

Summary of Decision of Nova Scotia Association of Architects Complaints Committee

Re: William Anwyll, NSAA

Mr. X (*name excluded for privacy purposes*), an individual who has never been licensed as an architect in Nova Scotia, had agreed following court proceedings initiated by the Nova Scotia Association of Architects (NSAA) in 1998 that he would never provide architectural services in Nova Scotia.

Following media reports of Mr. X's involvement in the design of a project in 2016, and in light of the NSAA's past involvement with Mr. X, the Executive Director of the NSAA contacted Mr. X to determine the extent of his involvement in the project. Mr. X advised that his company had retained William Anwyll on a pro bono basis to provide any needed architectural services.

Upon investigation the Executive Director had concerns about whether Mr. Anwyll had exercised the necessary responsible control in developing the design and preparing documents for planning approval by HRM. The Executive Director initiated a complaint against William Anwyll in January 2019.

A Complaints Committee was struck, consisting of Chair Troy Scott, NSAA LEED Accredited, Richard Doucette, NSAA and Geoff Franklin (a non-member of NSAA).

The Complaints Committee reviewed relevant documentation respecting Mr. Anwyll's involvement with this project, and interviewed Mr. Anwyll in the presence of his legal counsel.

Mr. Anwyll acknowledged that the documents which he ultimately signed and sealed were submitted to HRM for approval for a building permit.

The Committee was satisfied that the documents met the definition of "technical submissions" in the *Architects Act*, which defines "technical submissions" as "drawings and specifications issued for the purpose of a building permit, construction contract or construction, or where otherwise required by law".

The Committee reviewed the definition of "responsible control" in the *Architects Act*, which reads as follows:

"responsible control" means that amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the required professional standard of care and, for greater certainty, does not include, reviewing or reviewing and correcting, technical submissions after others have prepared them;

The Committee identified several deficiencies in the drawings themselves, including:

- i. Barrier-free accessibility for access and egress of washrooms;
- ii. Clearances in front of barrier-free stalls;
- iii. Failure to include sinks in the drawings of the washroom;
- iv. Location of washroom door and proximity to stairs;
- v. There are concerns with potential travel distances and the egress path to the secondary means of egress from a balcony to ground level;
- vi. Protection of exit onto a balcony as there are unprotected openings under the balcony.

Potential *Building Code Act* issues were also identified related to storage under a door, interconnected floors, and travel distances.

The Committee then identified several deficiencies in Mr. Anwyll's involvement in this project:

- i. Mr. Anwyll did not have a copy of the drawings himself;
- ii. Mr. Anwyll did not have any documentation of correspondence between himself and Mr. X;
- iii. Mr. Anwyll identified there were mistakes in the drawings but did not make the changes himself or educate Mr. X on the Building Code and has no record of the completed changes;
- iv. Mr. Anwyll did not exercise control in developing the design and the preparation of the drawings related to this project.

The Committee also noted that the Licensed Architect Stamp placed on the documents was an expired stamp that should have been returned to the NSAA in 2010.

In reviewing all the information provided, the Committee concluded that responsible control over technical submissions typically involves meeting with the client, preparing plans and budgets, reviewing *Building Code Act* and other requirements, developing sketches and drawings and recording iterative changes and revisions thereto, and applying the architect's seal to indicate that the architect with responsible control over the content of the technical submission has applied the required standard of care. In this instance, the Committee concluded the documents produced by Mr. Anwyll do not establish that he exercised responsible control over the technical submissions.

The Committee found this to be a significant breach, given Mr. Anwyll's seniority and experience. The Committee also noted that Mr. Anwyll had not provided responses to requests for information from the Committee in a timely or sufficiently substantive way.

The Committee also noted that Mr. Anwyll had no prior disciplinary history with the Nova Scotia Association of Architects.

The Committee concluded that the appropriate disposition of this complaint is a reprimand. A reprimand reflects that the conduct deserves a disciplinary outcome, but one that does not require a period of suspension from practice or further disciplinary sanctions. The Committee believes that as a result of this process and the disciplinary outcome, Mr. Anwyll will be sufficiently deterred from engaging in similar conduct in the future, and the membership will also be made aware of the importance of complying with the requirements of the *Architects Act* when exercising responsible control. As a result, the Committee was satisfied that the public interest will be served through the sanction of a reprimand.

The Committee directed that a Summary of its decision be published on the Nova Scotia Association of Architects' website, to remind members of the importance of an architect's obligation to exercise responsible control over a project where non-architects are involved.