

Policy on Fees for Non-Compliance with Renewal Requirements for Licensed Architects and Corporate Permit Holders

Background:

At the 89th Annual General Meeting of the Nova Scotia Association of Architects held on October 5, 2021, the following bylaw revisions were approved by the membership and were renumbered by the membership at the 90th Annual General Meeting on October 13, 2022.:

Bylaw 15.13:

By December 31st, each member must complete all requirements for the renewal of their membership for the upcoming year or resign their membership in writing in accordance with the Architects Act, Regulations and Policies.

Bylaw 15.14:

By December 31st, corporate permit holders must complete all corporate permit requirements and adhere to the criteria for a corporate permit for their corporate permit to be approved for the upcoming year in accordance with the Architects Act, Regulations and Policies.

Bylaw 15.15

A late penalty as determined by Council will be applied to any member who fails to fully complete all requirements for renewal of their membership and/or corporate permit beginning January 1.

Bylaw 15.16

Any member failing to complete the requirements for renewing their membership and/or corporate permit shall be removed from the Register on a date to be determined by Council and no later than January 31st subject to and in accordance with the Architects Act, Regulations and Policies.

Bylaw 15.17

Any member or corporate permit holder may make application for re-instatement in a manner determined by Council in accordance with the Architects Act, Regulations and Policies.

These bylaws were adopted by the membership in order to:

- put equal weight on all renewal aspects;
- streamline the renewal process;
- remove ambiguity by clearly stating to the membership and members of the public what is required for membership to be renewed for the upcoming year and the deadline by which to do so; and
- safeguard the public interest and uphold the protection of the public by having clear renewal directions to which members must adhere.

These bylaws are in alignment with Sections 25, 26, 27, and 29 of the *Architects Act* and Regulation 26. These sections of the *Architects Act* and Regulations state that memberships and corporate permits expire on December 31st which is the end of the calendar year. The *Architects Act* and Regulation 26 stipulate the criteria to renew memberships and corporate permits for the upcoming year prior to the expiry of the membership and corporate permit.

For those architects whose practice of architecture is covered by a corporate entity's insurance, the corporate permit, including proof of current insurance, must also be submitted for renewal for the upcoming year. A corporate entity includes sole proprietorship, corporation, partnership, and partnership of corporations.

The Renewal Requirements for a Licensed Architect:

As per Section 26 of the Architects Act:

Before the expiry of a licence, a member shall apply to the Board for the renewal of the licence by submitting

- (a) an application form for renewal as set out in the by-laws;*
- (b) the fee approved by Council;*
- (c) information that verifies the member is not currently subject to any disciplinary proceeding that would prohibit the practice of architecture;*
- (d) information that satisfies the Board that the member continues to be of such character as to safely and ethically engage in the practice of architecture;*
- (e) confirmation of liability insurance in the amount prescribed by the regulations;*
- (f) proof that the applicant has completed such professional development activities as required by the regulations; and*
- (g) such other information as set out in the Regulations.*

Therefore, by midnight on December 31st of each year, a licensed architect must submit:

- complete their online renewal through their NSAA member profile page which also includes the member declaration that covers Section 26 (c) and (d);
- pay their annual dues online either through a credit card or payment code issued by their corporate permit holder contact. A cheque may also be accepted as long as it arrives to the NSAA's office by December 31st of each year;
- confirmation of insurance or exemption under Regulation 10 (2); and
- proof of completion of professional development activities.*

** For those licensed architects who report their continuing education to another jurisdiction, the NSAA will contact their continuing education primary (home) reporting jurisdiction for proof of their continuing education compliance.*

** Those licensed architects who report their continuing education with the NSAA through the NSAA's online continuing education transcript page must have logged a minimum of 8 Core Hours and a minimum of 27 Self-Directed Hours by midnight December 31st. These hours must not exceed the maximum hour requirements per category. Please note that Core Hours can be allocated to meet Self-Directed hours and only 4 hours of Core and 4 hours of Self-Directed can be carried over to the next continuing education cycle.*

Any licensed architect who has not submitted all the above renewal requirements will be charged a late fee of \$400 plus HST effective the third business day in January.

