

THE ARCHITECTS ASSOCIATION OF NEW BRUNSWICK

AND

THE ASSOCIATION OF PROFESSIONAL ENGINEERS AND GEOSCIENTISTS
OF NEW BRUNSWICK

GUIDELINES

FOR

DEVELOPMENT AND MAINTENANCE OF THE
PROFESSIONAL RELATIONSHIP BETWEEN ARCHITECTS AND ENGINEERS

Approved by AANB Council _____

Approved by APEGNB Council _____

Endorsed by CENB

Date: April 3, 2000

PREAMBLE

It is recognized by the Architects Association of New Brunswick (AANB) and the Association of Professional Engineers and Geoscientists of New Brunswick (APEGNB) that the interests of the professions would best be served by the preparation of guidelines dealing with the responsibilities of the architectural and engineering professions in relation to the field of building design and construction.

For the practices of Architecture and Professional Engineering in the Province of New Brunswick, the Architects Association of New Brunswick and the Association of Professional Engineers and Geoscientists of New Brunswick issue this statement of responsibilities, under normal conditions, for business relations with the public and among members of both professional associations. All Architects and Professional Engineers have an obligation to observe these guidelines.

1. PRINCIPLES

- (a) The practice of Architecture and of Professional Engineering, respectively, is as defined in the Architects Act, 1987, and the Engineering and Geoscience Professions Act, 1999, Province of New Brunswick.
- (b) Each profession recognizes the other as an honoured and learned profession of equal merit whose close cooperation is essential to the public interest.
- (c) An Architect may accept commissions for projects involving both Architectural and Engineering work.
- (d) For projects under the control of an Architect requiring engineering aid or assistance, the Architect will engage a Registered or Licensed Professional Engineer or Engineers to do such engineering work.
- (e) A Professional Engineer may accept commissions for projects involving both Engineering and Architectural work.
- (f) For projects under the control of a Professional Engineer requiring Architectural aid or assistance, the Professional Engineer will engage a Licensed Architect or Architects to do such architectural work.

2. ARCHITECT-ENGINEER JOINT PRACTICE COMMITTEE

(a) **Purpose**

The purpose of the "Architect-Engineer Joint Practice Committee" is to assist the Association of Professional Engineers and Geoscientists of New Brunswick and the Architects Association of New Brunswick in the maintenance and development of the professional relationship between the two Associations.

(b) **Terms of Reference**

The responsibilities of the Committee are to:

- (i) propose guidelines governing its practice and procedure;
- (ii) advise both Associations on matters of interprofessional relations including the coordination and publication of guidelines, standards, criteria and performance standards in the field of building design and construction;
- (iii) establish procedures to evaluate and recommend to respective Councils on disputes of an interprofessional nature referred to it for determination;
- (iv) establish guidelines to assist in providing the special knowledge, skill and training of each profession in the field of building design and construction to the public;

and may also include:

- (v) consideration of the impact of other groups on the work of architects and engineers and advise on action to respective Councils;
- (vi) consideration of developments in the technology of building design and construction and advise on actions for respective Councils to undertake;
- (vii) advice on any other matter directed to the Committee by the Council of either Association for consideration.

All guidelines and procedures provided pursuant to (i), (ii), (iii), and (iv) are subject to approval by the Council as required by the respective Acts.

(c) **Composition**

The Committee shall be comprised of a minimum of five (5) persons appointed in the following manner:

- ≡ Two (2) Architects appointed by AANB Council.
- ≡ Two (2) Professional Engineers one of which must be a member of CENB appointed by APEGNB.
- ≡ The fifth person shall hold the chair of the committee and be appointed by the four committee members. The position of Chair shall alternate between membership in AANB and APEGNB.

(d) **Term**

As prescribed by each respective Council. It is suggested that all appointees shall serve on the committee for a term of two (2) years maximum at which time the appointed committee member shall cease to serve and a new member will be appointed. The term of chair shall be for two (2) years. Overlapping terms may be used for continuity.

(e) **Quorum**

A quorum shall consist of the chairperson and one committeemember from each Association.

