



THE MANITOBA ASSOCIATION OF ARCHITECTS
137 BANNATYNE AVENUE WINNIPEG MANITOBA R3B 0R3
PH: (204) 925-4620 FAX: (204) 925-4624 EMAIL: info@mbarchitects.org

GENERAL BY-LAW

MANITOBA ASSOCIATION OF ARCHITECTS

GENERAL BY-LAW

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE ONE - DEFINITIONS	1
1.1 General	1
ARTICLE TWO - ASSOCIATION OFFICE & SEAL	1
2.1 Office	1
2.2 Seal.	1
ARTICLE THREE - FINANCIAL MANAGEMENT OF THE ASSOCIATION	1
3.1 Funds	1
3.2 Fiscal Period	1
3.3 Auditor	1
3.4 Audit	2
3.5 Bonds	2
3.6 Donations to University	2
3.7 Capital Fund	2
ARTICLE FOUR - AMENDMENTS TO THE BY-LAWS	2
4.1 General	2
ARTICLE FIVE - COUNCIL	2
5.1 Council Membership	2
5.2 Council Nominations	3
5.3 Council Elections	4
5.4 Vacancies	4
5.5 Power and Duties	5
ARTICLE SIX - OFFICERS OF COUNCIL.	6
6.1 Election, Appointment and Vacancy	6
6.2 Duties	6
ARTICLE SEVEN - MEETINGS	7
7.1 Association Meeting	7
7.2 Council Meeting	8
7.3 Committee Meetings	8
7.4 General Rules for Meetings	8
ARTICLE EIGHT - COMMITTEES	9
8.1 Standing Committees	9
8.2 Council Duties	9
8.3 Termination of Appointment	9
8.4 Vacancies	9
8.5 Appointment to Other Bodies	9
8.6 Location of Meeting	9
8.7 Registration Board	10
8.8 Executive Committee.	10
8.9 Practice Committee	11
8.10 Education Committee	11
8.11 Public Affairs Committee	12
8.12 Investigation Committee	12
8.13 Inquiry Committee	12

ARTICLE NINE - MEMBERSHIP	12
9.1 Classes	12
9.2 Registered Members	13
9.3 Registered Members (Retired)	13
9.4 Life Members	14
9.5 Associate Members	14
9.6 Intern Members	14
9.7 Student Members	15
9.8 Honourary Members	15
ARTICLE TEN - APPLICATIONS FOR MEMBERSHIP.	16
10.1 Registered Membership	16
10.2 Registered Member (Retired) Membership	17
10.3 Life Membership	17
10.4 Associate, Intern, Student Membership	17
10.5 Honourary Membership	18
ARTICLE ELEVEN - CERTIFICATE OF MEMBERSHIP AND SEAL	18
11.1 Certificate of Membership.	18
11.2 Certificate of Approval	18
11.3 Temporary Licence	18
11.4 Architect's Seal	18
11.5 Certificate of Approval Stamp	19
11.6 Temporary Licence Seal	19
ARTICLE TWELVE - ANNUAL DUES, FEES, LEVIES	20
12.1 General	20
12.2 Application Fee	20
12.3 Annual Dues.	20
12.4 Penalties for Late Payment of Dues	20
12.5 Penalties for Non-Compliance with Continuing Education	21
12.6 Re-Instatement to Registered Membership	22
12.7 Re-Instatement to Other Classes of Membership	22
12.8 Re-Instatement of Certificate of Approval	23
12.9 Temporary Leave of Absence	23
12.10 Parental or Medical Leave.	23
ARTICLE THIRTEEN - MEMBERS, SOLE PROPRIETORSHIPS, ARCHITECTURAL FIRMS, ARCHITECTURAL CORPORATIONS, PARTNERSHIPS OF ARCHITECTURAL CORPORATIONS, JOINT ARCHITECTURAL AND ENGINEERING FIRMS, JOINT ARCHITECTURAL AND ENGINEERING CORPORATIONS AND TEMPORARY LICENCES	24
13.1 Members	24
13.2 Sole Proprietorships	24
13.3 Architectural Firms.	25
13.4 Architectural Corporations	25
13.5 Partnership of Architectural Corporations	26
13.6 Joint Architectural and Engineering Firms	26
13.7 Joint Architectural and Engineering Corporations	27
13.8 Names & Designations: Sole Proprietorships, Architectural Firms, Architectural Corporations, Partnerships of Architectural Corporations, Joint Architectural and Engineering Firms & Joint Architectural and Engineering Corporations	29
13.9 Appeal Regarding Names & Designations	29
13.10 Letterhead	29
13.11 Renewal of Certificates of Approval	30
13.12 Temporary Licences	30

ARTICLE FOURTEEN - FEES AND SERVICES	31
14.1 General	31
ARTICLE FIFTEEN - PROFESSIONAL ETHICS AND CONDUCT	31
15.1 General	31
15.2 Professional Advertising	33
15.3 Communication on Behalf of Association	33
ARTICLE SIXTEEN - CONDUCT AND COMPETENCE OF MEMBERS	33
16.1 Complaints	33
16.2 Investigations	34
16.3 Inquiry Committee	35
16.4 Interim Suspension	38
16.5 Formal Censure	39
16.6 Revocation of Certificate of Approval.	39
ARTICLE SEVENTEEN - COMPETITIONS	40
17.1 General	40
17.2 Outside Canada	40
ARTICLE EIGHTEEN - REPEAL OF PREVIOUS GENERAL BY-LAW	40
18.1 General	40
ARTICLE NINETEEN - INTERPRETATION	40
19.1 General	40
ARTICLE TWENTY - GENERAL	40
20.1 Indemnity	40

THE MANITOBA ASSOCIATION OF ARCHITECTS - GENERAL BY-LAW

ARTICLE ONE - DEFINITIONS

1.1 General

- (a) The word "Act" as used in this By-law shall mean "The Architects Act", C.C.S.M. c.A130 and amendments thereto.
- (b) The definitions set forth in subparagraph 1(1) of the Act shall be applicable to these By-laws.
- (c) The word "Member" as used herein shall mean a Member of Association.
- (d) The words "Registered Member" shall mean an individual who is in good standing and whose name is entered in the current Register of Registered Members of the Association.
- (e) The word "Corporation" as used herein shall mean a Corporation entitled to practice architecture pursuant to the provisions of the Act and this By-Law.
- (f) The word "Firm" as used herein shall mean a Firm entitled to practice architecture pursuant to the provisions of the Act and this By-Law.

ARTICLE TWO - ASSOCIATION OFFICE & SEAL

2.1 Office

The office of the Association shall be in Winnipeg, Manitoba at such place as may be determined by the Council.

2.2 Seal

The Association shall have an official Seal, which shall contain the words, "The Manitoba Association of Architects, Incorporated, 1914". The official Seal shall be kept in the custody of the Secretary at the office of the Association.

ARTICLE THREE - FINANCIAL MANAGEMENT OF THE ASSOCIATION

3.1 Funds

All monies received on behalf of the Association shall be deposited in the name of the Association in a chartered bank or a trust company that is authorized to carry on business in the Province of Manitoba. Payments shall be made by cheque signed by a member of the Executive Committee and the Executive Director of the Association.

3.2 Fiscal Period

The fiscal period of the Association shall end on December 31 in each year.

3.3 Auditor

At the Annual Meeting in each year, a Chartered Accountant or firm of Chartered Accountants shall be appointed Auditor of the Association for the next ensuing year.

3.4 Audit

The Secretary shall deliver to the Association's Auditor, not less than ten (10) days before the day fixed for the holding of each Annual General Meeting of the Association, the books of the Association, together with a full statement of the income and expenditure of the Association for the year ending the 31st day of December last preceding. The Auditor shall examine the financial position of the Association, prepare an audited financial statement and report thereon. The financial statement and report shall be delivered by the Auditor to the Secretary within a seven (7) day period after receipt of the Association's books and statement, and the same shall be read and submitted for approval at the Annual Meeting.

3.5 Bonds

The Council may require the Secretary to furnish a fidelity bond of an approved surety for such amount as the Council may from time to time determine. The cost of such bond shall be paid by the Association.

3.6 Donations to University

The Association shall donate in each year to the Department of Architecture, University of Manitoba, to such programs in such amounts as are determined by the Council.

3.7 Capital Fund

A capital fund shall be maintained by the Association in a separate account. This capital fund shall be used for major capital expenses, with each expenditure in excess of 10% of the annual operating fund revenue requiring a 2/3 majority vote of those entitled to vote at an Annual or Special General Meeting of the Association.

ARTICLE FOUR - AMENDMENTS TO THE BY-LAWS

4.1 General

- (a) By-laws may be passed, amended, repealed or re-enacted at any Annual General Meeting of the Association or any Special General Meeting of the Association called for that purpose by approval of two-thirds of the voting Members present at such meeting, provided that notice of such proposed action be given to the Secretary in sufficient time to be included in the notice of meeting to be mailed by the Secretary.
- (b) Any by-law or amendments thereto, upon being passed by the Association's membership as aforesaid, shall become effective the day following the close of the meeting.

ARTICLE FIVE - COUNCIL

5.1 Council Membership

- (a) Subject to subparagraphs (d) and (e) herein, the Council shall consist of thirteen (13) individuals, comprised as follows:
 - (i) one staff member of the Faculty of Architecture, University of Manitoba, appointed by the Council in consultation with the Dean of the Faculty of Architecture. Said staff representative shall be a

Registered Member and appointed for a two-year term, but may be appointed for consecutive terms by Council;

- (ii) Two non-Members appointed by the Council to serve as public representatives;
 - (iii) eight Registered Members residing in the Province of Manitoba; and
 - (iv) two Intern Members residing in the Province of Manitoba.
- (b) The eight (8) elected Registered Members of Council shall each be elected for a four year term, two being elected each year. Terms shall be staggered in order that two of said Councillors shall have their terms expire in each year.
 - (c) The foregoing notwithstanding, every member of Council shall retain office until the final termination or dissolution of the Annual Meeting of the Association (including all adjournments thereof) directly following the end of their elected term, at which time their term of office shall expire.
 - (d) The immediate Past President of the Association shall be an ex-officio member of Council, provided that if they are not also an elected member of Council, the Council shall consist of fourteen (14) individuals.
 - (e) Council shall, based on the recommendation of the Intern Members, appoint two intern representatives to Council, each to be appointed for a two year term, one being appointed each year. Terms shall be staggered in order that one of said Councillors shall have their term expire in each year.
 - (f) The foregoing notwithstanding, a member of Council may be nominated by Council for the office of President at the first meeting of Council following the annual meeting at which the member's fourth (4th) year on Council has expired. If elected, said member's term on Council shall be extended to five (5) years, whereupon Council shall consist of fourteen (14) individuals or fifteen (15) individuals if the immediate Past President is not also an elected member of Council.
 - (g) Council may in any one year invite two student representatives to be non-voting observers of Council for a one-year term, with:
 - (i) one student elected annually from the enrolled students in the Department of Architecture, University of Manitoba; and
 - (ii) one student elected annually from the members of the Indigenous Design and Planning Students' Association, who are enrolled in the Faculty of Architecture, University of Manitoba.

