

**Fourth Session - Thirty-Eighth Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Social and Economic Development**

*Chairperson*  
*Ms. Marilyn Brick*  
*Constituency of St. Norbert*

**Vol. LVII No. 2 - 9 a.m., Tuesday, November 22, 2005**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Eighth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT**  
**Tuesday, November 22, 2005**

**TIME – 9 a.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)**

**VICE-CHAIRPERSON – Mr. Gerard Jennissen (Flin Flon)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

Hon. Ms. Allan

Mr. Altemeyer, Ms. Brick, Messrs. Cullen, Dewar, Eichler, Ms. Irvin-Ross, Messrs. Jennissen, Rocan, Santos and Schuler

*Substitutions*

Ms. Irvin Ross for Mr. Jennissen as Vice-Chairperson at 10:52 a.m.

**APPEARING:**

Hon. Jon Gerrard, MLA for River Heights  
 Mr. Cris Aglugub, MLA for The Maples  
 Mr. Kevin Lamoureux, MLA for Inkster

**WITNESSES:**

Mr. Barrie Ottenbreit, Private Citizen  
 Mr. Desmond, Burke, Private Citizen  
 Mr. Jeff Moroz, Private Citizen  
 Mr. Colin Grover, Private Citizen  
 Mr. Jonathan Trenholm, Private Citizen  
 Mr. Bill Randa, Private Citizen  
 Mr. Philip Christensen, Private Citizen  
 Mr. Calvin Gray, Private Citizen  
 Mr. Grant Van Iderstine, Private Citizen  
 Ms. Karen Peters, Private Citizen  
 Mr. Gabe Derksen, Private Citizen  
 Mr. Ted LeBlond, Private Citizen  
 Mr. Robert Garvey, Private Citizen  
 Ms. Johanna Hurme, Private Citizen  
 Mr. Ralph Glor, Private Citizen  
 Mr. Matt Baker, Private Citizen  
 Ms. Annette Gargol, Private Citizen  
 Ms. Stacey Dyck, Private Citizen  
 Mr. Andrew Bickford, Private Citizen  
 Mr. Mark Ager, Private Citizen  
 Mr. Andrew Brimble, Private Citizen

Mr. Blaine Repko, Private Citizen

Mr. Richard Prins, Private Citizen

**MATTERS UNDER CONSIDERATION:**

Bill 7–The Architects and Engineers Scope of Practice Dispute Settlement Act (Various Acts Amended)

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**Madam Chairperson:** Good morning, will the Standing Committee on Social and Economic Development please come to order.

This meeting has been called to consider Bill 7, The Architects and Engineers Scope of Practice Dispute Settlement Act (Various Acts Amended).

Your first item of business is the election of a Vice-Chairperson. Are there any nominations?

**Mr. Gregory Dewar (Selkirk):** Madam Chair, I nominate Mr. Jennissen.

**Madam Chairperson:** Mr. Jennissen has been nominated. Are there any other nominations? Hearing no other nominations, Mr. Jennissen is elected Vice-Chairperson.

As established in the committee notice, we will be sitting this morning until 12 noon. Further meetings have been called for this committee. We will be meeting again later today from 3 until 5 and again this evening at 6 o'clock.

We have a number of presenters registered to speak this morning as noted on the list of presenters. Before we proceed with these presentations though, we do have a number of other items and points of information to consider.

First of all, if there is anyone else in the audience who would like to make a presentation this morning, please register with staff at the entrance of the room. Also, for the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask you provide 20 copies. If you need help with photocopying, please speak with our staff.

As well, I would like to inform presenters that, in accordance with our rules, a time limit of 10 minutes has been allotted for presentations with another five minutes allowed for questions from committee members. Also, in accordance with our rules, if a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list. At a previous meeting, this committee agreed to hear out-of-town presenters first, and I will note we do have a number of out-of-town presenters in attendance marked with an asterisk.

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process to speak in committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I have to first say the person's name. This is the signal for the Hansard recorder to turn your mike on and off. Thank you for your patience and we will now proceed with public presentations.

Our first out-of-town presenter is Jeff Penner, private citizen, No. 155 on your list, page 13 of 14. Once again, is Jeff Penner, private citizen, here? Seeing that this has now been the second call for Mr. Penner, his name will now be removed from the list.

Peter Hargrave—[interjection]

**Mr. Ron Schuler (Springfield):** Madam Chair, I do not think that was the intent of the committee. Simply because there were so many presenters, with the indulgence of the committee, I would just recommend that that name be placed at the bottom again and not be stricken from the list because there is a lot of misunderstanding when people are supposed to be here. I think some people are under the impression as long as they show up, either in the morning, afternoon or evening, they will have their opportunity. I think the intent is we will hear whomever. At such time as everybody has had their say, we will run through the list one more time, and then people will be stricken from the list.

Certainly, that is the way we understood it. On this side of the House, we do not want anybody stricken yet, at this point in time, because we said very clearly that we were going to sit this morning, afternoon and evening. So I do not know if that is the impression others got on the committee, but I am

very uncomfortable with striking people off the list at this point in time.

**Hon. Jon Gerrard (River Heights):** Yes, I had the impression that, when Mr. Penner was dropped to the bottom of the list, his name would not come forward until after all the other presenters had presented. So it is possible that he or others in that position may have had that impression too.

**Madam Chairperson:** Is it then the will of the committee to call this list of out-of-town presenters again, and if they are not here, to allow their names to stand on the list?

**Hon. Nancy Allan (Minister of Labour and Immigration):** I would just like to clarify that that is until the end of today, is that correct?

\* (09:10)

**Madam Chairperson:** Okay? [Agreed]

Peter Hargrave, private citizen. Peter Hargrave, private citizen. Peter Hargrave.

Duayne Joyce, private citizen. Duayne Joyce, private citizen.

Ellen Kotula, private citizen. Ellen Kotula, private citizen.

Bruce Wilton, ND Lea Engineers. Bruce Wilton, ND Lea Engineers.

Phillip Dorn, private citizen. Phillip Dorn, private citizen.

Roger Wilson, Fox Warren Ethanol Agency. Roger Wilson, Fox Warren Ethanol Agency. That concludes our list of out-of-town presenters.

We will now move to our list of presenters from in town. Lanny Silver, private citizen. We will remove Mr. Lanny Silver's name and put him to the bottom of the list.

Barrie Ottenbreit, private citizen.

**Mr. Barrie Ottenbreit (Private Citizen):** Good morning.

**Madam Chairperson:** Good morning. You can proceed, Mr. Ottenbreit.

**Mr. Ottenbreit:** Minister Allan, Madam Chairperson, committee members, my name is Barrie Ottenbreit. I am a registered member of the Manitoba Association of Architects, and I have been practising for over 20 years.

I support the position of my colleagues, interns, students who presented last evening on behalf of the architectural community in this province and call upon the minister and the committee to delay Bill 7 from proceeding to third reading.

I would like to speak briefly on the Witty Report.

In June, 2004, APEGM and the MAA were asked by the Minister of Labour to participate in another effort by the two professions to resolve their ongoing disagreement. The MAA expressed concern to the minister about the delay inherent in yet another attempt to have the two professions deal with this issue amongst themselves and advised her that it believed that a decision by the minister was now called for.

The minister advised the MAA that she had appointed Dr. David R. Witty as chairperson of the Architecture/Engineering Joint Board, and she had tasked him with the responsibility of getting the two professions to agree but, if he could not accomplish this, that he was to provide the minister with his conclusions on how the situation was to be resolved.

The MAA was told by the minister that they could choose not to participate, but if they did so the process would proceed without them. Seeing no real alternative, the MAA reluctantly agreed to participate. Once the MAA had agreed to participate in the process, it also agreed to be bound by the outcome. Both associations accepted and endorsed the appointment of Dr. David Witty as chair.

In May 2004, the chair asked both professions to agree to sign an agreement in principle to accept the recommendations of the report and commence discussions on it, a Memorandum of Understanding between the two professions. Both professions did so. The minister gave the chair broad latitude that included the potential of putting forward recommendations for changes to either or both professional acts and/or the Manitoba Building Code.

Through the course of five months of interviews, meetings and extensive research and with considerable discussion and input from both professions, Dr. Witty delivered his final report to the Minister of Labour (Ms. Allan) on January 31, 2005. The final report outlined a series of eight recommendations which included suggested legislative amendments to the acts and the incorporation of a schedule of architectural and engineering services in the Manitoba Building Code. The recommendations

would ultimately bring both professional acts and the Building Code in line with other jurisdictions in Canada and North America.

Dr. Witty's recommendations were founded on five key principles: ensuring clarity, this included clarity of responsibility, clarity of purpose, clarity of action, clarity of expectation; ensuring consistency, consistency in application, consistency of message; ensuring the public interest is addressed; instilling collaboration; and addressing Manitoba's needs.

While there were concerns expressed by both professions with regard to some of the recommendations, by virtue of this principled approach, the report clearly recommended to the minister the framework for moving forward and resolving the issues.

The MAA accepted the recommendations in the report in principle because it had agreed to the process, even though it had disagreed with some of the specific recommendations and even though it had made significant concessions in order to come to an agreement.

APEGM rejected the report, the recommendations. It also rejected Dr. Witty as chair. In August 2005, the Minister of Labour chose not to adopt the recommendations of the report and encouraged both associations to make a concerted effort to rekindle discussions towards mutually acceptable solutions.

She also indicated that in the event that it became apparent that one or both associations are unable or unwilling to work together to reach a mutually satisfactory solution, we will undertake further discussions with Dr. Witty and determine what non-legislative steps government may reasonably take to help address this longstanding dispute.

The Bill 7 legislation is flawed because it does not address any of the five key principles identified in the Witty report. It does not provide clarity. Definitions are vague or non-existent. It does not provide consistency. Lack of clarity will lead to confusion, subjective interpretation and misinterpretation by the authorities having jurisdiction, no consistency in application. For those reasons alone, it will not ensure that the public interest is addressed, it will not instil collaboration between the two professions and, most importantly, it will not address Manitoba's needs.

In the rushed three-week period that this legislation was pieced together, it is clear that the

principles that provided the foundation for the framework outlined in the Witty report were not considered. Six months of extensive, detailed discussion and research were ignored in exchange for a quick fix that will only increase the problems.

\* (09:20)

Why rush? Recklessly pushing through flawed legislation is not in the best interests of Manitobans. Take the time now to make sure that the legislative amendments will solve more problems than they will create. The government, through this committee, has an opportunity to correct this legislation. Take the time to instill the clarity and consistency that is critical to ensure that the public interest and Manitoba's needs are addressed.

As I stand in this great room, rich in history and surrounded by the portraits of our past leaders, I cannot help but wonder whether Frank Worthington Simon, the architect of this building, a building that was designed to inspire great acts, ever imagined that it would serve as a forum for marginalizing the profession that created it.

Once again, I call upon the minister and this committee to delay Bill 7 from proceeding to third reading. Thank you.

**Madam Chairperson:** Thank you. Are there any questions for the presenter?

**Mr. Gerrard:** You talked about consistency.

**Madam Chairperson:** Mr. Gerrard, you have to turn your mike. Thank you.

**Mr. Gerrard:** You talk about consistency in this legislation compared with the Witty Report. Explain a little bit more what you mean in terms of what it should be and what this is not.

**Mr. Ottenbreit:** Consistency is really a result of the clarity. Right now there are so many aspects of this legislation that are left wide open without clear definition or clear purpose. Without that clarity, the consistency in terms of how the legislation will be interpreted, how the schedules that will be included in the code will be interpreted, are not clear.

A good example of that might be the arena-type building. Even in the legislation it is written in quotations. What does "an arena-type building" mean? We have had a lot of presentations that have already dealt with that issue and have spoken to the openness of that specific item.

There are a number of other similar pieces of legislation within the bill that also are very unclear at this point. Consistency is really a result of the clarity of the act, and right now that, in most part due to the rushed nature of it being put together, does not exist.

**Madam Chairperson:** Thank you very much for your presentation.

The committee calls Rick Linley, private citizen. The committee calls Rick Linley, private citizen. Mr. Linley's name will be dropped to the bottom of the list.

Kelly Baumgartner. Kelly Baumgartner. Mr. Baumgartner will be dropped to the bottom of the list.

Colin Lount, private citizen. Colin Lount, private citizen.

Stan Hutton, private citizen. Stan Hutton, private citizen. Mr. Hutton's name will be dropped to the bottom of the list.

Desmond Burke, private citizen. Good morning, Mr. Burke. You can proceed with your presentation.

**Mr. Desmond Burke (Private Citizen):** I just have written notes, speaking notes.

**Madam Chairperson:** Okay, please proceed.

**Mr. Burke:** Minister Allan, people of the committee, good morning. My name is Desmond Burke and I am an intern member of the Manitoba Association of Architects. Despite my boyish good looks, I have at least 20 years of experience in the field of architecture.

I support the position of my colleague, Don Oliver, and call upon the minister and this committee to delay Bill 7 from proceeding to third reading. I must say, I commend the bravery of this motion. These people have sacrificed essentially their lives, their professions over the past little while to do this, and to make this motion is obviously going to protract that. So, again, hats off to them for just speaking on our behalf in the negotiations.

