JOINT PRACTICE GUIDELINES GOVERNING THE PROFESSIONAL RELATIONSHIP BETWEEN ARCHITECTS AND ENGINEERS
("the Guidelines")

THE ARCHITECTS' ASSOCIATION OF NEW BRUNSWICK

AND

THE ASSOCIATION OF PROFESSIONAL ENGINEERS AND GEOSCIENTISTS OF NEW BRUNSWICK

ARCHITECTS' ASSOCIATION
OF NEW BRUNSWICK
ASSOCIATION DES ARCHITECTES
DU NOUVEAU-BRUNSWICK

Approved by AANB Council: November 28, 2023

ENGINEERS GEOSCIENTISTS New Brunswick
INGÉNIEURS GÉOSCIENTIFIQUES Nouveau-Brunswick

Approved by APEGNB Council: December 7, 2023

TABLE OF CONTENTS

PREAMBLE

1. PRINCIPLES

2. ARCHITECT-ENGINEER JOINT PRACTICE COMMITTEE (“the Committee”)
   a) PURPOSE
   b) TERMS OF REFERENCE
   c) COMPOSITION OF THE COMMITTEE
   d) TERM
   e) QUORUM
   f) MEETINGS

3. MUTUAL RESPONSIBILITIES

4. STAMPING & SIGNING OF DRAWINGS / DOCUMENTS

5. DISPUTE RESOLUTION

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

7. INTERPRETATIONS

TABLE 1: REQUIREMENTS OF ARCHITECTURAL AND ENGINEERING SERVICES BY BUILDING CLASSIFICATION

PREAMBLE

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

For the practices of Architects and Professional Engineering in the Province of New Brunswick, the Architects Association of New Brunswick and the Association of Professional Engineers and Geoscientists of New Brunswick issue this statement of responsibilities, for business relations with the public and among members of both professional associations. All Architects and Professional Engineers have an obligation to observe the *Joint Practice Guidelines Governing the Professional Relationship Between Architects and Engineers* ("the Guidelines").

1. PRINCIPLES

(a) The practice of Architecture and of Professional Engineers, respectively, is as defined in the *Architects Act*, *1987*, and the *Engineering and Geoscience Professions Act*, *2015*, Province of New Brunswick.

(b) Each profession recognizes the other as an honoured and learned profession of equal merit whose close cooperation is essential to public interest.

(c) An Architect may accept commissions for projects involving both Architectural and Engineering work.

(d) For projects under the control of an Architect requiring engineering aid or assistance, the Architect shall, subject to the provisions within these Guidelines, engage a Registered or Licensed Professional Engineer or Engineers in the Province of New Brunswick to do such engineering work.

(e) A Professional Engineer may accept commissions for projects involving both Engineering and Architectural work.

(f) For projects under the control of a Professional Engineer requiring Architectural aid or assistance, the Professional Engineer shall, subject to the provisions within these Guidelines, engage a Licensed Architect or Architects to do such architectural work.

2. ARCHITECT – ENGINEER JOINT PRACTICE COMMITTEE ("the Committee")

(a) Purpose

The purpose of the Committee is to assist the Association of Professional Engineers and Geoscientists of New Brunswick and the Architects Association of New Brunswick in the development and maintenance of the professional relationship between the two associations.

(b) Terms of Reference

The responsibilities of the Committee are to:

(i) Propose guidelines governing its practice and procedure;

(ii) Advise both Associations on matters of the interprofessional relations including the coordination and publication of guidelines, standards, criteria and performance standards in the field of building design and construction;

(iii) Establish procedures to evaluate and recommend to the respective Councils on disputes of an interprofessional nature referred to it for determination;

(iv) Establish guidelines to assist in providing the special knowledge, skill and training of each profession in the field of building design and construction;

(v) Consideration of the impact of other groups on the work of architects and engineers and advise on action to the respective Councils;

(vi) Consideration of developments in the technology of building design and construction and advise on actions for the respective Council to undertake; and

(vii) Provide advice on any other matter directed to the Committee by the Council of either Association for consideration.

