



UNDERSTANDING THE IMPACT OF THE ARCHITECTS REGULATION ON THE PRACTICE OF BUILDING DESIGN

Presenter: Tony Giroux ASTTBC.CTech, RBD
BCABD Administrator

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Quotations and comments in these slides are colour coded for clarity as follows:

RED-Clarifying statements inserted by BCABD

BLUE-Excerpts from the 2018 BC Building Code

ORANGE-Excerpts from the Architects Regulation

GREEN-Excerpt from the Community Care and Assisted Living Act

PURPLE-Excerpt from the Hotel Guest Registration Act

Figure 9.1.-2 Taken from the Illustrated User's Guide – NBC 2015: Part 9 of Division B, Housing and Small Buildings



ARCHITECTS ACT

- Brought into legislation in 1920
 - National Building Code 1941
- Building Code for Small Municipalities 1951
(Forerunner to Part 9)
 - Repealed February 10, 2023
- AIBC now under the authority of the PGA
 - Architects Regulation now in effect



Architect Act Exemptions

- Section 60 of the Architects Act 'Exemptions'
 - Used outdated language
- Did not harmonize with terms in the Building Code
 - Written in the negative
 - Needed updating



Timeline

- At the request of the Government in Spring of 2021 the AIBC undertook a review of their reserved practice and definition of architecture.
- Consultation took place with some of the key industry stakeholders.
 - Recommendations were presented for review in May of 2022.
 - BCABD responded to the initial recommendations which were unacceptable to Building Designers, initial draft rejected.
 - Additional drafts from AIBC were also rejected under the PGA.



Timeline

- December 7, 2022 PGA authority moved from the Ministry of the Attorney General to the Ministry of Post Secondary Education and Future Skills.
- February 10, 2023 AIBC is under the authority of the PGA.
 - February 10, 2023 the Architects Act repealed.
- February 13, 2023 the Architects Regulation made public.



Architects Regulation

- The approved regulations change the scope of work for Building Designers.
- Under the authority of the PGA the regulations can be changed without an act of legislature.
- ASTTBC is currently forming their reserved practice under the PGA that may change the regulations.



Reserved Titles

- **“Reserved titles 4 (1)** For the purposes of section 51 (1) (a) [reserved titles J of the Act, the following titles are reserved for the exclusive use of registrants: (a) "architect"; (b) "intern architect"; (c) "architectural technologist". (2) Despite subsection (1), the title "naval architect" may be used by a non-registrant.
- **Reserved practice 5 (1)** For the purposes of section 51 (1) (b) [reserved practice] of the Act, the practice of architecture, as it relates to matters that, having regard to the protective purposes, requires the experience or technical knowledge of an architect, is a reserved practice that may only be carried out by or under the supervision of a registrant.”