(f) **Meetings**

- (i) The Joint Practice Committee will meet on a regular basis to carry out its duties as prescribed in the Terms of Reference (b). Meetings shall be held at least four times per year.
- (ii) The Committee may communicate directly with a member or members of either or both professions during their deliberations and make recommendations to either Council.
- (iii) The chairperson, or other designated person, will produce minutes of the meeting within fifteen (15) days. Minutes will be distributed to the members of the Committee and to the office of both Associations.

3. MUTUAL RESPONSIBILITIES

- (a) All engagements, as indicated in 1(d) and 1(f), between Architects and Professional Engineers, shall be subject to written agreement.
- (b) Members of both professions are required to recognize their prime responsibility is to the public and to strictly conform to their respective Act.
- (3) Members shall undertake the execution of only such work as they are qualified to perform under the terms established by their Acts.
- (d) Members must not describe themselves as architects or engineers unless registered or licensed under the respective Act.
- (e) The following definitions and articles from the Engineering and Geoscientist Professions Act are applicable and shall be respected:
 - (i) "Engineer" and "professional engineer" mean a person who is a member or licensee of the Association;
 - (ii) "Engineering" means the application of scientific principles and knowledge to practical ends such as the investigation, design, construction, or operation of works and systems as defined in sub-section (2);
 - (iii) "Practice of engineering" means the provision of services for another as an employee or by contract; and such services shall include consultation, investigation, evaluation, planning, design, inspection, management, research and development of engineering works and systems;
 - (iv) 2(2) Without restricting the generality of the definition of "practice of engineering", engineering works and systems shall include:
 - (a) transportation systems and components related to the movement of goods or people by air, water, land, or in outer space;
 - (1) works related to the location, mapping, improvement, control and utilization of natural resources;

- (2) works and components of an electrical, mechanical, hydraulic, aeronautical, electronic, thermic, nuclear, metallurgical, geological or mining character and others dependent on the utilization or the application of chemical or physical principles;
 - (3) works related to the protection, control and improvement of the environment including those of pollution control, abatement and treatment;
 - (4) the structural, electrical, mechanical, communications, transportation and other utility aspects of building components and systems;
 - (5) structures and enclosures accessory to engineering works and intended to support or house them;
 - (6) systems relating to surveying and mapping;
 - (7) investigations, evaluations, consultations or management relating to geoscientific properties, conditions or processes that may affect the well-being of the general public;
 - (8) the discovery or development of water resources, and investigation of surface or subsurface geological conditions; and
 - (9) the use of computer systems and software relating to any engineering performed under paragraphs (a) to (i).
- (v) Exclusions

27. Nothing contained in this Act shall be taken or construed to prohibit or preclude:

- (a) subject to section 29, any architect, who is registered under the provisions of the Architects Act, from legally carrying on, performing or doing engineering work in all its branches, in connection with that person's work as an architect;
- (10) any certified engineering technician or technologist from
 - (1) performing engineering work where an engineer takes responsibility for such engineering work, or
 - (2) performing geoscience work where a geoscientist takes responsibility for such geoscience work;

or require the person to become registered or licenced under this Act in order to do any such thing."

(f) The following definitions and articles from the Architects Act are applicable and shall be respected:

(i) "'Architect" means a registered member or licensee of the Association and, when used in Part IV of this Act, includes former members, former licensees, and proprietorships, partnerships and corporations which practice or formerly practised architecture pursuant to section 13.

(ii) "Practice of architecture" means:

(a) the preparation or provision of a design to govern the construction, enlargement or alteration of a building, or the related site development;

(b) evaluating, advising on, or reporting on the construction, enlargement or alteration of a building, or the related site development; or

(c) a general review of the construction, enlargement or alteration of a building, or the related site development.

(iii) Exceptions

25(1) Subsections 14(5) and 14(6) and sections 23, 24 and 28 do not apply to

(a) the preparation or provision of a design for the construction, enlargement or alteration of a building

(i) that is not more than three storeys and not more than 600 square metres in gross area as constructed, enlarged or altered; and

(ii) that is used or intended for business or mercantile occupancy, residential occupancy, personal services occupancy or industrial occupancy, or a combination thereof.

