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CHAIR:

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1st SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
3 CHARLES III, 2024

(Bill No. 69)

An Act to Amend the Architects Act

Hon. Steven Myers
Minister of Housing, Land and Communities

GOVERNMENT BILL

Andrea MacRae
Acting King's Printer
Charlottetown, Prince Edward Island

**For House
Use Only**

**Prince Edward Island
Legislative Assembly**

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AMENDMENTS

BILL NUMBER: 69 **PAGE No. 2 of 14 PAGES**

TITLE: An Act to Amend the Architects Act

#	SECTION	AMENDMENT	DATE

NOTED: _____ **CERTIFIED CORRECT:** _____
COMMITTEE CLERK **CHAIR, IN COMMITTEE**



AN ACT TO AMEND THE ARCHITECTS ACT

BILL NO. 69

2024

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Section 1 of the *Architects Act* R.S.P.E.I. 1988, Cap. A-18.1, is amended
 - (a) in clause (a), by the addition of the word “qualified” before the word “member”;
 - (b) by the repeal of clause (d) and the substitution of the following:
 - (d) “**building**” means any structure used or intended for supporting or sheltering any use or occupancy;
 - (c) by the addition of the following after clause (h):
 - (h.1) “**construction documents**” means drawings, specifications and other documents that describe the size and character of a construction project, including architectural, structural, mechanical and electrical systems, materials and elements, setting out in detail the requirements for the construction of the project;
 - (d) in clause (l),
 - (i) by the addition of the words “digital,” after the words “produced by”, and
 - (ii) by the addition of the words “or by another method” after the words “video display terminal”;
 - (e) by the repeal of clause (m) and the substitution of the following:
 - (m) “**licence**” means a licence issued pursuant to section 11;
 - (f) in clause (n), by the deletion of the word “license” and the substitution of the word “licence”;

(g) **by the addition of the following after clause (o):**

(o.1) **“partnership”**, in the case of the practice of architecture, means an architect engaged in the practice of architecture under a partnership name;

(h) **by the repeal of clause (p) and the substitution of the following:**

(p) **“practice of architecture”** means rendering or offering to render services, in connection with the design and construction, enlargement or alteration of a building or group of buildings and the space within the site surrounding the buildings, that have as their principal purpose human occupancy or habitation, including

- (i) pre-design services,
- (ii) the preparation of drawings and related documents necessary to elicit planning, development or permitting approvals from municipalities or related authorities having jurisdiction,
- (iii) programming, planning, providing designs, drawings, specifications and other technical submissions, and
- (iv) the administration of construction contracts and the co-ordination of elements of technical submissions prepared by others;

(i) **in clause (r),**

- (i) **by the deletion of the words “business under a name other than his own” and the substitution of the words “business under a name other than the person’s own”, and**
- (ii) **by the deletion of the words “architecture under a name other than his own” and the substitution of the words “architecture under a name other than the architect’s own”; and**

(j) **by the addition of the following after clause (r):**

(r.1) **“qualified member”** means a registered member or a reciprocal member, within the meaning of the bylaws;

2. Section 3 of the Act is amended

(a) **in clause (b), by the deletion of the word “ensure” and the substitution of the word “assure”; and**

(b) **in clause (c), by the deletion of the words “all such”.**

3. (1) Clauses 7(3)(a), (b) and (c) of the Act are amended by the deletion of the word “he” and the substitution of the words “the member”.

(2) Subsection 7(8) of the Act is amended by the deletion of the words “Executive Secretary” and the substitution of the words “Executive Director”.

4. **Subsection 8(1) of the Act is amended by the deletion of the words “recommended minimum fees” and the substitution of the words “suggested fees for architectural services”.**
5. (1) **Subsection 9(1) of the Act is amended by the deletion of the words “only members” and the substitution of the words “only qualified members”.**
 - (2) **Subsection 9(2) of the Act is amended by the deletion of the words “a member” wherever they occur and the substitution of the words “a qualified member”.**
6. **Subsection 10(1) of the Act is amended by the deletion of the words “a member” and the substitution of the words “a qualified member”.**
7. **Section 11 of the Act is amended by the deletion of the word “license” wherever it occurs and the substitution of the word “licence”.**
8. (1) **Subsection 13(1) of the Act is amended**
 - (a) **by the deletion of the words “A member” and the substitution of the words “A qualified member”; and**
 - (b) **by the deletion of the words “his own name as long as he complies” and the substitution of the words “the member’s or licensee’s own name as long as the member or licensee complies”.**
- (2) **Subsection 13(2) of the Act is amended**
 - (a) **by the deletion of the words “Any member” and the substitution of the words “A qualified member”; and**
 - (b) **by the deletion of the words “his employment” and the substitution of the words “the member’s employment”.**
- (3) **Subsection 13(3) of the Act is amended**
 - (a) **by the deletion of the words “his employment” and the substitution of the words “the employee’s employment”; and**
 - (b) **by the deletion of the words “he is a member” and the substitution of the words “the employee is a member”.**
9. (1) **Subsections 14(2) and (3) of the Act are amended by the deletion of the word “Members” and the substitution of the words “Qualified members”.**
 - (2) **Subsection 14(5) of the Act is repealed.**
 - (3) **Subsections 14(6) and (7) of the Act are amended by the deletion of the words “Any member” and the substitution of the words “Any qualified member”.**

