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Architects Regulations

made under Section 11 of the

Architects Act

S.N.S. 2006, c. 12

O.I.C. 2008-500 (September 23, 2008), N.S. Reg. 399/2008

Citation

- 1 These regulations may be cited as the *Architects Regulations*.

Definition

- 2 In these regulations, “Act” means the *Architects Act*.

Part 1: Membership and Licensing

Registrar and Board of Registration

- 3 (1) The Registrar must perform duties as determined by the Council.

- (2) The Board of Registration must consist of the Registrar and at least 4 members of the Association.
- (3) The Council must appoint a member of the Board to act as chairperson of the Board.
- (4) The Council may appoint members to the Board to fill any vacancies that may occur.
- (5) A member of the Board holds office until the expiration of the term of their appointment, as set out in the by-laws.
- (6) The Board must meet at times and places as decided by the Board.
- (7) The Board of Registration must do all of the following:
 - (a) examine all applications and the qualifications of all applicants for membership;
 - (b) examine and interview applicants in the manner and to the extent that the Board considers necessary;
 - (c) recommend to Council, with appropriate explanation, the admission or rejection of an application for membership;
 - (d) perform any other services specified in the Act or these regulations, or that the Council requires.

Classes of membership

4 (1) In addition to the licensed architect class of membership established by Section 12 of the Act, each of the following is established as a class of membership:

(a) student member;

(b) intern architect;

(c) retired architect;

(d) associate member;

(e) honorary member.

(2) A separate roster must be maintained for each class of membership.

Student member

5 (1) In addition to meeting the requirements of Sections 14 and 15 of the Act, to be entitled to membership as a student member an individual must be enrolled in or have graduated from an educational program accredited by a designated architectural certification board.

(2) Except as otherwise provided in these regulations, a student member may serve on committees.

- (3) A student member may attend but must not vote at meetings of the Association.

- (4) An individual who is a student member retains their student membership until the earliest of the following occurrences:
 - (a) the Council strikes the individual's name from the register under Section 18 of the Act for non-payment of fees;

 - (b) the individual resigns from the Association under clause 17(b) of the Act;

 - (c) the individual becomes an intern architect;

 - (d) the end of 10 years from the date the individual was first admitted as a student member, or a longer period as determined by Council;

 - (e) the individual no longer meets the requirements for membership as a student member.

Intern architect

- 6 (1) In addition to meeting the requirements of Sections 14 and 15 of the Act, to be entitled to membership as an intern architect an individual must
 - (a) have educational qualifications certified by a designated architectural certification board; and

- (b) be enrolled in an intern architect program approved by Council.
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- (2) Except as otherwise provided in these regulations, an intern architect may serve on committees.
-
- (3) An intern architect may attend but must not vote at meetings of the Association.
-
- (4) An individual who is an intern architect retains their intern architect membership until the earliest of the following occurrences:
 - (a) the Council strikes the individual's name from the register under Section 18 of the Act for non-payment of fees;
 - (b) the individual resigns from the Association under clause 17(b) of the Act;
 - (c) the individual obtains a licence as a licensed architect;
 - (d) except as provided in subsection (5), the end of 10 years from the date the individual was first admitted as an intern architect, or a longer period as determined by Council;
 - (e) the individual no longer meets the requirements for membership as an intern architect.

- (5) An individual who holds a membership as an intern architect on the coming into force of the Act is entitled to apply to continue to be an intern architect for a period of 10 years following the coming into force of the Act, if the individual
 - (a) meets the requirements for membership as an intern architect; and
 - (b) has not yet obtained a licence as a licensed architect.

- (6) An intern architect is entitled to use the title “Intern Architect”.

Retired architect

- 7 (1) In addition to meeting the requirements of Sections 14 and 15 of the Act, to be entitled to membership as a retired architect an individual must
 - (a) have held a licence as a licensed architect or the equivalent from another jurisdiction recognized by the Council;
 - (b) if applicable, return their licensed architect’s seal and licence to the Board; and
 - (c) have been in good standing with the licensing body from which the individual held a licence at the time of retirement.