I would like to speak briefly on the proposed changes regarding arena-type buildings. Why should architects be the only ones, by law, to be able to plan and supervise buildings of this type? I would like to begin with a quote from the NCARB document that you received a copy of from the member of the REIC yesterday.

Harry Cobb, who is a partner in Pei Cobb Freed Architects, one of the world's biggest, distinguished between management of complex processes for which he believed engineers were best qualified and management of complex outcomes or products for which he believed architects were best qualified. "Architects," he said, "balance the interaction of systems to achieve their vision of a product, such as an office building, that in terms of its effect on human beings involves complex values." In contrast, he cited the design of a missile: "Extremely complex to design, but very simple and single-minded in its purpose."

As one of their number recently told me, engineers are trained to design within the parameters of what they call constant, closed systems; the fewer variables the better, especially unpredictable ones, like humans. An example of this in the built environment would be how mechanical engineers prefer that buildings be hermetically sealed, with no operable windows. If they could figure out a way to get us to phase through walls, so much the better, because then they would not need doors.

Why? An inoperable window or door, for that matter, one that gives the user access to fresh air, such as this lovely building does, just upsets the balance of their mechanical systems and makes their calculations that much more difficult and unpredictable. Better to keep the windows closed. Sick building syndrome, we will deal with that when the time comes. Even better, would be to eliminate the windows all together. Then we do not have to worry about things like heat loss, heat gain that are caused by the windows. The electrical engineers can then guarantee that we will have perfectly even levels of lighting at all times.

Finally, in order to make their calculations, the engineers have also to assume an average number of average people will use the building for an average amount of time, doing only the activities the building is designed for. Fortunately, there is no such thing as an average user of an arena-type building. By the way, just what is the term arena-type supposed to mean. This is very vague, to say the least. I can only hope that this is an oversight. Unlike engineers, we have architects who are specifically trained at length to deal with the fact that there is no such thing as an average user of an arena-type building.

\* (09:30)

Architects, as you have heard, slog through at least six years of school, 5600 hours of directed

experience and nine gruelling exams dealing exclusively with the planning and execution of buildings for human occupancy, of which arena-type buildings, I presume, not actually being sure what this term means, are definitely included. Architects learn from the outset of their training that buildings, especially buildings of assembly occupancy, where people congregate, again, of which I assume arena-type buildings are included, are wickedly complex problems, to paraphrase one of my professors. Architects, unlike engineers, embrace the complexity that is the interaction of human beings with each other and their environment in an arena-type building. Again, I am guessing what that term "arena-type" means. Therefore, it only makes sense, as a law as stated in the past, that licensed architects be the only ones that can be charged with the responsibility of planning and supervising the construction of arena-type buildings.

In light of the above and with the statements in my association's official response to the proposed bill, this proposed arena-type building exemption is completely arbitrary and makes no sense whatsoever. I must strongly encourage the committee to have this amendment stricken from the changes to Table 2.3.1.3(1) of the Manitoba Building Code. This is over and above my support of Don Oliver's call to delay this bill.

I was going to stop there, but, as you might understand, I had a little trouble sleeping last night, and I guess what it boiled down to is I was struggling with this, the assertion, the principle that the engineers and the City have been stating that we only need to look to the Building Code to ensure public safety. I said, "Well, how do I deal with this?" So, when you are stuck with a problem, as you all know, what you do is go back to first principles. The first principle is this quandary. It became immediately apparent to me that the Building Code looks after things like maintaining a structure, allowing us to get out in a fire, but it really does not protect us from each other and ourselves.

The Building Code makes no provision to stop one from, say, for example, designing a parking lot that is so scary to walk in that nobody will because they are afraid they are going to be attacked. The Building Code makes no provision for defensible space. The Building Code says, yes, you have to provide barrier-free exit if it is to an upper level via a ramp, but it makes no provision that says you have to design the roof in such a way that water is not going to drip onto that ramp. On a shoulder season, ice

forms on the ramp. Somebody slips and falls. The code does not make provision for that. There are many other examples. Another one would be the code makes no provision for saying you cannot design a tall building in such a way that the wind is going to whip up around the corners and knock you off your feet. These are real public safety concerns. These are not esoteric at all. People get hurt because these mistakes are made.

Just quickly on the backlog. On the backlog, we have had in our small office about a half a dozen projects come in as a direct result of the backlog. On the face of it, most of them have been very easy to deal with, but in every single case, I have had to come back to the consultant who has come to us simply for a stamp and say, "Yes, it is all well and good, but your building envelope is not correct. You forgot to note in your drawings that this is an existing nine-storey office building that is not sprinklered," and so on and so forth. I think you can see where that is going. Thanks.

**Madam Chairperson:** Thank you very much. Are there questions for the presenter? Seeing no questions, we thank you very much for your presentation.

The committee calls Jeff Moroz, private citizen. You can proceed.

**Mr. Jeff Moroz (Private Citizen):** Madam Chairperson, Honourable Minister of Labour Nancy Allan and distinguished members of this committee, my name is Jeff Moroz, and I am a registered architect with the Manitoba Association of Architects.

First, I would like to state that I support the position of my colleague Don Oliver and call upon the minister of this committee to delay Bill 7 from proceeding to third reading. Bill 7 creates more problems that it purports to resolve. More time is needed to give this piece of legislation the careful consideration it deserves.

I am going to speak about the so-called grandfathering provisions of Bill 7, namely Section 34, particularly about the way the amendments propose to deal with or, more accurately, do not deal with assessing qualifications. This is a significant issue affecting the public interest.

My colleagues have already gone into detail about the specific nature of an architect's education, training and the certification process that tests the individual's ability to design buildings.

Subsequently, due to these extensive standards that must be met, I admit I am quite proud of the fact that I was registered in 2002 at the young age, relatively, of 30, because the industry average is substantially higher.

One of the reasons that there are only 150 registered architects in this province is because it is so difficult to achieve this designation. Just ask the numerous intern members that are still attempting to complete all the requirements.

I was born and raised here in Winnipeg and currently have a home in the constituency of Lord Roberts. I received my Master of Architecture degree in 1996 from the University of Manitoba, and, after graduating, I left for the promised land otherwise known as Calgary. I began my career as an intern member of the Alberta Association of Architects but transferred to the MAA a few years later when I realized it was more meaningful to me to improve the quality of life of Manitobans instead of Albertans.

On the way back east, I can assure you that traffic was not nearly as busy as it was going towards Alberta. I guess you could say that the heart won over the pocketbook in light of the recent Ralph Klein rebate cheques. I think, once again, that is a valid point. But I have never regretted my move back to Winnipeg, both personally and professionally, despite the fact that as a young professional, moving to Winnipeg is a rare occurrence. I never regretted this decision until now because proposed changes to this act that governs my profession seriously threaten my livelihood.

Clearly, this government does not value my education, my training or my profession. This is evident in the language of this bill. This bill, in particular Section 34 as it relates to grandfathering, undermines, in my case, the six years of education, the additional six years of internship and mentorship and the successful completion of the architecture registration exams when individuals not trained to those same standards are permitted to practise architecture.

I have endured these steps in order to prove my ability to protect the public's health and welfare. Contrary to common belief, to create architecture and to protect that public interest is not as simple as saying the building will not fall down.

I must admit that it was not until 1994, when my grandmother was placed in a care home due to



Alzheimer's disease, that I truly appreciated the importance and opportunity for architecture to serve a greater purpose. I realized that not only could a building protect my grandmother's safety by adhering to the Building Code, but her health and wellness could be improved by its building design.

In fact, I chose to research and test this concept in my architectural thesis project. From this it was evident that the creation of a healing space is not outlined in the code. Proper and appropriate way finding, effective use of natural light is not in the code, nor is the importance of how the building interacts with the landscape. I argue that these issues are just as important to the health and safety of occupants as the provision of proper exiting, correct handrail heights or adequate sprinkler protection. Human shelter is not simply the bare minimum standards set out by a guide, and only architects are trained, tested and regulated to compose these immeasurable qualities.

\*(09:40)

Architects and engineers are both required to realize buildings, but they are separate professions with different training and regulatory requirements. Engineers are trained in their specific building systems, the pieces, while an architect is trained in how those pieces fit together to create a suitable building. The suitability of that building is not just its physical safety, but must also consider, to name a few, the budget, the owner's requirements, the context, the greater community, land values and the emotional and physical health and welfare of its occupants and visitors.

Grandfathering people, who have been earning a living creating buildings who have not been, and are not now, licensed to perform that activity does not protect the public. If you grandfather someone to design buildings for people, you need to test that person to determine exactly what he or she is capable of designing. The only people capable of determining whether someone is capable of practising architecture are architects, not engineers, not the chair of a joint board, architects.

The process proposed for grandfathering would give engineers a significant level of involvement, or say, in deciding what the criteria will be for assessing competence to practise architecture. This is inappropriate. Neither the association of professional engineers nor its members have the background that

would enable them to make the proper decision. The proposed legislation assumes the people who are to be grandfathered are competent to do the task for which architects have been trained for years. It does not test capability, understanding or competence. Is this in the best interest of the public?

The present government has been embarrassed by the Court of Queen's Bench and is attempting to enact legislation to remedy the situation, which has been created by years of not following the laws of Manitoba. To enact legislation which retroactively changes the law to justify unlawful activity, to grandfather people who have been allowed to design buildings in violation of the law, is not in the public interest. The capability of any engineer who has been practising architecture illegally and wants to continue to do that work should be assessed based on an objective standard.

The MAA has indicated that, on a one-time basis, because of the situation and the desire to try and solve it, they would be willing to waive the education and internship requirements, which are nine years of specialized building training, and require only the writing of the NCARB exams. These engineers write the same tests that foreign-trained architects are entitled to write, and these are not administered by that association or marked by the MAA. Both Ontario and Alberta have gone this route. No other jurisdiction has allowed this kind of grandfathering without requiring the applicants to be assessed by the provincial regulatory body of architecture.

I am a registered member of the Manitoba Association of Architects. I have been licensed to practise architecture in the province, not because I believe I am competent, because I have fulfilled the specialized education requirements and the internship requirements, which are a prerequisite to practise this profession. I have completed nine years of building-specific design education internship, I have been tested on building-specific design principles and have satisfied the national qualification standards which are required by every jurisdiction in Canada if you want to practise architecture. I am accountable to my professional regulatory body and, thereby, to the public. When you see "Registered Architect" beside my name, it is your assurance that I am qualified to design a building. You need look no further to assess whether I am qualified in that field. "Registered Architect" is

your assurance that I am. You can count on a registered architect. Thank you.

**Madam Chairperson:** Thank you. Are there questions for the presenter? Seeing no questions, I thank you very much for your presentation.

The committee calls Colin Grover, private citizen. Did you have a written presentation to circulate? Okay, you can proceed, Mr. Grover.

**Mr. Colin Grover (Private Citizen):** Good morning, honourable members, the standing committee, Madam Chairperson—

**Madam Chairperson:** Can you bring your mike up a little?

**Mr. Grover:** Okay. Good morning, honourable members of the standing committee, Madam Chairperson, Honourable Minister.

I, Colin Grover, am grateful for this opportunity to speak and to participate in this democratic process. I would like to state that I support the position of the MAA and Don Oliver.

I have been a resident of the province for a total of 24 years. I have travelled and lived abroad and have had plenty of opportunity to sample so-called greener pastures. The first year of my Master of Architecture degree was spent studying at a prominent American university, but I transferred back to the University of Manitoba because of the clearly superior program they offered. I would like to say I am a recent grad having convocated this past fall.

Right out of school I have landed full-time employment at a prominent local firm, and the future looks bright for me in this province with the exception of the implications of Bill 7. There is plenty of talk about Manitoba's brain drain and the loss of future generations to other provinces and internationally. I would like to just state here that my brother has a computer science degree from the University of Manitoba and he now lives in Calgary. His wife has a master's in microbiology from the University of Manitoba. She now lives in Calgary. If I do not have a future in this province and I go to Calgary, my parents will move to Calgary, so I think this is a very serious issue.

If this province is to continue to thrive, we must do our best to keep and grow our pool of talented and dedicated professionals to make Manitoba a province that can compete on all levels with any other jurisdiction. The short-sightedness, constant corner-

cutting and continuous promotion of ever lower standards by some elected officials of this city and province is extremely damaging to the province's future, my future and the health and welfare of every one of Manitoba's proud citizens.

The prestigious and highly competitive universities and colleges of this province draw the best young talent from across the country and from around the world. Let us capitalize on their potential, as many graduates once having sampled all that Manitoba has to offer choose to embark on permanent careers here and not to leave. But, if legislation like Bill 7, which sets precedents for the dismantling of all professions, is put through, we may have no choice. It undermines our extensive education and training, endangers the public and sends a clear message that the professions are not supported by the lawmakers of this province.

Irresponsible and hasty amendments to the existing legislation do not have the public's best interests in mind. The effective neutering of professions opens the door for various interests to act without control, liability and standards with no mechanisms in place to prevent any harm to public health and welfare. The proposed Building Standards Board is the equivalent of pharmaceutical sales reps dictating the roles of doctors and even what defines medicine. If the profession of architecture can be targeted in such a way, then I ask you, the protectors of the public good and the other professions present, namely the engineers, who is next.