- 10. (1) Subsection 16(1) of the Act is amended by the deletion of the words “every member” and the substitution of the words “every qualified member”.**
- (2) Subsection 16(3) of the Act is amended**
- (a) by the deletion of the words “Every member” and the substitution of the words “Every qualified member”; and**
 - (b) by the deletion of the words “his own name shall sign and affix his stamp to all final designs or construction documents which have been prepared by such person or under the supervision of such person” and the substitution of the words “the member’s or licensee’s own name shall sign and affix the member’s or licensee’s stamp to construction documents, reports, contracts and other documents pertaining to the practice of architecture, as set out in the bylaws, that have been prepared by or under the supervision of the member or licensee”.**
- (3) Subsection 16(4) of the Act is amended**
- (a) by the deletion of the words “to all designs which have been prepared” and the substitution of the words “to construction documents, reports, contracts and other documents pertaining to the practice of architecture, as set out in the bylaws, that have been prepared”; and**
 - (b) by the deletion of the words “have such designs signed by a member” and the substitution of the words “have the construction documents, reports, contracts and other documents signed by a qualified member”.**
- (4) Subsection 16(5) of the Act is amended by the deletion of the words “their stamp to a final design or” and the substitution of the words “the person’s stamp to a”.**
- 11. (1) Clause 17(1)(b) of the Act is amended by the deletion of the words “includes members” and the substitution of the words “includes qualified members”.**
- (2) Subsection 17(3) of the Act is amended**
- (a) by the deletion of the words “as he considers necessary” and the substitution of the words “as the Registrar considers necessary”; and**
 - (b) by the deletion of the words “respecting his investigation” and the substitution of the words “respecting the Registrar’s investigation”.**
- (3) Subsection 17(4) of the Act is amended by the deletion of the words “on his investigation” and the substitution of the words “on the Registrar’s investigation”.**
- 12. (1) Subsections 18(1) and (2) of the Act are amended by the deletion of the words “license until he does so” and the substitution of the words “licence until the architect does so”.**
- (2) Subsection 18(3) of the Act is amended**
- (a) by the deletion of the words “in his possession” and the substitution of the words “in the architect’s possession”;**

- (b) **by the deletion of the word “license” and the substitution of the word “licence”;**
and
 - (c) **by the deletion of the word “he” wherever it occurs and the substitution of the words “the architect”.**
- (3) **Subsection 18(4) of the Act is repealed and the following substituted:**
Examination, audit
 - (4) If the Council at any time after the receipt or institution of a complaint considers it necessary or advisable, it may, without a hearing, require any qualified member or licensee, or any proprietorship, partnership or corporation to which a certificate of practice has been issued, to submit to an audit or other examination of the qualified member’s, licensee’s, proprietorship’s, partnership’s or corporation’s business, books and records by a person designated by the Council, and if the qualified member, licensee, proprietorship, partnership or corporation fails to submit to the audit or examination, the Council may, without further notice, revoke or suspend the certificate of practice, membership or licence of the qualified member, licensee, proprietorship, partnership or corporation until that qualified member, licensee, proprietorship, partnership or corporation submits to the audit or examination.
- 13. (1) **Subsection 20(2) of the Act is amended by the deletion of the words “fourteen days” and the substitution of the words “14 days”.**
- (2) **Subsection 20(3) of the Act is amended by the addition of the following after clause (a):**
 - (a.1) the Council, if the Council instituted the complaint;
- 14. (1) **Clauses 21(1)(a) and (b) of the Act are amended by the deletion of the word “he” and the substitution of the words “the architect”.**
- (2) **Subsection 21(2) of the Act is amended**
 - (a) **in clause (a),**
 - (i) **by the deletion of the word “he” and the substitution of the words “the architect”, and**
 - (ii) **by the deletion of the word “his” and the substitution of the words “the architect’s”;**
 - (b) **in clauses (b) and (c), by the deletion of the word “he” and the substitution of the words “the architect”;** **and**
 - (c) **by the repeal of clause (d) and substitution of the following:**
 - (d) the architect’s conduct has, in the opinion of a committee of inquiry, brought the profession of architecture into disrepute.