- (2) A retired architect may attend but must not vote at meetings of the Association.

- (3) A retired architect is entitled to use the title “Retired Architect”.

Associate member

- 8 (1) In addition to meeting the requirements of Sections 14 and 15 of the Act, to be entitled to membership as an associate member an individual must
- (a) immediately before their initial application for associate membership, have held a licence as a licensed architect and been in good standing with the Association;
 - (b) return their licensed architect’s seal and previous licence to the Board; and
 - (c) meet either of the following criteria, or any other criteria approved by the Board:
 - (i) be licensed in another jurisdiction recognized by the Council,
 - (ii) be enrolled in and attending an educational program approved by the Board.
- (2) An associate member may attend but must not vote at meetings of the Association.

Honorary membership

- 9 (1) A person may be granted honorary membership in the circumstances set out in the by-laws for that purpose.

- (2) An honorary member may attend but must not vote at meetings of the Association, unless the honorary member also holds a membership that entitles the honorary member to vote.

Professional liability insurance

10 (1) Except for a person exempted by subsection (2), the amount of professional liability insurance coverage required by clause 19(2)(a) of the Act for a licensed architect, corporate permit holder or temporary licensee is prescribed as at least \$250 000 per claim, with aggregate coverage of at least \$500 000.

- (2) A person who is a licensed architect, corporate permit holder or temporary licensee is exempt from the requirement to hold professional liability insurance if any of the following apply:

- (a) the person does not practise architecture in the Province;
- (b) the person practises architecture exclusively as an employee of a licensed architect or a corporate permit holder who has the required insurance coverage and the insurance covers the person's practice;
- (c) the person works exclusively for the Province and is appointed or remunerated in accordance with the *Public Service Act*;
- (d) the person works exclusively for an agency
 - (i) to which the Province appoints the majority of the members,

- (ii) whose staff is by law appointed or remunerated in accordance with the *Public Service Act*,
 - (iii) whose capital forms part of the public domain, or
 - (iv) that is a statutory appointment of the Province;
- (e) the person works exclusively for the Public Service of Canada as defined in the *Public Service Staff Relations Act* (Canada), for the Canadian Forces within the meaning of section 14 of the *National Defence Act* (Canada) or for a Crown corporation within the meaning of the *Financial Administration Act* (Canada);
- (f) the person works exclusively for a municipal corporation, a regional county municipality or a school board, and the employer stands surety for the person, agrees to take up the person[’s] defence and accepts financial responsibility for the consequences of any error or omission committed by the person in practising architecture.

Licensed architect

11 In addition to the information, documents and fee required by clauses 19(1)(a) to (g) of the Act for an applicant for a licence and by clauses 26(a) to (f) of the Act for an applicant for a renewal of a licence, an applicant applying for a licence or renewal of a licence must give all of the following to the Board:

- (a) if the applicant holds or held a licence in another jurisdiction, a certificate of standing from each of the other jurisdictions in which the applicant holds or held a licence, establishing whether there are any disciplinary findings against the applicant that may preclude or restrict the applicant’s practice in the Province, and establishing whether there are any outstanding complaints against the applicant in the other jurisdictions;

- (b) evidence that the applicant has completed the professional development activities required by Council;
- (c) evidence that satisfies the Board that the applicant remains current and competent in the practice of architecture.

