

chapter A-21

ARCHITECTS ACT



The Minister Responsible for Government Administration and Chair of the Conseil du trésor is responsible for the administration of this Act. Order in Council 1638-2022 dated 20 October 2022, (2022) 154 G.O. 2 (French), 6513.

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DIVISION I

DEFINITIONS

1. In this Act and the regulations made thereunder, unless the context indicates a different meaning, the following terms mean:

(a) “Order” : the Ordre des architectes du Québec constituted by this Act;

(b) “board of directors” : the board of directors of the Order;

(c) “architect” or “member of the Order” : any person who holds a permit issued by the Order and is entered on the roll;

(d) “permit” : a permit issued in accordance with the Professional Code (chapter C-26) and this Act;

(e) “roll” : the list of the members in good standing of the Order prepared in accordance with the Professional Code and this Act.

1973, c. 59, s. 1; 1974, c. 65, s. 96; 1977, c. 5, s. 229; 2008, c. 11, s. 212; 2020, c. 15, s. 23.

DIVISION II

ORDRE DES ARCHITECTES DU QUÉBEC

2. All the persons qualified to practise the profession of architect in Québec constitute a professional order called the “Ordre professionnel des architectes du Québec” or the “Ordre des architectes du Québec”.

1973, c. 59, s. 2; 1977, c. 5, s. 229; 1994, c. 40, s. 196.

3. Subject to the provisions of this Act, the Order and its members shall be governed by the Professional Code (chapter C-26).

1973, c. 59, s. 3.

4. The head office of the Order shall be at Montréal or any other place in Québec determined by regulation of the board of directors adopted pursuant to paragraph *f* of section 93 of the Professional Code (chapter C-26).

1973, c. 59, s. 4; 1994, c. 40, s. 197; 2008, c. 11, s. 212.

DIVISION III

BOARD OF DIRECTORS

2008, c. 11, s. 212.

5. The Order shall be governed by a board of directors constituted as prescribed in the Professional Code (chapter C-26).

1973, c. 59, s. 5; 1974, c. 65, s. 109; 2008, c. 11, s. 212; 2017, c. 11, s. 98.

5.1. The board of directors shall make a regulation pursuant to subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26) to determine, from among the professional activities reserved to architects, those that may be engaged in by professional technologists whose competency is in architectural technology.

2000, c. 43, s. 1; 2008, c. 11, s. 212; 2020, c. 15, s. 24.

6. *(Repealed).*

1973, c. 59, s. 6; 1994, c. 40, s. 198.

7. *(Repealed).*

1973, c. 59, s. 7; 1994, c. 40, s. 198.

8. *(Repealed).*

1973, c. 59, s. 8; 1994, c. 40, s. 198.

9. *(Repealed).*

1973, c. 59, s. 9; 1994, c. 40, s. 198.

DIVISION IV

PERMIT

1994, c. 40, s. 199; 2009, c. 35, s. 28.

10. Every person is entitled to obtain a permit who applies for it and who:

(a) *(paragraph repealed);*

(b) holds a diploma recognized as valid for that purpose by the Government or considered equivalent by the board of directors;

(c) has complied with the requirements of the professional training periods;

(d) has passed the examinations required by the Order;

(e) *(paragraph repealed);*

(f) has complied with the conditions and formalities imposed under this Act and the regulations of the board of directors.

1973, c. 59, s. 10; 1994, c. 40, s. 200; 2008, c. 11, s. 212.

11. The board of directors may issue a permit on the conditions it determines:

(a) to any person fulfilling the conditions fixed in paragraphs *d* to *f* of section 10 and who has completed nine years of clerkship with a principal recognized by the board of directors;

(b) to every member of an association of architects of a Canadian province who fulfils the conditions fixed in paragraphs *b*, *e* and *f* of section 10, provided that there is reciprocity in that province in respect of the members of the Order;

(c) to any person who fulfils the conditions fixed in paragraphs *e* and *f* of section 10 and who, in the opinion of the board of directors, has the qualifications required to practise the profession.

The board of directors may, at any time, suspend the application of subparagraph *a*, provided that it grants a minimum of ten years to persons then serving their clerkship, to enable them to complete it and to pass the required examinations.

1973, c. 59, s. 11; 2008, c. 11, s. 212.

12. The board of directors may issue, on the conditions it determines, a temporary permit to any person engaged as a professor in a school of architecture of Québec recognized by the Government. Such permit is valid for the period of the engagement of such person as professor.