5.2 Council Nominations

- (a) The Secretary shall, at least thirty (30) days prior to each Annual Meeting, notify all Registered Members that nominations of candidates for election to Council of the Association, made in the manner hereinafter specified, will be accepted not later than twenty (20) days before the Annual Meeting of the Association.
- (b) Only Registered Members of the Association, resident in Manitoba, may be nominated as candidates for election to Council by:

- (i) the Nominating Committee, which shall in each year consist of the President of the Association and the members of Council whose terms will expire at the Annual Meeting next ensuing; or
 - (ii) any four Registered Members of the Association in good standing, each of whom shall sign a nomination paper for such purpose designating the nominee(s);
 - (iii) the foregoing notwithstanding, no nomination shall be valid unless and until the nominee has signified to the Secretary his/her consent to such nomination.
- (c) Any by-law to the contrary notwithstanding, the Nominating Committee shall in each year nominate candidates for election to succeed those members of Council whose term of office expires at the next ensuing Annual Meeting or to fill vacancies.
 - (d) An elected member of Council whose term of office expires at the next ensuing Annual Meeting cannot be re-elected until one year has elapsed from the expiration of his/her term of office.

5.3 Council Elections

- (a) At each Annual Meeting two individuals shall be declared elected to Council for a term of four years.
- (b) Each Registered Member present at the Annual Meeting or voting by proxy must vote for not less nor more than the number of candidates to be elected.
- (c) Election of candidates to Council at the Annual Meeting shall be by a poll to be taken by way of ballot in such manner as the Chair directs.
- (d) The Secretary shall at least twelve (12) days prior to the date of the Annual Meeting prepare and mail to each Registered Member a proxy containing, inter alia, the names, alphabetically arranged, of those nominated for Council, and appointing the President of the Association or, in the alternative, an individual of the Registered Member's choice to vote on the Registered Member's behalf in accordance with the designations noted therein.
- (e) Each Registered Member who will not attend the Annual Meeting shall be entitled to mark said proxy in order to participate in the election of the councillors to be conducted thereat, provided that any proxy not received by the Secretary at least two (2) days before the date of the Annual Meeting shall not be counted.

5.4 Vacancies

- (a) The seat of a Councillor shall be vacant if:
 - (i) they cease to be a Registered Member of the Association or is excluded or suspended for a period of membership; or
 - (ii) they cease to be an Intern Member of the Association or is excluded or suspended for a period of membership, provided that an Intern representative who becomes a Registered Member during their term

on Council, may continue to serve until the next Annual General Meeting; or

- (iii) they are absent from the meetings of Council for three (3) consecutive meetings, or they are absent from a total of six meetings in any one year, without the recorded consent of Council; or
 - (iv) at any time, they give notice in writing to Council of his/her wish to resign, and same is accepted by Council.
- (b) Vacancies that may occur on Council between Annual General Meetings shall be filled by:
- (i) a Registered Member appointed by a majority vote of the Council to serve until the next Annual General Meeting, at which time their appointment shall be submitted for ratification by a majority of the Members present in person or voting by proxy; or
 - (ii) an Intern Member appointed by a majority vote of the Council.

5.5 Powers and Duties

Council:

- (a) shall control and manage the affairs and business of the Association, including any real or individual property;
- (b) shall elect or appoint the officers of the Association as provided in Article Six of these by-laws;
- (c) shall have the power to approve and grant memberships in the Association to individuals upon such terms and conditions as it sees fit and, without limiting the generality of the foregoing, the power to suspend and expel Members or vary individual or class of memberships upon such terms and conditions as it sees fit;
- (d) may pass, amend, repeal or re-enact by-laws governing the Association and its Members and for the carrying out its objects provided that same shall cease to be effective unless approved by a two-third majority of the Registered Members of the Association signified at the next Annual Meeting of the Association or a Special General Meeting called for that purpose;
- (e) shall fix the amount of the application fee and the amount of the annual dues and any levies to be paid by Members;
- (f) may appoint Members to represent the Association to other organizations, or to act in an advisory capacity on matters affecting the interests of the architectural profession;
- (g) may from time to time appoint committees from among the Members of the Association for the purpose of facilitating the business and affairs of the Association or for any other purpose in the interests of the architectural profession and to delegate to said committees such powers and duties as Council may from time to time determine;
- (h) shall have power to employ and remunerate any individual or individuals required to carry on the work of the Association as Council may from time to time determine. The employment of the individual appointed as the

“Executive Secretary” of the Association shall continue without need for annual ratification subject to termination by the Council;

- (i) may accept donations of, or purchase books, periodicals, tapes, journals or other written, transcribed or recorded material to form a library for the use of the Members of the Association, and pay for said items so purchased from funds of the Association, and make such rules and regulations respecting the custody of said items as it may deem necessary;
- (j) shall have the power to approve and grant a Certificate of Approval for a Corporation to practice architecture upon such terms and conditions as it sees fit and to set the fees therefore, and without limiting the generality of the foregoing, the power to withhold or revoke such Certificate of Approval upon such terms and conditions as it sees fit.

ARTICLE SIX - OFFICERS OF COUNCIL

6.1 Election, Appointment and Vacancy

- (a) The Nominating Committee, as provided for in Subsection 5.2(b)(i), shall propose to Council a slate of Officers for the ensuing year.
- (b) Only Registered Members may be elected as Officers of the Association.
- (c) Council, at its first meeting following the Annual General Meeting each year, shall consider the report of the Nominating Committee and elect from among its members a President, First Vice-President and Second Vice-President, who shall also be designated as Treasurer. Council may elect a Secretary from among its members.
- (d) In the event any of the elected officers becomes incapacitated, resigns or is otherwise unavailable to serve for any reason, the vacancy shall be filled by a member of Council elected at its next meeting.
- (e) The office of the President shall not be held by any one individual for more than two (2) years in succession.

6.2 Duties

- (a) The President shall preside at all meetings of Council and the Association, and instruct the Secretary regarding the calling of meetings, and shall be a member ex-officio of all committees.
- (b) In the absence of the President, the First Vice-President shall perform the duties of the President, and in the absence of both the President and the First Vice-President, the Second Vice-President shall perform the duties of the President.
- (c) The Treasurer shall oversee all accounts and monies of the Association.
- (d) The Secretary, or, if none is elected, the Executive Secretary, shall conduct all the correspondence of the Association and Council, attend all meetings and record minutes for all meetings, keep a Register of all classes of Members with their addresses, see that the applications for admission with the recommendations and other particulars accompanying same are in the form prescribed, and that all required notices are duly sent to the Members of the Association, its Committees and Council, shall receive, on behalf of the Association, all payments due to the Association, shall keep correct

accounts, be responsible for all accounts to be paid by the Association and shall be responsible for such other duties as Council may from time to time direct.

- (e) The President may, in their discretion, delegate to any member of Council such authority and/or duties as may be required to expeditiously conduct all the affairs of Council.

ARTICLE SEVEN - MEETINGS

7.1 Association Meeting

- (a) The Annual Meeting shall be held no later than the last day of September of each year on a day and format as Council shall from time to time determine, including:
 - i) in-person, at such time and place as might be determined;
 - ii) by electronic means; or
 - iii) a combination of in-person and electronic means.
- (b) The Secretary shall mail, or email as and where such consent has been provided, not less than thirty (30) days prior to each Annual General Meeting of the Association, a notice to all Members at their registered addresses, setting forth the day, and relevant details of the meeting, based on the format determined. The non-receipt of notice of any meeting of the Association by any Member shall not invalidate the proceedings of such meeting.
- (c) General Meetings of the Association for the transaction of general business, the reading of papers and discussion of questions of interest to the profession may be held whenever the President may deem it to be necessary. At least ten (10) days prior written notice shall be given by the Secretary to all Members for such meetings.
- (d) Special General Meetings of the Association shall be called whenever the President may deem it to be necessary, or after the receipt by them of a requisition signed by not less than ten (10) Registered Members. At least seven (7) days notice of the Special General Meeting shall be given to each Member and said notice shall specify the business intended to be brought forward thereat. No business shall be transacted at any Special General Meeting except that set forth in said notice.
- (e) Notices required to be given to Members of the Association under this By-law shall be deemed to have been given if mailed or emailed within the time specified for such notice, addressed to the Member at the last address or email address given by them to the Association, and if no address has been given, then the Member's address shall be deemed to be in Winnipeg and such notice shall be as addressed to the Member. A declaration by the Secretary shall be conclusive evidence of the mailing or emailing of such notice.
- (f) Meetings of the Association may be adjourned from time to time by resolution of a majority of the Registered Members present. When such a meeting is reconvened no business shall be transacted other than the business set forth in the notice of meeting and left unfinished at the meeting from which the adjournment took place.
- (g) No business other than matters pertaining to an adjournment shall be transacted at any meeting of the Association unless a quorum is present. In

the case of the Annual General Meeting, the quorum shall consist of those present. In the case of a General or Special General Meeting a quorum shall consist of 10% of the total number of Registered Members, resident in Manitoba, entitled to be present at such meeting. If within half an hour after the time appointed for such meeting a quorum is not present, the meeting may be cancelled or adjourned.

- (h) The minutes of all meetings of the Association when signed by the Chair and Secretary at a following meeting, shall in the absence of fraud or manifest mistake, be taken as conclusive evidence of the matters recorded therein.

7.2 Council Meeting

- (a) Meetings of Council shall be held monthly, at such time and place, as the President shall determine. Special meetings of Council may be held any time upon being called by the President or by three (3) Members of Council provided that at least (3) days' written notice shall be given of all Meetings of Council.
- (b) Six (6) members of Council shall constitute a quorum for the transaction of business at any meeting thereof and a majority must be Registered Members.
- (c) The Minutes of any meeting of Council, when signed by the Chair and the Secretary at a following meeting, shall, in the absence of fraud or manifest mistake, be taken as conclusive evidence of the matters recorded therein.

7.3 Committee Meetings

Meetings of committees shall be called by the respective chairs upon notice from the Secretary setting forth the matters referred to them. Committees shall, if possible, report to Council at the meeting next following that from which the reference was made. At least three (3) days' written notice shall be given for all meetings of committees. There shall be an informal recording of proceedings for any committee meeting.