The solution to the situation is to take the time and effort to do things properly. We are in this mess because shortcuts were being made in the issuing of permits for the last number of years. All this has done is create problems, not solve them. This is not true value. We must not let this cavalier attitude continue. The readjustment and correction period may have its challenges and delays, but all professions must be protected for the future good of every Manitoba citizen.

I would like to state that while there may be an adjustment period and there is definite pressure to pass this bill as quickly as possible, I would like to say that the effects of your decisions on this bill will have far-reaching consequences that will last decades, not just the few weeks that it will take to correct what has been done.

I would also like to add on the issue of overlap that has been spoken to earlier, while engineering and architecture may overlap in the structural realm

of building design, only architecture overlaps with city planning, interior design, landscape architecture, social psychology and the fine arts to bring a complete solution necessary for realizing the quantitative and qualitative requirements in designing for human occupation.

All of these important and specialized fields and professions need to be co-ordinated in order for the maximum benefit to be realized. Architecture and only architecture does exactly that. Thank you.

**Madam Chairperson:** Are there questions for the presenter? Seeing no questions, I thank you very much for your presentation.

The committee now calls Jon Trenholm, private citizen.

\* (09:50)

**Mr. Jonathan Trenholm (Private Citizen):** Good morning.

**Madam Chairperson:** Good morning.

**Mr. Trenholm:** Honourable Minister Allan, honourable members of the Standing Committee on Social and Economic Development and Madam Chairperson, I stand here before you today to speak as a private citizen regarding the drafting of Bill 7. I thank you in advance for lending your ear and being here to facilitate the democratic process on this matter.

My name is Jonathan Trenholm, and I am an intern member of the Manitoba Association of Architects. I support the position of my colleague Don Oliver and call upon the minister and this committee to delay Bill 7 from proceeding to third reading.

I must state that, upon graduation, I did not think that one of my first orders of business would be to be up here in front of the provincial government needing to defend my education, my profession and my personal future, but here we are. Although I believe that government has the best of intentions on this matter, I am disturbed by numerous areas of the proposed legislation that are seriously flawed. I would like to speak briefly regarding the personal and professional impact said legislation would have on me as an architectural intern and the future of our profession in this province.

I am a recent graduate of the University of Manitoba graduate program in architecture and have lived in Winnipeg my entire life. My wife and I met

in university, both completing undergraduate and graduate degrees, and now both work for local architectural offices. We have, to date, mapped out a future here in Winnipeg, but now that future may be in jeopardy. As an architectural intern in the midst of my internship hours and registration exams, I am disturbed by the potential inclusion of a grandfathering clause within The Architects Act. The grandfathering clause specifically attacks the purpose and rigour of architectural education and professional training. It opens the door to the untrained to practise a scope of work that my peers and I are specifically trained for and equally aspire to upon completion of the educational and internship process. What is equally distressing is that these grandfathered engineers will go unmonitored by neither the architecture nor engineering professions. The provinces of Alberta and Ontario at least require passing the same registration exams to certify all engineers who contend to practise architecture in their respective provinces.

Why now would I continue my internship for another three years, gaining critical experience by logging hours in the numerous areas of building design, co-ordination and contract administration, and then proceed to write nine internationally administered exams when I know that my job can supposedly now be done by someone of a completely different discipline, background and training in little or no time?

The Department of Architecture at the University of Manitoba is arguably the best design school in Canada. Students from all over Canada and other countries enrol each year in both the undergraduate and graduate programs, comprising a robust student body that come to live and study in Winnipeg. Winnipeg could be a pivotal launching ground for talented young design professionals establishing lives, families and businesses within our city, but that is currently not the case. The Manitoba government continually speaks of brain drain and the ongoing concern of the loss of young professionals to other provinces and the United States. We already lose a high percentage of graduates each year, key individuals that are well educated, to places such as Vancouver, Calgary and Toronto due to the opportunities and practices of these cities. I quote from Dr. David Witty, Dean of the Faculty of Architecture, from his article in the *Winnipeg Free Press* on Saturday, "Cities that have invested in high-quality design are attracting mobile, well-educated talent and investment dollars . . . . The cities that are

leading the way in investment in the new economy are those cities that promote good design . . . . Winnipeg's competitors have figured it out . . . . Now it is time we did too."

The current legislation stands riddled with holes and cannot be passed. Legislative change of this magnitude to any self-regulating profession is unprecedented in all of North America, let alone Canada. The proposed changes will remove any and all incentive to remain in this province for this profession. If said legislation were to go through, what would keep me here in Manitoba? Why would I want to stay in a province that, by proposed law, completely undermines my education and intended career path? Both my wife and I have invested years of our lives in a provincial university, pouring hours and money into an education that can now be trumped by anyone wishing to practise architecture. Why would I support a government that is tabling legislation that completely reduces the value and necessity for my education and specifically allows unqualified individuals to look after the health, safety and welfare of the citizens of Manitoba?

I am a registered intern member of the Manitoba Association of Architects. You need look no further to assess my qualified, ongoing training to design the built environment. I am working towards becoming a registered architect and the breadth of my education, level of instruction and extent of certification is your assurance of my qualifications. Consider Manitoba's future before we consider elsewhere. Thank you.

**Madam Chairperson:** Thank you. Are there questions for the presenter? Seeing no questions, we thank you very much for your presentation.

The committee calls Bill Randa, private citizen. You can proceed, Mr. Randa.

**Mr. Bill Randa (Private Citizen):** Good morning, Madam Chair, members of the committee.

My name is Bill Randa. I have graduated from architecture at the University of Manitoba in 1983, which represents 23 years of experience, and I would like to first state that I support the position of my colleagues and MAA and call upon the minister and this committee to delay Bill 7 from proceeding to the third reading.

Bill 7 creates more problems than it purports to resolve. More time is needed to give this piece of legislation the careful consideration it deserves. I would like to briefly demonstrate to you the inconsistencies throughout this bill and I will speak

specifically to the retroactive effect of scope of practice provisions. You will find that on the last page of the bill.

Subsection 15(1.1) and 25(1) of The Architects Act, as enacted by this act, are retroactive to the extent necessary for them to apply for all purposes in respect of any work done before the coming into force of this section in relating to a building or proposed buildings. Going beyond an endorsement of existing building and occupancy permits exposes professional liability insurers to potentially significant financial consequences. I want to stress professional liability insurers insure by scope of practice and they require assurance from their regulatory body of that profession that the individual is qualified.

If a building based on the current law required the involvement of an architect and was designed by an engineer, the insurer would not be responsible. By going back and retroactively cloaking those engineers with a scope of practice potentially means that the insurers would be responsible for the negligent design of buildings that they never intended to insure.

Just to give you a quick graphic example of that, our family lives in a house for over twenty years. We are cautious homeowners and therefore we carry a comprehensive house insurance. Fifteen years ago, I personally installed a wood stove, but I chose not to notify our insurer about this alteration. It would bump up my insurance cost, obviously. So, for example, if our house burned down tomorrow and the cause was determined to be a faulty chimney, our insurer will not honour our claim. An argument that the stove worked for 15 years will not persuade the insurer to honour our claim. So I ask you: Was the insurance industry consulted when you drafted this bill, or does this bill assume that the insurance industry will pick up the slack?

\* (10:00)

I am a registered member of the Manitoba Association of Architects. I have been licensed to practise architecture in this province of Manitoba, not only because I am competent, but because I have fulfilled the specialized education requirements and the internship requirements which are prerequisite to practise this profession.

On a personal note, I would like to end that I find this committee and all the work that has gone into it such a colossal waste of time. Look at your

time here, look at the people's time here. I personally have several jobs on my desk that require my attention, yet I am here defending myself against the hordes of Goths coming in from the north and trying to take over my profession. Thank you.

**Madam Chairperson:** Thank you. Were there any questions for the presenter? Seeing no questions, I thank you very much for your presentation.

The committee calls Philip Christensen, private citizen.

**Mr. Philip Christensen (Private Citizen):** Thank you. I wish to thank the members of the committee for allowing me to come before you to discuss this very important bill.

First, let me state I am in support of my colleague Don Oliver and call upon the minister and this committee to delay Bill 7 from proceeding to third reading.

I have spent all of my life in the field of architecture, starting in Alberta in the late eighties as an architectural technician, draftsman and project manager. I spent the following 10 years with various architectural firms in western Canada and the Yukon. After amassing all this educational and work experience it was obvious to me that the next logical move was to proceed to get my master's degree in architecture. The University of Manitoba was the obvious choice. Within the design community, regardless of what *Maclean's* magazine will tell you, the University of Manitoba is consistently ranked among the best in Canada, if not North America. Now, seven years later, I am one defence away from acquiring my master's degree and entering the process to become an architect and getting my seal.

I am 39 years old. It has been a long and enjoyable process, but this legislation will effectively remove the value of my work and my degrees. I have spent the majority of my life amassing this wealth of knowledge, and I am still unable to call myself an architect. There is still more practical experience to be gained and exams to be written before I am granted the privilege of sealing drawings and calling myself an architect. All this is done under the supervision of the MAA, the RAIC and, through them, other national and international governing bodies. Once received, this seal represents a standard of excellence recognized around the world. Yet, once passed, Bill 7 will allow an agricultural, or any other engineer, to practise architectural work, seal drawings and supervise construction, well beyond

their professional education and the control of a governing body, in this case, the MAA. For a province which prides itself on excellence in architecture, as can be seen in the new Millennium Library, and in the proposed Museum of Human Rights, I find this proposed legislation astonishing.

Over the years engineers and architects have worked in collaboration as professionals, using their specific training and skills to provide sound, functional, aesthetically pleasing structures to serve the public need. Each profession addresses the development of a building from a different perspective and area of expertise, but their combined training and talent culminate in safe, healthy, pleasing, finished product. Each profession has its specific area of expertise for which it is trained and governed and held liable. Diminishing one of these voices is not in the public interest.

I have said "liable" here because it has been mentioned several times; clearly, we can only be held liable for work within our field of expertise and experience. Logically, insurance agencies will only cover us for work performed within that area of expertise. Beyond this, we are on our own. As has been pointed out, where is the fear in allowing engineers to perform work beyond their area of expertise if they cannot be insured or held liable for it? This is logical, but past precedent suggests this is exactly what has been happening. Individuals in the engineering profession have been practising architectural work, and the City has been issuing building and occupancy permits based on only an engineer's seal.

At this point, I have to ask who is liable for this? Is it the engineer? Is it the owners, the developers? Potentially, only for work competent within their areas are the engineers held accountable for this in liability. Are the City and its inspectors now held liable for this work? Am I, as a citizen of Manitoba, held liable for this? Who?

If this bill is being rushed through simply to remove liability from the City and the Province, then who is being left to hold the bag? Am I, as a citizen of Manitoba, now being asked to step in and provide funds to cover buildings that were not covered under the professional as an engineer?

If you tell me that there is no danger of an engineer doing work of an architect simply because they cannot be insured for that work being beyond their area of expertise, my response is that Bill 7 allows you to give them that right. You are saying

that either they or an architect are able to perform the required task. You are giving them the permission to secure such insurance regardless of their ability to perform the work, something which is not governed by a self-regulating body, but the individuals feeling that they are competent.

Should Bill 7 pass, you are telling me I should feel reassured that the public interest is being protected by the engineering community and their professional associations. I realize that all of us are acting in the best public interest, that we are all dedicated to protecting the public safety and security. That is not an issue. But where was this concern when members of the engineering community were practising beyond their area of professional expertise, were indeed breaking the law, as Justice McCawley has pointed out? Is breaking the law in the public interest? I do not think so.

Madam Justice McCawley, in her decision, felt it was not. When the law was being broken, where was the engineering governing body? Why were they not taking action against members knowingly breaking the law? You might not like or agree with the law, but it is still the law and it is always in the best public interest to uphold and respect the law. To do otherwise is unprofessional.

On reviewing these changes, I have to ask why, why are these changes needed? There does not seem to be a national trend in this direction. Why has Manitoba moved beyond what other provinces have done to resolve similar disputes? By taking this action, Manitoba is not moving forward, but backward. Instead of continuing to enjoy a high standard afforded by other Canadians, this legislation will ask Manitobans to accept less. Why are we worth less?

At present these changes only affect the architectural profession, but this legislation will set an unacceptable precedent, not only for our own profession, but for self-regulating, restricted-scope professions.

I feel that there is a strong desire by this government to quickly solve this perceived permit backlog problem that was the result of a recent court decision made by Madam Justice McCawley. Haste does not make good legislation; it does not make what is wrong right.

If more time is needed, then there is a simple solution at hand. The government has in its power to ask the MAA to remove this injunction. This is a

reasonable request that I cannot see being refused. We all want, and I must stress this, we all want to see the province continue to move forward, ahead in a sustained and prosperous manner.

There are many things I wish to say but cannot properly bring to voice. I am feeling very betrayed at this moment as I have dedicated myself for the last seven years to acquire a professional degree and then made the decision to practise that profession here in Manitoba. With this legislation, you are telling me and other men and women, either as interns, as architects in this province, that our sacrifice of time and funds to become professionals was for nothing. Thank you.