The responsibilities of the Committee as referenced above are subject to approval by the respective Council.

(c) Composition of the Committee

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

- Two (2) Architects appointed by the AANB Council.
- Two (2) Professional Engineers appointed by the APEGNB Council.
- The Chair of the Committee shall be appointed by the four (4) Committee members. The position of Chair shall alternate between membership in the AANB and APEGNB.

(d) Term

All appointees to the Committee shall serve on the committee for a term of three (3) years at which time the appointment of Committee members shall cease, and a new member(s) will be appointed.

The term of Chair shall be three (3) years.

Committee members may serve overlapping terms to ensure continuity on the Committee.

(e) Quorum

A quorum shall consist of the Chair and at least one (1) Committee member from each Association.

(f) Meetings

(i) The Committee will meet on a regular basis to carry out its duties as prescribed in the Terms of Reference 2 (b). Meetings shall be held at a minimum, once per year.

(ii) The Committee may communicate directly with a member or members of either or both Professions during their deliberations and make recommendations to either Council.

(iii) The Chair, or other designated person, will produce minutes of the meeting within fifteen (15) days of each Committee meeting. Minutes will be distributed to the members of the Committee and to the office of both Associations.

3. MUTUAL RESPONSIBILITIES

(a) All engagements, as indicated in 1(d) and 1(f), between Architects and Professional Engineers, shall be subject to written agreement.

(b) Members of both Professions are required to recognize their prime responsibility is to the public and to strictly conform to their respective *Act*.

(c) Members shall undertake the execution of only such work as they are qualified to perform under the terms established by their *Acts*.

(d) Members must not describe themselves as architects or engineers unless registered or licensed under the respective *Act*.

(e) The following definitions and articles from the Engineering and Geoscience Professions Act, 2015 are applicable and shall be respected:

(i) "Engineer" and "professional engineer" mean a person who is a member or Non-Resident Licensee of the APEGNB;

(ii) "Practice of Professional Engineering" means any act of planning, designing, composing, evaluating, advising, reporting, directing, or supervising that requires the application of engineering principles and concerns the safeguarding of life, health, property, economic interests, the public welfare or the environment, or the managing of any such act.

(iii) ***Exclusions***

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

(a) Subject to section 22, any architect, who is registered under the provisions of the Architects Act, from legally carrying on or performing the practice of professional engineering, in connection with that person's work as an architect;

(f) Any certified engineering technician or technologist from:

(i) Practising professional engineering where a member, licensee, or holder of a certificate of authorization takes responsibility for such engineering work, or

(ii) Practicing professional geoscience where a member, licensee, or holder of a certificate of authorization takes responsibility for such geoscience or require the person to become registered or licensed under the Act in order to do any such thing.

(f) The following definitions and articles from the Architects Act, 1987 are applicable and shall be respected:

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

(ii) "Practice of architecture" means:

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

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

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

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

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

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

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

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

(c) The preparation or provision, under the supervision and direction of a member of licensee of the Association, of a design for the construction, enlargement, or alternation of a building;

(d) The preparation or provision of a design, complying with the provisions of the National Building Code or other applicable building codes, for interior space for a building regardless of occupancy type, including signs, finishes, fixed or loose furnishings, equipment, fixtures partitioning of space and related interior elements, including signs, finishes and glazed openings used for display purposes, if the design does not, or is not likely to, produce a reduction in the structural integrity of the building or the safety of:

(i) A fire safety system of fire separation;

(ii) A main entrance or any public corridor on a floor;

(iii) The construction or location of an exterior wall; or

(iv) The usable floor space through the addition of a mezzanine, infill or other similar element, of the building; and

(e) The preparation or provision of design, complying with the provisions of the National Building Code or other applicable building codes for alterations within a dwelling unit that do not, or are not likely to, produce a reduction in the structural integrity of the building or the safety of a fire safety system or fire separation, fire walls or persons in the building.