1973, c. 59, s. 12; 2008, c. 11, s. 212.

13. *(Repealed).*

1973, c. 59, s. 13; 1994, c. 40, s. 200.

DIVISION V

PRACTICE OF ARCHITECTURE

1973, c. 59, Div. V; 2020, c. 15, s. 25.

14. No one who is not an architect may

- (1) engage in a professional activity referred to in the first paragraph of section 16;
- (2) assume the title of architect;
- (3) use any title, designation or abbreviation which may lead to the belief that the person is authorized to practise the profession of architect, or advertise himself as such; or
- (4) act as an architect or in such a way as to lead to the belief that the person is authorized to act as such.

Nothing in this section prevents

- (1) a person who is a landscape architect from bearing that title;
- (2) a person from engaging in a professional activity referred to in the first paragraph of section 16 in accordance with a regulation made pursuant to subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26);
- (3) an owner, contractor, superintendent or foreman from coordinating work;
- (4) a person from contributing, as an employee, under the supervision of an architect, to the preparation of plans, estimates or specifications; or
- (5) a person entrusted with the enforcement of an Act from exercising a function determined in that Act.

1973, c. 59, s. 14; 1994, c. 40, s. 200; 2020, c. 15, s. 26.

15. The practice of architecture consists in engaging in analysis, design or advisory activities applied to the construction, enlargement or alteration of a building with regard to its siting, envelope and interior layout as well as to the materials and methods used, in order to ensure that the building is durable, functional and harmonious.

The practice of architecture also consists in coordinating the work of persons who, as part of architectural work, participate in the construction, enlargement or alteration of a building.

Respect for the environment and for life, the protection of property, heritage preservation and economic efficiency are part of the practice of architecture to the extent that they are related to the architect's professional activities.

1973, c. 59, s. 15; 1974, c. 65, s. 97; 1994, c. 40, s. 201; 2000, c. 43, s. 2; 2020, c. 15, s. 26.

16. The following professional activities in the practice of architecture are reserved to architects:

- (1) preparing, modifying, signing and sealing plans, estimates, specifications, completion certificates, expert reports or supervision reports relating to the construction, enlargement or alteration of a building;
- (2) supervising work relating to the construction, enlargement or alteration of a building, particularly for the purpose of producing a certificate of conformity required under an Act; and
- (3) as part of a professional activity referred to in subparagraph 1 or 2, giving opinions and signing and sealing written opinions.

For the purposes of this Act, the configuration of the interior layout of a building or of part of a building is considered to be the construction, enlargement or alteration of a building, as applicable, if it results in a change in the building's use or affects the building's structural integrity, walls or firewalls, envelope or exits or access to the building's exits.

1973, c. 59, s. 16; 1974, c. 65, s. 98; 2000, c. 43, s. 3; 2020, c. 15, s. 26.

16.1. Section 16 does not apply to the construction, enlargement or alteration of the following buildings:

- (1) a detached single-family dwelling unit having, after the work is completed, no more than one basement storey, a building height not exceeding two storeys and a gross area of less than 600 m²;
- (2) a semi-detached or attached single-family dwelling unit, a multi-family dwelling that contains no more than four units, a mercantile occupancy, a business occupancy, an industrial occupancy or a combination of such dwellings or occupancies having, after the work is completed, no more than one basement storey, a building height not exceeding two storeys and a gross area of less than 300 m²;
- (3) a silo, livestock waste storage facility or feed storage platform; or
- (4) an agricultural occupancy having, after the work is completed, two storeys and a gross area of less than 300 m².

Nor does that section apply to the construction of an agricultural occupancy having, after the work is completed, no more than one storey and a gross area of less than 750 m², or to the enlargement or alteration of such an occupancy having, after the work is completed, no more than one storey and a gross area of less than 1,050 m².

2000, c. 43, s. 4; 2020, c. 15, s. 26.

16.1.1. An architect must sign all plans and specifications referred to in subparagraph 1 of the first paragraph of section 16 that he has prepared. In the case of final plans and specifications, the architect must also seal them.

2020, c. 15, s. 26.

