

# Bulletin 31: Buildings Requiring the Services of an Architect

May 6 2017

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## 1.0 Buildings Requiring an Architect in British Columbia per the *Architects Act*

- 1.1 The *Architects Act* (the “*Act*”) is provincial law of general application. It defines the practice of the profession of architecture and describes when and for which type of buildings an architect must be retained.
- 1.2 The following information represents a consolidated summary taken from the *Act*. It is intended as a convenient guide and does not take the place of the *Act* itself, which prevails in all cases. Under section 60 of the *Act*, the services of a registered architect are required for the following buildings:
- 1.2.1 An apartment or residential building containing five or more dwelling units (under the *Act*, there is no requirement for an architect’s services on a single-family dwelling, duplex, triplex or quadriplex of any size);
  - 1.2.2 A hotel or similar building occupancy with 11 or more guest rooms;
  - 1.2.3 A commercial building in excess of 470 square metres (5059 square feet) gross area. (For gross area definition, see 3.4);
  - 1.2.4 An industrial building in excess of 470 square metres (5059 square feet) gross area. (Refer to 4.0 for industrial buildings that may be designed by a professional engineer);
  - 1.2.5 A one storey building to be used for public assembly in excess of 275 square metres (2960 square feet) gross area or the unsupported span exceeds 9 metres (29 feet and 6 <sup>3</sup>/<sub>8</sub> inches);
  - 1.2.6 A building of more than one storey to be used for public assembly in excess of 235 square metres (2530 square feet) gross area;
  - 1.2.7 A hospital or similar building occupancy with 13 or more beds;
  - 1.2.8 A school of any size;
  - 1.2.9 A veterinary hospital in excess of 470 square metres (5059 square feet) gross area.
  - 1.2.10 Any other building in excess of 470 square metres (5059 square feet) gross area, including mixed-use buildings. A mixed-use building that contains assembly occupancy is assessed by the most restrictive use and therefore requires an architect when it exceeds 235 square metres (2530 square feet); and,

1.2.11 Any alteration or repair to an existing building in any of the above categories, including an alteration of an existing building which causes the ensuing gross area to exceed the limits noted above, even if the altered space itself does not exceed the limits. (Refer to 5.0 for further information regarding alterations and repairs to buildings requiring an architect).

## **2.0 Background and Authority**

- 2.1 The AIBC is mandated under the *Architects Act* to administer the legislation and enforce compliance. Concern for the public interest (including public health and safety, sustainability and accountability to a regulatory profession) is of primary importance. The *Act* addresses the public interest, in part, by requiring that only qualified persons who have been issued a certificate of practice or temporary licence by the AIBC may be represented as an architect or architectural firm and offer and provide architectural services in British Columbia. Persons or firms not registered with the institute must not be misrepresented as “architects” or offer architectural services.
- 2.2 An architect’s services include the preparation of designs, plans, supporting documents and the provision of field services for the erection, addition or alteration to or repair of buildings for persons other than himself or herself. (Refer to 3.2 for further information).
- 2.3 The *Act* defines a “building” as “a structure consisting of foundations, walls or roof, with or without other parts”. Under the *Act*, “building” shall be construed also to mean “parts of a building”. The *Act* refers to buildings, not complexes or projects of multiple buildings on a single site.
- 2.4 Buildings requiring an architect by law should not be allowed to proceed through design panel applications, community engagement processes or permit applications – whether (re)zoning, development permit or building permit – without an architect’s involvement. The *Act* is provincial legislation that applies to all parties – architects, non-architect designers, professional engineers, developers, owners/tenants and local governments. The *B.C. Building Code*, *Vancouver’s Building Bylaw* (building codes) and other regulations containing endorsed letters of assurance and registered professional designation do not determine when an architect must be retained.
- 2.5 The AIBC works regularly with architects, professional engineers, planners, building officials and owners to assist in determining whether a particular project—or project stage, such as a formal application to a local government—must have an architect.