Temporary licence

12 (1) A temporary licence may be issued to an applicant who

- (a) pays the fee approved by Council;
- (b) applies in a form determined by the Board;
- (c) gives evidence satisfactory to the Board that the applicant intends to practise architecture on a temporary or a project-specific basis;
- (d) gives evidence satisfactory to the Board that the applicant
 - (i) is licensed in good standing in another jurisdiction recognized by Council, or
 - (ii) satisfies the Board that the objects of the Act would be met for a time-limited purpose to allow the applicant to temporarily practise architecture;

- (e) holds professional liability insurance as required by subsection 19(2) of the Act and subsection 10(1), unless exempted by subsection 10(2);
 - (f) gives evidence satisfactory to the Board that the person has a professional business relationship, by either direct agreement or through separate agreements with their mutual client, with a collaborating architect who is a licensed architect and who is not exempted by subsection 10(2) from the requirement to hold professional liability insurance.
- (2) A temporary licence is valid for the calendar year in which it is issued, or a shorter period determined by the Council at the time the temporary licence is issued.
- (3) A temporary licence may be renewed on or before the expiry date by the submission of a completed temporary licence application to the Registrar on the form approved by the Registrar, together with the following:
- (a) the renewal fee approved by Council;
 - (b) any information that the Registrar requires to establish that the person continues to meet the requirements of subsection (1).
- (4) A temporary licence authorizes the holder to practise architecture subject to any conditions or restrictions noted on the temporary licence.

Designated architectural registration boards

- 13** For the purposes of the Act and these regulations, the National Council of Architectural Registration Boards is a designated architectural registration board.

Designated architectural certification boards

- 14** For the purposes of the Act and these regulations, the Canadian Architectural Certification Board is a designated architectural certification board.

Appointment and functions of Licensing Appeal Committee

- 15** (1) Council must appoint a Licensing Appeal Committee consisting of 1 non-member and 2 licensed architects.

(2) The Council must appoint the chair of the Licensing Appeal Committee.

(3) A majority of the Licensing Appeal Committee constitutes a quorum.

(4) The Licensing Appeal Committee must perform the functions specified in Sections 16 and 17.

Procedure for appeal to Licensing Appeal Committee

- 16** (1) If an application for a licence or a corporate permit has been refused, the Board must give the applicant written reasons for the decision to refuse and the applicant may, by written notice, appeal the decision to the Licensing Appeal Committee no later than 30 days after the date the applicant receives the written reasons.

(2) On receipt of written notice of an appeal, the Licensing Appeal Committee must do all of the following:

- (a) set a date for a hearing of the appeal, which must be no later than 60 days after the date the Committee receives the written notice of appeal;
 - (b) serve written notice of the date, time and place for the hearing of the appeal on the appellant and the Board;
 - (c) advise the appellant of their right to
 - (i) be represented by legal counsel, or another representative at the expense of the appellant;
 - (ii) disclosure of any information to be given to the Committee; and
 - (iii) a reasonable opportunity to present a response and make submissions.
- (3) The parties to an appeal before the Licensing Appeal Committee are the Association and the appellant.
- (4) Except as provided in subsection (5), evidence is not admissible before the Licensing Appeal Committee unless, at least 10 days before the appeal, the opposing party has been given
- (a) in the case of written or documentary evidence, an opportunity to examine the evidence;

- (b) in the case of evidence of an expert, a copy of the expert's written report or, if there is no written report, a written summary of the evidence; and
 - (c) in the case of evidence of any other witness, the identity of the witness.
- (5) The Licensing Appeal Committee, in its discretion, may allow the introduction of evidence that is otherwise inadmissible under subsection (4) and may make directions it considers necessary to ensure that a party is not prejudiced.
- (6) In a proceeding before the Licensing Appeal Committee, the parties have the right to
 - (a) the opportunity to present evidence and make submissions, including the right to cross-examine witnesses; and
 - (b) receive written reasons for a decision within a reasonable time.
- (7) At a hearing before the Licensing Appeal Committee, all material relied on by the Board in making the decision that is the subject of the appeal must be given to the Committee and to the appellant.
- (8) In addition to the material given to the Licensing Appeal Committee under subsection (7), either party may present additional evidence to the Committee and call witnesses.
- (9) The testimony of witnesses at a hearing before the Licensing Appeal Committee must be taken under oath or affirmation.