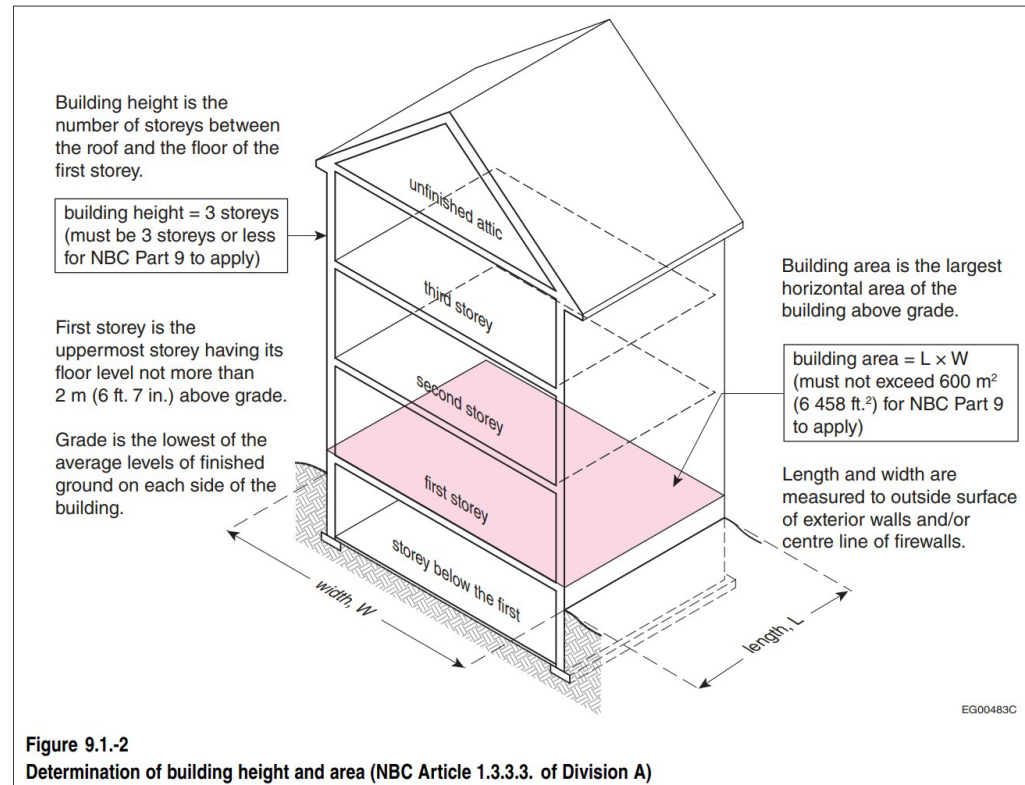


Architects Act Definitions

- "**building**" means a building as defined in the building code;
- "**building area**" means a building area as defined in the building code;
- "**building code**" means the British Columbia Building Code established by the order of the Minister of Municipal Affairs and Housing numbered BA 2018 1 and dated July 16, 2018;
- "**gross area**" means the aggregate area of all storeys of a building;
- "**mixed-use building**" means a building with more than one major occupancy type;
 - "**storey**" means a storey as defined in the building code.

Building Area vs Gross Area

- **"building area"** means a building area as defined in the building code;
- **"Building area"** means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls."
- **"gross area"** means the aggregate area of all storeys of a building;
- **"storey"** means a storey as defined in the building code.
 - **"Storey"** means that portion of a building that is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it."
 - **"Building height (in storeys)"** means the number of storeys contained between the roof and the floor of the first storey."
 - **"First storey"** means the uppermost storey having its floor level not more than 2 m above grade."





Reserved Practice

“Reserved practice 5

(1) For the purposes of section 51 (1) (b) [reserved practice] of the Act [Professional Governance Act], the practice of architecture, as it relates to matters that, having regard to the protective purposes, requires the experience or technical knowledge of an architect, is a reserved practice that may only be carried out by or under the supervision of a registrant.

(2) Without limiting subsection (1), and subject to section 20 of the Community Care and Assisted Living Act, the reserved practice under that subsection includes the practice of architecture in relation to a *post-disaster building* as defined in the building code and a building classified under the building code as having any of the following major occupancy types:”



Post Disaster Buildings

“**Post-disaster building** means a building that is essential to the provision of services in the event of a disaster, and includes

- hospitals, emergency treatment facilities and blood banks,
- telephone exchanges,
- power generating stations and electrical substations,
- control centres for air, land and marine transportation,
- public water treatment and storage facilities, and pumping stations,
- sewage treatment facilities,
- buildings having critical national defence functions, and buildings of the following types, *except*

buildings exempted from this designation by the authority having jurisdiction: • emergency response facilities, • fire, rescue and police stations and housing for vehicles, aircraft or boats used for such purposes, and • communications facilities, including radio and television stations. (See Note A-1.4.1.2.(1).)”