7.4 General Rules for Meetings

- (a) As and where an annual meeting is to be conducted by electronic means, or a combination of in-person and electronic means, the Council will:
 - i) direct the manner in which a remote vote, by mail or electronic means, is to be conducted for any and all questions put forward, and specify the date and time before which the remote vote must be received by the Association office; and
 - ii) appoint at least two (2) scrutineers, who will count the remote votes and certify the results to the Chair, who shall notify the membership accordingly.
- (b) No objection to the validity of any vote administered during an in-person meeting will be allowed except at the meeting or poll at which such vote is taken, or in the case of a remote vote within the prescribed timeframe identified with the announcement of the results, and every vote not disallowed at such meeting or poll, or applicable timeframe outlined, shall be deemed valid. The Chair of the meeting shall be the sole and absolute judge of the validity of every vote tendered at any meeting or poll.
- (c) Procedures for Meetings and Organizations, by M.K. Kerr and H.W. King, Carswell Legal Publications, Toronto, 1984 as amended from time to time,

shall govern the Association in all procedural matters not otherwise covered by the Association's by-laws.

- (d) The Chair shall put all motions to the meeting and declare the same carried or defeated, as the case may be. The Chair shall vote only in the event of a tie, including the case of elections to Council.

ARTICLE EIGHT - COMMITTEES

8.1 Standing Committees

The following will be the Standing Committees of the Association:

Registration Board
Executive Committee
Practice Committee
Education Committee
Public Affairs Committee
Investigation Committee
Inquiry Committee

8.2 Council Duties

Council:

- (a) shall determine the membership and term of office of the committees;
- (b) shall designate the chair, and, if necessary, vice-chair of the committees;
- (c) shall determine the functions, duties and responsibilities of the committees; and
- (d) may from time to time request any committee chair to report to Council on their committee's activities.

8.3 Termination of Appointment

Individuals appointed to a committee may have their appointments terminated at any time by Council or have the designation of chair or vice-chair revoked, as the case may be.

8.4 Vacancies

Vacancies on committees may be filled by appointment made by Council.

8.5 Appointment to Other Bodies

When a request is made to the Association for the appointment or nomination of a Registered Member or other Member, to a committee, council or any other body other than those associated with the Association, the Council shall make the appointment only if it agrees that the appointment or nomination should be made.

8.6 Location of Meeting

When expedient, all meetings of committees of the Association shall take place in the Association office.

8.7 Registration Board

- (a) There shall be a Registration Board ("the Board") of five (5) individuals, consisting of four (4) individuals appointed by Council of the Association and the President of the Association who shall be a member of the Board ex-officio. Four Board positions shall be held by individuals who, at the time of their appointment, are Registered Members of the Association and who have, at some time, served a minimum of two (2) years on Council or who have tenure at the Faculty of Architecture, University of Manitoba.
- (b) The term of office of the four Board positions shall be four (4) years, except the Board appointed in 1989 shall be composed of one member whose term shall expire in 1990, one member whose term shall expire in 1991, one member whose term shall expire in 1992 and one member whose term shall expire in 1993.
- (c) Council may at any time terminate any such appointment either at the request of an appointee or upon its own motion and with or without cause.
- (d) The member serving the final year of their term on the Board shall be the Chair.
- (e) The duties of the Registration Board shall include:
 - (i) to review all applications for Registered Membership and all applications for Certificates of Approval and make recommendations to Council thereto;
 - (ii) to conduct such qualifying examinations as may, from time to time, be required by Council and/or the Board and to report to Council on the results thereof;
 - (iii) to review and make decisions regarding all applications for approval of business names and styles pursuant to Subsections 10.6(a), 10.6(b), 10.7(a) or 10.7(b);
 - (iv) to ensure that the Executive Secretary of the Association shall maintain, in the Association office, a file on each applicant for registration including records of the results of qualifying examinations and such other information as the Board from time to time shall direct;
 - (v) such further and other duties with respect to applications for Membership or as Council may from time to time prescribe.

8.8 Executive Committee

- (a) There shall be an Executive Committee consisting of the President, Vice-President, Treasurer and the Immediate Past President of the Association as ex-officio members.
- (b) The President shall chair the Executive Committee.
- (c) The duties of the Executive Committee shall include:

- (i) to review, wherever practical, all material and issues before consideration by the Council;
- (ii) administration of the regular business affairs of the association including budgeting, financial affairs, record keeping and staff support to the Council;
- (iii) the duties stipulated in Article 16 of this By-Law with respect to complaints of misconduct or incompetence of members.

8.9 Practice Committee

- (a) There shall be a Practice Committee consisting of the Vice-President and six registered members appointed by Council.
- (b) The Chair of the Practice Committee shall be the Vice-President or a Committee member.
- (c) The term of office of Committee members shall be three years except that the first Committee shall be composed of two members who shall have a term of three years, two members who shall have a term of two years, and two members who shall have a term of one year.
- (d) The duties of the Practice Committee shall include:
 - (i) advice to Council on the practice affairs of the profession including legal matters, documents and instruments of services, standards of professional usage and conduct, fees and services;
 - (ii) advice to Council on the appointment of Association members to other bodies that affect the practice of architecture.

8.10 Education Committee

- (a) There shall be an Education Committee consisting of a member or ex-officio member of Council and six members appointed by Council, of which at least four must be registered.
- (b) The Chair of the Education Committee shall be a Committee member appointed by Council.
- (c) The term of office of Committee members shall be three years except that the first Committee shall be composed of two members who shall have a term of three years, two members who shall have a term of two years, and two members who shall have a term of one year.
- (d) The duties of the Education Committee shall include:
 - (i) advice to Council on the educational and research activities conducted by the Association;
 - (ii) advice to Council on the requests for grants to research and educational programs conducted by others;
 - (iii) advice to Council on the appointment of Association members to other educational and research bodies;

- (iv) developing and administering the continuing education requirements prescribed by Council;
- (v) performing such other duties as may be prescribed by Council.

8.11 Public Affairs Committee

- (a) There shall be a Public Affairs Committee consisting of the President and six Registered Members appointed by Council.
- (b) The Chair of the Public Affairs Committee shall be the President or a Committee member.
- (c) The term of office of Committee members shall be three years except that the first Committee shall be composed of two members who shall have a term of office for three years, two members who shall have a term of office for two years, and two members who shall have a term of office for one year.
- (d) The duties of the Public Affairs Committee shall include:
 - (i) advice to Council on the public and media relations of the Association;
 - (ii) advice to Council on the outreach programs of the Association;
 - (iii) conduct of the special events programs of the Association;
 - (iv) advice to Council on the appointment of Association members to other bodies involved in the promotion of design and the practice of architecture.

8.12 Investigation Committee

- (a) There shall be an Investigation Committee consisting of an Investigation Chair only and/or such other individual or individuals as the Investigation Chair shall request and the Executive Committee shall appoint.
- (b) The Investigation Committee shall do those things stipulated in Article 16 of this By-Law.

8.13 Inquiry Committee

- (a) There shall be an Inquiry Committee consisting of not fewer than three members including the Chair thereof.
- (b) A quorum for any meeting of the Inquiry Committee shall be three members.
- (c) The Inquiry Committee shall meet to hold inquiries, and to transact such other business as may come before it.

ARTICLE NINE - MEMBERSHIP

9.1 Classes

The following classes of membership are established in the Association:

- (a) Registered Member;
- (b) Registered Member (Retired);
- (c) Life Member;
- (d) Associate Member;
- (e) Intern Member;
- (f) Student Member;
- (g) Honourary Member.

9.2 Registered Members

- (a) Council shall admit as Registered Members those individuals who are eligible for said membership pursuant to the Act and these by-laws.
- (b) An individual who is a Registered Member is entitled to:
 - (i) attend annual general meetings and special general meetings and to vote thereat;
 - (ii) receive the newsletter published by the Association;
 - (iii) receive such information as Council may direct from time to time;
 - (iv) the benefits conferred and the duties and responsibilities incurred under the Act, its regulations and the Association's by-laws;
 - (v) hold office as an elected member of Council;
 - (vi) use the title "Architect", "Registered Architect", or the initials "M.A.A." after their name to indicate that they are a Registered Member of the Association, entitled to practice architecture in the Province of Manitoba;
 - (vii) serve on committees of the Association.
- (c) A Registered Member shall pay such fees, annual dues and levies as are from time to time prescribed by Council.

9.3 Registered Members (Retired)

- (a) Council may admit as a Registered Member (Retired) an individual who:
 - (i) is retired from the practice of architecture and who has tendered to Council their resignation as a Registered Member.
- (b) The Registered Member (Retired) is entitled to:
 - (i) attend annual general meetings and special general meetings, unless the meeting votes to exclude those individuals who are not Registered Members, but is not entitled to vote thereat;
 - (ii) receive the newsletter published by the Association;
 - (iii) receive such information as Council may direct from time to time;
 - (iv) use the title "Architect (Retired)" or the initials "M.A.A. (Retired)" after their name;

- (v) serve on committees of the Association, in the equivalent capacity of a Registered Member of the Association as required on Standing Committees outlined in these By-Laws, provided that no more than five years has passed since resignation of registered membership.
- (c) A Registered Member (Retired) shall pay such annual dues and levies as are from time to time prescribed by Council.

9.4 Life Members

- (a) Council may admit as a Life Member any individual who:
 - (i) is retired from the practice of architecture and who has tendered to Council their resignation as a Registered Member; and
 - (ii) has, in the opinion of Council, practiced their profession with distinction. Election of Life Members shall be by a majority vote of the Council at a regular or special Council meeting.
- (b) A Life Member is entitled to all of the same privileges as a Registered Member (Retired), with the exception of the ability to serve on Standing Committees of the Association. A Life Member shall not be required to pay annual dues or levies.

9.5 Associate Members

- (a) Council may admit as an Associate Member any individual who has:
 - (i) qualified for Registered Membership but who has chosen not to retain or apply for standing as a Registered Member; or
 - (ii) qualified for Intern Membership but who has chosen not to retain or apply for standing as an Intern Member.
- (b) An Associate Member is entitled to:
 - (i) attend annual general meetings and special general meetings, unless the meeting votes to exclude those individuals who are not Registered Members, but is not entitled to vote thereat;
 - (ii) receive the newsletter published by the Association;
 - (iii) receive such information as Council may direct from time to time;
 - (iv) serve on committees of the Association.
- (c) An Associate Member shall pay such annual dues and levies as are from time to time prescribed by Council.
- (d) An Associate Member shall not identify him/herself as an "Architect", or use the title "Architect", or use the initials "M.A.A." after their name, or in any way indicate that they are entitled to practice architecture.