Disposition by Licensing Appeal Committee

- 17** (1) The Licensing Appeal Committee, in accordance with the evidence it receives when hearing an appeal, may make any determination that in its opinion ought to have been made by the Board.
- (2) The Licensing Appeal Committee must give its decision in writing and send to the parties a copy of the written decision by registered mail or personal service.
- (3) A decision of the Licensing Appeal Committee is final.

Part 2: Seals

Design of seal

- 18** The seal required by Section 32 of the Act for a licensed architect must bear the name of the licensed architect and the words “Licensed Architect, Nova Scotia Association of Architects”, or any other words prescribed in the by-laws.

Use of seal in electronic format

- 19** The Council may authorize the use of a seal in an electronic format prescribed in the by-laws.

Electronic facsimile of seal for photocopies

- 20** A licensed architect may use an electronic facsimile of their seal, as prescribed by the by-laws, to show the seal on photocopies.

Registrar to procure and distribute seals

- 21 The Registrar must procure and distribute all seals and keep a complete record of their distribution.

Part 3: Partnerships and Corporations

Partnerships

- 22 (1) A person must not enter into partnership to practise architecture with any person who is not a licensed architect, unless the other person is a person authorized to practise or to apply engineering under the *Engineering Profession Act*, or a person referred to in subsection (2).
- (2) A person who is not a licensed architect but who, on February 1, 1968, was a member of a partnership engaged in the practice of architecture and duly registered under the *Partnerships and Business Names Registration Act* may continue to be a partner in that partnership until the dissolution of the partnership, or may enter into partnership with any of the licensed architects with whom they may become associated, but the person is not entitled to practise architecture unless that person holds a licence or is acting under the responsible control of a licensed architect.
- (3) The Council must issue a corporate permit to a partnership engaged in the practice of architecture that meets all of the following criteria:
- (a) all of the requirements of subsection (1) and (2);
 - (b) the partnership has paid the fee approved by Council;
 - (c) the partnership has applied for a corporate permit and met the criteria set out in Section 24.

- (4) Any person who practises architecture on behalf of a partnership must be a licensed architect.

Corporations

- 23 (1) The Council must issue a corporate permit to a corporate entity engaged in the practice of architecture that meets all of the following criteria:
 - (a) the corporate entity has paid the fee approved by Council;
 - (b) except as provided in subsection (2), the majority of the issued voting shares of the corporate entity, representing voting control of the corporate entity, are beneficially owned by 1 or more licensed architects;
 - (c) a majority of the directors and officers of the corporate entity are licensed architects;
 - (d) any person who practises architecture on behalf of the corporate entity is a licensed architect;
 - (e) the corporate entity has applied for a corporate permit and met the criteria set out in Section 24.
- (2) Issued voting shares of a corporate entity may be legally and beneficially owned by another corporate entity, if

- (a) all of the issued voting shares of the other corporate entity are legally and beneficially owned by one or more licensed architects, or a by a trust of which each of the trustees and beneficiaries is a licensed architect; and
 - (b) the majority of the officers and directors are licensed architects.
- (3) The Board may impose conditions or restrictions on a corporate permit.

Corporate permit application

24 A partnership or corporate entity that is applying for a corporate permit must submit a completed permit application to the Registrar on the form approved by the Council, together with all of the following:

- (a) the fee approved by Council;
- (b) any information that the Board requires to establish that
 - (i) the partnership or corporate entity is in good standing,
 - (ii) the objects of the Act will be met by the issuing of the corporate permit,
 - (iii) the name of the partnership or corporate entity and any business name or names used by it are fit and proper names for a partnership or corporate entity engaged in the practice of architecture,

- (iv) the partnership or corporate entity meets the requirements of Section 22 or 23, as applicable,
- (v) each person who will practise architecture for and on behalf of the partnership or corporate entity is a licensed architect who has professional liability insurance coverage as required by subsection 19(2) of the Act and subsection 10(2).

