

**IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK**

**TRIAL DIVISION**

**JUDICIAL DISTRICT OF SAINT JOHN**

**BETWEEN:**

**The Architects' Association of New Brunswick ("the AANB") as represented by the Council of the Architects' Association of New Brunswick**

**Applicant**

**-and-**

**Brandon Gregory Thorne**

**Respondent**

**ORDER**

**WHEREAS** the AANB did cause to be filed on or about February 3, 2022 a Notice of Application ("the Application") wherein the AANB did seek an injunction precluding the Respondent from (i) engaging within New Brunswick in the practice of architecture and (ii) holding himself as being an architect;

**AND WHEREAS** Karen Chantler, Hon. MRAIC, did file an Affidavit and various Exhibits attached thereto on behalf of the AANB in support of the Application;

**AND WHEREAS** the Respondent did not file an Affidavit in the Application;

**AND WHEREAS** a Hearing into the Application was held on Tuesday March 22, 2022 ("the Hearing") at 1:30 PM;

**AND HAVING HEARD** from Jack M. Blackier, FCA, Barrister & Solicitor, on behalf of the AANB at the Hearing;

**AND HAVING HEARD** via telephone from the Respondent on his own behalf at the Hearing;

**AND HAVING** considered the evidence adduced in the Application and arguments on behalf of the Parties to the Application at the Hearing:

## IT IS HEREBY ORDERED AS FOLLOWS:

1. Effective immediately, the Respondent is permanently restrained and enjoined, subject to the exemptions found in Sections 25(1), (2) and (3) of the Act, from engaging or attempting to engage, directly or indirectly in any manner in the Province of New Brunswick, in the practice of architecture as defined in An Act Respecting the Architects' Association of New Brunswick, Chapter 66 (hereinafter referred to as "the Act"), and, without limiting the generality of the foregoing, the Respondent is hereby restrained, effective immediately, subject to the exemptions found in Sections 25(1), (2) and (3) of the Act, from doing or attempting to do any or all of the following, in any manner directly or indirectly:
  - a) Preparing or providing a design to govern the construction, enlargement or alteration of a building or related site development;
  - b) Evaluating, advising on, or reporting on the construction, enlargement or alteration of a building or related site development;
  - c) Undertaking a general review of the construction, enlargement, or alteration of a building or related site development;
  - d) Undertaking or carrying out, in relation to the construction, enlargement or alteration of a building, an examination of the building to determine whether the construction, enlargement or alteration of a building is in general conformity with the design governing the construction, enlargement or alteration of the building, and reporting thereon to any person;
  - e) Taking or using, directly or indirectly, the title or designation "architect", "registered architect", "licensed architect", "qualified architect", "duly qualified architect", or any like word(s), initial(s) or expression(s);
  - f) Using in any manner, whether directly or indirectly, the title "Architect", the initials "AANB", or any other name, title, description or designation that would reasonably lead any member of the public to believe that the Respondent is an architect;
  - g) Advertising, holding himself out or conducting himself in any way or in any manner that would reasonably lead a member of the public to believe that the Respondent is an architect;
  - h) Using any stamp or seal, in any manner whether directly or indirectly, that would reasonably lead a member of the public to believe the Respondent is an architect;
  - i) Using any title, name or description that represents or that could lead any member of the public to believe that the Respondent is qualified or authorized to practice architecture in the Province of New Brunswick, and,
  - j) Recovering any charge in any Court for any service included in the definition of the practice of architecture, as defined in the Act, while the Respondent is not a member or licensee of the AANB and while the Respondent does not hold a valid Certificate of Practice issued by the AANB at the time the Respondent performs any such service, and,
  - k) Offering to do, or representing that he is qualified or authorized to do, in New Brunswick anything referred to in (a) to 0) above.

2. Effective immediately, the Respondent shall take all necessary steps to effect the removal of all Internet-based posting(s), including without limiting the generality of the foregoing, all posting on Indeed website and LinkedIn website, wherein the Respondent is described as being an architect, or as affiliated with the AANB, or as affiliated with the RAIC;
3. Unless the Respondent, within thirty (30) days of the date of the within Order, files a Notice of Appeal in this Matter to the New Brunswick Court of Appeal, the Applicant shall proceed, upon the expiration of the said thirty (30) day period, with the distribution of the within Order as more fully described below:
  - a) Publishing the within Order, in both the English and French language, in various newspapers across the Province of New Brunswick;
  - b) Uploading the within Order on the website of the AANB;
  - c) Providing a copy of the within Order to (i) the Association of Professional Engineers and Geoscientists of New Brunswick ("APEGNB") and (ii) the New Brunswick Society of Certified Engineering Technicians and Technologists ("NBSCETT");
  - d) Providing a copy of the within Order to (i) the other Associations of Architecture across Canada and the Territories and (ii) the Royal Architectural Institute of Canada ("RAIC");
  - e) Providing a copy of the within Order to the Office of the Fire Marshal, Department of Public Safety, Province of New Brunswick, and,
  - f) Providing a copy of the within Order to provincial and [or municipal government agencies involved with the issuance within New Brunswick of building permits.
4. The Respondent shall pay costs of \$1,000.00 to the Applicant on or before the expiration of six (6) months of the date of the within Order.

DATED this 1<sup>st</sup> day of April 2022 at the City of Saint John, New Brunswick

The Hon. Justice Kathryn Gregory  
Justice, Court of Queen's Bench  
Judicial District of Saint John