

March 19, 2025

IN PERSON

Members of the Public Bills Committee
c/o Office of the Legislative Counsel
CIBC Building
802-1809 Barrington Street
Halifax, Nova Scotia B3J 2X1

Dear Members of the Public Bills Committee:

RE: Bill 36 – *Free Trade and Mobility with Canada Act*

On behalf of the Nova Scotia Association of Architects (the “NSAA”), I am writing to express concern with the proposed Bill 36, the *Free Trade and Mobility within Canada Act*. This written submission is being presented by Vice-President Zahra Williams this evening.

As the regulatory licensing body for the practice of architecture in Nova Scotia and in collaboration and consultation with our Canadian counterparts at the provincial and territorial levels, we have recognized the professional credentials across jurisdictions and simplified the licensing of Canadian architects from their home jurisdiction to any Canadian jurisdiction for decades.

For example, as a practicing architect with Fowler Bauld and Mitchell, a Nova Scotia firm proudly operating for over 100 years, I was licensed in Nova Scotia, Alberta, Ontario, New Brunswick, Prince Edward Island, and Newfoundland Labrador. As a Principal and Director of Operations at the Nova Scotia firm of Zwicker Zareski Architecture and Planning or ZZAP for short, Zahra Williams is licensed to practice in Nova Scotia, Prince Edward Island, and New Brunswick.

The NSAA supports the broad intent of Bill 36 to remove all barriers to trade in goods and investment between the provinces and territories as written in Section 2 of Bill 36. However, the NSAA does have concerns especially in regard to Sections 4(4) and 4(5) and its impact on public safety.

As the regulator of architecture in this Province, the NSAA takes its public protection role seriously. It achieves this by regulating those who engage in the practice of architecture in Nova Scotia to ensure they are competent to practice in our province.

Section 3 of Bill 36 states it will prevail over all other statutes such as the *Architects Act* and Section 4 (3) would permit a person “who has met the requisite standards and approvals” in another Canadian jurisdiction to be automatically considered “as if” they were licensed here, without any additional licensing requirements. This proposed new Act (Bill 36) would override the provisions respecting registration and licensing in the existing *Architects Act* which received Royal Assent on November 23, 2006.

Architects have been Leaders in Streamlining the Licensing of Non-Resident Architects through Labour Mobility

Since January 1, 1992, there has been a national Reciprocity Agreement, with the latest agreement being signed on November 14, 2015, that recognizes the professional accreditation of licensed Canadian architects and streamlines processes for their registration and licensing in other Canadian jurisdictions aligning with CFTA.

When I became licensed in other Canadian jurisdictions, I completed the application, paid the applicable dues which included the purchase of a personalized seal for use on technical submissions, and provided a certificate of insurance. The NSAA sent a confirmation of licensure to the Canadian jurisdiction stating that I am licensed, in good standing with no disciplinary actions or limitations on my license and that I have completed the professional development requirements demonstrating that I continue to keep my architectural knowledge up to date.

Being one of the first regulated professions to initiate this type of reciprocity agreement in Canada, the regulated profession of architecture is recognized as a national leader in labour mobility. Beginning with the 1992 agreement, the NSAA and our counterparts across the country have acted expeditiously to recognize extra-provincial professional credentials without requiring additional certification and examination; and includes accepting the applicant's declaration that confirms their professional insurance covers work executed in Nova Scotia and is supported by proof of current insurance and accepting an applicant's professional development compliance with their home jurisdiction. This is the core principle of labour mobility and is done without negatively impacting public safety.

The proposed Bill 36 does not acknowledge that there is already a reciprocity agreement between Canada's architectural regulators that has streamlined the licensing and renewal process for licensed architects who do not reside in Nova Scotia.

As demonstrated through our annual Fair Registration Practices Act or FRPA Reporting, the NSAA has licensed more architects who reside outside of Nova Scotia to practice architecture in Nova Scotia than those who reside in the province. Our FRPA data demonstrates that licensed architects from another Canadian jurisdiction become licensed quicker through the Canadian Reciprocity Agreement than those applying for first-licensure in Nova Scotia.