Corporate permit register

25 The Registrar must maintain a register of corporate permits, showing the name and business address and all of the following information for each corporate permit holder:

- (a) a list of the partners, or directors and officers, as applicable;
- (b) the names of the partners, directors and officers, as applicable, who are licensed architects;
- (c) the names of the persons who practise architecture for and on behalf of the corporate permit holder;
- (d) any conditions or restrictions imposed on the corporate permit;
- (e) any additional information the Board determines.

Corporate permit term and renewal

26 (1) A corporate permit is valid for the calendar year in which it is issued.

- (2) A corporate permit may be renewed on or before its expiry date by the submission to the Registrar of a completed corporate permit application on the form approved by the Registrar, together with all of the following:
- (a) the fee approved by Council;
 - (b) any information that the Registrar requires to establish that the partnership or corporate entity continues to meet the requirements of Sections 22, 23 and 24, as applicable.

Shareholder member's death, incompetency, ceasing to hold licence or suspension

- 27 If a member dies, becomes incompetent, ceases to hold a current licence or is suspended at any time while the member holds shares in a corporate entity holding a corporate permit, the corporate entity is authorized to continue to engage in the practice of architecture for a period of no longer than 1 year, unless otherwise determined by Council.

Temporary corporate permit

- 28 (1) The Council must issue a temporary corporate permit to a partnership or corporate entity that holds the equivalent of a corporate permit in another jurisdiction and that
- (a) pays the fee approved by Council;
 - (b) is licensed in good standing as a partnership or corporate entity in the other jurisdiction; and
 - (c) gives evidence satisfactory to the Board of all of the following:

- (i) that it intends to engage in the practice of architecture in the Province on a project-specific basis,
 - (ii) that the objects of the Act will be met through the issuing of the temporary corporate permit,
 - (iii) that it has a professional business relationship, by either direct agreement or through separate agreements with their mutual client, with a collaborating architect who is a licensed architect and who is not exempted by subsection 10(2) from the requirement to hold professional liability insurance,
 - (iv) that each person who will practise architecture for and on behalf of the partnership or corporate entity is a licensed architect and has liability insurance coverage as required by subsection 19(2) of the Act and subsection 10(2).
- (2) The Board may impose conditions or restrictions on the temporary corporate permit.

Temporary corporate permit term and renewal

- 29** (1) A temporary corporate permit is valid for the calendar year in which it is issued, or any shorter term that the Board determines.
- (2) A temporary corporate permit may be renewed on or before its expiry date by the submission to the Registrar of a completed temporary corporate permit application on the form approved by the Council, together with all of the following:
- (a) the fee approved by Council;

- (b) any information that the Board requires to establish that the partnership or corporate entity continues to meet the requirements of Section 28.

Suspension, revocation or refusal to renew corporate permit or temporary corporate permit

30 If it appears to the Board that a partnership or corporate entity that holds a corporate permit or a temporary corporate permit fails to meet any of the requirements of these regulations, the Board must

- (a) notify the partnership or corporate entity in writing of the specific requirement that the partnership or corporate entity fails to meet; and
- (b) suspend, revoke or refuse to renew the corporate permit or temporary corporate permit.

Permit displayed at premises

31 A partnership or corporate entity must display its current corporate permit or temporary corporate permit, or a copy of it, in a conspicuous place at its premises at all times.

Registrar notified of changes to corporation

32 No later than 15 days after the date of the change, a partnership or corporate entity must notify the Registrar in writing of any change to any of the following:

- (a) its partners;

(b)its voting shareholders;

(c)its officers;

(d)its directors;

(e) persons who practise architecture for and on behalf of the partnership or corporate entity.