Community Care and Assisted Living Act

“Section 20 Certain laws not to apply (Does not Require an Architect)

- (1) This section applies to a community care facility
 - (a) for which a licence has been issued,
 - (b) that is being, or is to be, used
 - (i) as a day care for no more than 8 persons in care, or
 - (ii) as a residence for no more than 10 persons, not more than 6 of whom are persons in care,
 - (c) from which, in the event of a fire, persons in care can safely exit unaided or be removed by its staff, and
 - (d) that complies with all enactments of British Columbia and the municipality where the community care facility is located that relate to fire and health respecting a single family dwelling house.
- (2) A provision in an enactment of British Columbia, other than this Act, or of a municipality, does not apply to a community care facility described in subsection (1) if that provision would
 - (a) limit the number of persons in care who may be accepted or accommodated at the community care facility,
 - (b) limit the types of care that may be provided to persons in care at the community care facility, or
 - (c) apply to the community care facility only because
 - (i) it is not being used as a single family dwelling house, or
 - (ii) it operates as a community care facility, a charitable enterprise or a commercial venture.”



Assembly Occupancies

- (a) “assembly occupancy, Group A, divisions 1, 3 and 4, as defined in the building code; (Requires an Architect)
- (b) except as permitted in article 3.1.2.6. of the building code, assembly occupancy, Group A, division 2, as defined in the building code;” (Requires an Architect)

“3.1.2.6. Group A, Division 2, Low Occupant Load 1) A suite of Group A, Division 2 assembly occupancy, except a child or infant daycare facility, is permitted to be classified as a Group D, business and personal services occupancy provided

- a) the number of persons in the suite does not exceed 30, and
- b) except as permitted by Sentence (2), the suite is separated from the remainder of the building by a fire separation having a fire-resistance rating of not less than 1 hr. 2) The fire separation required by Sentence (1) need not have a fire-resistance rating where the suite [or] is located in a building that is sprinklered throughout. 3) [and] A permanent sign, with lettering not less than 50 mm high with a 12 mm stroke, indicating the lesser of the occupant load for the suite or 30 persons, shall be posted in a conspicuous location near the suite’s principal entrance.” (Does not Require an Architect)



Detention Occupancies

(c) “detention occupancy as defined in the building code;” (Requires an Architect)

“**Detention occupancy** means the occupancy by persons who are restrained from or are incapable of evacuating to a safe location without the assistance of another person because of security measures not under their control.”



Care Occupancies

(d) “except as permitted in article 3.1.2.5. of the building code, care occupancy as defined in the building code and treatment occupancy as defined in the building code;” (Requires an Architect)

“BCBC 3.1.2.5. Convalescent, Children’s Custodial, and Residential Care Homes (Does not Require an Architect)

- 1) Convalescent homes and children’s custodial homes are permitted to be classified as residential occupancies within the application of Part 3, provided that occupants are ambulatory and live as a single housekeeping unit in a suite with sleeping accommodation for not more than 10 persons.
- 2) A care facility accepted for residential use pursuant to provincial legislation is permitted to be classified as a residential occupancy, provided a) occupants live as a single housekeeping unit in a dwelling unit with sleeping accommodation for not more than 10 persons, b) smoke alarms are installed in conformance with Article 3.2.4.20., c) emergency lighting is provided in conformance with Subsection 3.2.7., and d) the building is sprinklered throughout”