25 (2) Sections 23 and 24 hereof do not apply to prevent a person from:

(a) Evaluating, advising on, or reporting on the construction, enlargement or alteration of a building that does not, or is not intended to, take the place of evaluating, advising, or reporting by an architect; or

(b) Carrying out a general review of the construction, enlargement, or alteration of a building that does not, or is not intended to, take the place of a general review by an architect.

25 (3) Nothing contained in this Act shall be taken or construed to prohibit or preclude:

(a) Subject to section 39 hereof, any engineer who is registered under the Engineering and Geoscience Professions Act, 2015 from carrying on the practice of architecture in connection with his work as an engineer.

(b) Any engineering technician or technologist certified under the Engineering Technology Act from performing work which constitutes the practice of architecture primarily, where an architect takes responsibility for such work.

4. STAMPING & SIGNING OF DRAWINGS / DOCUMENTS

Where both an architect and engineer have carried out work on a project, each shall be identified on the drawings/documents for which they assume responsibility, and each shall stamp and sign such drawings/documents in compliance with the *Architects Act* and the *Engineering and Geoscience Professions Act*, *2015.*

5. DISPUTE RESOLUTION

(a) All disputes of an interprofessional nature referred to the Committee for determination shall be investigated in confidence by the Committee.

(b) It shall be noted that “disputes” are different from “complaints” whereas procedures for dealing with “complaints” are specifically outlined in the respective Acts. The Committee may assist in the “complaint” procedure if so requested by Council. The Committee has no disciplinary powers and has no jurisdiction over complaints.

(c) Disputes filed with either Association related to the practice of engineering and/or architecture will be referred to the Committee for review and consideration.

(d) The Committee shall investigate disputes concerning building projects involving members of either Association provided such disputes fall under the jurisdiction of the Committee.

(e) Notice of Dispute (“the Notice”) shall be forwarded in writing to the Committee through the office of either Association.

(f) The Notice shall contain the name, address, and telephone number of the person registering a dispute and sufficient details for the Committee to undertake an investigation into the dispute.

(g) All disputes brought before the Committee shall be addressed in the following manner:

i) Persons involved in the dispute shall be notified in writing with details within 30 days of the receipt of the Notice;

ii) The Committee may request response(s) in writing from persons involved and gather other applicable information;

iii) The Committee may interview parties involved or others as deemed necessary;

iv) The Committee shall complete the investigation into the dispute and provide to the parties involved a recommendation(s) for resolution within 30 days of when the investigation into the dispute is deemed complete;

v) Where the recommended resolution of the Dispute is accepted by the parties involved, the Committee shall so report to each Council;

vi) Where the recommended resolution of a dispute is not accepted by the parties involved, the Committee shall bring to the attention of both Councils any possible violation of either the *Architects Act* or the *Engineering and Geoscience Professions Act, 2015*; provided, however, that it is the responsibility of each Association to enforce the provisions of their respective *Acts* and not the function of the Committee to lay complaints or otherwise engage in disciplinary proceedings; and

vii) Committees, Councils and Members shall respect that time is of the essence in dispute resolution.

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

(a) Only an architect or engineer as referenced in Section 3(e) and (f) of these Guidelines shall provide design and construction review services related to the construction, alteration or enlargement of a building or part thereof for the building classifications referenced in Table 1 – Requirements for Architectural and Engineering Services by Building Classification (which follows those referenced in the National Building Code of Canada), provided such is consistent with the *Architects Act* and the *Engineering and Geoscience Professions Act*, *2015.*

(b) All references herein to building design and construction shall be as defined in the National Building Code of Canada.

