

## **The Saskatchewan Association of Architects Practice Bulletin – Right to Title: The Legal Use of “Architect” and Derivative Titles**

The Saskatchewan Association of Architects (SAA) has been entrusted by the Government of Saskatchewan and empowered by legislation to protect the integrity of the practice of architecture and to ensure that the public may remain confident that strict standards are met. Concern for the public interest is of primary importance in the regulation of architects and architecture, as well as in the monitoring of unlicensed practice by non-registrants.

One of the Act’s purposes is to protect the public by asserting that only qualified persons who hold a valid membership with the SAA call themselves an architect or purport to be able to provide architectural services in Saskatchewan. Persons not registered with the SAA must not misrepresent themselves or be misrepresented as an “architect” or offer architectural services as defined in the Act.

*The Architects Act, 1996* provides the Saskatchewan Association of Architects with the mandate to ensure, for the public, the proficiency and competency of members who practice architecture in the province, and to promote and increase the knowledge, skill and proficiency in all things related to the practice of architecture. The bylaws of the SAA provide the rules and regulations for its members to practice architecture according to. Policy relating to areas of practice covered by the Act and/or the SAA Bylaws is occasionally necessary to clarify requirements and ensure that the intent of the established legislation and regulation is carried out proficiently and consistently.

This bulletin serves to define the restrictions on the use of the word “architect” and derivatives as well as establish the legal expectations around the use of these terms. Section 22 of *The Architects Act, 1996* is unequivocal and explicit in protecting the word “architect” and such derivatives as “architectural”, “architecture”, etc. It states that no person other than an SAA registered member shall use the title “Registered Architect” or Architect”, the abbreviation “SAA” or any word, title or designation, abbreviated or otherwise, to imply that the person is a member. Students registered with the SAA and enrolled in the Internship in Architecture Program (IAP) are permitted to use the designation “Intern Architect”. Any person who contravenes any provision of Section 22 of the Act is guilty of an offence and liable on summary conviction to a fine of \$5,000 - \$15,000 or to imprisonment for a term of not more than six months or to both a fine and imprisonment.

## Operational Instruction

### Non-Compliant Use of the Title “Architect”

For an individual who is **not** registered as a member of the SAA (i.e., who is not an architect) or for a business that does **not** hold an SAA Licence to Practice, the use of the following descriptive terms and variations is **not acceptable** (for example):

- “Architect” (or “Architecte”, “Arkitekt”, “European Architect”, etc.);
- “Graduate Architect”;
- “Architectural Design(er)”;
- “Architectural Draftsman” or “Architectural Draftsperson”;
- “Architectural Services”;
- “Design Architect”;
- “Project Architect”;
- “Consulting Architect”;
- “Research Architect”;
- “Interior Architect”;
- “Architectural Representative”;
- “Architectural Consultant”;
- “Architectural Technician”;
- “Architect-in-Training”; and
- “Archi-” (prefix when used in a building design/construction context such as “Architectonic”, etc.).

Note that architectural firms (Certificate of Practice holders) using any of the terms or titles above must ensure that the use is accurate. It is not permissible, for example, for an architectural firm to represent a non-architect as a “Design Architect” or a person not registered with the SAA as an “Architect.”

### Acceptable Descriptors for Non-Members

For an individual who is **not** a member of the SAA, the use of the following terms is **acceptable** (for example):

- “House or Home Designer”;
- “Building Designer”;
- “Residential Designer”;
- “Registered Architect in \_\_\_\_\_” (citing the pertinent province, state or country, if such is the case) or (i.e.) “California – Registered Architect (or other jurisdiction); and
- A holder of a degree or academic achievement may use the following titles (if such is the case): B. Arch, Dip. Arch (UK), M. Arch, etc.

In some cases, certain representations that use “architect” or derivatives are not considered to be misleading. In each case, consideration is given to Section 22 of the Act, by which the use of the title “architect” or derivatives is restricted where such use is likely to lead the public to infer that a registration under the Act applies. For example, if an individual or business uses the term “architect” or derivative in a non-building or non-architectural design context, it is less likely to lead a reasonable

person to infer that the entity is providing architectural services as defined in the Act. The SAA must act reasonably, in the public interest and in keeping with the legal test provided by the Act in determining whether illegal use of the word “architect” or its derivatives has taken place.

For an individual/business that is clearly not engaging in the practice of architecture as per *The Architects Act, 1996*, the use of the following descriptive terms is considered generally **acceptable** (for example):

- “Landscape Architect”;
- “Mortgage Architect”;
- “Information Architect”;
- “Software Architect”;
- “eBusiness Architect”; and
- “Interior Architectural Coatings” or “Architectural Antiques” (i.e., examples of the provision of building products, not services).

Note that the descriptive terms in the above sections are provided to illustrate the SAA’s current policies. They have been drawn from common examples brought to the SAA’s attention, and are not exhaustive.

Non-architectural businesses wishing to use “architect” and/or its derivatives must apply for written permission from the SAA. Once the SAA has granted use of the word “architect”, so long as the corporation does not attempt to practice architecture or hold themselves out as such, the SAA will not institute proceedings to enforce the prohibition of the use of the word ‘architect’.

### Policy

In the province of Saskatchewan, *The Architects Act, 1996* protects the use of the word “architect” and all derivatives. It is the SAA’s duty to uphold the intent of the Act and ensure the protection of the public. This includes the monitoring of the use of the word “architect” and/or its derivatives. The unlawful use of these terms is subject to significant penalty under law.

Practice bulletins are issued by the Council of the Saskatchewan Association of Architects as a practice resource and as general interpretations of the requirements in *The Architects Act, 1996* and the SAA Bylaws. Bulletins should be read in conjunction with the Act and bylaws, and in no way supersede these documents. Bulletins are not intended to be and are not legal advice to the members. Members should consult their own legal, income tax or financial advisors as to the application of *The Architects Act, 1996* and the SAA Bylaws in specific circumstances.