- (3) **Subsection 21(3) of the Act is amended**
- (a) **in clause (a),**
 - (i) **by the deletion of the word “license” and the substitution of the word “licence”,**
 - (ii) **by the deletion of the word “his” and the substitution of the words “the architect’s”, and**
 - (iii) **by the deletion of the word “it” and the substitution of the words “the architect’s name”;**
 - (b) **in clauses (b) and (c), by the deletion of the word “license” and the substitution of the word “licence”;**
 - (c) **in clause (d), by the deletion of the word “his” and the substitution of the words “the architect’s”;** and
 - (d) **in clause (e), by the deletion of the words “maximum of \$1,000” and the substitution of the words “maximum of \$10,000”.**
- (4) **Subsection 21(4) of the Act is amended**
- (a) **in clause (a),**
 - (i) **by the deletion of the word “license” and the substitution of the word “licence”, and**
 - (ii) **by the deletion of the word “his” and the substitution of the words “the architect’s”;** and
 - (b) **in clauses (b) and (c), by the deletion of the word “license” and the substitution of the word “licence”.**
- (5) **Subsection 21(6) of the Act is amended by the deletion of the words “person at whose request the Council was established” and the substitution of the words “person whose complaint gave rise to the inquiry”.**
15. **Subsection 22(1) of the Act is amended by the deletion of the word “license” and the substitution of the word “licence”.**
- 16.(1) **Subsection 23(1) of the Act is amended by the deletion of the words “his membership, license” and the substitution of the words “the architect’s membership, licence”.**
- (2) **Subsection 23(3) of the Act is amended**
- (a) **by the deletion of the words “his membership, license” and the substitution of the words “the architect’s membership, licence”;**

- (b) **by the deletion of the words “he may not apply” and the substitution of the words “the architect may not apply”; and**
 - (c) **by the deletion of the words “his most recent application” and the substitution of the words “the architect’s most recent application”.**
- 17. Subsection 24(4) of the Act is amended by the deletion of the words “Appeal Division” and the substitution of the words “Court of Appeal”.**
- 18.(1) Subsection 25(1) of the Act is amended**
 - (a) **in the words before clause (a), by the deletion of the words “a member” and the substitution of the words “a qualified member”; and**
 - (b) **in clause (b), by the deletion of the words “hold himself or itself out” and the substitution of the word “purport”.**
- (2) Subsection 25(2) of the Act is amended by the deletion of the word “member” and the substitution of the words “qualified member” wherever it occurs.**
- 19. Section 26 of the Act is amended**
 - (a) **in clause (a), by the deletion of the word “himself” and the substitution of the words “that person”; and**
 - (b) **in clause (b), by the deletion of the word “him” and the substitution of the words “the person”.**
- 20. Section 27 of the Act is repealed and the following substituted:**
- 27. Offence**
 - (1) Every person who uses or relies upon a design that was prepared or provided by a person acting in contravention of section 25 commits an offence.
Unlawful use of stamp
 - (2) Every person who uses or relies upon a design that is required by section 25 to be prepared by an architect, but has not been signed and stamped as required by section 16, commits an offence.
- 21. Section 28 of the Act is amended by the deletion of the words “not exceeding \$5,000” and the substitution of the words “not exceeding \$50,000”.**
- 22. Section 29 of the Act is repealed and the following substituted:**
- 29. Limitation period**

No prosecution for an offence under this Act or the bylaws shall be commenced after the later of two years from

- (a) the date when the offence is alleged to have been committed; and
- (b) the date on which the offence became known to the Council.

23. (1) Section 34 of the Act is amended

- (a) **in clause (b), by the deletion of the word “he” and the substitution of the words “the person”;**
- (b) **in clause (c), by the deletion of the words “such person” and the substitution of the words “the person”; and**
- (c) **by renumbering it as subsection 34(1).**

(2) Section 34 of the Act is amended by the addition of the following after subsection (1):

Ultimate limitation period

- (2) Notwithstanding subsection (1), where the period calculated pursuant to clause (1)(b) is longer than the period set out in clause (1)(a), an action described in subsection (1) shall not be brought after the earlier of the last day of the period calculated pursuant to clause (1)(b) and 15 years from the day on which the alleged negligence or malpractice occurred.

24. Section 35 of the Act is repealed and the following substituted:

35. Manner of service

- (1) Subject to subsection 24(2), any notice, order or other document required to be served on a person under this Act or the bylaws is deemed to be sufficiently served
 - (a) when a copy is personally served on the person to whom it is directed;
 - (b) when a copy is sent by electronic means to the person to whom it is directed and an acknowledgement of receipt is received;
 - (c) five days after a copy is sent by registered mail addressed to the person to whom it is directed at the last known address for that person; or
 - (d) in the case of a member, five days after a copy is sent by registered mail addressed to the member at the address shown in the records of the Registrar.