9.6 Intern Members

- (a) Council may admit as an Intern Member, any individual who has qualified for admission to the Intern Program, in accordance with the requirements as Council may from time to time prescribe.

- (b) The Intern Member is entitled to:
 - (i) attend annual general meetings and special general meetings, unless the meeting votes to exclude those individuals who are not Registered Members, but is not entitled to vote thereat;
 - (ii) receive the newsletter published by the Association;
 - (iii) receive such information as Council may direct from time to time;
 - (iv) serve on committees of the Association.
- (c) An Intern Member shall pay such annual dues and levies as are from time to time prescribed by Council.
- (d) An Intern Member shall not identify themselves as an "Architect", or use the title "Architect", or use the initials "M.A.A.", after their name, or in any way indicate that they are entitled to practice architecture.

9.7 Student Members

- (a) Council may admit as a Student Member any individual who:
 - (i) is a student that has been admitted to a School of Architecture; or
 - (ii) is a student currently enrolled in the R.A.I.C. Syllabus of Studies.
- (b) A Student Member is entitled to:
 - (i) attend annual general meetings and special general meetings, unless the meeting votes to exclude those individuals who are not Registered Members, but is not entitled to vote thereat;
 - (ii) receive the newsletter published by the Association;
 - (iii) receive such information as Council may direct from time to time.
- (c) A Student Member shall pay such annual dues and levies as are from time to time prescribed by Council.

9.8 Honourary Members

- (a) Council may admit as an Honourary member any individual who:
 - (i) has, in the opinion of Council, contributed significantly to the advancement of the profession in design, construction, literature or education. Election of Honourary Members shall be by a four-fifths majority of the Registered Members of the Association in attendance at an Annual General Meeting or a Special General Meeting.
- (b) An Honourary Member is entitled to:
 - (i) attend annual general meetings and special general meetings, unless the meeting votes to exclude those individuals who are not Registered Members, but is not entitled to vote thereat;
 - (ii) receive the newsletter published by the Association;
 - (iii) receive such information as Council may direct from time to time.

- (c) The Honourary Member shall not be required to pay any annual dues or levies.

ARTICLE TEN - APPLICATIONS FOR MEMBERSHIP

10.1 Registered Membership

Application for Registered Membership in the Association shall be made in writing by the applicant to the Board in the form from time to time approved by Council, and shall be accompanied by the following:

- (a) Proof satisfactory to the Board of the applicant's academic qualifications, being certification of academic qualifications by the Canadian Architectural Certification Board, and:
 - (i) a copy of the applicant's architectural degrees; or
 - (ii) a copy of the applicant's certificate of successful completion of the R.A.I.C. Syllabus of Studies.
- (b) Proof satisfactory to the Board of practical experience completed under the auspices and in accordance with the current requirements of the Intern Program approved by Council. The experience record of the applicant shall be submitted in the form required by the Council.

Where an applicant has successfully completed a 9 year Royal Architectural Institute of Canada Syllabus of Studies, they shall be deemed to have completed the practical experience required under this clause.

- (c) Proof satisfactory to the Board of successful completion of such examinations as Council may from time to time prescribe;
- (d) Three letters of reference as to the applicant's character, one, and only one, of which shall be from an architect;
- (e) The prescribed registration fee;
- (f) Such further and other information as Council may from time to time prescribe;
- (g) Notwithstanding the foregoing, if the applicant is a registered architect who holds a licence or registered membership in good standing in another jurisdiction in Canada, at the time of the application for Registered Membership in the Association, the foregoing requirements of (a), (b), (c), and (d) shall be waived, if:
 - (i) the applicant provides evidence of compliance, in accordance with the provisions under Chapter 7 (Labour Mobility) of the Agreement on Internal Trade;
 - (ii) there are no terms, conditions or restrictions on any licence or registered membership or record of disciplinary action or pending action on file with any other regulatory body in which the applicant holds or held registered membership; and

- (iii) the applicant provides such other evidence and information as Council may from time to time prescribe.
- (h) Notwithstanding the foregoing, if the applicant is a registered architect whose principal place of practice is located in a jurisdiction which is a signatory to the Inter-Recognition Agreement Between the National Council of Architectural Registration Boards and the Canadian Architectural Licencing Authorities at the time of the application for Registered Membership in the Association, the foregoing requirements of (a), (b), (c) and (d) shall be waived, if:
 - (i) the applicant provides evidence of compliance with the eligibility requirements defined in the Inter-Recognition Agreement; and
 - (ii) the applicant provides such other evidence and information as Council may from time to time prescribe.
- i) Notwithstanding the foregoing, if the applicant is an experienced foreign architect, who has been granted certification for licensure in Canada under the Broadly Experienced Foreign Architect Program, having met the eligibility requirements and demonstrated compliance with the competency standard established by the Canadian Architectural Licencing Authorities, the foregoing requirements of (a), (b) and (c) shall be waived. The applicant must also provide such other evidence and information as Council may from time to time prescribe.

10.2 Registered Member (Retired) Membership

An application for Registered Member (Retired) Membership in the Association shall be made in writing by the applicant to Council and shall be accompanied by the following:

- (a) Proof satisfactory to Council of the eligibility of the applicant in accordance with the appropriate section of these by-laws governing that particular membership.
- (b) Such further and other information as Council may from time to time prescribe.

10.3 Life Membership

Nomination for Life membership in the Association shall be made in writing to Council in the following manner:

- (a) Not less than five Registered Members shall nominate candidates for consideration as Life Members. Consent of the nominee is not required.
- (b) Application must be accompanied by the following:
 - (i) a biographical outline of the nominee;
 - (ii) such further and other information as Council may require.

10.4 Associate, Intern, Student Membership

An application for Associate, Intern or Student Membership in the Association shall be made in writing by the applicant to Council and shall be accompanied by the following:

- (a) Proof satisfactory to Council of the eligibility of the applicant in accordance with the appropriate section of these by-laws governing that particular membership;
- (b) Such further and other information as Council may from time to time prescribe.

10.5 Honourary Membership

Nomination for Honourary Membership in the Association shall be made in writing to Council in the following manner:

- (a) Not less than five Registered Members shall nominate candidates for consideration as Honourary Members to be reviewed by Council. Consent of the nominee is not required.
- (b) Application must be accompanied by the following:
 - (i) a biographical outline of the nominee, including a statement of contributions to the profession which have been made by the nominee;
 - (ii) such further and other information as Council may require.

ARTICLE ELEVEN - CERTIFICATE OF MEMBERSHIP AND SEAL

11.1 Certificate of Membership

Council shall issue to each Registered Member regularly enrolled, a Certificate of Membership signed by the President and Secretary and sealed with the Seal of the Association. The Certificate of Membership shall have affixed to it the individual's date of admission as a Registered Member.

The Certificate shall remain the property of the Association.

11.2 Certificate of Approval

Council shall issue to each Architectural Corporation, Partnership of Architectural Corporations, Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation whose application pursuant to Article 13.4, 13.5, 13.6 or 13.7 has been approved, a Certificate of Approval signed by the President and Secretary and sealed with the Seal of the Association. The Certificate of Approval shall remain the property of the Association.

11.3 Temporary Licence

Council shall issue to each individual, whose application pursuant to Article 13.12 has been approved, a Temporary Licence signed by the President and Secretary and sealed with the Seal of the Association. The Temporary Licence shall remain the property of the Association.

11.4 Architect's Seal

- (a) Council shall issue to each Registered Member in good standing, upon written request, a seal which shall be:
 - (i) circular and not more than two (2) inches in diameter;

- (ii) engraved with the words "Province of Manitoba" at the top and the words "Registered Architect" at the bottom;
 - (iii) engraved with the name of the Registered Member, or in the case of an Architectural Firm, the name of at least one partner thereof, who is a Registered Member.
- (b) All working drawings, specifications, and certificates involved in the practice of architecture when issued shall bear the seal and signature of the Registered Member responsible for the design, as well as the date on which the seal and signature were affixed.
 - (c) Whenever the Registered Member uses their seal, their signature shall appear across the seal. In the case where there is more than one name on the seal, at least one of the Registered Members named thereon shall sign the seal.

11.5 Certificate of Approval Stamp

- (a) Council shall issue to each Architectural Corporation, Partnership of Architectural Corporations Joint Architectural and Engineering Firm and Joint Architectural and Engineering Corporation, a stamp which shall bear the name of the Architectural Corporation, Partnership of Architectural Corporations, Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation, the number of the Certificate of Approval issued to it, and such further and other information as may be prescribed from time to time by Council.
- (b) All working drawings, specifications and certificates involved in the practice of architecture which are prepared by, through or on behalf of an Architectural Corporation, Partnership of Architectural Corporations, Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation, shall bear the seal and signature of the Registered Member responsible for the design and the stamp of the Architectural Corporation or Partnership of Corporations, Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation, as well as the date on which the stamp, seal and signatures were affixed.
- (c) Whenever an Architectural Corporation, Partnership of Corporations, Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation uses its stamp, the signature of the Registered Member responsible for the design shall appear across the stamp of the Architectural Corporation, Partnership of Corporations, Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation.
- (d) The stamp of the Architectural Corporation, Partnership of Architectural Corporations, Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation shall remain the property of the Association.

11.6 Temporary Licence Seal

- (a) Council shall issue to each Temporary Licensee a seal which shall bear the name of both the individual and architectural practice to which the Temporary Licence has been issued, the number of the Temporary Licence and such further and other information as may be prescribed from time to time by Council.

- (b) All working drawings, specifications and certificates involved in the practice of architecture when issued shall bear the seal and signature of the individual identified in the Temporary Licence and the seal and signature of the Collaborating Architect that is responsible for the design (and Corporation stamp, if applicable), as well as the date(s) on which the seals and signatures were affixed.
- (c) Whenever the Temporary Licensee uses their seal, the signature of the individual that is identified in the Temporary Licence shall appear across the seal.
- (c) The seal shall remain the property of the Association.

ARTICLE TWELVE - ANNUAL DUES, FEES, LEVIES

12.1 General

Each Member in any class of membership of the Association and each Sole Proprietorship, Architectural Firm, Architectural Corporation, Partnership of Corporations, Joint Architectural and Engineering Firm and Joint Architectural and Engineering Corporation shall pay the annual dues, fees and levies as may be fixed by Council from time to time and in the manner prescribed by the Association's by-laws.

