

# AIBC and APEGBC Memorandum of Agreement: A Closer Look

Ross Rettie PEng

Director, Professional Practice and Ethics

On April 2, 1996, Bonnie Maples MAIBC, President of the Architectural Institute of British Columbia, and Linda Thorstad PGeo, President of the Association of Professional Engineers and Geoscientists of British Columbia, met at the APEGBC offices to formally sign a new Memorandum of Agreement (MoA) between the two associations, culminating over six months of negotiations between AIBC and APEGBC.

The 1996 MoA, which replaces the previous agreement signed in 1985 (see May 1996 issue of *The BC Professional Engineer*), recognizes both common and unique architectural and engineering applications in the design of some industrial and other smaller structures. It provides for qualified engineers to undertake architectural services for specific industrial building projects, and provides for qualified architects to undertake engineering for specific smaller buildings, each on the basis of the architectural or engineering services being deemed to be incidental and ancillary to the practice of engineering and architecture respectively.

The purpose of this article is to highlight, for the benefit of our members, when an architect is required by the *Architects Act* on a building project; and to clarify under what conditions a professional engineer can undertake architectural services as provided for by the MoA for some industrial building projects. Please note that italics have been used in the 1996 MoA to identify terms defined in the 1992 BC Building Code.

## Buildings Requiring the Services of an Architect Under the *Architects Act*

The practice of architecture is regulated by provincial statute, the *Architects Act*, which specifies by size and building type the building projects that require the services of an architect. Table 1 represents a consolidated summary taken from the *Architects Act*. Intended as a convenient guide, this summary does not take the place of the *Act* itself, which prevails in all cases. This information has been assembled by the Architectural Institute of British Columbia for public release as Bulletin No 31 dated February 1994.

## Provision of Architectural Services by Engineers

The 1996 MoA, under Clause 5, permits professional engineers, who are **qualified in building design**, to provide architectural services that are deemed to be incidental and ancillary to the profession of engineering, for:

- (a) *Major industrial occupancies*, which may include up to 275 m<sup>2</sup> of floor area of a subsidiary *assembly occupancy* or

Major Occupancy Use per the 1992 BC Building Code		Types of Building or Parts of building requiring the services of an Architect (see Notes 1, 2, 3 and 7)
Group A	Public Assembly	<ul style="list-style-type: none"> <li>any one-storey building with an unsupported span exceeding 9 m or total floor areas exceeding 275 m<sup>2</sup></li> <li>any building of more than one storey with total floor areas exceeding 235 m<sup>2</sup></li> </ul>
Group B	Hospital, Sanitorium or Home for the Aged	<ul style="list-style-type: none"> <li>any building (excluding veterinary hospital) with a capacity exceeding 12 beds</li> <li>any building with total floor areas exceeding 470 m<sup>2</sup></li> </ul>
Group C	Apartment, Hotel or similar residential occupancy	<ul style="list-style-type: none"> <li>any building containing five or more dwelling units</li> <li>any building containing 11 or more guest rooms</li> </ul>
Group D & E	Commercial	<ul style="list-style-type: none"> <li>any building with total floor areas exceeding 470 m<sup>2</sup></li> </ul>
Group F	Industrial	<ul style="list-style-type: none"> <li>any building with total floor area exceeding 470 m<sup>2</sup> (except an Engineer may be used instead of an Architect where no minor occupancy exceeds such limits as are described above for Groups A, B, C, D &amp; E) (see also Notes 4 and 5)</li> </ul>

### Notes:

1. An Architect, under the *Architects Act* of British Columbia, must be registered with the Architectural Institute of British Columbia.
2. An Architect's services may include the preparation of designs, plans, supporting documents and the provision of field services for the erection of and addition or alteration to buildings for persons other than him/herself.
3. An alteration, addition or renovation that causes the ensuing total building to exceed the limits in the preceding table shall require an Architect's services even if the immediate construction itself does not exceed the limitations.
4. A registered Professional Engineer may practise professional engineering as permitted under the *Engineers and Geoscientists Act* of British Columbia; or, specifically, a chemical, civil, electrical, forest, geological, mechanical, metallurgical, mining or structural Engineer may design or supervise the erection, alteration or repair of a structure usually designed or supervised for these purposes by an Engineer.
5. A corporation acting through members of its regular staff or other qualified persons may make plans or specifications for, or supervise the erection or alteration of, the whole or part of a building to be occupied and used exclusively by the corporation, its subsidiaries or lessees as part of an industrial plant operated by it.
6. A person may design the erection or alteration of a dwelling on his/her property where the building is to be used and occupied by the person and his/her household.
7. "Building" shall be construed also to mean "parts of a building".
8. An Architect is required on any building not tabulated, in excess of 470 m<sup>2</sup> in total floor areas.

**Table 1: Summary of building projects requiring the services of an architect under the *Architects Act*.**

up to 600 m<sup>2</sup> of floor area of any other subsidiary occupancy.