## **3.0 Interaction Between the *Architects Act* and the *BC Building Code***

- 3.1 The *Architects Act*, not the *BC Building Code* nor *Vancouver’s Building Bylaw*, is the primary source for establishing when an architect must be hired. While they are important documents for regulating the design and construction of buildings, they do not establish or limit which buildings require architects nor the stage at which such services must be retained.
- 3.2 Under the *Act*, an architect must be retained any time architectural services are provided on a building requiring an architect. As soon as planning and design begins on such buildings, an architect is required, including at the (re)zoning and development permit application stage.

- 3.3 In addition to the requirements of the *Act*, all buildings must also satisfy the current *BC Building Code* or *Vancouver's Building Bylaw*. Architectural letters of assurance are required for design and field review on all Part 3 buildings (of any occupancy or size) and any Part 9 buildings with common egress systems and firewalls. It is important to understand that the Part 3/Part 9 distinction is immaterial under the *Act*. There are buildings that require an architect under the *Act* but do not require architectural letters of assurance under building codes, and there are buildings that require architectural letters of assurance but do not require an architect under the *Act*. See [Appendix A](#) for a detailed chart comparing the *BC Building Code* requirements for architectural services and the *Architects Act* requirements for hiring an architect.
- 3.4 The *Act* defines “gross area” of a building to be “the aggregate area of all floors”, i.e., the sum of those floors below, at or above grade, measured between outside faces of exterior perimeter walls. The building codes’ measure of “building area” is not the *Act's* “gross area” but rather, only the size of the building’s “footprint” (between firewalls, if any), no matter how many floors are in the building. The definitions of “building” and “gross area” in the *Act* are not affected by the existence of firewalls, and therefore the inclusion of firewalls in a “building” cannot be used to alter the application of the *Act*, including the legislated requirements for retaining an architect.
- 3.5 It is important to understand that architectural services for design and field review, complete with letters of assurance, are also required by the building codes in the cases of: (i) all assembly and institutional buildings of any size, even those below the thresholds of the *Act*; and (ii) all residential buildings over 600 square metres (6458 square feet) in ‘footprint’ or three storeys, including single-family; duplexes; triplexes and quadriplexes that do not require an architect under the *Act*.
- 3.6 The *Architects Act* applies throughout the province regardless of a local government’s decision on enforcement of the *BC Building Code*, including land where the *BC Building Code* is not applicable, such as land under federal jurisdiction (e.g., Indian reserves, ports, airports) and the City of Vancouver.

## 4.0 Architects and Professional Engineers

- 4.1 The *Engineers and Geoscientists Act of British Columbia* contains statutory requirements as to the engagement of professional engineers to provide professional engineering services. Persons who are not licensed are prohibited from providing such services.
- 4.2 A professional engineer may practise professional engineering as permitted under the *Engineers and Geoscientists Act of British Columbia*. Under the *Architects Act*, 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” (section 60 (b)) by a professional engineer. These include buildings with no human occupancy that shelter machinery or materials; buildings with no heating or cooling systems; and buildings with no washrooms, offices or lunch rooms. For assistance in determining if a building is usually designed for these purposes by a professional engineer, contact the AIBC at [IllegalPractice@aibc.ca](mailto:IllegalPractice@aibc.ca).

- 4.3 Refer to AIBC *Bulletin 33: Architecture and Engineering – Complementary Professions* for more information on the AIBC/APEGBC Memorandum of Agreement and the interaction between the two professions.