(c) The construction, enlargement or alteration of every building or part thereof described in Table 1 shall be designed and the construction of same reviewed by an architect, engineer, or both, provided that:

(i) An architect may perform or provide services that are within the practice of professional engineering (“other services”) where:

(a) The other services are incidental to the practice of architecture; or

(b) The other services are necessary for the coordination of the services between an architect and an engineer.

(ii) A professional engineer may perform or provide services that are within the practice of architecture ("other services") where:

(a) The other services are incidental to the practice of engineering; or

(b) The other services are necessary for the coordination of the services between an architect and an engineer.

7. INTERPRETATIONS

For greater certainty, the following words and phrases shall have the following meaning for the purposes of the Guidelines and shall be applied by the Committee as follows:

(a) The phrase "incidental to" referenced in both Section 6c (i) (a) and (ii) (b) above means the other services likely to ensue as a chance or minor consequence relative to the practice of architecture or the practice of engineering, or other services accompanying but not a major part of the practice of architecture or the practice of engineering as the context requires.

Should any of the other services extend substantially beyond the "practice of engineering" or the "practice of architecture", as the context requires, the other services in question shall not be considered as "incidental to" the practice of engineering or the practice of architecture.

(b) The word "coordination" references in both Section 6c (i) (b) and (ii) (a) above means integrating the services of the architect with the services of the engineer, as the context requires, in order to advance the effective, proper and efficient construction, enlargement or alteration of any building or part thereof.

TABLE 1

REQUIREMENTS FOR ARCHITECTURAL AND ENGINEERING SERVICES BY BUILDING CLASSIFICATION

Group	Division	Building Classification by Major Occupancy	Building Description	Design and General Review
A			every building	Architect and Professional Engineer except as noted in 6c(i) and 6c(ii).
B			every building	Architect and Professional Engineer except as noted in 6c(i) and 6c(ii).
C		Residential Occupancies	Buildings that fall under Part 3 as defined by the National Building Code of Canada (NBC)	Architect and Professional Engineer except as noted in 6c(i) and 6c(ii).
		Residential Occupancies and any other major occupancy except industrial, assembly, or care or detention		
D		Business and Personal Services Occupancies	Buildings that fall under Part 3 as defined by the National Building Code of Canada (NBC)	Architect and Professional Engineer except as noted in 6c(i) and 6c(ii).
		Business and Personal Services Occupancies and any other major occupancy except industrial, assembly, or care or detention		
E		Mercantile Occupancies	Buildings that fall under Part 3 as defined by the National Building Code of Canada (NBC)	Architect and Professional Engineer except as noted in 6c(i) and 6c(ii).
		Mercantile Occupancies and any other major occupancy except industrial, assembly, care or detention		

Group	Division	Building Classification by Major Occupancy	Building Description	Design and General Review
F	**1, 2, 3**	High Hazard Industrial Occupancies Medium Hazard Industrial Occupancies Low Hazard Industrial	Every Building	Professional Engineer for uses which are intended exclusively for the housing of industrial systems or the storage of bulk materials. In all other cases, both Architects and Professional Engineers must be involved except as noted in 6c(i) and 6c(ii).
F	**2**	Medium Hazard Industrial Occupancies	Buildings that fall under Part 3 as defined by the National Building Code of Canada (NBC)	Architect and Professional Engineer except as noted in 6c(i) and 6c(ii).
F	**3**	Low Hazard Industrial Occupancies		
F	**1, 2, 3**	Industrial Occupancies and one or more other major occupancies where the portion of the area occupied by all of the other major or subsidiary occupancies exceeds 600 m^2 (6460 ft^2)	The non-industrial portion of every building	Architect and Professional Engineer except as noted in 6c(i) and 6c(ii)
			The industrial portion of every building	Professional Engineer

Note to Table 1:

1. Requirements for design and general review by an architect or professional engineer or a combination of both for the construction, enlargement or alteration of a building are consistent with the *New Brunswick Architects Act 1987* and the *Engineering and Geoscience Professions Act, 2015.*