registrar appointed under the former Act is continued as a registrar under the Act, and
 - (e) its registered members under the former Act are continued as registrants under the Act.
- (2) Each individual who is a councillor of the council continued under subsection (1) (b) may continue as a councillor under the Act until the earliest of the following:
- (a) the expiry of the term of the appointment or term of office that applied on the day of the coming into force of this section;
 - (b) the resignation or disqualification of the councillor;
 - (c) the expiry of the term that applies to the councillor under section 24 [*term limits*] of the Act;
 - (d) the appointment or term of office otherwise ends before its expiration.
- (3) This section applies despite sections 23 (1) and (2) [*council of regulatory body*] and 90 (1) and (2) (a) [*regulatory body established*] of the Act.

Regulated practice

- 3 For the purposes of the definition of “regulated practice” in section 7 [*definitions in respect of the Architectural Institute of British Columbia*] of Schedule 1 of the Act, the practice of architecture is prescribed.

Reserved titles

- 4 (1) For the purposes of section 51 (1) (a) [*reserved titles*] of the Act, the following titles are reserved for the exclusive use of registrants:
- (a) “architect”;
 - (b) “intern architect”;
 - (c) “architectural technologist”.
- (2) Despite subsection (1), the title “naval architect” may be used by a non-registrant.

Reserved practice

- 5 (1) For the purposes of section 51 (1) (b) [*reserved practice*] of the Act, the practice of architecture, as it relates to matters that, having regard to the protective purposes, requires the experience or technical knowledge of an architect, is a reserved practice that may only be carried out by or under the supervision of a registrant.

- (2) Without limiting subsection (1), and subject to section 20 of the *Community Care and Assisted Living Act*, the reserved practice under that subsection includes the practice of architecture in relation to a post-disaster building as defined in the building code and a building classified under the building code as having any of the following major occupancy types:
- (a) assembly occupancy, Group A, divisions 1, 3 and 4, as defined in the building code;
 - (b) except as permitted in article 3.1.2.6. of the building code, assembly occupancy, Group A, division 2, as defined in the building code;
 - (c) detention occupancy as defined in the building code;
 - (d) except as permitted in article 3.1.2.5. of the building code, care occupancy as defined in the building code and treatment occupancy as defined in the building code;
 - (e) residential occupancy respecting any of the following:
 - (i) a hotel as defined in the *Hotel Guest Registration Act* that has a gross area of 470 m² or more;
 - (ii) a building that has a building area of 600 m² or more;
 - (iii) a building that has 4 or more storeys;
 - (iv) a building that has 5 or more dwelling units as defined in the building code;
 - (v) a mixed-use building that has a gross area of 470 m² or more and that has one or more dwelling units;
 - (vi) a mixed-use building that has one or more dwelling units in combination with assembly, detention, treatment or care occupancy as those terms are defined in the building code;
 - (f) business and personal services occupancy as defined in the building code if the building has a gross area of 470 m² or more;
 - (g) mercantile occupancy as defined in the building code if the building has a gross area of 470 m² or more;
 - (h) high-hazard industrial occupancy as defined in the building code;
 - (i) medium-hazard and low-hazard industrial occupancy as defined in the building code if the building has a gross area of 470 m² or more;
- (3) Despite subsections (1) and (2), the following do not require the advice or services of a registrant:
- (a) a building alteration that otherwise would require the advice or services of a registrant and that is not related to any of the following:
 - (i) a change of the building's occupancy type;
 - (ii) the building's structural integrity;
 - (iii) fire separations within the building;
 - (iv) the building's enclosure;
 - (v) the building's exiting;
 - (vi) the building's energy utilization;

- (vii) access to the building for persons with disabilities as prescribed in the building code;
- (b) a building set out in Schedule 1 if advice or services are provided by a registrant in the reserved practice of professional engineering.

Registration of firms

- 6 (1) For the purposes of section 3 [*application to firms as registrants*] of the Act, the institute is authorized to register firms in that regulatory body as registrants.
- (2) Despite subsection (1), a local public body as defined in the *Freedom of Information and Protection of Privacy Act* must not be registered under that subsection.

Transition – powers and duties in progress

- 7 (1) The officers and committees for the institute may exercise any power and perform any duty under the Act that an officer holding the same title with, or a committee having the same mandate of, the institute under the former Act
 - (a) began to exercise or to perform, but did not complete, before the designation, or
 - (b) could have exercised with respect to a discipline matter referred to in Division 3 [*Audits, Practice Reviews and Discipline*] of Part 6 [*Protection of the Public Interest With Respect to Professional Governance and Conduct*] of the Act that is alleged to have existed or occurred, but was not investigated, before the designation.
- (2) If a discipline committee, or a committee with similar duties and powers, for the institute under the former Act commenced a hearing before the designation, that committee is deemed to be a discipline committee for the institute on and after the designation, for the purpose of continuing the hearing on and after the designation.
- (3) If an investigation committee, or a committee with similar duties and powers, for the institute under the former Act commenced an investigation before the designation, that committee is deemed to be an investigation committee for the institute on and after the designation, for the purpose of continuing the investigation on and after the designation.
- (4) If an audit and practice review committee, or a committee with similar duties and powers, for the institute under the former Act commenced an audit or a practice review, or an assessment, before the designation, that committee is deemed to be an audit and practice review committee for the institute on and after the designation for the purpose of continuing the audit or the practice review, or the assessment, on and after the designation.
- (5) The council of the institute may make a bylaw, in accordance with the Act, authorizing an officer or a committee for the institute under the former Act to continue to exercise a power or to perform a duty that the officer or the committee began to exercise or to perform, but did not complete, before the designation.

- (6) If a bylaw is made under subsection (5), the authorized officer or committee is deemed to be an officer or a committee for the institute on and after the designation, for the purpose of continuing to exercise a power or to perform a duty on and after the designation.

Transition – inconsistent bylaws

- 8 Despite section 2 (1) (a) of this regulation, if the institute has bylaws made under the former Act that are not continued due to inconsistency with the Act, the inconsistent bylaws may continue to be applicable for one year after the designation and the council of the institute must, as applicable, do the following:
 - (a) consider any guidelines that may be established by the superintendent to provide guidance for ensuring that the institute makes bylaws that are consistent with the Act;
 - (b) comply with any directives of the superintendent made to address transitional matters arising from the bylaws that are inconsistent with the Act.

SCHEDULE 1

**BUILDINGS WITHIN THE
RESERVED PRACTICE OF ARCHITECTURE AND THE RESERVED PRACTICE
OF PROFESSIONAL ENGINEERING**

- 1 The following types of buildings are set out for the purposes of section 5 (3) (b) of this regulation:
 - (a) a specialized industrial building that shelters, or is a component of, an industrial process, including the following:
 - (i) an electrical substation;
 - (ii) a grain elevator;
 - (iii) a power plant;
 - (iv) a chemical manufacturing or processing plant;
 - (v) a waste paper processing plant;
 - (vi) a bulk plant for a flammable liquids;
 - (vii) a bulk storage warehouse for hazardous substances;
 - (b) an outdoor stage without fixed seating or ancillary facilities;
 - (c) an unheated industrial roof;
 - (d) an unheated industrial shed;
 - (e) an unheated tent building for industrial use;
 - (f) a farm building as defined in the building code that is within an industrial occupancy type;
 - (g) a power-generating station;
 - (h) an electrical substation;
 - (i) a public water treatment and storage facility;

- (j) a pumping station;
- (k) a sewage treatment facility;
- (l) sheltering for vehicles, including aircraft and boats, used for emergency response.