Records of corporate permit holder

33 A partnership or corporate entity that holds a corporate permit or a temporary corporate permit must, in accordance with generally accepted accounting principles and business standards,

(a) have financial statements prepared at the end of each fiscal year;

(b) maintain current financial records; and

(c) maintain records about its employees.

Notice to and from corporate permit holder or temporary corporate permit holder

34 (1) A notice required to be given to a partnership or corporate entity under the Act or these regulations may be sent by pre-paid registered mail to the address recorded on the register of corporate permits and is deemed to have been received on the 3rd day after the date the notice is sent.

(2) Notice of any act or thing that is required to be given to the Registrar or the Council by a partnership or corporate entity under the Act or these

regulations must be in writing and sent by pre-paid registered mail, and is deemed to have been received on the 3rd day after the date the notice is sent.

Part 4: Complaints and Discipline

Appointment and operation of Complaints Committee

- 35** **(1)** The Council must appoint a Complaints Committee consisting of any number of members and non-members that the Council determines.
- (2)** Council must appoint a chair and vice-chair of the Complaints Committee.
- (3)** The Vice-chair must act as chair in the absence of the Chair.
- (4)** Whenever for any reason neither the Chair nor the Vice-chair is available for the purpose of subsection (5), (6) or (7), the Council may, for that purpose, appoint a member of the Complaints Committee as chair of the Committee.
- (5)** The Chair of the Complaints Committee must appoint a panel of 3 persons from the Committee, one of whom must be a non-member, to act as the Complaints Committee for the purposes of the complaint process.
- (6)** The Chair of the Complaints Committee may sit on the panel and must act as the chair of the panel in this event.
- (7)** If the Chair of the Complaints Committee is not appointed to the panel, the Chair must appoint another chair for the panel.

- (8) 3 persons constitute a quorum of the Complaints Committee.
- (9) Failure of 1 or more Complaints Committee members to receive any notice of a meeting does not invalidate the proceedings at the meeting, and nothing precludes the members from waiving notice of meetings.
- (10) Each Complaints Committee decision requires the vote of a majority of the panel of the Committee appointed under subsection (5), and in the event of a tie vote, the Chair of the panel must cast an additional vote to break the tie.
- (11) If the term of office of any person sitting on the Complaints Committee expires during a proceeding before the Committee, that person may remain part of the Committee until the proceeding is concluded.

Withdrawal of complaint

- 36 If the Association and the complainant agree, a complaint may be withdrawn.

Complaint Committee procedures

- 37 The Complaints Committee may set its own procedures for the conduct of its meetings.

Complaints Committee jurisdiction

- 38 The Complaints Committee retains jurisdiction over a matter until a hearing begins before the Discipline Committee or the Discipline Committee otherwise resolves the matter.

Disclosure of information by Complaints Committee

- 39** (1) When the Complaints Committee renders any decision, it must determine whether or not to make some or all of the decision available to the public in general, or any member of the public in particular.
- (2) Any complaint received or under investigation, any information gathered in the course of the complaint process and any proceeding or decision of the Complaints Committee that is not open to or available to the public in accordance with the Act or these regulations must be kept confidential by any person who has knowledge of it.

Appointment and operation of Discipline Committee

- 40** (1) The Council must appoint a Discipline Committee consisting of any number of members and non-members that the Council determines.
- (2) The Council must appoint a chair and vice-chair of the Discipline Committee.
- (3) The Vice-chair must act as chair in the absence of the Chair.
- (4) Whenever for any reason neither the Chair nor the Vice-chair is available for the purpose of subsection (5), (6) or (7), the Council may, for that purpose, appoint a member of the Discipline Committee as chair of the Committee.
- (5) The Chair of the Discipline Committee must appoint a panel of 3 persons from the Committee, one of whom must be a non-member, to act as the Discipline Committee for the purposes of the discipline process.