The online renewal window closes at 12:01 am on January 16th of each year. Any licensed architect who has not submitted all the above renewal requirements by the close of the renewal window will be struck from the Register.**

**** Members struck from the Register and wishing to be reinstated must do so in writing to the Registrar, submit all renewal requirements and pay any late fees including a \$700 reinstatement fee plus HST.**

Mandatory Continuing Education:

Architects must continue to advance their fundamental level of knowledge, skills, and proficiency by maintaining rigorous professional standards. Architects must remain current on emerging technologies, business practices, methods and materials in order to meet the needs of their clients and their mandate to serve and protect the public interest. Continuing Education is a mandatory part of maintaining an architect's license as per Section 26 (f) of the Architects Act. Continuing Education compliance is a condition of Licensed Architect membership with the NSAA.

As part of their Application for Renewal, licensed architects who report their continuing education to the NSAA are required to log their continuing education hours online in Continuing Education section of their NSAA member profile page.

Continuing Education Compliance Check Process:

With the implementation of the NSAA's online continuing education reporting (transcript) page, NSAA staff review transcripts for general compliance with the continuing education requirements. Part of this transcript review is checking for details and the required supporting documentation, and the hours logged are not over the allowed maximums. *Please note that Core Hours can be allocated to meet Self-Directed hours and only 4 hours of Core and 4 hours of Self-Directed can be carried over to the next continuing education cycle.*

The Education Subcommittee conducts a random audit in order to ensure accuracy of reporting and relevance of reported activities.

If an issue or deficiency is identified during the Standard Compliance check by NSAA staff or through the random audit, the member will be contacted via email identifying the issue/deficiency. The member will be given a two-week deadline to address the issue/deficiency and become continuing education compliant.

If the member is continuing education non-compliant after the deadline passes, they will be:

- **charged a continuing education non-compliant fee of \$250 plus HST; and**
- **referred to Council at its next meeting for a limited period of time license as recommended by the Board of Registration as per Section 28 of the Architects Act.**

Section 28: Where an applicant for a renewal of a licence has met all of the requirements of Section 26, except clause (f), the Board may issue a licence for a limited period of time to allow the applicant to complete the required professional development activities.

If the member fails to become continuing education compliant by the end of their limited period of time license, they will be struck from the Register.**

**** Members struck from the Register and wishing to be reinstated must do so in writing to the Registrar, submit all renewal requirements and pay any late fees including a \$700 reinstatement fee plus HST.**

Corporate Permit Requirements:

As per Regulations 23 and 24

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).*

Therefore, by midnight on December 31st of each year, the licensed architect responsible for the Corporate Permits must submit the online Corporate Permit application that consists of:

- corporate permit fee that is calculated based on a rate per licensed architect required to meet the shareholder and Officers and Directors requirements for the corporate permit and those architects practicing architecture in Nova Scotia under the corporate permit;
- revise or confirm the shareholders names and number of shares each hold to ensure that the majority of shares are owned by 1 or more architects licensed with the NSAA;
- revise or confirm the list of architects covered by the corporate permit;
- revise or confirm the list of Officers and Directors;
- revise or confirm the current insurance information including uploading the current proof of insurance to their corporate permit (business) profile;
- proof that the corporate entity is currently in good standing (status is active and annual return has been filed e.g. Certificate of Status) with the Nova Scotia Registry of Joint Stock Companies.

Any corporate permit holder that has not submitted all the above corporate permit requirements will be charged a late fee of \$250 plus HST effective the third business day in January.

Any corporate permit holder who is not in good standing the with Nova Scotia Registry of Joint Stock Companies will be charged a non-compliance fee of \$250 plus HST.

The online renewal window closes 12:01 am, January 16th of each year. Any corporate permit holder that has not submitted all the above corporate permit requirements by the close of the renewal window will have their corporate permit struck from the Register.**

**** Corporate Permit Holders struck from the Register and wishing to be reinstated must do so in writing to the Registrar, submit all renewal requirements and pay any late fees including a \$250 reinstatement fee plus HST.**

Licensed architects who work under a corporate permit will have their licenses renewed in conjunction with the renewal of their corporate permit as it is the corporate permit's insurance the licensed architects are using to cover their practice of architecture in Nova Scotia.

*For further information regarding mandatory Continuing Education, please refer to the **Mandatory Continuing Education Guide, 2023**. This guide will be released shortly and made available under Continuing Education on your member portal.*

*For further information regarding renewals, please refer to the **Guide to Renewing your 2024 Membership and Corporate Permit**. This guide will be released when the renewal period opens.*