12.2 Application Fee

- (a) An Application Fee shall accompany each application for Registered Membership, Certificate of Approval, Sole Proprietorship or Architectural Firm registration.
- (b) No Application Fee shall be required of any other class of member other than Registered Members.
- (c) The Application Fee is not refundable in the event that an application for Registered Membership, a Certificate of Approval, a Sole Proprietorship or Architectural Firm registration is denied.
- (d) If the applicant is denied, and applies again, they shall not be required to pay the Application Fee again, except as provided in item 4(c) of this Article.
- (e) The Application Fee shall be deposited into the Association's Capital Account.

12.3 Annual Dues

When Annual Dues for any class of membership are payable for part of the year they shall be pro-rated quarterly.

The Executive Committee, in its discretion and on Council's behalf, may reduce, waive or defer any or all fees for a one-year period, on a compassionate basis, upon consideration of written application by a Member. Such decisions are not subject to any form of appeal.

12.4 Penalties for Late Payment of Dues

- (a) If the total amount of Annual Dues payable by a Member in their class of membership in the Association is not paid by the first day of March, in a given year, a penalty in the amount fixed by Council and the total of unpaid Annual Dues owed by the Member, must be paid by the first day of June.

- (b) If a Member of the Association has not paid their Annual Dues by the first day of June, they shall forthwith cease to be a Member of the Association.
- (c) If a sole proprietorship or architectural firm fails to submit the total amount of Annual Dues that are payable by the first day of June, the sole proprietorship or architectural firm shall cease to be registered with the Association.
- (d) If an architectural corporation, partnership of architectural corporations, joint architectural and engineering firm or joint architectural and engineering corporation fails to submit, by the first day of June:
 - (i) the total amount of Annual Dues that are payable; or
 - (ii) an application for renewal of the Certificate of Approval which provides evidence, satisfactory to Council, of compliance with the respective requirements outlined in Article 13 of these by-laws;

the Certificate of Approval shall be revoked.

12.5 Penalties for Non-Compliance with Continuing Education

- (a) If a Member of the Association, who is subject to a continuing education requirement, fails to demonstrate compliance with the required learning activities in the manner prescribed by Council on or before the deadline for each cycle, they shall be required to:
 - (i) pay a penalty to the Association, in an amount determined by the Council; and
 - (ii) demonstrate compliance with the requirements, in the manner prescribed;within forty-five (45) days of the initial deadline.
- (b) If a Member remains non-compliant, by failing to remit payment of the penalty prescribed and complete and report the required learning activities in the manner prescribed, on or before the date applicable to the forty-five day extension for compliance, they shall be required to:
 - (i) pay an additional penalty to the Association, in an amount determined by the Council; and
 - (ii) demonstrate compliance with the requirements, in the manner prescribed;within forty-five (45) days following the extended deadline.
- (c) Should the Member remain non-compliant, failing to remit payment of both penalties assessed and complete and report the required learning activities in the manner prescribed, on or before ninety days from the original deadline for compliance, the matter shall be referred to the Investigation Committee pursuant to Subsections 15.1(b) and 16.2(a), for further action.

12.6 Re-Instatement to Registered Membership

The conditions and requirements that must be satisfied, to qualify for re-instatement to Registered Membership in the Association, shall be based on the period of time that has lapsed since the individual resigned or was struck for non-payment of Annual Dues.

In all cases, an individual that is seeking re-instatement must submit a written request to Council, together with payment of:

- (i) any and all invoices that were in arrears on the date of cessation of membership;
 - (ii) all dues, fees, levies and/or assessments that would have otherwise been payable for registered membership during the entire period of absence (with an appropriate credit for any dues paid during that period, relative to another class of membership), in addition to the full amount applicable to the current year; and
 - (iii) the re-instatement fee, in an amount to be determined by Council.
- (a) An individual who applies for re-instatement, within three years from the date of cessation of registered membership, shall not be required to demonstrate compliance with the current requirements for registration.

The individual shall be required to satisfy all continuing education requirements applicable to any past reporting periods, during their absence from registered membership, prior to renewal of their membership in the year following their re-instatement.

- (b) An individual who applies for re-instatement, within three to five years from the date of cessation of registered membership, may appeal the obligation for compliance with the current requirements for registration. Such an appeal shall be submitted to the Registration Board, for review and recommendation to the Council, based on such guidelines for considerations and equivalencies as may be determined by Council from time to time.

The individual shall be required to satisfy all continuing education requirements applicable to any past reporting periods, during their absence from registered membership, within the period determined by Council.

- (d) An individual who ceased to be a Registered Member more than five years prior or for any reason other than resignation or non-payment of Annual Dues, may apply pursuant to Article Ten and every such application shall be treated as a new application, including the requirement to pay the Application Fee and the full Annual Dues payable provided that, in addition, payment has been submitted for any dues, fees, levies and/or assessments that had been in arrears on the date of cessation of membership.

12.7 Re-Instatement to Other Classes of Membership

Individuals who are seeking re-instatement to a class of membership other than outlined in subsection 12.5, must submit a written request to Council, together with:

- (a) payment of any and all invoices that were in arrears on the date of cessation of membership; and

- (b) in the case of Intern membership:
 - (i) payment of the re-instatement fee, in an amount to be determined by Council; and
 - (ii) satisfactory evidence of compliance with any continuing education requirements applicable to that individual at the time of cessation of membership.

12.8 Re-Instatement of Certificate of Approval

Application for re-instatement of a Certificate of Approval shall be submitted to Council in writing and shall be accompanied by the re-instatement fee.

12.9 Temporary Leave of Absence

A Registered Member may apply in writing in advance to Council for a temporary leave of absence for a period of not more than one year from the date specified in the application, for the purposes of a sabbatical, travel, pursuit of further studies or other reason that might be acceptable to the Council. Although the entitlements and dues for a Registered Member on a temporary leave of absence shall be identical to those of Associate Members as stated in Articles 9.5(b) and as levied by Council, the continuing education requirements will not be waived or reduced in any way.

The Registered Member shall, upon written request to Council prior to the expiration of the temporary leave of absence, be re-instated and the full year's Annual Dues shall be payable for the year in which they are to be re-instated. If the member does not apply for re-instatement in accordance with the foregoing requirement, they shall cease to be a Member.

Council shall not consider granting more than three years of leave collectively, within a ten year period, under this provision.

12.10 Parental or Medical Leave

A Registered or Intern Member may apply in writing to Council for a leave of absence for up to one year for medical, compassionate, maternity or parental leave and such leave may be extended for a further one-year period, at the discretion of Council. Eligibility requirements are consistent with the provisions of Canada's Employment Insurance Act and the member may be required to demonstrate eligibility.

- (a) The entitlements and dues for a Registered Member on the leave of absence shall be identical to those of Associate Members as stated in Articles 9.5(b) and as levied by Council. Dues for a leave of this nature will be calculated on a pro-rated quarterly basis and will include the provision of a pro-rated credit towards the following year's dues, if applicable. Continuing education requirements, waived during the period of leave, will be pro-rated on a six month basis. The Registered Member shall be re-instated, upon written request to Council prior to the expiration of the leave of absence, and if applicable, shall forward payment for the remainder of dues owing for that year, on the basis of Subsection 12.3. Should the member fail to apply for an extension or re-instatement, in accordance with the foregoing, they shall cease to be a member.
- (b) The entitlements and dues for an Intern Member on the leave of absence shall remain the same except for continuing education requirements, which

are waived during the period of leave and will be pro-rated on a six month basis. The Intern shall apply for re-instatement prior to the expiration of the leave of absence. Failing to do so, they shall cease to be a member of the Association.

- (c) Although Council, in its discretion, may consider any and all requests that might be received from a Registered or Intern Member of the Association, relative to a leave under this provision, no more than three years of continuing education requirements collectively shall be waived, within a ten year period.

ARTICLE THIRTEEN – MEMBERS, SOLE PROPRIETORSHIPS, ARCHITECTURAL FIRMS,
ARCHITECTURAL CORPORATIONS, PARTNERSHIPS OF ARCHITECTURAL CORPORATIONS,
JOINT ARCHITECTURAL AND ENGINEERING FIRMS, JOINT ARCHITECTURAL AND
ENGINEERING CORPORATIONS AND TEMPORARY LICENCES

13.1 Members

- (a) The Secretary shall keep a Register which shall be the official list of the Members of the Association, in which the full name of each individual admitted to Membership in the Association shall be entered.
- (b) There shall be separate Registers for all classes of Members including their full names and addresses. The Secretary shall also keep a record of the date on which they became Members and the date on which the Annual Dues were paid each year.
- (c) There shall be a new Register each year for each class of Member indicating the correct membership for the Association in each year.
- (e) The Secretary shall make changes to these Registers when appropriate and necessary in order that the Registers are kept up to date.
- (e) Should a Member cease to be a Member for any reason, their name shall be forthwith removed from the Register.

13.2 Sole Proprietorships

- (a) Each Registered Architect that is practicing architecture in the Province of Manitoba as a Sole Proprietor shall file with the Secretary a Declaration containing:
 - (i) The name and residence address of the principal;
 - (ii) The name, style and address of the Sole Proprietorship; and
 - (iii) The date on which the Sole Proprietorship was formed, together with any other information that Council shall prescribe.
- (b) The Secretary shall cause to be maintained a Register of Sole Proprietorships, containing the name and address of the Sole Proprietorship and the name of the principal.

13.3 Architectural Firms

- (1) For the purpose of these by-laws, an Architectural Firm is a partnership where each member of the firm is a Registered Architect.
- (2) Each Architectural Firm practicing architecture in the Province of Manitoba shall file with the Secretary an Architectural Firm Declaration containing:
 - (a) The names and residence addresses of all partners of the Firm;
 - (b) The name, style and address of the Firm;
 - (c) The date on which the Firm was formed, together with any other information that Council shall prescribe; and
 - (d) The name of the Registered Member, who has been designated by the Firm, to be notified of any complaint against the Firm or Registered Members associated with the Firm.
- (3) The Secretary shall cause to be maintained a Register of Architectural Firms, which shall contain all of the information that has been provided pursuant to Section 13.3(2).