- (6) The Chair of the Discipline Committee may sit on the panel and must act as the chair of the panel in this event.
- (7) If the Chair of the Discipline Committee is not appointed to the panel, the Chair must appoint another chair for the panel.
- (8) Any 2 persons from the panel appointed under subsection (5), regardless of whether the persons are members or non-members, constitute a quorum of the Discipline Committee.
- (9) Failure of 1 or more Discipline Committee members to receive any notice of a meeting does not invalidate the proceedings at the meeting, and nothing precludes the members from waiving notice of meetings.
- (10) Each Discipline Committee decision requires the vote of a majority of the panel of the Committee appointed under subsection (5), and in the event of a tie vote, the Chair of the panel must cast an additional vote to break the tie.
- (11) If the term of office of any person sitting on the Discipline Committee expires during a proceeding before the Committee, that person may remain part of the Committee until the proceeding is concluded.

Notice of hearing

- 41 (1) If the Complaints Committee refers a matter to the Discipline Committee, the Registrar must fix a date, time and place for holding a hearing, which must commence no later than 90 days after the date of the referral by the Complaints Committee, or any later date that the respondent and the Association agree to or the Discipline Committee orders following an opportunity for submissions from both parties as to the date.

- (2) A notice of hearing must state the details of the charges against the respondent, and must specify the time and place of the hearing and state that the respondent may be represented by legal counsel.

Amendment to notice of hearing

- 42 (1) The Discipline Committee, at any time before or during a hearing, on its own motion or on receipt of motion from a party to the hearing, may amend or alter any notice of hearing to
 - (a) correct an alleged defect in substance or form; or
 - (b) make the notice conform to the evidence, if
 - (i) there appears to be a variance between the evidence and the notice, or
 - (ii) the evidence discloses potential professional misconduct, conduct unbecoming an architect, a violation of the Act or these regulations or professional incompetence that is not alleged in the notice.
- (2) If the Discipline Committee amends or alters a notice of hearing, the respondent must be given sufficient opportunity to prepare an answer to the amendment or alteration.
- (3) If the Discipline Committee determines that an amendment or alteration to a notice of hearing sought by a party is not appropriate, the Discipline Committee may refuse to make the amendment or alteration, and if considered appropriate, may refer any new allegations that are included in the amendment or alteration to the Registrar for processing as a complaint.

Deemed service of documents

- 43** At any stage of the discipline process, any document required to be served on or given to a respondent or any other individual is deemed to be served or given if
- (a) the intended recipient or their counsel acknowledges receipt of the documents;
 - (b) a registered mail receipt is given by Canada Post;
 - (c) an affidavit of service is given; or
 - (d) the Association gives evidence satisfactory to the Discipline Committee that all reasonable efforts to effect service have been exhausted.

Attendance at Discipline Committee hearing

- 44** (1) A complainant is not entitled to participate as a party at a hearing.
- (2) Subject to subsection 45(1), a hearing is open to the public.
- (3) The Association must give notice to the public of the date, time and location of any scheduled hearing, through its website or through any alternate means that the Association determines.

Order preventing disclosure of Discipline Committee hearing matters

- 45** **(1)** On application or its own motion, the Discipline Committee may make an order that the public, in whole or in part, be excluded from a hearing or any part of it if the Discipline Committee is satisfied that
- (a) personal, medical, financial or other matters may be disclosed at the hearing of such a nature that the desirability of avoiding public disclosure of those matters in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public; or
 - (b) the safety of any person may be jeopardized.
- (2)** The Discipline Committee may make an order to prevent the public disclosure of any matters disclosed at a hearing, including an order prohibiting broadcasting of those matters or, in accordance with clause 43(b) of the Act, an order imposing a publication ban, if the Committee is satisfied that
- (a) personal, medical, financial or other matters may be disclosed at the hearing of such a nature that the desirability of avoiding public disclosure of those matters in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public; or
 - (b) the safety of any person may be jeopardized.
- (3)** The Discipline Committee may make an order that the public be excluded from a part of a hearing dealing with an application for an order under subsection (1) or (2).