**Madam Chairperson:** Thank you. Are there questions for the presenter?

\* (10:10)

**Mr. Cris Aglugub (The Maples):** Thank you very much for your presentation. Things are a little clearer to me. But you talk about liability here. I went around yesterday and I saw some houses being built. My question is, these are tradespeople who are building the house. I do not see any architect around that area, so, because I only see three people around the house, building the house, whose liability is it if something goes wrong in the house. If there are some defects in the house, who is liable? Is it the people who build it?

**Mr. Christensen:** I am not a lawyer or an expert in the building trades and the legislations that cover them. I will do my best to interpret it from my point of view as a private citizen.

What I have seen in the past in other jurisdictions, namely from my experience working the Yukon and northern B.C., is that, as a private homeowner, you are securing an individual to build your house. That individual is governed by the, in this case, Manitoba Homebuilders' Association. They are covering you to a certain degree with a warranty program that, if this house is built by an incompetent contractor, you are covered for it. Arguably, I mean, if the contractor goes bankrupt halfway through, then you are left holding the bag, caveat emptor, let the buyer beware. If the contractor is incompetent in performing his work beyond what he should be doing, then it would be up to the Manitoba Homebuilders' Association to take action, which I cannot speak to whether or not they do that.

I think we all know of examples where friends or family members have been in situations where an

addition or renovation took place, it was a disaster, and they were left holding the bag because no one was responsible. The contractor goes out of business before you can actually secure him to finish the work, then you are left holding the bag as a private citizen.

You know, ideally, yes. I mean, as a private citizen, you secure somebody, you are taking a risk, but why take a needless risk? If you can hire somebody as a professional to come in and make sure that house is built properly, to make sure the contractor is reputable and is doing the proper work, then why would you not do so? Why would you open yourself up to the potential of being stuck with a half-built home that is less than standard, that has actually reduced your property value as opposed to increasing it?

**Madam Chairperson:** Seeing no other questions, we thank you very much for your presentation.

**Mr. Christensen:** Thank you.

**Madam Chairperson:** I want to just remind members who are in the public to turn your cell phones off, if you do have cell phones here with you. We follow the same practice we do in the House, which is to make sure that any cell phones are turned off.

The committee calls Calvin Gray, private citizen. You can proceed, Mr. Gray.

**Mr. Calvin Gray (Private Citizen):** Good morning, Minister Allan, honourable members, ladies and gentlemen. My name is Calvin Gray. I am a professional engineer. I am also Building Code Qualified. "Building Code Qualified," as regulated by the Manitoba Building Code officials, is a designation for building design professionals who have both sufficient formal education and sufficient work experience in designing buildings using the Manitoba Building Code. Other provinces have similar Building Code Qualified classifications for building design professionals. It is my understanding that Ontario requires that all building designers be Building Code Qualified.

I have reviewed and sealed drawings to certify that they are in compliance with the Building Code. Some recent building projects include a roof upgrade for an arena in Bowsman, Manitoba; a grocery store in Morris; a hardware store in Carmen; a grocery store in Niverville; an apartment building in Brandon; an apartment building in St. Pierre; an auto parts store in Virden; and a truck wash building in

Swan River. From a legal point of view, the sealing of these drawings is certifying that the design is in compliance with the Manitoba Building Code and has nothing to do with building aesthetics.

All buildings in Manitoba must be designed in accordance with the high standard of the Manitoba Building Code. Contrary to what was stated earlier, the standards to meet the Manitoba Building Code are high and not low, as suggested. Manitoba building officials, many of whom are engineers, are experts on the Manitoba Building Code. The primary duty of the building official is to determine if the submitted drawings are in compliance with the Manitoba Building Code. Only if the drawings are in compliance with the Building Code is a building permit issued. Manitoba building officials have examined and evaluated many engineering drawings over the years, and the building permits have been issued with these engineering drawings. This notion that engineers are not designing safe buildings is simply false. Manitoba engineers have been designing safe buildings for years.

Architects are certainly a valuable part of the construction industry and have expertise in building design. I would agree that a prominent building such as the new human rights museum should use the professional services of an architect, as well as other public buildings where the building aesthetics are of significance. But the team would likely also consist of a Building Code expert, such as Dr. Fry, P. Eng.

Nevertheless, most new buildings in Manitoba are auto part stores in Virden and not human rights museums. On many building projects I am involved in, it is the client who does not want the services of an architect. The client knows what he or she wants and they do not want to pay for the architect's services. These clients were getting exactly what they want, a functional and safe building, and they are satisfied with the end results.

The Architects Act, as interpreted by the recent court ruling, simply does not reflect the current state of the construction industry. For example, the Province of Manitoba, Indian and Northern Affairs Department, was ready to go to tender for a new arena project in Crane River. No architect was involved in the design and the design was prepared internally by the Province's own engineers. In accordance with the recent court ruling, the Province will now need to hire an architect. This will both delay the project and add cost to the project and arguably will not provide any benefit to the province.

A church in Swan River did a major renovation to an existing building about three years ago with a design from an interior designer. I reviewed the drawings to ensure that they were in conformance with the Building Code. No architect was involved with that project, and the church-building committee was completely satisfied with the end result. They now want to build a large addition, but when they recently submitted their sealed drawings, they had been told by the Fire Commissioner's Office that they now require the services of an architect because of the recent court ruling. They got a quote from an architect using the Architects Association guidelines for fees for providing construction drawings, and they simply cannot afford the architect's fees. They are not proceeding with the new addition.

Using the current broad definition of architecture, if not all, certainly the majority of consulting engineers in Manitoba have practised architecture. These numbers are much larger than the 12 engineers that has been previously suggested. Because there are many engineers who are now precluded from sealing building drawings, the current pace of building construction in Manitoba, especially in rural Manitoba, will slow down. This can only hurt the construction industry, which has been booming lately. Regulated competition within the marketplace, even the building design marketplace, is healthy for a strong and vibrant economy. Engineers are fully capable of designing safe buildings and have been doing so for years. To my knowledge, there has not been an outcry by the general public because engineers have been designing buildings.

It is my understanding that Bill 7 will require an architect for all large buildings other than industrial buildings. This proposed bill is a reasonable and fair compromise for the two building design professions, and hopefully this will keep building construction in Manitoba moving forward. I look forward to working with the architectural community in the future. Thank you for your time.

**Madam Chairperson:** Thank you very much. Are there questions for the presenter?

**Mr. Kevin Lamoureux (Inkster):** Just quickly, with your credentials and certification, if you were in Ontario or Saskatchewan, would you be able to do the types of buildings that you have done in the province of Manitoba?

\* (10:20)

**Mr. Gray:** I do not know. I do not know the answer to that.

Can I comment on something else regarding the liability insurance? I do know that my liability insurance does cover me for Part 3 of the Building Code.

**Madam Chairperson:** Thank you. Seeing no other questions, we thank you for your presentation.

The committee calls Larry Hamilton, private citizen. Once again, the committee calls Larry Hamilton, private citizen. Mr. Hamilton's name will be dropped to the bottom of the list.

Grant Van Iderstine, private citizen. You can proceed.

**Mr. Grant Van Iderstine (Private Citizen):** Thank you. Madam Chairperson, Minister Allan, honourable members, I am appearing in support of my colleague Don Oliver and the position of the Manitoba Association of Architects.

I am an architect registered in Manitoba. I am also registered in five other provinces. I am a principal in Smith Carter Architects and Engineers, a multi-disciplinary design firm. I believe that an integrated approach to design is the proper way to design buildings, and we have operated our business that way for over 50 years. We have architects, engineers, landscape architects, mechanical, electrical and structural engineers, I might add, landscape architects and urban planner in our firm, and we believe that that is the correct way to design buildings. It should not be designed by a single professional. It should not be designed by a structural engineer, mechanical engineer, and so on.

The argument that you have heard from engineers that they should be able to stamp architectural work I believe is regressive and ultimately is going to hurt our economy.

We operate this firm of over a hundred people in Winnipeg. We do work all across Canada and around the world. I do not think our business is going to be materially affected directly by engineers stamping architecture because they are operating on the fringes of our business, perhaps not for my colleagues, but they are on the fringes of our business. We focussed on things that are of a higher order of complexity. They tend to be larger buildings, and these guys are really not going to be operating in our backyard per se.



Why do I care? I care about the character and the quality of our community for the future, and I think we are going to lose young people from the profession and that is going to really hurt our business in the long term.

With some exceptions possibly, I suggest that the engineers involved in the illegal practise of architecture generally are doing so as an adjunct to their main source of business. There are structural engineers, there are mechanical engineers, and we are told, agricultural engineers. They provide an engineering stamp to supplement their income on projects that are often of tangential interest to their main pursuit in engineering. In short, they are part-timers. They are dabblers at architecture. I will not argue that many of these projects are not acceptable from a Building Code performance standpoint. I can tell you I have seen evidence of ones that are not meeting the Building Code, but even if it is good enough for the code authorities, that is not enough.

Are you going to trust someone who is a part-timer to be as skillful and conversant as a specialist? Do you want someone who does a couple of heart surgeries a year doing your heart surgery? You want a guy who does them every day. Can a part-timer be up to speed on best practices and sustainability, accessibility for the disabled, building envelope, energy management, or any number of complex issues that have qualitative differences to our physical environment. This in addition to their main source of work.

It is tough enough for us who have focussed on architecture and have been trained in it through a rigorous education and an internship lasting at least nine years between the education and internship. I am still learning after 20 years in practice. My association suggests that I need to be continually upgraded, and I take that very seriously. I am very sympathetic about the people whose business has been caught up in the net of this recent court ruling, but let us not mix our attentions up to set things right for the present with a correct path for the future.

These people who have been stamping drawings are dabblers. They are enablers of other paraprofessionals who are able to offer services to the public as though they were architects. They compete with smaller architectural firms. They make it more difficult for young firms to get a foothold. The value we put on design affects our economy, and I suggest the results so far in Manitoba leave a lot to be desired, notwithstanding a few notable projects.

It is visible in a mediocre building stock of commercial and industrial properties. The same issue between architecture and engineering has been put to bed in places like Ontario, Alberta and British Columbia. Architects do architecture, engineers do engineering.

I invite you to travel to southern Ontario or lower mainland B.C. or Calgary and compare the quality of suburban developments with Winnipeg's. I cannot tell you for sure that the fact that architects are involved in those buildings generally there is the sole reason that there is a difference. I can tell you quality is often head and shoulders above what we have here. We should be raising the bar in design because we live in a competitive world and making our communities attractive and holistically considered is one way to attract and maintain people.

Displacing professionals with dabblers is 180 degrees in the wrong direction. Because a handful of engineers, and we are told that there is a dozen, have been illegally practising architecture, we should not open the doors of architecture in Manitoba to paraprofessionals and those unskilled in the art of architecture. Deal with the exceptions, grandfather the offenders if we must, but let us do the right thing for the future.

What is at stake for our future is the integrity of design in the building process. If university-age people are not able to see the value of a nine- to ten-year learning curve to practise architecture in Manitoba, they are going to take the shortcut into engineering or, more likely, they are just going to go away. That is going to make it more difficult for companies like mine to attract and retain young people.

We advertise for people across the country and we cannot get them to come to Manitoba. They have to be born here. We have to grow them here. I am afraid if people leave, we are going to be at a disadvantage. We are told that over the next few years, next 20 years, the number of professionals in all disciplines is going to be at a premium and we have to keep these people here. We have to grow them here.

In conclusion, I ask that the committee rethink the approach to the bill and take the constructive suggestions of the MAA at heart. I have a feeling that we are going to have to do something. The committee is going to have to make a decision, and I believe that there is probably a lot of desire on the

part of the committee and the industry to move forward on this and get something done.

So I would suggest that if the suggestions of the MAA are not taken to delay the bill, you should consider the recommendations of the Witty report or take the Ontario legislative framework verbatim. But what we had for the past 15 years is not good enough. Let us not look backwards to deal with the problem that affects our future. Architects do architecture; engineers do engineering. So let us just do the right thing. Thank you.

**Madam Chairperson:** Thank you. Are there questions for the presenter? Seeing no questions, we thank you for your presentation.

Calling Karen Peters, private citizen. Do you have a written presentation?

**Ms. Karen Peters (Private Citizen):** No.

**Madam Chairperson:** Okay, you can proceed, Ms. Peters.

**Ms. Peters:** Minister Allan, Madam Chairperson and the esteemed committee, thank you for allowing me the time to present my concerns. My name is Karen Peters, and I am not a member of an architectural or engineering association. I am a layperson.

\* (10:30)

I am very concerned about any type of engineer, water or bio-engineer, for example, being able to design built spaces that could take into account issues of defensible space. In my opinion, defensible space for safety involves site situation, lighting, child safety, occupancy, personal space and comfort levels, to name a few. These are issues that architects are clearly trained in and are able to address. Any variety of engineer would not or could not necessarily have that training.