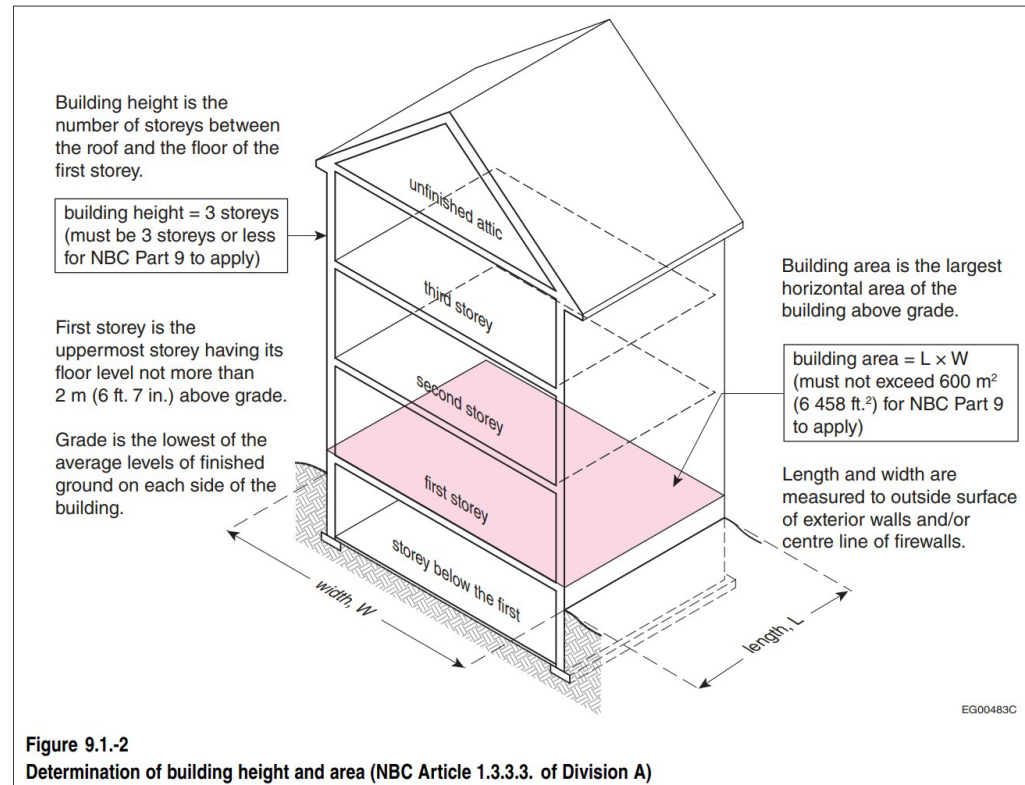
Residential Occupancies (Group C)

(e) residential occupancy respecting any of the following: (Require an Architect)

- (i) a hotel as defined in the Hotel Guest Registration Act that has a **gross area** of 470 m² (5059 sq.ft.) or more; [Greater than 470 m²]
"hotel" includes an inn or building in which private rooms are maintained for the accommodation of the public;
- (ii) a building that has a **building area** of 600 m² (6458 sq.ft.) or more; [Greater than 600 m²]
- (iii) a building that has 4 or more storeys [in building height]; [OSPG and AIBC intended for this to refer to *Building Height* as defined in the building code, this and areas listed will be adjusted in an upcoming revision to the Architects Regulation with further clarifications]
- (iv) a building that has 5 or more dwelling units as defined in the building code;
- (v) a mixed-use building that has a **gross area** of 470 m² (5059 sq.ft.) or more and that has one or more dwelling units; [Greater than 470 m²]
- (vi) a mixed-use building that has one or more dwelling units *in combination with* assembly, detention, treatment or care occupancy as those terms are defined in the building code;

Building Area vs Gross Area

- **"building area"** means a building area as defined in the building code;
 - **Building area** means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.
- **"gross area"** means the aggregate area of all storeys of a building;
- **"storey"** means a storey as defined in the building code.
 - **Storey** means that portion of a building that is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
 - **Building height** (in storeys) means the number of storeys contained between the roof and the floor of the first storey.
 - **First storey** means the uppermost storey having its floor level not more than 2 m above grade.





Business, Personal Service, and Mercantile

(f) business and personal services occupancy as defined in the building code if the building has a gross area of 470 m² (5059 sq.ft.) or more; [Greater than 470 m²] (Requires an Architect)

Business and personal services (Group D) occupancy means the occupancy or use of a building or part thereof for the transaction of business or the rendering or receiving of professional or personal services.