13.4 Architectural Corporations

- (1) For the purpose of these by-laws, an Architectural Corporation is a corporation which satisfies the criteria set out in Section 13.4(2).
- (2) An application for a Certificate of Approval allowing an Architectural Corporation to practice architecture shall be made to Council in the form approved by Council. The application shall be accompanied by the following:
 - (a) evidence, satisfactory to Council, that the practice of architecture will be carried on by or under the direct personal supervision, and will be the responsibility of, one or more permanent employees or shareholders who are Registered Members;
 - (b) evidence, satisfactory to Council, that the beneficial ownership of a majority of all issued voting shares in the capital stock of the Corporation is vested in individuals who are Registered Members;
 - (c) evidence, satisfactory to Council, that the majority of directors of the Corporation are Registered Members;
 - (d) evidence, satisfactory to Council, that at least one of the officers of the Corporation is a Registered Member;
 - (e) evidence, satisfactory to Council, that the primary and customary business of the Corporation is the practice of architecture;
 - (f) evidence, satisfactory to Council, that the Architectural Corporation has professional liability insurance in such minimum amounts and containing such terms and conditions as may be prescribed from time to time by Council;
 - (g) the names and addresses of all officers, directors and shareholders of the Corporation;

- (h) the name of the Registered Member, who has been designated by the Corporation, to be notified of any complaint against the Corporation or Registered Members associated with the Corporation;
 - (i) such fees as are from time to time prescribed by Council;
 - (j) such further and other information as Council may require.
- (3) The Secretary shall cause to be maintained a Register of Architectural Corporations, which shall contain all of the information that has been provided pursuant to Section 13.4(2).

13.5 Partnership of Architectural Corporations

- (1) For the purpose of these by-laws, a Partnership of Architectural Corporations is a partnership which satisfies the criteria set out in Section 13.5(2).
- (2) An application for a Certificate of Approval allowing a Partnership of Architectural Corporations to practice architecture shall be made to Council in the form approved by Council. The application shall be accompanied by the following:
 - (a) evidence, satisfactory to Council, that the practice of architecture will be carried on by or under the direct personal supervision, and will be the responsibility of, one or more permanent employees or shareholders who are Registered Members;
 - (b) evidence, satisfactory to Council, that the Partnership of Architectural Corporations has professional liability insurance in such minimum amounts and containing such terms and conditions as may be prescribed from time to time by Council;
 - (c) evidence, satisfactory to Council, that each partner meets the requirements of Subsections 13.4(2) (a) to (g) and any other requirements prescribed by Council;
 - (d) the name of the Registered Member, who has been designated by the Partnership of Corporations to be notified of any complaint against the Partnership of Corporations or Registered Members associated with the Partnership of Corporations;
 - (e) such fees as are from time to time prescribed by Council;
 - (f) such further and other information as Council may require.
- (3) The Secretary shall cause to be maintained a Register of Partnerships of Architectural Corporations, which shall contain all of the information that has been provided pursuant to 13.5(2).

13.6 Joint Architectural and Engineering Firms

- (1) For the purpose of these by-laws, a Joint Architectural and Engineering Firm is a partnership which satisfies the criteria set out in Section 13.6(2).
- (2) An application for a Certificate of Approval allowing a Joint Architectural and Engineering Firm to practice architecture shall be made to Council in the form approved by Council. The application shall be accompanied by the following:

- (a) evidence, satisfactory to Council, that the practice of architecture will be carried on by or under the direct personal supervision, and will be the responsibility of, one or more permanent employees or partners who are Registered Members;
 - (b) evidence, satisfactory to Council, that all of the partners of the Firm are:
 - (i) Professional Engineers; or
 - (ii) Professional Engineers and Registered Members;
 - (c) evidence, satisfactory to Council, that the primary and customary business of the Firm, will be both the practice of architecture and the practice of professional engineering;
 - (d) evidence, satisfactory to Council, that the Joint Architectural and Engineering Firm has professional liability insurance in such minimum amounts and containing such terms and conditions as may be prescribed from time to time by Council;
 - (e) evidence, satisfactory to Council, that the Joint Architectural and Engineering Firm holds a valid Certificate of Authorization from the Association of Professional Engineers and Geoscientists of the Province of Manitoba;
 - (f) the names of all permanent employees or partners of the Firm who are the Registered Members who will carry on, or personally and directly supervise, and have professional responsibility for, the practice of architecture by the Joint Architectural and Engineering Firm;
 - (g) the name of the Registered Member, who has been designated by the Joint Architectural and Engineering Firm, to be notified of any complaint against the Firm or Registered Members associated with Firm;
 - (h) such fees as are from time to time prescribed by Council;
 - (i) such further and other information as Council may require.
- (3) The Secretary shall cause to be maintained a Register of Joint Architectural and Engineering Firms, which shall contain all of the information that has been provided pursuant to Section 13.6(2).

13.7 Joint Architectural and Engineering Corporations

- (1) For the purpose of these by-laws, a Joint Architectural and Engineering Corporation is a corporation which satisfies the criteria set out in Section 13.7(2).
- (2) An application for a Certificate of Approval allowing a Joint Architectural and Engineering Corporation to practice architecture shall be made to Council in the form approved by Council. The application shall be accompanied by the following:
 - (a) evidence, satisfactory to Council, that the practice of architecture will be carried on by or under the direct personal supervision, and will be the responsibility of, one or more permanent employees or shareholders who are Registered Members;

- (b) evidence, satisfactory to Council, that the beneficial ownership of a majority of all issued voting shares in the capital stock of the Corporation is vested in individuals who are:
 - (i) Professional Engineers; or
 - (ii) Professional Engineers and Registered Members;
 - (c) evidence, satisfactory to Council, that the majority of directors of the Corporation are:
 - (i) Professional Engineers; or
 - (ii) Professional Engineers and Registered Members;
 - (d) evidence, satisfactory to Council, that at least one of the officers of the Corporation is a Professional Engineer or a Registered Member;
 - (e) evidence, satisfactory to Council, that the primary and customary businesses of the Corporation will be both the practice of architecture and the practice of professional engineering;
 - (f) evidence, satisfactory to Council, that the Joint Architectural and Engineering Corporation has professional liability insurance in such minimum amounts and containing such terms and conditions as may be prescribed from time to time by Council;
 - (g) evidence, satisfactory to Council, that the Joint Architectural and Engineering Corporation holds a valid Certificate of Authorization from the Association of Professional Engineers and Geoscientists of the Province of Manitoba;
 - (h) the names and addresses of all officers, directors and shareholders of the Corporation;
 - (i) the names of all permanent employees or shareholders of the Corporation who are the Registered Members who will carry on, or personally and directly supervise, and have professional responsibility for, the practice of architecture by the Joint Architectural and Engineering corporation;
 - (j) the name of the Registered Member, who has been designated by the Corporation, to be notified of any complaint against the Corporation or Registered Members associated with the Corporation;
 - (k) such fees as are from time to time prescribed by Council;
 - (l) such further and other information as Council may require.
- (3) The Secretary shall cause to be maintained a Register of Joint Architectural and Engineering Corporations, which shall contain all of the information that has been provided pursuant to Section 13.7(2).

13.8 Names & Designations: Sole Proprietorships, Architectural Firms, Architectural Corporations, Partnerships of Architectural Corporations, Joint Architectural and Engineering Firms and Joint Architectural and Engineering Corporations

- (a) All business names or styles shall be submitted to the Registration Board for approval prior to the Sole Proprietorship, Architectural Firm, Architectural Corporation, Partnership of Architectural Corporations, Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation carrying on, in any way, business under a name or style.
- (b) No Sole Proprietorship, Architectural Firm, Architectural Corporation, Partnership of Architectural Corporations, Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation shall carry on, in any way, business under a name or style that:
 - (i) is the same or is similar to a name being used by a Sole Proprietorship, Architectural Firm, Architectural Corporation, Partnership of Architectural Corporations, Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation, that engages in the practice of architecture or the practice of architecture and the practice of professional engineering, as the case may be, so that its use would, in the opinion of the Registration Board, be likely to deceive or confuse the public;
 - (ii) is misleading or unprofessional.
- (c) The name or style under which a Sole Proprietorship, Architectural Firm, Architectural Corporation or Partnership of Architectural Corporations carries on the practice of architecture shall include the word "architect" or an abbreviation, derivation or variation thereof approved by the Registration Board.
- (d) The name or style under which a Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation carries on the practice of architecture may include the word "architect" or an abbreviation, derivation or variation thereof approved by the Registration Board.

13.9 Appeal Regarding Names & Designations

Where the Registration Board does not approve a business name or style under Subsections 13.8(b), 13.8(c) or 13.8(d), the applicant seeking approval of the business name or style may appeal the decision. Such an appeal must be submitted to Council within fourteen (14) days of the decision of the Registration Board.

13.10 Letterhead

- (a) The letterhead used by a Sole Proprietorship, Architectural Firm, Architectural Corporation or Partnership of Architectural Corporations must indicate, if not in the Firm or Corporation name, the names of all Registered Members, and if applicable the names of all Corporations, who are:
 - (i) principals or partners in the Firm; and/or
 - (ii) Directors of the Corporation.

- (b) The letterhead used by a Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation must indicate, if not in the Firm or Corporation name, the names of:
 - (i) all Professional Engineers, and if applicable all Registered Members, who are partners in the Firm or Directors of the Corporation; and
 - (ii) the Registered Members who will be professionally responsible for the practice of architecture by the Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation.

13.11 Renewal of Certificates of Approval

Application for renewal of a Certificate of Approval shall be made to Council annually, in writing, on or before May 31 in each calendar year and in the form prescribed by Council. The application fee for the renewal of a Certification of Approval shall be submitted with payment of Annual Dues.

13.12 Temporary Licenses

- (1) An application for a Temporary Licence, allowing an individual and/or legal entity to practice architecture in conjunction with a Collaborating Architect for a specific project, shall be made to Council, in writing, in the form approved by Council and shall be renewed annually on or before each anniversary of the date on which the licence was initially issued. The application shall be accompanied by the following:
 - (a) evidence, satisfactory to Council, that the applicant is a natural person, corporation or firm that is authorized to practice architecture in a jurisdiction outside the Province of Manitoba;
 - (b) evidence, satisfactory to Council, that the applicant has formed a professional collaborative relationship with a Registered Member through:
 - (i) a Sole Proprietorship or Architectural Firm, pursuant to Article 13.2 or 13.3; or
 - (ii) an Architectural Corporation, Partnership of Architectural Corporations, Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation, pursuant to Article 13.4, 13.5, 13.6 or 13.7;
 - (c) a declaration by the Registered Member, confirming their willingness to act as a Collaborative Architect on the project;
 - (d) evidence, satisfactory to Council, that the applicant and the Collaborating Architect have agreed and jointly undertake to satisfy such conditions, relative to the fulfillment of all professional obligations for the project, as may be prescribed from time to time by Council;
 - (e) such fees as are from time to time prescribed by council;
 - (f) such further and other information as Council may require.
- (2) The Secretary shall cause to be maintained a Register of Temporary Licenses, which shall contain all of the information that has been provided pursuant to Section 13.8(1).