These facilities may be able to meet the specifications of being a pool, a recreation centre or daycare, but would clearly not be sensitive to the safety concerns of which an architect would be, such as lighting, entrance or siting that could enhance a community, prevent youth- or child-at-risk problems, gang-related issues, among many, many others. A daycare must be safe from those who would harm children. These specifications, as a layperson, I believe, are not in the building code. My grave concerns are that the public spaces, such as recreation centres, pools, design-built by any variety

of engineer would not be able to meet the specific community or cultural needs around defensible space. Thank you.

**Madam Chairperson:** Thank you. Are there questions for the presenter? Seeing no questions, we thank you very much for your presentation.

The committee calls Tom Alston. Once again, is Tom Alston here? Seeing that Mr. Alston is not present, his name will be dropped to the bottom of the list.

Gabe Derksen, private citizen. Did you have a presentation you wanted to circulate? You can proceed.

**Mr. Gabe Derksen (Private Citizen):** My name is Gabe Derksen, and I am an intern member of the Manitoba Association of Architects. I support the position of my colleagues who have presented before me and call upon the minister and this committee to delay Bill 7 from proceeding to further reading.

If there is a backlog or any other crisis, it can be accommodated by asking the court to temporarily suspend its order in the City of Winnipeg case in order to allow government, with the assistance of the MAA where possible, to address any outstanding issues. Bill 7 creates more problems than it purports to solve. The need to protect health and welfare in the built environment is too important to allow this legislation to go through without resolving those problems.

Briefly, and on a more personal note, as a recent graduate from the University of Manitoba's Master of Architecture program, someone who is gaining experience in a firm under a registered architect towards becoming a registered member and someone who has planted roots in Manitoba as a husband, a father, a homeowner and a taxpayer, I am absolutely disheartened that such one-sided legislation now threatens my chosen and hard-earned profession.

I think it is clear to all stakeholders, and I think it has been well demonstrated by the presenters before me, that the amendments proposed in Bill 7 are unprecedented. In my opinion, I believe strongly that unprecedented legislation such as this equals reactionary legislation, legislation based on the events of the past without the necessary vision to the future or understanding of the consequences. To help make this point, if the committee would indulge me, I want to read brief quote from Robert Persig I would hope the committee and all those involved would keep in mind as we move forward: "We hurtle

towards the future turned backwards, our past receding in front of us, dominating everything we see, the future rushing up behind us."

Today, I challenge the committee and all stakeholders involved to turn now towards our future, to put the past events surrounding this issue aside and to know fully the dire consequences that the current legislation holds for the students and faculty at the University of Manitoba's architecture program, for the young graduates of this program seeking a long-term home in Manitoba, for the dignity and viability of this province's architectural profession, for the quality of the built environment in our communities and, ultimately, for the broader health and safety of the Manitoba public. Unprecedented legislation will produce unprecedented consequence.

Thank you, and I look forward to the committee's findings.

**Madam Chairperson:** Thank you. Are there questions for the presenter? Seeing no questions, we thank you for your presentation.

The committee calls Ted LeBlond, private citizen.

**Mr. Ted LeBlond (Private Citizen):** Madam Chair, members of the hearing committee, I thank you for allowing me to speak to you today.

My name is Ted LeBlond. I am an architect in this province practising in this city, and I have been practising for some 30 years, 15 of them in this particular province. I have handed out an outline of my speech but I will speak to it rather than from it. I do have a legacy within the practice of architecture that I would like to bring forward that concerns me because I believe that this legacy is jeopardized.

As I have indicated, I have practised for 30 years. My father was an architect. He was a graduate of the School of Architecture at the University of Manitoba in 1948. He spoke with pride of that school and this province and its history of providing good architecture.

I worked for a firm that is not with us now. It has been taken over but it was G B Architects, which had a history of 75 years of practice in this province, and I can speak for my wife. I had the fortune of marrying the daughter of the dean of the School of Architecture, John Russell, who is credited with starting the School of Architecture and making it into the esteemed place that it is now and the holding that

it has in the country. His legacy is in jeopardy because he promoted a practice and a profession that went beyond the bounds of, certainly, this province and, certainly, into the nation, and, as I say, it was a respected one and it is a respected one. So I came to this province under those conditions, and, as I say, I have practised for 15 years. I practised in an integrated design firm that has architects, engineers, interior designers and other people who are working within the context of building design.

To me, it is certainly in our practice and for larger buildings the way of the future. We co-exist, we get along, and I believe that no matter what size of firm, whether it is engineering or architecture, that there is room to co-exist, and I believe that this legislation is detrimental to that co-existence. I think there needs to be change. I believe that but in the context of the recognition that architecture is a valid profession and has a place in this province.

I would like to speak also to the issue of some of the points that are coming through to the legislation, the retroactive legislation component. It is a bit unsettling that the government is proposing to push back the coverage of this legislation to deal with people who have been practising, in my opinion, illegally. I am sad because I have understood that the legislation could have been brought forward years ago by the government, and yet it has allowed our profession and even indeed engineers and others who are interested in this process to go through a long, arduous process in good faith assuming that they were protecting their particular interests. I find that disheartening, that the government is looking back towards making this retroactive. Personally, I think you should be looking forward and not dealing with the past.

I would also point out that I am curious to see whether you have approached the insurers that advise the government as to whether risk is covered in people who have practised in the past, whether they are insured now. It may be doubtful whether some of them were insured in the past. Who is taking that risk for those particular projects that were done in the past that might be retroactively covered under this legislation?

\* (10:40)

I would like to speak to the value of architects, some of which you have heard today and will hear later on and have heard last night. Expertise in training of architects pertains to the planning and review of building construction specific to the

practice of architecture and also provides architects with the unique ability to have a holistic understanding of the other equally but narrowly focussed design requirements of buildings.

Architects have been trained to co-ordinate and deal with all aspects in a holistic manner of the design of buildings, and they are safe, functional and cost-effective and will continue to be so. Unfortunately, certain interest groups have forced their way into a process that we believe did not have to happen, that apparently the Government of Manitoba believes that our expertise and training and holistic understanding of the architect are not required in many building types except for a limited selection of buildings.

I do not believe that this was the intent of government; at least I hope it is not. I respectfully submit that the term "and architect" rather than "or architect" be applied to all buildings that are proposed in the Building Code act in defining who should design buildings.

This simple change would allow the rightful inclusion of architects into the design of buildings other than small buildings, mercantile office building types that are designed by unlicensed professionals, non-professionals that are allowed under the mandate of the code at this particular time. This is a precedent in place in other provinces and has been wholeheartedly accepted by those who are involved in the design of buildings. To me, it is a simple way of dealing with a lot of these issues.

Autonomy of expert advice. Architects provide expert advice to their clients independent of any self-interest, and uncompromised professional judgment. I fear that this may be at risk, that this autonomy may be at risk if the legislation goes through to allow the scope of practice to be defined by the Standards Board. It takes a portion of what we do and how we practise and puts it in the hands of others that we believe are not in the position to evaluate what is architecture and what is not.

This amendment should be removed and restructured to allow the Building Standards Board to provide counsel on scope of practice of architecture only, but the control of the scope of practice should be retained in The Architects Act.

Accountability. Architects accept responsibility and liability for the consequences of their professional practice and behaviour. I believe that many non-professionals as well as some professional

engineers who provide building design do not and, in some cases, cannot accept the consequences of their practice or behaviour.

Some have managed to enshrine within contracts severe limitation to their liability. I would suggest that, hopefully, you get advice from independent professionals who know liability insurance and get an understanding of what that coverage means both for architects and engineers and for others who propose to do building design in this province. I think it would do you well to be informed in that case.

I can only question whether this proposed amendment will really provide cost-effectiveness that the government hopes to achieve or can ensure that buildings that we live, work and gather in will meet both safety and professional standards. If government adopts these amendments, I would recommend as risk management initiative that they put in place some safeguards and accountability requirements on other design providers that architects accept and offer within their professional services. Thank you very much.

**Madam Chairperson:** Thank you. Are there questions for the presenter? Seeing no questions, I thank you very much.

**Mr. LeBlond:** Thank you very much.

**Madam Chairperson:** The committee calls Andrew Lewthwaste. Once again, Andrew Lewthwaste, private citizen. Mr. Lewthwaste will be dropped to the bottom of the list.

Robert Garvey, private citizen. You can proceed. Mr. Garvey, did you have copies that you wanted to circulate?

**Mr. Robert Garvey (Private Citizen):** I do have copies of my presentation as such.

Good morning. I thank the committee for affording me the opportunity to speak as a private citizen and address you with my concerns. My name is Robert Garvey, and I am an intern member of the Manitoba Association of Architects. I work in an interdisciplinary firm, and, in addition, I am an accredited professional registered with the Leadership in Energy and Environmental Design program administered through the U.S. Green Building Council. I grew up in northern Manitoba and moved to Winnipeg to attend university, and as

it turns out, to find a wife, settle down, buy a house in River Heights and raise some kids. I also vote every chance I get.

Several of my colleagues have already spoken eloquently, and at length, of the key frailties involved with the mechanics of Bill 7, the rigours of architectural schooling and post educational training, and even some of the finer aspects of architecture. Mr. Lalama, Mr. Stirton, Mr. Van Iderstine and Mr. LeBlond, among them. I concur with them wholeheartedly and urge the committee to temporarily table the bill before us today.

The bill is highly commendable in its intention to align the engineering and architectural professions. However, it must be tabled until such time as the critical issues of contention can be resolved. The rumoured backlog of projects held up in the permit process is looking more and more like a paper tiger. I heard here last night, in this room, that it is currently only about 10 projects. Such a creature does not require the use of drastic action to be dealt with. Let us be deliberate. Let us be methodical.

As engineers in this province are not certified by engineering discipline, there is no mechanism to assess the level of competency held by an individual P. Eng. in a specialized field of practice when it comes to issues of professional overlap. I mean, specifically, certain renegade engineers have taken it upon themselves to practice within the scope of architecture as what, building engineers?

What is building engineering anyway? Most of my colleagues have been speaking at great length to you on what architects do and what training is required to become an architect. But last night I distinctly heard speakers, in favour of Bill 7, use the term "building engineer," and no one batted an eye.

How would building engineering be different from architecture, and how would one adequately prepare for such a profession? I do not know the answers. I am only asking the question. But if that is the latest engineering discipline to be added to their already long, long list, and if The Architects Act is crippled with a poorly executed exclusionary clause, then there would ultimately be no legal recourse for preventing engineers from practicing within the scope of architectural profession, as I see it, and admittedly I am no legal expert, but that is how it appears to me.

Now let me speak to this for a minute as I feel this is really critical. The committee should bear in

mind that none of us are born as architects. At some point in our academic careers, we have decided that we wish to design buildings, and then made the decision to pursue the licence to practise and all that this entails, as that is what is required by law. All of the years of university education, the huge student debt loads that many of us shoulder, and the MAA continuing education requirements are seen as the very necessary price that must be paid in order to earn the privilege of practicing architecture in this province.

One of our most seasoned and highly respected architectural technologists at our office has been with our firm for some 30 years. He has proven, time and again, to be as wily as he is wise, but he has a favourite saying, "You don't know what you don't know."

Bill 7 allows for the eventuality of certain engineers to practise within the scope of architecture based solely on their own self-assessment and that of a lay committee. With no reliable tested measurement of competence in architectural design, and answerable to no governing body, the legislation would release these individuals to practise on a buyer-beware basis.

\*(10:50)

Do I believe that an engineer attempting to practise outside of the scope of his or her training and licensed expertise would ever knowingly put the public at risk? Of course not, no way. But this basis is still far less than Manitobans deserve.

As far as the implication that this bill would have the Buildings Standards Board determine what is or what is not architecture, I ask this question: Do we really need to be aiming for the lowest common denominator here in this province? It is no small wonder that so many Manitobans perceive this province as having major self-esteem issues. We should be aiming for excellence through collaboration in the building profession. Let the mechanical, electrical and structural engineers do what they do best, and have them work with architects who are the only professionals specifically trained to design buildings.

When we set the minimum standards of architecture at life safety, we cannot expect more than just exactly that, no less, but no more. You cannot reliably expect it. I do not think that anybody here is happy with the notion of a future Winnipeg awash in a sea of oatmeal-coloured stucco. We do

not have a bottom line—sorry, we do not have to be a bottom-line, bottom-dollar, bottom-feeder province.

Scott Stirton spoke so eloquently for a Manitoba that, through interdisciplinary collaboration, pushes the envelope, is surging ahead, demanding better. Now these sound like platitudes, but you know what, tabling Bill 7 until the kinks are worked out is attempting exactly that.

So, with that, I conclude my remarks with the reiteration: Please delay Bill 7 from proceeding to its third reading in its current form. I thank the committee and its members for their valuable time and most careful consideration regarding this matter. Thank you.

**Madam Chairperson:** Are there questions for the presenter? Seeing no questions, we thank you for your presentation.

For the information of the committee, Mr. Jennissen has resigned as the Vice-Chair. Are there nominations to fill this position?

**Mr. Dewar:** I nominate Ms. Irvin-Ross.

**Madam Chairperson:** Ms. Irvin-Ross has been nominated for the position of Vice-Chair. Are there any further nominations? Seeing no further nominations, Ms. Irvin-Ross is the Vice-Chair.