(g) mercantile occupancy as defined in the building code if the building has a gross area of 470 m² (5059 sq.ft.) or more; [Greater than 470 m²] (Requires an Architect)

Mercantile occupancy (Group E) means the occupancy or use of a building or part thereof for the displaying or selling of retail goods, wares or merchandise.



Industrial Occupancies

(h) high-hazard industrial occupancy as defined in the building code; (Requires an Architect)

High-hazard industrial occupancy (Group F, Division 1) means an industrial occupancy containing sufficient quantities of highly combustible and flammable or explosive materials which, because of their inherent characteristics, constitute a special fire hazard.

(i) medium-hazard and low-hazard industrial occupancy as defined in the building code if the building has a gross area of 470 m² or more; [Greater than 470 m²] (Requires an Architect)

Low-hazard industrial occupancy (Group F, Division 3) means an industrial occupancy in which the combustible content is not more than 50 kg/m² or 1200 MJ/m² of floor area.

Medium-hazard industrial occupancy (Group F, Division 2) means an industrial occupancy in which the combustible content is more than 50 kg/m² or 1200 MJ/m² of floor area and not classified as a high-hazard industrial occupancy.



Building Alterations

(3) Despite subsections (1) and (2), the following **do not** require the advice or services of a registrant: (The intent is to allow non-Architects to alter buildings that would normally require an Architect as long as the following alterations are not made.)

- (a) a building alteration that otherwise would require the advice or services of a registrant and that is not related to any of the following: (For example a house does not require an Architect, so this section has no relevance to houses)
 - (i) a change of the building's occupancy type; [Intent is change to Major Occupancy only]
 - (ii) the building's structural integrity;
 - (iii) fire separations within the building;
 - (iv) the building's enclosure;
 - (v) the building's exiting;
 - (vi) the building's energy utilization;
 - (vii) access to the building for persons with disabilities as prescribed in the building code;
- (b) a building set out in Schedule 1 if advice or services are provided by a registrant in the reserved practice of professional engineering.



Schedule 1

SCHEDULE 1 BUILDINGS WITHIN THE RESERVED PRACTICE OF ARCHITECTURE AND THE RESERVED PRACTICE OF PROFESSIONAL ENGINEERING (Does not Require an Architect, Does Require an Engineer)

1 The following types of buildings are set out for the purposes of section 5 (3) (b) of this regulation:

(a) a specialized industrial building that shelters, or is a component of, an industrial process, including the following:

- (i) an electrical substation;
- (ii) a grain elevator;
- (iii) a power plant;
- (iv) a chemical manufacturing or processing plant;
- (v) a waste paper processing plant;
- (vi) a bulk plant for a flammable liquids;
- (vii) a bulk storage warehouse for hazardous substances;



Schedule 1 (Continued)

1 The following types of buildings are set out for the purposes of section 5 (3) (b) of this regulation:

- (b) an outdoor stage without fixed seating or ancillary facilities;
- (c) an unheated industrial roof;
- (d) an unheated industrial shed;
- (e) an unheated tent building for industrial use;
- (f) a farm building as defined in the building code that is within an industrial occupancy type;
- (g) a power-generating station;
- (h) an electrical substation;
- (i) a public water treatment and storage facility;
- (j) a pumping station;
- (k) a sewage treatment facility;
- (l) sheltering for vehicles, including aircraft and boats, used for emergency response.



Summary

A more in depth summary of the Architects Regulation can be found on our website under the **About** tab and choosing **Architects Regulation**.

<https://www.bcabd.org/architects-regulation>

There you will find links to all the documents referred to in this presentation. BCABD members receive free Associate membership with BCABD Building Designers.



Question & Answer Period



CONTACT US

web: bcabd.org

email: info@bcabd.org

phone: 1.888.822.2230

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