Of the 538 architects licensed to practice architecture in Nova Scotia in 2025, 317 (or 59 percent) do not reside in this province. And of this number, 299 have been licensed through our Canadian Reciprocity Agreement and reside in the other nine Canadian provinces. The breakdown of this number is as follows:

Location	
British Columbia	17
Alberta	14
Saskatchewan	2
Manitoba	9
Ontario	193
Quebec	29
New Brunswick	20
Prince Edward Island	6
Newfoundland Labrador	9
	299

Bill 36's Negative Impact on Public Safety

As a regulatory licensing body, the NSAA is mandated to protect public safety. This can only be done through the implementation of initial licensing and annual renewal requirements as outlined in Sections 19 and 26 of the Architects Act. These requirements are in place to protect the public.

However, the proposed Bill 36 would mean that a person who is licensed as an architect in another Canadian province or territory could practice here without:

- Registering with the NSAA
- Confirmation of license and good standing
- Holding liability insurance that covers their work in Nova Scotia
- Providing documentation on conditions or restrictions that may be needed to address outstanding complaints or licensing sanctions from other jurisdictions
- Practicing in accordance with the NSAA's standards of practice
- Having an NSAA seal.

In regard to the NSAA architect's seal, it is granted to our licensed architect members. The use of an architect's seal signifies to the public and the Authorities Having Jurisdiction that the licensed architect is competent and knowledgeable and their technical drawings which are used to construct the proposed building meet provincial public safety standards. The application of an architect's seal reflects the embodiment of the public's trust and signifies the documents bearing that seal were prepared under the licensed architect's direct control and supervision.

The proposed Bill does not appear to distinguish between corporate entities engaged in practice of architecture versus individuals. Within the Architects Act and Regulations, there are specific criteria for corporate entities that require licensed NSAA architects to be in control of the corporate entity. This ensures there is architectural knowledge of the Nova Scotia Building Code and other relevant requirements before a company offers and provides architectural services in the province.

Bill 36 also means that the Authorities Having Jurisdiction in Nova Scotia will have to accept non-NSAA seals on technical documents without the comfort of knowing that due diligence has been conducted or there has been a determination that the individual can competently practice architecture, thereby, potentially putting the public at risk.

Bill 36 would create two "classes" of architects in the Province: Those who are licensed by the NSAA, and those who are licensed elsewhere. Those licensed with the NSAA are subject to the Architects Act, Regulations, Bylaws and Complaints process. Those not licensed with the NSAA would fall outside the NSAA's provincial jurisdiction. If a client has a complaint about the services provided by the non-NSAA-licensed architect, there would be no recourse with the NSAA, as this architect would not be a member. The client would need to seek recourse with another provincial or territorial regulator of architecture who would have limited ability to address conduct occurring in Nova Scotia.

Furthermore, the NSAA Registry would not show these non-NSAA licensed architects as members, resulting in the public having to search registries across the country to confirm if the individual is actually licensed somewhere else before accessing services resulting in costly project delays for the client as well as increasing the risk to the public safety that the removal of licensing requirements by a provincial regulator can bring and thereby, eroding public trust.

Support for Labour Mobility

Through the Canadian Reciprocity Agreement, architects have supported the removal of barriers to services and investments across the country with many licensed architects availing themselves of this reciprocity agreement to practice architecture in Nova Scotia which appears to be the intent of Bill 36. However, public expectation is that regulated professionals require some differing considerations in order to ensure that the architectural services are provided safely and competently. Those considerations have been addressed through our existing legislation and Canadian Reciprocity Agreement which would be removed with the potential passage of this Bill.

We anticipate the consequences that are outlined may not have been the intention of this Bill.

The NSAA urges the reconsideration of the wording of Bill 36 as we are not confident that they can be adequately addressed simply through regulation.

In conclusion, the NSAA supports the principal of Bill 36 but not to the extent that it puts public safety at risk. The public expects that a provincial regulator regulates all who practice architecture in Nova Scotia not just a portion. The licensing and renewal requirements in the Architects Act and Regulations are in place to protect the public safety. At the end of the day, it is all our responsibility to work collaboratively through consultation to make sure that Nova Scotians continue to be safe.

We would be pleased to discuss our concerns further and consult with you.

I can be reached by contacting the NSAA's Executive Director Margo Dauphinee at 902-423-7607 or mdauphinee@nsaa.ns.ca.

Sincerely,



George Cotaras, NSAA, FRAIC
President
Nova Scotia Association of Architects