

DOES YOUR PROJECT NEED AN ARCHITECT?



Information for SAA members and associates, planners, buildings officials, owners, developers, engineers, designers and anyone interested in hiring an architect

The Architects Act, 1996 is provincial legislation that defines architecture, sets out which buildings require an architect by law, and establishes the SAA as a regulatory body with the authority to govern the practice of architecture, safeguard the integrity of the profession, and protect the use of titles and terms related to the practice of architecture.

In this role, the Saskatchewan Association of Architects (SAA) is responsible for guiding the successful application of the Act and for ensuring compliance with its legal requirements. The SAA works with architects, engineers, planners, buildings officials, designers and owners to assist in determining whether a particular project – or project stage – is required to have an architect on the job. The SAA should be contacted without hesitation whenever questions arise regarding the application of *The Architects Act, 1996*.

HOW IS THE PRACTICE OF ARCHITECTURE DEFINED UNDER THE ACT?

The practice of architecture takes place in three ways:

- 1) Preparing or providing design to govern the construction of a building that has as its principal purpose human habitation or occupancy¹.
- 2) Examining a building that has human habitation or occupancy as its principle purpose to determine if the construction of the building is consistent with its design².
- 3) Examining a building that has human habitation or occupancy as its principal purpose in or occupancy in order to report on its construction³.

WHICH BUILDINGS REQUIRE AN ARCHITECT?

The Architects Act, 1996 is the primary source for establishing when an architect must be hired. *The Uniform Building and Accessibility Standards Regulations (UBAS)* and *The National Building Code (NBC)* are the secondary references.

The Act specifies the types of buildings that require the involvement of an architect, including at the planning and design phases. The attached table identifies the standard building occupancy types that require an architect. The table is intended as a convenient guide and does not take the place of *The Architects Act, 1996* or *The Building Code*, which prevail in all cases. Individuals who are not architects are prohibited from promoting or providing architectural services on the referenced building types.

¹ S.2(q)(i) of *The Architects Act, 1996*.

² S.2(q)(ii) of *The Architects Act, 1996*.

³ S.2(q)(ii) of *The Architects Act, 1996*.

Other professionals, and sometimes non-professionals, are able to perform some architectural functions, so long as the following conditions are met:

- 1) The person performing the work is practicing engineering. Professional engineers are limited by the Association of Professional Engineers and Geoscientists of Saskatchewan Regulatory Bylaws, 1997 in offering services “only in the areas their competence”⁴.
- 2) Farm buildings that may include up to two dwelling units⁵.
- 3) Wooden construction buildings under Part 9⁶.
- 4) Interior design work that does not involve moving or altering the building structure, the fire safety system, fire separations for fire walls, locations of fire exits to the exterior of the building, or the construction or location of an exterior wall⁷.
- 5) Certified technologists, engaging in activities normally performed by an applied science technologist or certified technician⁸.

Individuals who are carrying out work defined in the paragraph above are not permitted to use the title “Architect”, or any derivative of the term, such as “Architectural Designer”. For further information about the use of the word “architect”, please refer to ‘SAA Practice Bulletin: Right to Title – The Legal Use of the Word Architect and Derivative Titles’.

To determine whether your building needs an architect, to resolve disputes, or answer questions regarding the application of *The Architects Act, 1996* the SAA should be contacted without hesitation.

FAILURE TO COMPLY WITH THE ACT

The Architects Act, 1996, defines legal liability for those who:

- practice architecture without the required credentials;
- misrepresent themselves as architects; or;
- enable the practice of architecture by non-architects.

Failure to comply with this provincial law could lead to legal action and prosecution under the Act and may result in fines up to \$15,000 or incarceration.

Authorities having jurisdiction must also comply with this provincial law. This means that these bodies must be diligent in ensuring that applications for buildings which require an architect are only processed if the application identifies a registered member of the SAA holding a valid licence to practice.

This document has been issued as a practice resource or as general interpretation of the requirements of *The Architects Act, 1996* and SAA Bylaws. It should be read in conjunction with the Act and Bylaws, and in no way supersedes these documents. This document is not intended to be legal advice to the Members of the Association or the public. Members and individuals should consult their own legal advisors as to the application of *The Architects Act, 1996* and SAA Bylaws in specific circumstances.

⁴ Regulatory Bylaws, 1997, Section 20(2)(b), Association of Professional Engineers & Geoscientists of Saskatchewan Regulatory Bylaws, 1997, amended 2016.

⁵ S.2(1)(i) of the Uniform Building and Accessibility Standards Act. SS 1983-84, c U-1.2.

⁶ Part 9 of the National Building Code of Canada.

⁷ S.23(4)(c) of *The Architects Act, 1996*.

⁸ S.23(5)(1) of *The Architects Act, 1996*.

Project Type And Size⁹

Architect Required?

	YES	NO
Assembly Occupancies: (Group A, Division 1, 2, 3, & 4 including Arenas)		
• Any size	✓	
Care and Detention: (Group B Division 1, 2, & 3)		
• Any size	✓	
Residential Occupancies: (Group C)		
• Buildings 600 m ² or less in building area ¹⁰ and less than 4 storeys (conforming to Part 9 of the <i>National Building Code of Canada</i>)		✓
• Buildings greater than 600 m ² in building area or greater than 3 storeys	✓	
Business or Personal Services Occupancies: (Group D)		
• Buildings 600 m ² or less in building area and less than 4 storeys (conforming to Part 9 of the <i>National Building Code of Canada</i>)		✓
• Buildings greater than 600 m ² in building area or greater than 3 storeys	✓	
Mercantile Occupancies: (Group E)		
• Buildings 600 m ² or less in building area and less than 4 storeys (conforming to Part 9 of the <i>National Building Code of Canada</i>)		✓
• Buildings greater than 600 m ² in building area or greater than 3 storeys	✓	
High Hazard Industrial Occupancies: (Group F, Division 1)		
• Any size	✓	
Low or Medium Hazard Occupancies: (Group F, Division 2 & 3)		
• Buildings 600 m ² or less in building area and less than 4 storeys (conforming to Part 9 of the <i>National Building Code of Canada</i>)		✓
• Buildings greater than 600 m ² in building area or greater than 3 storeys	✓	
Interior Design¹¹ and Internal Alterations:		
• Any internal alterations of a building not affecting (1) the building structure, (2) the fire safety system, (3) fire separations or fire walls, (4) the location of exits to the exterior of the building, and (5) the construction or location of an exterior wall		✓
• Any internal alterations of a building affecting (1) the building structure, (2) the fire safety system, (3) fire separations or fire walls, (4) the location of exits to the exterior of the building, and (5) the construction or location of an exterior wall	✓	
Farm Buildings:		
• Any farm building ¹² as defined in <i>The Uniform Building and Accessibility Standards Act</i> unless otherwise required by the local jurisdiction		✓

⁹ Certain building types that do not require an Architect might still require a Professional Engineer. Check with the building department within the local jurisdiction in which you are building to confirm requirements.

¹⁰ "Building area" – as defined by the *National Building Code of Canada 2010*, means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre of firewalls.

¹¹ Any interior design within the meaning of *The Interior Designers Act* or the preparation or provision of an interior design by a member of the Interior Designers Association of Saskatchewan for any internal alterations.

¹² Farm Building – as defined by *The Uniform Building and Accessibility Standards Act* means a building associated with a farming operation and includes a residence consisting of not more than two dwelling units, but does not include buildings associated with commercial operations, multiple-occupancy residences or assembly buildings.