16.2. For the purposes of section 16.1,

“agricultural occupancy” means the occupancy or use, or intended occupancy or use, of a building or of part of a building for an agricultural activity within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

“business occupancy” means the occupancy or use of a building or part of a building for the transaction of business or for the provision of professional or personal services;

“dwelling unit” means a building or part of a building that provides sleeping accommodation for persons but is not used for the housing or detention of persons who require medical care or for the involuntary detention of persons;

“gross area” means the total area of all floors above grade measured between the outside surfaces of exterior walls;

“industrial occupancy” means the occupancy or use of a building or part of a building for assembling, fabricating, manufacturing, processing, repairing or storing products, goods or materials, but does not include medium hazard or high hazard industrial establishment occupancies, as defined in a regulation under the Building Act (chapter B-1.1);

“mercantile occupancy” means the occupancy or use of a building or part of a building for displaying or selling retail goods, wares or merchandise.

2000, c. 43, s. 4; 2020, c. 15, s. 27.

17. No one may, for the construction, enlargement or alteration of a building to which section 16 applies, use or allow the use of plans or specifications that are not signed by an architect, or final plans or specifications that are not signed and sealed by an architect.

Nothing in the first paragraph prevents the use of plans or specifications signed and, as applicable, sealed in accordance with the provisions of a regulation made pursuant to subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26).

1973, c. 59, s. 17; 2000, c. 43, s. 5; 2020, c. 15, s. 28.

17.1. Anyone who contravenes section 14 or 17 is guilty of an offence and is liable to the penalties prescribed by section 188 of the Professional Code (chapter C-26).

Penal proceedings for such an offence are prescribed three years after the date on which the prosecutor becomes aware of its commission.

However, no proceedings may be brought if seven years have elapsed since the commission of the offence.

A certificate from the secretary of the Order attesting the date on which the Order became aware of the commission of the offence constitutes, in the absence of any evidence to the contrary, sufficient proof of that fact.

2020, c. 15, s. 28.

18. Any inspector designated by the board of directors may

(1) enter, at any reasonable hour, a place where the construction, enlargement or alteration of a building to which section 16 applies is planned or in progress or has ended, in order to verify compliance with this Act;

(2) take photographs of the place and of the property located there;

(3) require any information or document enabling the inspector to verify compliance with this Act; and

(4) require any person who is on the premises to provide reasonable assistance.

An inspector must, on request, provide identification and produce a certificate of authority signed by the secretary of the Order.

1973, c. 59, s. 18; 2008, c. 11, s. 212; 2020, c. 15, s. 28.

19. Any inspector may, by a request sent by registered mail or personal service, require any person to communicate by registered mail or personal service, within a reasonable time specified by the inspector, any information or document relating to the application of this Act.

1973, c. 59, s. 19; 1990, c. 4, s. 58; 1992, c. 61, s. 54; 2020, c. 15, s. 28.

19.1. An inspector designated by the board of directors cannot be prosecuted for acts performed in good faith in the exercise of the inspector's functions.

2020, c. 15, s. 28.

19.2. Anyone who in any way hinders or attempts to hinder an inspector in the exercise of the inspector's functions, in particular by concealment or misrepresentation, by refusing to provide information or a document, by concealing or destroying a document the inspector is entitled to require or by refusing to give the inspector reasonable assistance is guilty of an offence and is liable to the penalties prescribed by section 188 of the Professional Code (chapter C-26).

2020, c. 15, s. 28.

20. Nothing in sections 14 and 16 shall be interpreted as affecting in any manner the rights conferred by law upon the members of the Ordre des ingénieurs du Québec.

1973, c. 59, s. 20; 1977, c. 5, s. 229; 2020, c. 15, s. 29.

21. The oath of the architect shall make proof that the services he has rendered were required, and of the nature and duration of such services, but such oath may be contradicted in the same manner as any other evidence.

1973, c. 59, s. 21.

22. Actions instituted by architects to recover amounts due them for professional services are deemed matters which must be tried and decided by preference in accordance with the Code of Civil Procedure (chapter C-25.01).

1973, c. 59, s. 22; I.N. 2016-01-01 (NCCP).

DIVISION V.1

(Repealed).

2000, c. 43, s. 7; 2020, c. 15, s. 30.

22.1. *(Repealed).*

2000, c. 43, s. 7; 2020, c. 15, s. 30.

DIVISION VI



This Division ceased to have effect on 17 April 1987.

23. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 59 of the statutes of 1973, in force on 31 December 1977, is repealed, except sections 23 to 29 and 31, effective from the coming into force of chapter A-21 of the Revised Statutes.