- (3) The Temporary Licence is only valid for the commission or project that is identified on the licence and the licence must be maintained until one year following the date of Substantial Completion of the project or until such time as all professional obligations have otherwise been satisfied, whichever is later.
- (4) All Temporary Licenses which are issued under this section are conditional upon the ongoing involvement of the Collaborating Architect.

ARTICLE FOURTEEN - FEES AND SERVICES

14.1 General

The Association may from time to time issue a Schedule of Suggested Professional Charges outlining the suggested charges by Registered Members for various types of professional services or may support any such guidelines issued by the Royal Architectural Institute of Canada at the national level.

ARTICLE FIFTEEN - PROFESSIONAL ETHICS AND CONDUCT

15.1 General

Without limiting the obligation of members to act ethically and competently, members shall have regard to the following principles of professional conduct.

- (a) A Member shall be considered competent when they perform with reasonable skill and good judgment and in the interests of the public and safety any professional services requiring the application of the art and science of architecture in the erection and completion of structures, their accessories, equipment and utilities. Such services may consist of consultation, investigation, estimating, evaluation, arbitration, planning, design, and the preparation of drawings and specifications, contract administration and inspection.
- (b) A Member shall acknowledge continuing education as an essential component of professional practice and continuing competence; and shall undertake and report activities to the Association in accordance with the continuing education requirements prescribed by Council.
- (c) Except in competition conducted in accordance with the provisions in Article Seventeen, a Member shall not render any professional services except under an agreement with the client, which provides, either expressly or by implication, for a fair and reasonable remuneration.
- (d) A Member shall not engage in anything outside of their practice as an Architect which would involve them in such a manner as to bring into question their duty of acting solely in the best interests of their clients.
- (e) In connection with the work and duties entrusted to them a Member must not accept remuneration from any source other than the professional fees payable to them by their client. They must not accept any work which involves the giving or receiving of discounts or commissions, nor shall they accept any gift or commission from contractors or tradesmen, whether employed upon their works or not. Neither directly or indirectly, as shareholder, partner or otherwise may they obtain any benefit from any contract or agreement relating to the execution of any work on which they

are or have been employed as an architect, unless such interest has been disclosed to and permitted by the client.

- (f) Except with the full knowledge and approval of their client, a Member must not permit the insertion of any clause in instructions to bidders or in the form of tender, or in the specifications or other contract documents, which may provide for payment to be made to them by the contractor, whatever may be the consideration, except for duplicate copies of drawings, or documents, at a fair and reasonable price.
- (g) If a Member owns or has a commercial interest in any material, device or invention used in building, they must inform their client thereof and must obtain their sanction in writing before permitting it to be used in works executed under their direction.
- (h) A Member must not be a party to any attempt to evade or circumvent, or commit a breach of the provisions of the Act or of these By-laws.
- (i) A Member must not use unfair means to obtain professional advancement for themselves, or to injure the prospects of another architect to secure or hold employment.
- (j) A Member must not use improper or questionable methods of soliciting professional work, or adopt any advertising methods which are not consistent with the dignity of a learned profession.
- (k) In order to influence or procure employment, a Member shall not give to any individual any donation, rebate, discount, bonus, fee or commission amounting to a reduction of their fee.
- (l) A Member shall not permit contractors, material producers, structural companies, or manufacturers of heating or of ventilating apparatus, to perform any part of their services for them without a reasonable and fair compensation. This does not refer to customary shop drawings, or the use of current technical trade information. The Member shall not permit anyone rendering service as above to tender on work in which they have been so involved, except on conditions that will assure fair competition.
- (m) When a Member is not responsible for the complete architectural services in the erection of a building with which they permit their name to be publicly connected, it shall be their duty to see to it that the part of the service for which they are responsible, is clearly stated in association with their name.
- (n) After a contract has been let, a Member must act in an impartial manner between the Owner and the Contractor. They must interpret the conditions of a contract with entire fairness as between the Owner and the Contractor.
- (o) Except as otherwise provided in these By-laws, when a Registered Member receives a request that they undertake certain work on which another Registered Member has been engaged, such Registered Member shall not undertake such work, or if having undertaken it without knowing that another Registered Member has been engaged, shall not continue the work without the consent of the other Registered Member or until after they have satisfied themselves that the other Registered Member's engagement has been terminated, and has informed that other Registered Member in writing of their intention to proceed. The fact that the other Registered Member may not have been paid, or that some dispute may be pending between them

and the proprietor need not prevent the acceptance or continuation of the new retainer, provided this By-law has been otherwise complied with.

- (p) A Member shall not knowingly make or assist others to make, either a false of misleading statement or an omission of material fact about any of the requirements relative to admission or continuing education, when applying for or renewing membership in the Association.

15.2 Professional Advertising

- (1) An Architect, Sole Proprietorship, Architectural Firm, Architectural Corporation, Partnership of Architectural Corporations, Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation, may promote or advertise their/its abilities provided that same is in the public interest, but shall not advertise directly or indirectly in a manner determined by Council:
 - (a) to be misleading or false in content; or
 - (b) is unprofessional; or
 - (c) that states or suggests fees.
- (2) Any advertising by a Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation which suggests that it carries on the practice of architecture, must indicate that its architectural services are delivered through the Registered Member(s) identified in its Certificate of Approval.

15.3 Communication on Behalf of Association

Only the President, Executive Director, or a Member approved by Council, shall communicate on behalf of the Association. Accordingly, unless the prior express approval of Council has been given, no Member shall communicate any information in any way which purports to be or is likely to be viewed as being made on behalf of the Association, including, without limitation, making any public statements or press releases, or participating in any media activities.

ARTICLE SIXTEEN - CONDUCT AND COMPETENCE

16.1 Complaints

- (a) A complaint to the Association concerning the conduct or competence of any member shall be in writing addressed to the Association.
- (b) Upon receipt, such written complaint shall be referred to the Executive Director of the Association. Unless the Executive Director is of the view that the complaint relates to a matter which is not within the jurisdiction of the Association, they shall cause a letter to be sent immediately to the member complained against enclosing a copy of the complaint and requiring an answer to such complaint. Such letter may be served on the member personally, or may be sent by registered mail, postage prepaid addressed to the member at the member's post office address appearing in the records of the Association. The Executive Director may also direct such other action be taken as may be proper in their view to obtain information relating to the complaint.

- (c) A letter sent to a member by registered mail under subsection (b) shall be deemed to have been served upon and/or received by the member on the 7th day after it was mailed.
- (d) Where a letter has been written to a member pursuant to this rule, the member, within 14 days after the letter was received, shall file with the Association a written answer providing the information or explanation requested. Failure of the member to do so, in the absence of a reasonable excuse, shall in itself constitute professional misconduct.
- (e) Upon receipt of the member's response, the complaint and response shall be referred by the Executive Director to the Investigation Committee for its review.
- (f) Where the Association receives a complaint against a Registered Member associated with an Architectural Firm or a firm or corporation which holds a Certificate of Approval that has been issued pursuant to these by-laws, the Executive Director shall give notice to the Architectural Firm or the Certificate of Approval Holder by causing a copy of the complaint to be sent to the Registered Member designated by the Architectural Firm or Certificate of Approval Holder to be its designate for this purpose.

16.2 Investigations

- (a) The Investigation Committee shall consider and may investigate all complaints referred to it concerning the conduct or competence of any member of the Association, and may, of its own motion, without the submission of a complaint, investigate the conduct or competence of any member of the Association where it considers such investigation appropriate.
- (b) The Investigation Chair, or upon their direction any individual or individuals conducting or assisting in an investigation hereunder, may require the member concerned and any other member or individual to produce any records, books, papers and other documents or things in the member's possession or control relevant to the investigation, and may require the member concerned and any other member or individual to attend at or in connection with the investigation.
- (c) The Association may summarily apply ex parte (without notice to any party) to a judge of the Court of Queen's Bench for an Order directing the member concerned or any other member or individual to produce to the individual or individuals conducting an investigation, any records, books, papers or other documents or things in their possession or under their control, where the member or other individual has failed to produce same when required under sub-paragraph (b) hereof, and where the judge is of the opinion that the issue of such an Order is just and appropriate in the circumstances.
- (d) The Investigation Committee in its sole discretion, shall be empowered to do whatever it might consider necessary to permit it ultimately to report in writing to the Executive Committee and to recommend in such report whether:
 - (i) the complaint should not proceed further; or
 - (ii) a formal censure should be offered to the member; or
 - (iii) the matter should proceed to formal inquiry.

- (e) Upon receipt and due consideration of the report and recommendation of the Investigation Committee, the Executive Committee shall thereupon:
 - (i) direct that no further action be taken; or
 - (ii) direct that a formal censure be offered to the member; or
 - (iii) direct that the matter be dealt with and a formal inquiry be held.
- (f) Where a formal inquiry into the conduct of a member of the Association is directed by the Executive Committee, the Executive Committee shall direct that a charge be formulated against such member.
- (g) Every charge formulated pursuant to sub-paragraph (f) shall state clearly what the member charged is alleged to have done or omitted to do, as the case may be.

16.3 Inquiry Committee

- (a) The Chair shall direct which members (not being less than a quorum) shall sit on any Inquiry.
- (b) A member shall not sit as a member of the Inquiry Committee on any Inquiry in which:
 - (i) they or any other member of their firm is the complainant or has advised the complainant in connection with the subject matter of the complaints;
 - (ii) they or any other member of their firm will be a witness;
 - (iii) any member of their firm is the member whose conduct or competence is the subject of the Inquiry.
- (c) In any Inquiry, the prosecution of the charge shall be conducted by the counsel appointed by the Executive Committee, and the member whose conduct is the subject of the Inquiry is entitled to be represented by counsel.
- (d)
 - (i) Where an Inquiry into the conduct of a member of the Association is deemed advisable by the Executive Committee, at least 14 days before the first meeting of the Inquiry Committee, to be held for the taking of evidence or otherwise ascertaining the facts, a notice shall be served upon the person whose conduct is the subject of the Inquiry, and the notice shall embody a copy of the charges made against them or a statement of the subject matter of the Inquiry, and shall also specify the time and place of the meeting.
 - (ii) Where an Inquiry into the conduct of a former member of the Association is deemed advisable by the Executive Committee, the Inquiry may be held and the process and procedure otherwise applicable to Inquiries shall apply as if the member were still a member of the Association, provided that such Inquiry is commenced within one year of the date the member ceased to be a member
- (e) A notice to be served upon a person whose conduct is the subject of Inquiry may be served upon them personally, or may be sent to them by registered

or certified mail, postage prepaid, addressed to them at their post office address appearing in the register or other records of the Association.