## **5.0 Alterations and Repairs to Buildings Requiring an Architect**

- 5.1 Minor renovations and repairs to an existing building fall under the “alteration or repair” language of section 60 of the *Act*. The *Act* is clear that any alteration or repair to a building requiring the services of an architect would also require an architect for the alteration or repair. The need for an architect under the *Act* is determined by the size of the building, not the size of the alteration or the size of a tenant space. The AIBC realizes that many alterations or repairs (tenant improvements/renovations) may not require architectural services. It is neither in the profession’s nor public’s interest for the institute to insist on an architect in every case. Each situation will be determined by the AIBC on a case-by-case basis. Contact [IllegalPractice@aibc.ca](mailto:IllegalPractice@aibc.ca) to determine if an architect is required.
- 5.2 In determining whether an architect is required under the *Act* on an alteration or repair, the AIBC considers whether one or more of these issues are present in the proposed work:
- 5.2.1 Substantial alteration or penetration of fire separations, exiting systems or life safety features, including number, location or size of exits, or alteration, addition or deletion of stairs or ramps serving the building;
  - 5.2.2 Compromise of the structural integrity and/or code compliance of the base building, including construction or alteration of an exterior wall, removal or alternation of floor and/or roof elements;
  - 5.2.3 Buildings that require an architectural letter of assurance under building codes (including, but not limited to, A, B and F-1 occupancies);
  - 5.2.4 Change to use or occupancy (per *Architects Act* and building codes);
  - 5.2.5 Addition of floor space (the addition of floor space by whatever means, infill, or mezzanine, or extending the building footprint);
  - 5.2.6 New mezzanines, or alterations to existing mezzanines;
  - 5.2.7 New interconnected floors, or alterations to existing interconnected floors;
  - 5.2.8 Changes that substantially impact the access for persons with disabilities;
  - 5.2.9 Changes that substantially impact the energy efficiency of a building.

## 6.0 Other Considerations

- 6.1 An architect, under the *Act*, must be registered with the AIBC. Architects registered in other jurisdictions wishing to provide or promote architectural services in British Columbia may obtain a Temporary Licence from the AIBC. This licence requires collaboration with a B.C.-registered architect with a Certificate of Practice. For more information, refer to AIBC *Bulletin 22: Temporary Licence Requirements for Architects Registered in Another Jurisdiction Wishing to Provide or Promote Architectural Services in British Columbia*.
- 6.2 For architects, the distinction between buildings that require an architect per the *Act* and those that do not, is immaterial. There is a minimum scope of service that an architect must at least meet, on any project he or she undertakes, to fulfill the architect's professional obligations, both under contract and especially regarding the primary duty to protect the public. Further information on acceptable levels of architectural service can be found in AIBC *Bulletin 90: Minimum Scope of Architectural Services*.
- 6.3 Notwithstanding the legal requirement to retain an architect under the *Act*, buildings of any size can be designed by architects. Members (Architects AIBC) and Associates (Intern Architects AIBC, Architectural Technologists AIBC and Retired Architects AIBC) of the institute are required to comply with the high ethical standards of the AIBC *Bylaws and Code of Ethics*, and are subject to discipline if they fail to do so. Architects have the education, training and experience to provide their clients with the necessary advice on the design and construction of buildings both small and large.

## 7.0 Questions and Feedback

- 7.1 Questions regarding whether an architect is required under the *Architects Act* may be directed to [IllegalPractice@aibc.ca](mailto:IllegalPractice@aibc.ca).
- 7.2 Questions regarding the *Architects Act*, including requests for an exemption to the *Act* requirements under item 5.0 may be directed to [IllegalPractice@aibc.ca](mailto:IllegalPractice@aibc.ca) or [PracticeAdvice@aibc.ca](mailto:PracticeAdvice@aibc.ca).
- 7.3 Feedback on this Bulletin may be directed to [IllegalPractice@aibc.ca](mailto:IllegalPractice@aibc.ca).

## **Bulletin Amendment History (2002 – 2017)**

- 2017: May 6. Third Edition. Addition of section 5.2, improved organization, reformatted, updated contact links.
- 2007: October. Second Edition. This edition included an updated reference to the building codes; improvements to syntax and form; enhanced definitions and explanatory language; engineering profession information; and clarity respecting mixed use and, especially, Group C residential occupancy.
- 2002: April. First Edition.

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