The committee calls Johanna Hurme.

**Ms. Johanna Hurme (Private Citizen):** My name is Johanna Hurme, and I am an intern member of the Manitoba Association of Architects, a member of the Royal Canadian Institute of architects and a fully registered member of the Finnish Association of Architects.

I support the position of my colleagues before me and call upon the minister and this committee to delay Bill 7 from proceeding to third reading. I came to this country and Manitoba 12 years ago as a high school exchange student from my home country of Finland. I have since built a home in Winnipeg and hope to build a life and career here. I came from a culture where architecture and architectural professionals are held in high regard, where flourishing architecture is seen to benefit and support economy and development, not to hinder it.

I would like to believe that Manitoba is a place where the government and city officials support innovation as a sustainable building practice that can stand the test of time and not the creation of mediocre cities and buildings under the umbrella of

fast development. I have gone through four years of undergraduate studies, three years of master's studies and completed nearly all of the required 5600 internship hours. I have passed two out of the nine exams required to achieve professional status and the right to practise architecture.

As many of my colleagues before me have attested, becoming an architect in this province is no small feat. Grandfathering engineers to have a seal of approval to practise architecture, as this bill, suggests makes a mockery of my education and our professional accreditation. Competence in any profession cannot be self-proclaimed.

As written right now, the bill would allow any engineer, including those specialized in mechanical and electrical systems design, to oversee the design and construction of mid-size buildings and significant alterations to important civic and public buildings. This concern alone should convince the committee to slow down, take the time these issues deserve, and rethink the appropriate wording of the bill. It is unprecedented that individuals practising one of the five professions are left in charge of determining their own competency. It seems to me that individuals who believe they have the capacity and the ability to practise architecture with an equal competency to that of an architect should have no problem breezing through the requirements of the architecture program at the University of Manitoba, and to write and pass the MCAD examinations. I sincerely welcome any engineer and interior designer willing to go through the accreditation process to our profession.

*Ms. Kerri Irvin-Ross, Vice-Chairperson, in the Chair*

The coalition of engineers and developers have fabricated evidence that suggests that protecting The Architects Act, as it currently exists, would slow down the development and diminish the construction boom in the city. Believing these claims and thus proceeding too hastily with Bill 7 and its inherent problems to our practices is very short-sighted. Human skill spaces, viable, thought-provoking ideas, socially and culturally fitting projects, visionary design, the things that elevate mere enclosures to architecture, built environment that inspires the soul and lifts the spirits of a city and people who inhabit it are things that make our province worthwhile for investors, businesspeople, tourists but, most importantly, to Manitobans. It would appear that other cities around this country and around the world are not suffering from an economic slump due to the

right of architects to practise their profession as The Architects Act defines it.

It concerns me greatly that, upon having witnessed last night's hearings in this room, there were, clearly, members of this community who had already taken stands on the issue. I believe it is ethical to ask of this committee to fully listen and hear the fundamental concerns presented before you, and assess and address these issues carefully with time and due diligence. I ask you to step back and take time to do so. We are an educated, ethnically diverse, environmentally conscious, tolerant and passionate group of professionals. We are looking for progressive cities in which to establish careers and build a life. It is imperative that government realizes the importance of their leadership in resolving the issues threatening the future of our professions brought forward by the numerous presenters before me. I thank you very much for listening. Architects count. Thank you.

**Madam Vice-Chairperson:** Thank you very much. Are there any questions?

Seeing no questions, we will call the next speaker.

Ralph Glor, private citizen. Please proceed.

**Mr. Ralph Glor (Private Citizen):** Minister Allan, the Chairperson and esteemed members of the committee, good morning.

My name is Ralph Glor, and I am a recent graduate of the master's program of the Faculty of Architecture at the University of Manitoba and an architectural intern with the Manitoba Association of Architects.

I support the position of my colleague, Don Oliver, and call upon the minister and this committee to delay Bill 7 from proceeding to third reading.

If there is a backlog or any other crisis, it can be accommodated by asking the court to temporarily suspend its order in the City of Winnipeg case in order to allow government, with the assistance of the MAA where possible, to address any outstanding issues.

Bill 7 creates more problems than it purports to solve. The need to protect public health and welfare in the built environment is too important to allow this legislation to rush through without resolving those problems.

On a more personal note, today, I would like to say that I am very concerned by this legislation as a young professional and a Manitoban. The proposed legislation is a devaluation of the rigorous building-specific design education and training I have been tested on, as well as the equally thorough internship in learning building-specific design principles that make up the national qualification standards to practise architecture required by every jurisdiction in this country. This legislation will be of serious detriment for the ability of young interns to gain the experience required through professional practice in this province to the point where they may be forced to leave.

The problem of attracting and retaining young professionals that the province of Manitoba is experiencing will only worsen by the legislation offered in Bill 7. As a provincial government that has continually shown support of the advanced education of Manitobans, this investment will only fall short as many young professionals will be encouraged to ultimately leave the province due to the legislation. As I have been raised in Manitoba and have studied here as well, this legislation is only a clear incentive for me, along with the majority of my colleagues, to look to other more progressive provinces as a place to work and live. Thank you.

\*(11:00)

**Madam Vice-Chairperson:** Thank you. Are there any questions? Seeing no questions, thank you very much for your presentation.

I will call the next presenter. The next presenter will be Matt Baker, private citizen. Please proceed.

**Mr. Matt Baker (Private Citizen):** Thank you, Minister, and thank you to the committee for the opportunity to voice my opposition to Bill 7.

My name is Matt Baker, and I am a recent graduate of the master's program with the Faculty of Architecture at the University of Manitoba. I am employed as an architectural intern in Winnipeg. I wish to express my full support for the position of my colleagues with the Manitoba Association of Architects with regard to Bill 7. I also call upon the minister and this committee to delay Bill 7 from proceeding to third reading, and I support any and all measures put forward by the MAA as a means to address the immediate concerns of all parties affected.

Others have spoken and will speak to specific aspects and articles of the proposed legislation and

the devastatingly negative impacts it will have on the profession of architecture in this province. Others have spoken and will speak in detail to the specific concerns of intern architects like myself with regard to the proposed legislation. I support the positions of my colleagues and hope that the committee fully understands what is at stake for the architectural profession in this province.

I am personally greatly concerned by this legislation as a young professional and as a Manitoban. Having been raised and having studied in Manitoba, it has been my hope to be able to forge a successful and rewarding professional career on the basis of that education and in this province. This proposed legislation is a devaluation of that lengthy and rigorous education and of my ongoing and equally rigorous professional internship. This legislation will significantly reduce the opportunities available for me to develop professional experience and expertise through practice in this province.

In preparing to speak to this committee, I reflected on the number of my colleagues who have left this province since their graduation. The following are names of other young professionals with whom I attended my master's education who have moved on, several with their young families, to other provinces and countries: Miika Karpyschin, Paul Wiste, Jaspar Atwal, Rob Abi, Denise Liu, Linus Lam, Dean Schwedyk, Daniel Reeves, Sean Pearson, Conrad Gartz, Mina Cheng, Harley Grusko, Marianne Amodio, Gavin Kraemer, Kessa Edwards, Warren Schmidt, Brian Gasmerna, Daniel Phillipot. That is only a partial list of the people who I know that have left.

While I do not intend to speak directly on their behalf, it is clear to me that these individuals left to pursue opportunities they felt they could not find here in Manitoba. Their decisions to leave were made easier by the visible erosion of architectural practice in this province due in part to infringement by other legally unqualified individuals. The contravention of The Architects Act by these individuals was confirmed by the recent court decision. This legislation, Bill 7, however, especially given the power to effectively define professional scope, it removes from the act and awards the Building Standards Board will have the effect of helping cement this long-standing contravention of law into new law and of thereby propagating the erosion of architectural practice in this province.

Why would this government seek to enact legislation which will reinforce the decision of a large group of talented, motivated, educated and intelligent young professional people to leave this province? I have in the past given my support to the party in government because I hoped they might have the thoughtfulness, foresight and courage to put the long-term social and economic interests of Manitoba, which one could imagine might be exemplified by the willing eagerness of young people to remain and build careers in this province, somewhere near on par with the self-interested, short-term and narrow interests of business. This legislation does nothing of the sort, and I find it absolutely disheartening.

This legislation negatively affects my sense of optimism for the development of a career in my chosen profession in the province of Manitoba, and, having made the personal investment in a professional education in architecture, this legislation directly encourages me, as so many of my university colleagues have done, to look to other, more progressive provinces as a place to work and live.

Other presenters have spoken of this legislation as enabling building owners and developers to make the choice of whether to include architects in the group of individuals they hire to provide building design services. As has been repeatedly pointed out to the committee, architects have the highest standards of education, training and certification to ensure the safety and quality of our buildings and built environment.

My comment to the minister is that she is now faced with making the same choice on behalf of the future of all Manitobans. If you wish to include architects in the future of this province, its built environment, its building and construction industry and its social and economic progress, you must choose to delay this bill.

**Madam Vice-Chairperson:** Thank you for your presentation. Are there any questions? Seeing no questions, thank you very much.

**Mr. Schuler:** With leave of the committee, I was wondering if we could call Annette Gargol forward to make a presentation.

**Madam Vice-Chairperson:** Is there will of the committee? *[Agreed]* The committee now calls Annette Gargol. Thank you. Please proceed.



**Ms. Annette Gargol (Private Citizen):** Madam Speaker, Honourable Minister Allan and honourable committee members, my name is Annette Gargol, and I am a registered architect with the Manitoba Association of Architects. I have served as an intern representative to the MAA council. I currently serve on the MAA continuing education committee, and I am currently the co-chair of the Women in Architecture group.

I am also employed at a medium-sized architecture firm in Winnipeg, Friesen Tokar Architects, but I am currently on maternity leave. I fully support the position of my colleagues, Don Oliver and the fellow MAA members who have already spoken so well, and I call upon the minister and the committee to delay Bill 7 from proceeding to the third reading.

I have been licensed to practise architecture in the province of Manitoba, not because I believe I am somehow competent but because I have fulfilled all the specialized education requirements and intern requirements which are a prerequisite to practise the profession. I have the two required university degrees. I have interned for three years prior to writing the nine NCARB exams, as you have already heard about and have information on from earlier speakers.

Let me just confirm again that this was very rigorous and thorough, but I have satisfied the national qualification standards to practise architecture that are required by every jurisdiction in this country. When I first read through Bill 7 and I began to understand the implications for the profession of architecture, my honest first reaction was, "Yikes, time to move to Alberta."

Not only do I question whether or not I would want to practise in a province that prevents my profession from defining its own scope of practice and places it in the hands of business interests, as Bill 7 does, but I have other more serious concerns. As a new parent, my perspective has changed somewhat in the last half a year. Do I want to subject my daughter to a home province that entrusts the buildings of schools, day cares, shopping malls and libraries to any engineer who wants to practise architecture?

Under Bill 7's use of the term "building area" instead of "gross area," a computer engineer or an agricultural engineer could potentially seal architecture drawings for libraries, schools, day cares, shopping malls or hospital additions. With its

strategic use of firewalls, any building type could fall into the less than 600 square metres for "building area" category, and these buildings would not require an architect under Bill 7.

This is potentially a huge problem. Engineers of any kind would have an open door to take over the practice of architecture. You have already heard from engineers who do not differentiate between the practice of engineering and the practice of architecture, and they would not hesitate to take on any type of building.

\*(11:10)

I have not started packing yet, and, hopefully, I will not have to. I am hopeful that this can be resolved in a manner that deals with the issues at hand, which are quite urgent, and serves the interests of the public. If there is a backlog or any other crisis, which I do not believe there is, it can be accommodated by asking the court to temporarily suspend its order in the City of Winnipeg case in order to allow the government, with the assistance of the MAA where possible, to address any outstanding issues.

Bill 7 does not have to be hurried through to deal with this. Bill 7 creates more problems than it purports to solve. The need to protect public health and welfare in the built environment is too important to allow this legislation to rush through without resolving these problems. Please do not proceed with Bill 7. Give this issue the time and care that it deserves and is required to create legislation that solves the problems, and does not just react to the interest of business and engineers who want to be architects. Thank you.

**Madam Vice-Chairperson:** Thank you. Are there any questions from committee members?

All right, thank you very much for your presentation.

The next presenter is Mona Lemoine, private citizen. For the second time, Mona Lemoine. Mona Lemoine will be dropped to the bottom of the list.

The next presenter is Stacey Dyck, private citizen.

**Ms. Stacey Dyck (Private Citizen):** Good morning.

**Madam Vice-Chairperson:** Good morning. Do you have a written submission?

**Ms. Dyck:** No, I do not.

**Madam Vice-Chairperson:** Okay, thank you. Please proceed.

**Ms. Dyck:** Certainly. I wish to only take a few minutes of your time.

My name is Stacey Dyck, and I am a recent graduate of the University of Manitoba Faculty of Architecture master's program. I am here today in support of my colleagues and their position on Bill 7. Secondly, I am here to ask the committee to hear their concerns. I ask you to acknowledge the complexity and vast ramifications of Bill 7 that have been demonstrated today and yesterday by the outreach of both the engineering and architectural professions.