(b) the preparation or provision of a design for the construction, enlargement or alteration of a building used directly in the extraction, processing or storage of ore from a mine;

- (c) the preparation or provision, under the supervision and direction of a member or licensee of the Association, of a design for the construction, enlargement or alteration of a building.
 - (d) the preparation or provision of a design, complying with the provisions of the National Building Code or other applicable building codes, for interior space for a building regardless of occupancy type, including signs, finishes, fixed or loose furnishings, equipment, fixtures and partitioning of space and related interior elements, including signs, finishes and glazed openings used for display purposes, if the design does not, or is not likely to, produce a reduction in the structural integrity of the building or the safety of
 - (i) a fire safety system or fire separation;
 - (ii) a main entrance or any public corridor on a floor;
 - (iii) the construction or location of an exterior wall; or
 - (iv) the usable floor space through the addition of a mezzanine, infill or other similar element,of the building; and
 - (e) the preparation or provision of design, complying with the provisions of the National Building Code or other applicable building codes, for alterations within a dwelling unit that do not, or are not likely to, produce a reduction in the structural integrity of the building or the safety of a fire safety system or fire separation, fire walls or persons in the building.
- 25(2) Sections 23 and 24 hereof do not apply to prevent a person from
- (a) evaluating, advising on, or reporting on the construction, enlargement or alteration of a building that does not, or is not intended to, take the place of evaluating, advising or reporting by an architect; or
 - (b) carrying out a general review of the construction, enlargement or alteration of a building that does not, or is not intended to, take the place of a general review by an architect.
- 25(3) Nothing contained in this Act shall be taken or construed to prohibit or preclude;

- (a) subject to section 39 hereof, any engineer who is registered under the Engineering Professions Act from carrying on the practice of architecture in connection with his work as an engineer;
- (2) any engineering technician or technologist certified under the Engineering Technology Act from performing work which constitutes the practice of architecture primarily, where an architect takes responsibility for such work;"

4. STAMPING & SIGNING OF DRAWINGS/DOCUMENTS

Where both an architect and engineer have carried out work on a project, each shall be identified on the drawings/documents for which they assume responsibility and each shall stamp and sign such drawings/documents in compliance with the Architects Act and the Engineering and Geoscience Professions Act.

5. DISPUTE RESOLUTION

- (a) All disputes of an interprofessional nature referred to it for determination will be investigated in confidence by the Architect-Engineer Joint Practice Committee. It shall be noted that "disputes" are different from "complaints" whereas procedures for dealing with "complaints" are specifically outlined in the respective Acts. The Architect-Engineer Joint Practice Committee may assist in the "complaint" procedure if so requested by Council. The Architect-Engineer Joint Practice Committee has no disciplinary powers.
- (b) The committee may investigate disputes concerning building projects involving members of either Association provided such disputes fall under the jurisdiction of the Committee.
- (c) Notice of dispute should be forwarded in writing to the Joint Practice Committee through the office of either Association.
- (d) Notice of dispute shall contain name, address, and telephone number of the member registering dispute and sufficient details for the committee to start investigation.
- (e) Disputes brought before the Committee will be handled in the following manner:
 - (1) Parties involved in the dispute will be notified in writing with details provided within 30 days.
 - (ii) Committee will request response in writing from parties involved and gather other applicable information.

- (iii) Committee will interview parties involved or others as deemed necessary.
- (iv) Committee will complete investigation and provide to parties involved a recommendation(s) for resolution.
- (v) Where the recommended resolution of dispute is accepted by the parties involved, the Committee shall so report to Councils.
- (vi) Where the recommended resolution of a dispute is not accepted by the parties involved, the Committee shall bring to the attention of both Councils any possible violation of either the Architects Act or the Engineering and Geoscience Professions Act; provided, however, that it is the responsibility of each Association to enforce the provisions of their respective Acts and not the function of the Committee to lay complaints or otherwise engage in disciplinary proceedings.
- (vii) Committees, Councils and Members shall respect that time is of the essence in dispute resolution.