Service on corporation

- (2) Where the person to be served is a corporation, service on a director, officer or recognized agent of the corporation in accordance with subsection (1) is deemed to be service on the corporation for the purposes of this Act.

Service on Council

- (3) Service of any document on the Council may be made by service on the Registrar.

Substituted service

- (4) Where it is impractical for any reason to serve an order in a manner referred to in subsection (1), an application may be made, without notice, to the Supreme Court for an order for substituted service and the court may make an order providing for the steps to be taken to bring the matter to the attention of the person to be served.

EXPLANATORY NOTES

SECTION 1 amends section 1 of the Act to establish a new definition of “building” that is consistent with the National Building Code, to add new definitions of “construction document”, “partnership” and “qualified member”, and to establish a new and more comprehensive definition of “practice of architecture”.

SECTION 2 amends clauses 3(b) and (c) of the Act to correct an error and modernize the wording.

SECTION 3 amends clauses 7(3)(a) to (c) of the Act to eliminate gendered wording, and subsection 7(8) of the Act to correct the title of the Executive Director of the Association.

SECTION 4 amends subsection 8(1) of the Act to clarify the wording respecting the Council’s authority to make bylaws respecting fees.

SECTION 5 amends subsections 9(1) and (2) of the Act to substitute the new term “qualified member”.

SECTION 6 amends subsection 10(1) of the Act to substitute the new term “qualified member”.

SECTION 7 amends section 11 of the Act to substitute “licence” for “license” throughout.

SECTION 8 amends subsections 13(1), (2) and (3) of the Act to substitute the new term “qualified member” and to eliminate gendered wording.

SECTION 9 amends subsections 14(2), (3), (6) and (7) of the Act to substitute the new term “qualified member”, and repeals subsection 14(5), which provided rules respecting non-resident corporations which no longer apply.

SECTION 10 amends subsections 16(1) and (3) of the Act to substitute the new term “qualified member” and to eliminate gendered wording. The section also amends subsections 16(4) and (5) of the Act to update the wording generally.

SECTION 11 amends subsections 17(1), (3) and (4) of the Act to substitute the new term “qualified member” and eliminate gendered wording.

SECTION 12 amends subsections 18(1), (2) and (3) of the Act to update the wording and eliminate gendered wording. The section also repeals subsection 18(4) of the Act and substitutes a new subsection (4) that authorizes the Council to require a member, licensee, proprietorship, partnership or corporation to submit to an audit or examination as specified.

SECTION 13 amends subsection 20(2) of the Act to correct a drafting error and subsection 20(3) of the Act to add the Council, as specified, to the list of persons or entities entitled to be represented by counsel at an inquiry.

SECTION 14 amends subsections 21(1), (2), (3) and (4) of the Act to eliminate gendered wording and update the wording, and amends clause 21(3)(e) of the Act to increase the maximum fine that may be imposed as a penalty for professional misconduct from \$1,000 to \$10,000.

SECTION 15 amends subsection 22(1) of the Act to update the wording.

SECTION 16 amends subsections 23(1) and (3) of the Act to eliminate gendered wording.

SECTION 17 amends subsection 24(4) of the Act to correct a reference to the Court of Appeal.

SECTION 18 amends subsections 25(1) and (2) of the Act to update the wording.

SECTION 19 amends section 26 of the Act to eliminate gendered wording.

SECTION 20 repeals section 27 of the Act and substitutes a new section 27 that provides that it is an offence for a person to use or rely on a design prepared or provided by a person who did not comply with section 25, and for a person to use or rely on a design that has not been signed and stamped as required by section 16.

SECTION 21 amends section 28 of the Act to increase the maximum fine for an offence from \$5,000 to \$50,000.

SECTION 22 repeals section 29 of the Act and substitutes a new section 29 that establishes a more appropriate limitation period for the prosecution for an offence under the Act.

SECTION 23 amends section 34 of the Act to eliminate gendered wording, to renumber it as subsection 34(1), and to add a new subsection 34(2) that establishes an ultimate limitation period in respect of an action that may be brought against an architect, former architect or corporation for negligence or malpractice.

SECTION 24 repeals section 35 of the Act and substitutes a new section 35 that provides updated rules respecting service of documents for the purposes of the Act.

(Bill No. 69)

An Act to Amend the Architects Act

<i>STAGE:</i>	<i>DATE:</i>
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<i>2nd Reading:</i>	
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<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Dr. Wassim Salamoun, Lieutenant Governor

Honourable Darlene Compton, Speaker

Joseph Jeffrey, Clerk

Hon. Steven Myers
Minister of Housing, Land and Communities

GOVERNMENT BILL

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