I ask the minister and this committee to delay Bill 7 from proceeding to the third reading, that the issue of the construction industry backlog be relieved by the temporary suspension of the court's order in the City of Winnipeg case in order to allow the government, along with the assistance of the MAA wherever possible, to address the outstanding issues.

Finally, I am here to ask the committee to preserve the future of the architectural profession and that of myself and my fellow graduates in the province of Manitoba. Thank you very much for your time.

**Madam Vice-Chairperson:** Thank you. Are there any questions from committee members?

Seeing no questions, we will call the next presenter.

Sasha Radulovik. For the second time, Sasha Radulovik. The presenter will be dropped to the bottom of the list.

The next presenter is Jac Comeau. For a second time, Jac Comeau. That presenter will be dropped to the bottom of the list.

The next presenter we have is Andrew Bickford. Thank you. Please proceed.

**Mr. Andrew Bickford (Private Citizen):** Good morning Madam Chair, Minister Allan, members of Parliament, ladies and gentlemen.

As a grandfather, I found it appropriate to be speaking to the issue in Bill 7 on grandfathering. Bill 7 proposes giving engineers a significant level of involvement or say in deciding what the criteria will be for assessing competence to practise architecture.

A kid learns to drive working on a farm. The kid is capable of driving. He may have read the driver's manual and spent countless hours driving in the field. We do not grandfather him to drive on the roads of the province. We require him to pass the provincial test, then a road driving test to ensure he is cognizant of the rules and has developed the ability to drive in a competent manner. We ensure that he is aware of regulations. Then and only then do we provide him with a driving licence, *if he qualifies. This is for his own safety and for the safety of the public.* Further, we police his driving. We penalize him for speeding and for not following the laws of driving, and we require an annual renewal.

The present proposed legislation grandfathers the kid having learned to drive on the farm, and provides him a full licence. In addition, it proposes to remove him from policing, and let him drive without insurance.

Professions are created by provincial legislation only in specialized areas where the need to protect the public greatly outweighs the normal need for the forces of a free market economy to operate in an unrestricted manner. Professions operate in areas where it would be difficult, or impossible, for the individual members of the public to assess and be assured of appropriately qualified people. In these areas, the reliance on the professional service offered is major, and frequently affects other people besides the client. This is taken from the AAA Web site.

APEGM, PIDIM, design builders, et cetera, do not have the qualifications to assess architects. The MAA is the only body, under Manitoba law, charged with governing architects and the delivery of competent architectural services. Architects are governed, as a profession, by The Architects Act, administered by the Manitoba Association of Architects.

To become a member of the MAA requires, as quoted from the *Internship to Practise Architecture, Committee of Canadian Architectural Councils*, "a professional degree in Architecture accredited by the Canadian Architectural Certification Board (CACB) or the National Architectural Accrediting Board (NAAB)." It requires "three years of apprenticeship as an architectural intern, satisfying the Intern Development Program (IDP) Training requirement, and start recording experience in the Canadian Experience Record Book (CERB)." It requires the candidate to "obtain confirmation of eligibility from the provincial association and start writing the

Architect Registration Examination (ARE). Every provincial association requires the Interns to pass the National Council of Architectural Registration Board's (NCARB) Architect Registration Examination to satisfy its examination requirements." Then it requires that they "apply for registration/licence upon successful completion of national and provincial registration requirements (Examination, experience and supplementary education)."

This is a due process set to establish a professional qualification in the public interest. It is what is required to become a registered architect. These requirements are based on the NCARB (National Council of Architectural Registration Board) Education Standards. NCARB is the standard by which all architectural associations, importantly, self-govern themselves.

After registration, the Manitoba Association of Architects monitors professional activity. It requires proof of significant continuing education. It, annually, issues certificates of practice ensuring qualifications and requirements, establishing the practitioner maintains professional liability insurance.

The proposed engineers to be grandfathered do not meet any of the requirements of membership in the MAA. They are not accredited by CACB, or NCARB. They have not passed the ARE. They have no architectural education, in terms of accreditation and certifications by these continental and international standards.

*Madam Chairperson in the Chair*

If grandfathered, these professionals would not be regulated or monitored by APEGM, as they are not practising engineering. Grandfathered engineers would not be monitored or regulated by the MAA, as they are engineers, not architects, and have none of the qualifications, as outlined previously, to join the MAA. Grandfathered engineers allowed to practise architecture will be an entity unto themselves.

\* (11:20)

The judgment issued September 16, 2005, supported The Architects Act and its enforcement and value. It requires architects be involved in the design of buildings. This upholds existing legislation and is contrary to the government condoning building design completed by non-licensed professionals. Grandfathering people who have been allowed to earn a living creating buildings, who have

not been and are not now licensed to perform an activity is not, I feel, in the interest of the public.

It has been the government's neglect of enforcement which has allowed people to practise architecture without a licence. The proposed legislation assumes the people who are to be grandfathered are competent and equally trained to do the tasks for which architects have trained for years. There is no proposed test of capability, understanding or competence.

I have asked NCON, a major underwriter of professional liability insurance, which issues insurance to architects and engineers, and have been told by their head underwriter that they have no basis on which to issue liability insurance in this kind of a situation. Their comment was that they insure engineers to practise engineering; they insure architects to practise architecture. In order to insure engineers to practise architecture, they suggest that they would require them to become architects. *The Manitoba Government would have to assume liability for these individuals. This is not in the best interest of the public.*

The MAA has suggested anyone being considered for grandfathering should write the NCARB examinations, the National Council of Architectural Registration Boards, an independent, non-profit organization. It comprises the architectural registration boards of North America, and the Manitoba Association of Architects is one of its members.

I have a quote from the NCARB handbook for interns and architects: To practise architecture in North America, persons must be registered in a jurisdiction by demonstrating their qualifications through education, training and examination. "Each jurisdiction sets its own specific requirements for registration within its boundaries, but generally each requires an applicant to have eight years of a combination of education and training and to have passed an examination testing the applicant's knowledge, skills, and capabilities.

"To help its Member Boards develop consistent registration standards that will facilitate the ability of architects to practise in other jurisdictions, NCARB develops a uniform licensing examination that establishes recommended standards for education and training. . .

"The NCARB Certificate is required by many jurisdictions for eligibility for registration. It also is

required for architects who wish to become registered under the terms of the Canada-United States Inter-recognition Agreement."

I submit the NCARB requirement for certification of Canadian architects, as well as resubmit the white paper entitled "Architecture As It Differs from Engineering." I have a couple of copies here.

Obviously, there is one huge glitch to the Manitoba architects' suggestion, because grandfathered engineers do not qualify to sit the NCARB examinations. They are engineers, not architects. Indeed, the National Society of Professional Engineers Board of Ethical Review has ruled, and I quote, "While there may be circumstances where an engineer may be competent to perform incidental or minor architecture in connection with an engineering design project, we do not agree that a professional engineer who has obtained experience managing projects involving architectural design personally possesses the competence to serve as the architect in the design of the building."

Interior designers are not subject to grandfathering. Interior designers should be registered and licensed, as in the province of Alberta. To quote from the AAA, Alberta Association of Architects, which "registers and licenses all Architects and Licensed Interior Designers legally entitled to practise the scope of architecture or licensed interior design, in the province of Alberta."

*Our members are professionals. Interior designers in other provinces are licensed to practice their profession under the province's Architectural Association. Their roles and responsibilities are clearly defined within the framework of building design, as the professionals they are. Manitoba could do the same, but not under the proposed legislation.*

**Madam Chairperson:** Mr. Bickford, I am sorry. You are going to have to have your concluding remark.

**Mr. Bickford:** I am a registered architect in the Province of Manitoba, and I have been in this province practicing my chosen profession for the past 23 years and have completed hundreds of projects as the principal of a small architectural firm. I am also registered in Ontario and a member of the RAIC and a member of the Institute of Architects in the United States and am certified by the National Council of Architectural Registrations

*Board. I am a member of the Design Build Institute of Canada.*

*In the past five years I have built schools in Pukatawagan, Garden Hill, Pauingassi, Pine Creek, Sagkeeng and Skownan in Manitoba. I have designed many arenas, bingo halls, band offices, stores, community centres, cultural centres, office complexes, mini malls, recreation facilities, medical offices, and nursing stations all over this province. Grandfathering engineers affects my legally defined profession.*

The line in the sand was drawn long ago. It is definitive when utilized. Architects are architects with education, regulations, certifications, insurable credentials and professional boundaries. Engineers are engineers with education, regulations, certifications, insurable credentials and professional boundaries. Interior designers need to improve their profession's regulations and certification, and all others involved in this disagreement have to pay for the appropriate liability insurance in a professional manner. Building permit officials need guidelines to enforce professionals involved in appropriate building development.

*Building permit officials have to say no to inappropriate seals on drawings. It is inappropriate to grant the kid a licence to drive on the basis of past experience without being tested, monitored and insured. This is no different. Enforce the existing laws.*

**Madam Chairperson:** I will have to stop you at that point. Are there questions for the presenter? Thank you, what we will do is keep your written information and review it. Thank you.

**Mr. Conrad Santos (Wellington):** Can we ask that the unread portion of the presentation be also published?

**Madam Chairperson:** The request is that we can have this presentation deemed as read. Is that agreed? *[Agreed]* We will have this presentation, in its entirety, deemed as read.

The committee calls Mr. Mark Ager, private citizen.

**Mr. Mark Ager (Private Citizen):** Thank you, Madam.

**Madam Chairperson:** Do you have written presentation to circulate?

**Mr. Ager:** I do not.

**Madam Chairperson:** Okay, you can proceed.

**Mr. Ager:** Thank you, Madam Chairperson, Minister Allan, and members of the committee. I am very nervous being up here. I do not like standing in front of a room full of strangers, and a room full of colleagues. It puts me into, sort of, a position of feeling inadequate, but I do feel strongly about a few things.

I support the position of Scott Stirton. I support the position of Andy Bickford. I support the position of Tom Monteyne, and I support the position of many of the others whom you have heard speak in the last little while. I am an interim member of the Manitoba Association of Architects, and I feel that this is a highly complex issue. I would ask that Minister Allan, and all of the members of the committee, would take the time to look at all the issues.

I hope that you understand every bit of our profession, and I hope that you understand every bit of the engineering profession, and I hope that you understand the difference between the two. As you have heard today, there are many, and yesterday until midnight.

I had the privilege of working on Red River College's Downtown Campus. I spent three years, which at that point in my career was 10 percent of my life, working on that very exciting project, and, if any of you have not been down there to see it, I suggest you go. I also suggest you go to the Millennium Library and many of the other exciting architectural projects that are under way in our city.

One of the disappointments for me is that one of my colleagues, Ryan Bragg, who worked also for five years on Red River College has now left the province to take work in England. Ryan was very disappointed, and I will speak on his behalf, with the design climate that existed in Manitoba. I do not think that he would be any more pleased, if here were here, with what is going on.

So I would urge the minister and all the committee members to take a deep breath, and to look at all these issues seriously, with conviction. Do not be bullied. Do not be convinced into anything that you do not believe, and that you do not fully understand. I do not understand all the issues. I am trying, and I would hope that you would do the same, and that you would take the time necessary to do that. That is the extent of my comments today. Thank you.

**Madam Chairperson:** Thank you, are there questions for the presenter? Seeing no questions, we thank you for your presentation.

The committee calls Jeff Machnicki, private citizen. Jeff Machnicki. Mr. Machnicki's name will be dropped to the bottom of the list.

\* (11:30)

The committee calls Andrew Brimble, private citizen. You can proceed, Mr. Brimble.

**Mr. Andrew Brimble (Private Citizen):** Thank you. Good morning, everyone, Minister. My name is Andrew Brimble. I am a registered member of the Manitoba Association of Architects.

I support the position of my colleagues, and I call upon the minister and the committee to delay Bill 7 from proceeding to third reading.

If there is a backlog or any crisis, which I do not believe that there is, it can be accommodated by asking the court to temporarily suspend its order with the City of Winnipeg's case in order to allow government, with the assistance of the MAA where possible, to address any outstanding issues.

It is my opinion and the opinion of my association that Bill 7 creates more problems than it purports to solve. The need to protect public health and welfare in the built environment is too important to allow this legislation to rush through without resolving those problems.

Again, I am a registered member of the Manitoba Association of Architects. I have been licensed to practise architecture in the province of Manitoba, not because I believe I am competent, but because I have fulfilled the specialized education requirements and the internship requirements which are a prerequisite to practise the profession. I have completed nine years of building specific design education and training, and I have been tested on building specific design principles and have satisfied the national qualification standards to practise architecture that are required by every jurisdiction in this country.

You can count on me. When you see "Registered Architect" beside my name, it is your assurance that I have satisfied the national standards for the profession. You need look no further to assess whether I am qualified to design a building. "Registered Architect" is your assurance that I am. You can count on a registered architect.