6. SERVICES OF ARCHITECTS AND ENGINEERS ON BUILDING PROJECTS
IN NEW BRUNSWICK

- (a) Only a qualified architect or engineer shall provide design and construction review services related to the construction, alteration or enlargement of a building or part thereof for the building classifications referenced in Table 1 - Requirements for Architectural and Engineering Services by Building Classification (which follows those referenced in the National Building Code of Canada 1995), provided such is consistent with the Architects Act and the Engineering and Geoscience Professions Act.
- (b) Definitions related to building design and construction shall be as defined in the National Building Code of Canada.
- (c) The construction, enlargement or alteration of every building or part thereof described in Table 1 shall be designed and the construction of same reviewed by an architect, engineer, or both, provided that:
 - (i) An architect may perform or provide services, when so qualified, that are within the practice of professional engineering in preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of any building described in Table 1 where to do so is necessary,

- (a) for the construction, enlargement or alteration of the building and is incidental to other services provided within the practice of architecture by the architect in respect of the construction, enlargement or alteration of the building, or,
 - (b) for coordination purposes.
- (ii) A professional engineer may perform or provide services, when so qualified, that are within the practice of architecture in preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of any building described in Table 1 where to do so is necessary,
- (a) for the construction, enlargement or alteration of the building and is incidental to other services provided within the practice of professional engineering by the professional engineer in respect of the construction, enlargement or alteration of the building, or
 - (b) for coordination purposes.

TABLE 1
REQUIREMENTS FOR ARCHITECTURAL AND ENGINEERING SERVICES
BY BUILDING CLASSIFICATION

Group	Division	Building Classification by Major Occupancy	Building Description	Design and General Review
A	1	assembly occupancies intended for the production and viewing of the performing arts	every building	architect and professional engineer except as noted in 6c(i) and 6c(ii).
A	2	assembly occupancies not otherwise classified in Group A		
A	3	assembly occupancies of the arena type		
		assembly occupancies and any other major occupancy except industrial		
B	1	care or detention occupancies in which persons are under restraint or are incapable of self preservation because of security measures not under their control	every building	architect and professional engineer except as noted in 6c(i) and 6c(ii).
B	2	care or detention occupancies in which persons having cognitive or physical limitation require special care or treatment		
		care or detention occupancies and any other major occupancy except industrial		
C		residential occupancies	every building that exceeds 3 storeys in building height or 600 m ² in gross building area	architect and professional engineer except as noted in 6c(i) and 6c(ii).
		residential occupancies and any other major occupancy except industrial, assembly, or care or detention		

Group	Division	Building Classification by Major Occupancy	Building Description	Design and General Review
D		business and personal services occupancies	every building that exceeds 600 m ² in gross building area or 3 storeys in building height	architect and professional engineer except as noted in 6c(i) and 6c(ii).
		business and personal services occupancies and any other major occupancy except industrial, assembly, or care or detention		
E		mercantile occupancies	every building that exceeds 600 m ² in gross building area or 3 storeys in building height	architect and professional engineer except as noted in 6c(i) and 6c(ii).
		mercantile occupancies and any other major occupancy except industrial, assembly, care or detention		
F	1 2 3	high hazard industrial occupancies medium hazard industrial occupancies low hazard industrial	every building	professional engineer for uses which are intended exclusively for the housing of industrial systems or the storage of bulk materials. In all other cases, both architects and professional engineers must be involved except as noted in 6c(i) and 6c(ii).
F	2	medium hazard industrial occupancies	every building that exceeds 600 m ² (6460 ft ²) in gross building area or 3 storeys in building height	architect and professional engineer except as noted in 6c(i) and 6c(ii).
F	3	low hazard industrial occupancies		
F	1,2,3	industrial occupancies and one or more other major occupancies where the portion of the area occupied by all of the other major or subsidiary occupancies exceeds 600 m ² (6460 ft ²)	the non-industrial portion of every building	architect and professional engineer except as noted in 6c(i) and 6c(ii)

Group	Division	Building Classification by Major Occupancy	Building Description	Design and General Review
			the industrial portion of every building	professional engineer

Note to Table 1:

1. Requirements for design and general review by an architect or professional engineer or a combination of both for the construction, enlargement or alteration of a building are consistent with the New Brunswick Architects Act 1987 and the Engineering and Geoscience Professions Act 1999.