- (f) A notice sent by mail shall be deemed to have been served seven days after the date of which it was mailed.
- (g) Proof of service of the notice may be by Affidavit or Statutory Declaration.
- (h) Where the person whose conduct is the subject of Inquiry does not attend the Inquiry, without having provided the Inquiry Committee prior to the date of the hearing with a good and sufficient reason for their failure to attend, the Inquiry Committee may upon proof of service of the notice in accordance with this Section, proceed with the Inquiry in their absence, and without further notice to them, take such action as it is authorized to take under the Act and this By-law.
- (i) Evidence may be adduced before the Inquiry Committee either by Affidavit or viva voce (orally and in person) or both, as the Inquiry Committee may determine; but a member shall not be expelled from the Association on affidavit evidence alone.
- (j) Where the testimony of a witness at the Inquiry is taken viva voce under oath, there shall be a full right to examine, cross-examine and re-examine such witness.
- (k) There shall be a full right at any Inquiry to call evidence in prosecution, defense or reply.
- (l) Any oath required to be administered pursuant to subsections (i) or (j) may be administered by any member of the Inquiry Committee holding the Inquiry.
- (m) The Inquiry Committee holding the Inquiry, or any party to the Inquiry, may on request obtain from the Court of Queen's Bench and serve Subpoenas for the attendance of witnesses and production of books, documents and things at the Inquiry: and disobedience thereof or refusal to give evidence shall be deemed a contempt of court.
- (n) Witnesses are entitled to the same allowances as witnesses attending upon a trial of an action in the Court of Queen's Bench.
- (o) For the purposes of an Inquiry, a certified copy of a document evidencing the conviction of a member of any crime or offence under the Criminal Code or under any other Act, is conclusive evidence that the member has committed the crime or offence stated therein, unless it is shown that the conviction was quashed or set aside.
- (p) An Inquiry held under this section shall be open to the public except where the Inquiry Committee is of the opinion that during the course of the Inquiry, financial, personal or other information that might be disclosed with respect to any person, is of such nature that, notwithstanding the desirability of conducting the Inquiry in public, it is in the interest of a person affected by the information or in the public interest that the information not be disclosed to the public; in which case the Inquiry Committee may order that the Inquiry or some portion of it be held in camera.
- (q) The Inquiry Committee may make an order under (p) on its own motion, or on the application of the member who is the subject of the Inquiry, the

complainant, or any other interested party, at any time before the Inquiry commences or at any time during the Inquiry.

- (r) After the hearing and due consideration of the evidence and of the representations made, the Inquiry Committee shall make a report in writing stating:
 - (i) which, if any, of the acts or omissions stated in the Charge have been proved to the satisfaction of the Committee; and
 - (ii) whether or not, by the acts or omissions so proved, the member is guilty of professional misconduct, or conduct unbecoming an architect, or incompetence, or violating the By-laws or directives of the Association, or demonstrating incapacity or unfitness to practice architecture.
- (s) Where the Inquiry Committee finds the member is not guilty of professional misconduct, or conduct unbecoming an architect, or incompetence, or violating the By-laws or directives of the Association, or demonstrating incapacity or unfitness to practice architecture, it shall dismiss the charge.
- (t) Where the Inquiry Committee finds the member guilty of professional misconduct, or conducting unbecoming an architect, or of demonstrating incapacity or unfitness to practice architecture, it may order that the member be suspended or expelled from membership in the Association, whereupon the member will be so suspended or expelled.
- (u) Following an Inquiry in which a member of the Association is found guilty of professional misconduct, or of conduct unbecoming an architect, or incompetence, or of violating the By-laws or directives of the Association, or of demonstrating incapacity or unfitness to practice architecture, the Executive Director shall cause a copy of the report of the Inquiry Committee to be served either personally or by registered mail upon the complainant and the member whose conduct was the subject of the Inquiry, or upon counsel who appeared for such member, together with a notice of the appeal rights under s.31 of the Act.
- (v) Following conclusion of the Inquiry and after all appeals and rights of appeal have been exhausted, the Inquiry Committee at the first meeting thereafter of the Executive Committee shall provide the Executive Committee with a copy of its report setting forth its findings and disposition.
- (w) When an architect has been suspended or expelled from practice and is a member of the Association, notice to the effect shall be inserted by the Executive Director in one issue of the Winnipeg Free Press.
- (x) Where the member has been found guilty of professional misconduct or conduct unbecoming a member, or of incompetence, or of violating the Rules or By-laws of the Association, or of demonstrating incapacity or unfitness to practice architecture, the Executive Director, after all appeals and rights of appeal have been exhausted, shall give notice of such finding to the profession and to any party or parties whose complaint or complaints gave rise to the charge or charges of which the architect was found guilty, such notice to include:
 - (i) the name of the architect;

- (ii) the nature of the charges of which the architect was found guilty, including brief particulars;
- (iii) the penalty imposed, including any conditions;
- (iv) the costs imposed, if any.

In addition, the Inquiry Committee in its discretion may direct the Executive Director to publish said information concerning its findings to the public as it considers appropriate under the circumstances in such manner and by such means as it may determine.

- (y) Where in the course of the conduct of an Inquiry a matter concerning the conduct or competence of any member of the Association comes to the attention of the Inquiry Committee, and the Inquiry Committee is of the opinion that such conduct or competence requires investigation, the Inquiry Committee may refer the matter to the Executive Director or the Investigation Committee for such investigation as either may direct.
- (z) A member who is found guilty of professional misconduct, conduct unbecoming a member, incompetence, violation of the Rules or By-laws of the Association, or of having demonstrated incapacity or unfitness to practice architecture, may be ordered by the Inquiry Committee to pay all or any part of the costs and expenses incurred by the Association in its investigation into, proceedings upon and hearing of any subject matter of inquiry, or any complaint or charge in respect of which the member has been found guilty.

16.4 Interim Suspension

- (a) Notwithstanding anything herein, where the Executive Committee has directed an Inquiry into the conduct or competence of a member, the Executive Committee may, if it determines it to be in the public interest:
 - (i) suspend the member from practice and thereupon the member stands suspended from practice until the suspension is lifted, superseded or annulled by the Inquiry Committee; or
 - (ii) impose conditions of practice on the member and thereupon the member is subject to those conditions of practice until they are varied or rescinded by the Inquiry Committee.
- (b) The Executive Director shall cause notice of the suspension of a member under subsection (a)(i) or any conditions imposed on the practice of a member under subsection (a)(ii) to be served upon the member as soon as practicable after the suspension or the imposition of the conditions.
- (c) The Executive Committee may direct that publication be made to the member of the Association or to the public, or to both, of information relating to proceedings under this section including:
 - (i) the name of the member who was subject to an Inquiry;
 - (ii) the nature of the Inquiry;
 - (iii) any suspension of a member or conditions on the practice of a member imposed under this section.

16.5 Formal Censure

- (a) On the conclusion of its investigation, the Investigation Committee may recommend to the Executive Committee, that it be authorized to propose to a member in lieu of any other procedure the issuance by the Executive Committee of a formal Censure in writing to the member as a record of disapproval of said member's conduct, which formal Censure shall not be the subject of appeal by the Association or the member.
- (b) In considering a recommendation by the Investigation Committee that a formal censure be offered to the member, the Executive Committee shall consider any previous disciplinary action against the member, including the issuance of a formal censure.
- (c) If the Executive Committee refuses to accept the Investigation Committee's recommendation, or if the member refuses to accept the Investigation Committee's proposal, the matter shall be dealt with by way of formal Inquiry before the Inquiry Committee.
- (d) Unless the member agrees to publication, a formal Censure if issued, shall remain privileged and confidential, except that the Executive Director may inform a complainant as to the disposal of the complaint.
- (e) If the member is found guilty by the Inquiry Committee with respect to any other charge laid following the imposition of a formal Censure, the formal Censure and the circumstances surrounding same then may be referred to the Inquiry Committee to assist in determining the appropriate penalty.

16.6 Revocation of Certificate of Approval

- (1) A Certificate of Approval issued to a firm or corporation pursuant to these by-laws may, after allowing the holder of the Certificate of Approval an opportunity to be heard, be revoked, or have its renewal withheld, where Council is satisfied that the Certificate of Approval Holder:
 - (a) has failed to observe the conditions set forth in the Act;
 - (b) has failed to observe the provisions of these by-laws relating to the issuance of a Certificate of Approval;
 - (c) has breached the standards of professional conduct of architecture;
 - (d) is guilty of conduct that is inimical to the best interests of the public;
or
 - (e) is guilty of conduct that is inimical to the best interests of the profession of architecture.
- (2) Where the Council deems appropriate, and where the Certificate of Approval Holder agrees, in lieu of revoking a Certificate of Approval or withholding its renewal, the Council may place conditions on a Certificate of Approval but in such circumstances the Certificate of Approval Holder has no right of appeal from the imposition of the said conditions.

ARTICLE SEVENTEEN - COMPETITIONS

17.1 General

The Association recognizes that architectural competitions shall be conducted in accordance with the guidelines for architectural competitions established and published by the Royal Architectural Institute of Canada and amendments thereto.

17.2 Outside Canada

Nothing in this Article shall apply to a competition promoted by a party outside of Canada for work to be executed outside of Canada.

ARTICLE EIGHTEEN - REPEAL OF PREVIOUS GENERAL BY-LAW

18.1 General

This by-law supercedes and replaces General By-law published February, 1975, as amended, and same is hereby repealed.

ARTICLE NINETEEN - INTERPRETATION

19.1 General

In the event of any dispute as to the intent or meaning of this by-law, or any by-law, which may be passed hereafter, the interpretation by Council shall be final and conclusive and binding upon the Member or Members, and/or Sole Proprietorship, Architectural Firm, Architectural Corporation, Joint Architectural and Engineering Firm or Joint Architectural and Engineering Corporation affected thereby, subject to those limited rights of appeal granted pursuant to the Act.

ARTICLE TWENTY - GENERAL

20.1 Indemnity

Subject to the limitations contained in the Act, the Association shall indemnify a councillor or officer, or former councillor or officer, or an individual who, with authorization, undertakes or has undertaken any liability on behalf of the Association, and their heirs and legal representatives, against all costs, charges and expenses, including an amount paid to settle an action or satisfy a judgment, reasonably incurred by them in respect of any civil, criminal or administrative action or proceedings to which they are made a party by reason of being or having been a councillor, officer or authorized representative of the Association, if

- (a) they acted honestly and in good faith with a view to the best interest of the Association; and
- (b) in the case of a criminal or administrative action or proceedings that is enforced by a monetary penalty, they have reasonable grounds for believing that their conduct was lawful.