On a personal note, I want to reiterate some of the comments that have come forward this morning. It has always been my belief in joining architecture as a profession that I wanted to work in Manitoba after finishing school. I have a young family here. My family is at a point where we are really enjoying this province. I am very disheartened with the way this is going, as both an architect and a member of Manitoba, because my family now may have to occupy buildings that will not be under the same standards as what I have to do work and what work has been done. I implore you to take your time to take a hard look at what you are proposing here, and, hopefully, if there is some way that we can help in the interim to solve some of this, albeit in my estimation not really a backlog, but to solve some of the problems, we are willing to help. So, again, I thank you.

**Madam Chairperson:** Thank you.

**Mr. Schuler:** Yes, Madam Chair, committee members, I have shown a lot of restraint the last two days and have not put a lot of comments on the record; however, when my own architect comes in front of this committee, I have to say a few things.

Andrew, you are absolutely right. You do amazing work and certainly did tremendous work for myself in the business that we were building at that time. We certainly appreciate all the individuals that came forward, and you personally who would take time out of your busy schedules. Certainly, the committee is listening intently. I think you can see that. When we do our deliberations, everything that has been said and documented will certainly be considered and weighed when the line-by-line is done on the bill. It is great to see you again. I appreciate you and the rest of the presenters coming forward.

**Mr. Brimble:** Thank you.

**Madam Chairperson:** Thank you.

The committee calls Blaine Repko, private citizen. You can proceed, Mr. Repko.

**Mr. Blaine Repko (Private Citizen):** Thank you. My name is Blaine Repko. I am a RAIC Silva student. I am also the chapter president for Manitoba, but I speak today as a private citizen. I am thankful for the opportunity to speak today, and I am honoured to be in the company of highly regarded professionals of several disciplines, as well as the members of this committee and the minister.

I have come this day to speak on the matter of Bill 7, which proposes several radical changes to the profession of architecture, of which the architects who have spoken, or who will speak today, will certainly articulate better than I.

Let me first say that I fully support the position of the Manitoba Association of Architects in regards to the proposed legislation that we are here to discuss, but there are two points that I believe are very salient, and those are the two I am going to touch on today.

I speak as a private citizen, but one who has chosen the long and difficult road that leads to the title of architect. I speak as a man who has devoted 10 years of my life to education, and who has worked nine years within the profession under a registered architect. Also, I speak as a husband and a father, a neighbour, and a citizen of the province of Manitoba.

To the best of my understanding, Bill 7 will rewrite The Architects Act so that:

(1) The governing of the scope of the profession will be left to parties which have a conflict of interest and are unfamiliar with the depth of the educational and internship process required to become a practicing architect.

(2) Anyone with a drafting program on his computer may design a building of any size, provided he draws a firewall every 600 square metres, which would technically keep the building within the size restriction of the proposed legislation.

I find the inevitable results of the proposed changes to the legislation both offensive and alarming. I apologize for the strong language that I am using here, but I feel that I am very emotionally motivated to speak on this subject the way I am. I find it offensive, because the high standards of the profession will be swept away with the stroke of a pen, and that the work that I have personally dedicated my career to will mean nothing in my home province. Offensive, because the men and women whom I hold in high regard, and who have devoted years of their life to my own mentorship, will be stripped of the right of self-determination and the authority which they have justly earned. Offensive, because the contribution of architects in this province, including the building in which we now meet, is so quickly overlooked.

I am appalled that our government has not honoured its promise to abide by arbitration, or the

ruling of a court of law. Rather than respect the court's decision and take actions to make right, this government has chosen, for its own reasons, to rewrite. The result, I fear, will be to live in a province that has the lowest standards for building practice in Canada.

I find the reaction of this government alarming. I am shocked that it has so quickly responded to the pressure of lobbyists that it would move so quickly to strike at a profession that protects public interests. If this is to be a precedent for how government responds to our professionals, I wonder how it will respond should pharmacists lobby for authority to dispense drugs without a prescription from a physician, or should an X-ray technician demand the right to diagnose a tumour.

I find the proposed legislation alarming, because of what it portends for my family and neighbours. The building of hospitals, schools, personal care homes, and other such institutional facilities is more than the calculation of loads. I deeply respect the profession of engineering, and hold in high regard the skills of the consultants I work with every day. Engineers have filled our world with awe-inspiring structures, but the co-ordination of such complex facilities, and the impact of their presence on the people who use them, and the communities in which they sit, are best understood by the profession which is specifically trained to plan them.

Consider that, with the proposed legislation, ACME Drafting drops in a two-hour firewall every 600 square metres and designs a school, hospital, factory or nursing home, with the addition of an engineer's stamp, this building could legally be built. If untrained professionals are left to this task, what will schools be like for my children, my neighbours, many of whom are teachers? As a husband, the next time I take my wife to the hospital, I wonder who has considered its intricacies and how it will affect my loved one. And what about the doctors, nurses and many other health care professionals that work in these complex environments? What about the factory worker? How is the quality of his life affected by where he works, where he rests, where he eats? What do we say to our growing population of elderly persons who live in personal care homes when we assign the task of designing or renovating their homes to those who lack intimate knowledge of the care that is required for their environments, physically, emotionally, socially and spiritually?

\* (11:40)

These are essential questions, but they are not required of draftsmen or even of the highly regarded civil engineering profession, which is at the spearhead of this petition to change The Architects Act. But they are asked of the architect, whose responsibility it is to gather about him the required disciplines and orchestrate them into a functioning and meaningful composition suitable to its purpose. If the architect is removed from his position of vigil, to whom shall I entrust the well-being of these people? My family, my neighbours, which are part of my community and my life, shall I trust them to a government which so readily discards our national standards for architecture? Shall I trust them, as Garry Stasynec has suggested, to the marketplace, a money-driven marketplace? What will it be like to live in a province that has the lowest standards for professional practice, professional architectural practice, in this country?

The latest ruling of our courts in favour of Manitoba architects has certainly caused a ripple. The ruling has demanded change, that the practice of building follow the law. This has caused a temporary inconvenience, but is this cause to change the law? In the last several weeks, some tremors have shaken the process to which we have all grown accustomed, but I would urge you not to panic or to act in haste. The tremors you have felt are not those of things about to collapse but, rather, of things righting themselves. To this committee, I would say the expedition of building permits or the assuaging of disgruntled professionals practising beyond the boundaries of the law, however great their numbers be, is not sufficient cause to even suggest compromising that which architects provide for the citizens of Manitoba. It is not sufficient cause to undermine an honourable profession, and it is not sufficient cause to disgrace the province of Manitoba by lowering its standards of professional practice for building.

To this committee I would say, the boat has been righted. Please let it stay its course and trust in its purpose. Do not act in haste. Do not let this bill pass this final reading as it is. My thanks.

**Madam Chairperson:** Thank you. Are there questions for the presenter? Seeing no questions, we thank you for your presentation.

The committee calls Colin Neufeld, private citizen. Colin Neufeld, private citizen? Mr. Neufeld will be dropped to the bottom of the list.

Fletcher Noonan, private citizen. Fletcher Noonan, private citizen? Mr. Noonan will be dropped to the bottom of the list.

The committee calls Michael Flynn, private citizen. Michael Flynn, private citizen?

Matt Kessler, private citizen. Matt Kessler, private citizen?

The committee calls Richard Prins, private citizen.

**Mr. Richard Prins (Private Citizen):** Good morning, Ms. Chairperson, Honourable Minister of Labour, committee members.

Thank you for listening to myself. My name is Richard Prins. I am an architect. I operate my own firm in Winnipeg here and I have one other support person in my office. I am a small-business owner, and I think this Bill 7 presents great challenges for my business to continue as an architect.

I came to Winnipeg in 1972 from Toronto, the centre of the universe, thinking that maybe there is another centre of the universe here. I engaged myself in studies at the U of M and completed my course of studies through architecture, became a registered member as other colleagues have suggested. It is an onerous process. I paid my dues. I am practising now. I am happy.

I would like to speak briefly on the specific item of alterations as drafted currently in the table 2.1.7. This table specifically covers complex issues, specific alteration items such as fire safety issues that include fire alarms, sprinklers, standbys, stand pipe systems, et cetera, life safety systems that are part of any alteration and consideration such as means of egress, public corridors, lobbies, spatial separations. Environmental separation systems that deal with building envelope issues: the integrity of the building envelope does not meet the requirements of the Building Code.

Architects have experience in assessing those. If we do not, we certainly do an integrated design approach, as several of my colleagues have mentioned, where we do avail ourselves of the use of engineers specific with the training that would get us answers back to the owner or to the building project or to the architectural problem.

We are not practising in isolation from culture and the building industry. We add value in everyday life to the lives of Manitobans in terms of protecting our buildings and ensuring that the building fabric

has the required thoroughness. As a registered architect and having been active in practice for the past 20 years in this province, I am concerned about these proposed directions that Bill 7 alludes to.

We have completed a wide range of alteration projects and these are the most complex of all projects to undertake as an architectural firm. It usually means the meaning of old and new building systems.

We undergo continuous re-education to avail ourselves of new technologies, of new trends in buildings, of the lead program which promotes sustainability and resource management. We have that expertise and we bring that to the table for owners who want to listen. We are not expedient and we are not unpragmatic. If a project comes across my firm that does not require the use of my seal or my expertise, I simply tell the owner, "You do not need my services." I am not here to belabour a process or add time delays to building projects because I realize the urgency of most of these projects are based upon financial considerations.

With the proposed amendments being contemplated by the government, I would like to raise two issues that seem to have huge gaps in logic and liability potential in terms of providing life safety and good design for a building fabric within the province of Manitoba.

The draft version of Table 2.1.7.1, Alterations, proposes the use of an architect or engineer or both with the authority having jurisdiction, acting on behalf of the municipality, having to make that decision as to whom should be involved in the design and execution of the specific alterations. These projects that would be affected by the proposed amendments could be in the scale of the recent alterations to the Winnipeg Public Library. Would the public at large feel comfortable having a civil engineer seal that building? Would a civil engineer be capable of looking at the current result of that library alteration dealing with curtain wall problems, dealing with scale problems, dealing with proportion problems? These are issues that an architect has training in and will provide the correct answers to.

\*(11:50)

Does the government really think that someone in the position of the authority having jurisdiction in a rural municipality has the professional acumen to make that decision on behalf of the project proponent or for the public's interest? Would you want a clerk



or a project officer with no formal education or training to be able to make that decision on behalf of the applicant or the public at large?

Manitobans are at risk with this Bill 7. If I were placed in that position as a non-architect, and I had to make that decision on a daily basis with possible huge implications, without a trained formal ability to assess the implication, I would feel very limited in my ability to provide a clear direction to the interests of the public at large. It is akin to asking a court clerk in a court of law to decide whether jury or judge should try a defendant.

Secondly, does the government realize that they are opening themselves up to a huge liability issue in respect to allowing the authority having jurisdiction making that decision, and ultimately being held responsible for possible building failures of poorly constructed alterations? This could leave the government of the day open to huge liability exposures from this decision making process as currently drafted or proposed. Only the use of a registered architect and the inclusion of an engineer where specific expertise is required will avoid these potential pitfalls. The owners are protected by the professional seal in a court of law on the contract that performs a normal level of duty and care.

I also teach at the Faculty of Architecture at the University of Manitoba as a sessional instructor in the second year of Environmental Design. Recently, we had some international students in that faculty, or in my studio specifically. I asked someone specifically, one of the students, why they had chosen to come to Manitoba from New Jersey. She replied because the school has a very good reputation abroad.

Are we willing to jeopardize our reputation? As a design critic in that studio I felt proud to realize that I was part of an institution that has been created in Manitoba that supports people coming to our province and staying on to better this province. If Bill 7 does become law, it severely limits our ability to practise as a profession, and I, personally, would be forced to reconsider my ability to continue to practise in a province that does not provide the profession the opportunities and attendant responsibilities as a registered architect as they practise their craft.

For the future of all Manitobans, let us foster a professional competitive culture that allows us as architects to add cutting-edge design to the built fabric and allow Manitobans the same competitive environment that other provinces enjoy. This Bill 7 is an expedient political undertaking that really should be paused for reconsideration, and let us take a step backwards. Is there any factual backdrop to the recent media exploitation of this dilemma? Is it being brought about by interest groups that have lobbied successfully within the media?

That is a question I am not going to answer. I do not know the answer to that, but I believe if one really undertakes a serious commitment to maintaining our profession in this province that one should look at the causes of this Bill 7. What has driven Bill 7's origins? Can the committee answer that for me? Is there a backlog? I do not know.

I think this is a serious issue, and I am greatly concerned as a practitioner that we do justice to the complexities of the issues and that we not take a choice of making a rash political decision that satisfies media concerns. There are livelihoods at stake here. There is more at stake than just the onerous implications of this bill for future Manitobans and for current Manitobans and for people engaged in the craft. We need to take pause, and I urge the committee to do this. Thank you.

**Madam Chairperson:** Thank you. Are there questions for the presenter?

Seeing no questions, we thank you for your presentation.

The time being 11:55, there would not be enough time for another presentation. What is the will of the committee?

**An Honourable Member:** Rise.

**Madam Chairperson:** Committee rise? I just want to remind the committee that it will reconvene for the next meeting of this committee at three o'clock this afternoon in this room.

The hour being 11:55, committee rise.

**COMMITTEE ROSE AT:** 11:55 a.m.