- (b) *Major industrial occupancies* of an individual tenancy within a multi-tenant *building*, which may include up to 275 m<sup>2</sup> of floor area of a subsidiary *assembly occupancy* or up to 600 m<sup>2</sup> of floor area of any other subsidiary occupancy.

This clause extends the provision for design of industrial buildings contained in the 1985 MoA and provides for changes in building market demands since 1985. Finally, it states:

"Nothing in this clause shall permit an *Engineer* to enable someone who is not an *Architect* or an *Engineer* to provide architectural services."

Registered professionals are required by the BC Building Code for the design of Part 3 buildings, which are all buildings that do not qualify as Part 9 buildings. By provincial statute (the *Architects Act* and the *Engineers and Geoscientists Act*), this requirement is further qualified whereby architects are required to undertake architecture and engineers are required to undertake engineering.

Specifically related to engineering, the *Engineers and Geoscientists Act* defines the practice of professional engineering under Section 1, *Interpretation*. Section 2(5) under *Exemptions* does provide for "assisting in the performance of professional service or work", as follows:

"(5) Nothing in this Act shall prevent a person from assisting in the performance of any professional service or work of the kind described in the definition of 'practice of professional engineering' in section 1 where a professional engineer directly supervises and assumes full responsibility for such service or work."

Similar provisions exist in the *Architects Act* for assisting in the provision of architecture under the direct supervision of an architect who takes full responsibility for the work.

Since the establishment of the MoA and the 1985 revised MoA, AIBC has permitted **qualified** engineers to provide architectural services, specifically for industrial buildings with or without an ancillary use space not exceeding 600 m<sup>2</sup>. This is an agreement outside of the requirements of the *Architects Act* on the basis that this was traditionally an area of practice undertaken by some engineers who were commonly providing architectural services ancillary to the practice of engineering for such buildings. Only by virtue of the MoA are **appropriately qualified** professional engineers permitted to provide architectural services otherwise requiring an architect by statute.

It must be clearly understood that this is not an area of practice that is open to building designers, technicians or technologists, or that can be undertaken by such individuals provided that an engineer is willing to stamp or blindly legitimize their design. Such a practice is referred to as "rubber stamping" and is contrary to the Code of Ethics. The engineer cannot rely on a building designer's, technician's or technologist's competence, but must personally have the expertise to provide architectural services on industrial buildings, must directly supervise the work of non-professional technical staff, and must ultimately accept full responsibility for the product. This precludes the provision of architectural services facilitated by qualified engineers to architectural

draftspersons, technologists, etc unless the design is being prepared under the direct supervision of the engineer, who then takes full responsibility.

Section 16 (6) of the *Engineers and Geoscientists Act* states:

"A member or licensee receiving a seal or stamp under this section must use it, with signature and date, to seal or stamp estimates, specifications, reports, documents, plans or things that have been prepared and delivered by the member or licensee in the member's or licensee's professional capacity or that have been prepared and delivered under the member's or licensee's direct supervision."

For an engineer to legitimately undertake architectural services on industrial buildings as provided for under the MoA, the engineer must be qualified to do so through training or experience. As in any area of engineering, a member must only practise within his or her limits of competence. An engineer undertaking architectural services under the provisions of the MoA can do so only if he or she is competent to practise in this area.

### Provision of Engineering Services by Architects

The 1996 MoA, under Clause 6, permits architects to provide engineering services that are deemed to be incidental and ancillary to the practice of architecture, for:

- (a) *Buildings* of business and personal services, mercantile, medium-hazard industrial or low-hazard industrial occupancy up to a maximum of two storeys in *building* height and up to 600 m<sup>2</sup> of floor area; and
- (b) *Buildings* of residential occupancy up to a maximum of three storeys in *building* height and up to 600 m<sup>2</sup> of floor area.

These buildings fall well under the limitations of the provisions of Part 9 of the BC Building Code. Clause 6 also states:

"Nothing in this clause shall permit an *Architect* to provide engineering services for components that require structural design, as opposed to selection from building code tables."

### Professional Conduct

It is also worthy of note that Clause 18 of the 1996 MoA specifically provides for disciplinary provisions for members of either association who violate the terms of the corresponding association's *Act*, as follows:

"Implementation of this Memorandum of Agreement

- 18 (a) It is understood by AIBC and APEGBC that amendments to the *Architects Act* and the *Engineers and Geoscientists Act* will be required in concert to facilitate enforcement of this or a subsequent Memorandum of Agreement.
- (b) It is understood and agreed that the success and effectiveness of this Memorandum of Agreement will depend largely on goodwill between AIBC and APEGBC.
- (c) It is understood and agreed that (while some situations will be resolved on their own merit) AIBC and APEGBC generally will view contravention of the

other association's statute to constitute unprofessional conduct."

Members of both associations are expected to comply with the provisions of the MoA in addition to the provisions of both the *Architects Act* and the *Engineers and Geoscientists Act*, as well as all other statutes, in the competent practice of architecture or engineering.