Discipline Committee hearing procedures

- 46**
- (1)** Subject to the rules of natural justice, the Discipline Committee may determine any additional rules of procedure for hearings not covered by the Act or these regulations.
 - (2)** The testimony of witnesses at a hearing must be taken under oath or affirmation and must be recorded.
 - (3)** Any oath or affirmation required may be administered by any member of the Discipline Committee, or other person in attendance authorized by law to administer oaths or affirmations.
 - (4)** The Discipline Committee may require the respondent to do any of the following:
 - (a)** submit to a review of the respondent's practice by a qualified person or persons designated by the Discipline Committee, and to authorize a copy of the review to be given to the Discipline Committee;
 - (b)** submit to a competence assessment or other assessment or examination to determine whether the respondent is professionally competent to practise architecture, and to authorize the assessment or a report of the examination to be given to the Discipline Committee;
 - (c)** produce records kept with respect to the respondent's practice.
 - (5)** If a respondent fails to comply with a requirement made under subsection (4), the Discipline Committee may order that the respondent's licence be suspended until the respondent complies, or may order restrictions or conditions on the respondent's licence.

- (6) The costs of complying with a requirement made under subsection (4) must be initially borne by the Association, and may be awarded as an award of costs against a respondent when a Discipline Committee renders its final decision in the matter.

Failure to attend

- 47 If a respondent does not attend a hearing, the Discipline Committee, on proof of service of the notice of hearing, or proof of substituted service, may proceed with the hearing in a respondent's absence and, without further notice to the respondent, take any action that it is authorized to take under the Act and these regulations.

Evidence

- 48 (1) Evidence may be given before the Discipline Committee in any manner that the Committee considers appropriate, and the Committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.
- (2) Evidence obtained by the Discipline Committee and any information obtained by the Complaints Committee or an investigator regarding a complaint that has not been dismissed by the Complaints Committee must be preserved for at least 5 years from the date the evidence or information is presented.

Application for reinstatement

- 49 (1) An application to a Reinstatement Committee under subsection 48(9) of the Act for reinstatement of a licence must be directed in writing to the Registrar together with an application fee as determined by Council.
- (2) An application for reinstatement must include information that will assist the Reinstatement Committee in determining that the objects of the Association will be met if reinstatement is granted.

- (3) On receipt of an application for reinstatement, the Registrar may request that an investigation be conducted to gather relevant and appropriate information concerning the application.
- (4) If an investigation is conducted under subsection (3), the person who investigates must give a written report to the Reinstatement Committee and the applicant, including all material relevant to the application, including the decision of the Discipline Committee and any other relevant information gathered during the investigation.
- (5) The Reinstatement Committee must set a date for the hearing of an application for reinstatement and must advise the applicant of the date.
- (6) Evidence before the Reinstatement Committee must be taken under oath or affirmation and recorded, and is subject to cross-examination.
- (7) Following consideration of the evidence and representations from the applicant and a representative of the Association, the Reinstatement Committee must make a decision concerning the application for reinstatement, and must communicate the decision in writing to the applicant and to the Registrar.
- (8) If an application for reinstatement is accepted, the Reinstatement Committee may impose any terms and conditions that it considers appropriate relating to the reinstatement of the applicant and, in addition to the terms and conditions, the applicant must satisfy all criteria required for the issuance of a licence under the Act and these regulations.
- (9) A decision of the Reinstatement Committee concerning an application for reinstatement is final.

- (10) Despite subsection (9), if an application for reinstatement is rejected, the applicant may resubmit the application for reinstatement after 1 year has elapsed following the date of the decision of the Reinstatement Committee, or at any later time determined by the Reinstatement Committee that rejected the application.
- (11) Any 3 persons from the Reinstatement Committee, at least 1 of whom is a public representative, constitute a quorum of the Reinstatement Committee.

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