

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. 6 - 3 p.m., Wednesday, November 23, 2005

ISSN 1708-6698

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
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OSWALD, Theresa, Hon.	Seine River	N.D.P.
PENNER, Jack	Emerson	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
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WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT
Wednesday, November 23, 2005

TIME – 3 p.m.

LOCATION – Winnipeg, Manitoba

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

**VICE-CHAIRPERSON – Mr. Harry
Schellenberg (Rossmere)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Ms. Allan

Mr. Aglugub, Ms. Brick, Mrs. Driedger, Messrs.
Fauschou, Goertzen, Ms. Irvin-Ross, Messrs.
Reid, Schellenberg, Schuler, Swan

APPEARING:

Mr. Kevin Lamoureux, MLA for Inkster

WITNESSES:

Mr. Joshua Rudd, Private Citizen
 Ms. Esther Link, Private Citizen
 Mr. Ron Basarab, Private Citizen
 Ms. Jennifer Stockford, Private Citizen
 Mr. Bob Parsons, Private Citizen
 Ms. Debbie Grant, Private Citizen
 Ms. Marjorie Larson, Private Citizen
 Ms. Cassandra Hryniw, Private Citizen
 Mr. Michael Banman, Private Citizen
 Ms. Andrea Flynn, Private Citizen
 Mr. Steve Cohlmeier, Private Citizen
 Mr. Michael Sinclair, Private Citizen
 Ms. Melissa McAlister, Private Citizen

WRITTEN SUBMISSIONS:

Mr. James Blatz, Private Citizen
 Mr. Larry Hamilton, Private Citizen
 Mr. Tom Alston, Private Citizen

MATTERS UNDER CONSIDERATION:

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

* * *

Madam Chairperson: Good afternoon. 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.

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

Mr. Andrew Swan (Minto): I nominate Mr. Schellenberg.

Madam Chairperson: Mr. Schellenberg has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Schellenberg is elected Vice-Chairperson.

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

First, I would like to note that, as specified in the committee notice, we will be sitting this afternoon until 5 p.m. Also, subsequent meetings have been announced for this committee as follows: later today at 6 p.m., and, if necessary, Thursday, November 24, 2005, at 6 p.m.

Second, if there is anyone else in the audience who would like to make a presentation this afternoon, 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 that 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.

For the information of the committee, we have had a request from Terri Fuglem, listed as No. 9 on the presenters' list. Due to work commitments, she has requested to be moved to the bottom of the list of presenters. Is that agreed? *[Agreed]* Thank you.

Mr. Jac Comeau, No. 28 on the presenters' list, has requested that his name be removed. Please cross Mr. Comeau's name off your list of presenters that is before you, No. 28.

For the information of the committee, I would like to offer the following notes on the presenters' list. Presenters 1 through 27 have been called once last night. Once again, presenters 1 through 27 have been called once last night. Presenters 28 and 29 have both been called several times yesterday, but the committee agreed to call them each one more time today, but No. 28, for your information, has been removed.

Presenters 30 through 34 have not been called at all. Presenters 35 through 41 have each been called once this morning, and presenters 42 and 43 have not been called at all. For the information of the committee, written submissions have been received on Bill 7 from the following individuals: James Blatz, private citizen, and Larry Hamilton, private citizen. These submissions have been distributed to committee members. Does the committee agree to have these documents appear in the transcript of this meeting? *[Agreed]*

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking 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 the mike on and off.

I want to thank you all very much for your patience. We will now proceed with public presentations.

The first individual I would like to call is Joshua Rudd, private citizen.

Mr. Rudd, do you have written submissions that you wish to have distributed?

Mr. Joshua Rudd (Private Citizen): No, I do not.

Madam Chairperson: No? Okay. Could you just lift your mike up a little bit for us?

Mr. Rudd: Sure.

Madam Chairperson: Thank you. You can proceed.

Mr. Rudd: Good afternoon, ladies and gentlemen. My name is Joshua Rudd. I am a student in the Faculty of Architecture at the University of Manitoba. I consciously chose this province to receive my architectural education as it has one of the top accredited schools of architecture in Canada. I was sought after by the Faculty of Architecture in receiving one of only two high-quality student enrolment incentive awards for 2005. I am confident in my education as it was received from an accredited school of architecture.

I know that I will be successful wherever I go. I would prefer to stay in Winnipeg as I was born here and have made important contacts. However, the outcome of these proceedings will have a definite effect on my decision to stay. Unfortunately, some of my fellow students were not able to be here this morning as they had prior commitments. I have the expressed permission of Chris Roszell, Greg Porth and Dylan Elliott to speak on their behalf.

* (15:10)

We were the top four applicants to the Master of Architecture program in 2005. We support the position of the MAA in requesting a delay to Bill 7 in order to make the necessary changes as stated by previous speakers.

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.

Thank you very much for your time.

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

The committee calls Esther Link, private citizen. Did you have written copies that you want to distribute?

Ms. Esther Link (Private Citizen): No.

Madam Chairperson: No. Okay, you can proceed, Ms. Link.

Ms. Link: Good afternoon. My name is Esther Link and I am a student at the Faculty of Architecture at

the University of Manitoba. I am also a student member in the Internship in Architecture Program. I support the position of Don Oliver and the MAA and call upon the minister and this committee to delay Bill 7 from proceeding to third reading.

I have recently moved to the province from Ontario where I completed my bachelor's degree in architecture at Carleton University in Ottawa. I chose to come here for what my research indicates is a rigorous and dedicated professional degree of education in the exceedingly complex field of architecture design. Coming to Manitoba, I recognize the unique characteristics of Canadian prairie architecture's influence on modern building. I see an originality in this province which is recognized across Canada and North America.

Architects are trained to understand and design buildings to the needs, either stated or implied, of their clients. However, I consider the definition of client to not be limited to the individual group or corporation commissioning the building, but also society as a community whose present and future enrichment depends on the quality of the built environment.

Architects are also acutely aware of market-driven factors and cost-control measures in the building industry, yet, if that is the reason to pass this Bill 7, it does so only to serve individual economic interests, which is wrong in a democratic society. I am committed to the noble profession of architecture, which is tested, proven and worthy of the responsibilities to building design entrusted to it and other jurisdictions. However, if Bill 7 passes to third reading, I will not re-invest my educated skills in a province that does not support my profession.

In the short time I have been here, I have grown to care about this unique Canadian region, and I implore the committee to give this important issue the time it deserves to ensure that the future of Manitoba's built environment is supported and encouraged to excel. I am not a registered architect, though one day I will be. Until then, please do not give me or any other unregistered person, professional or otherwise, a legal right to build buildings within the scope of work outlined in the Manitoba Architects Act. Buildings must be designed by qualified individuals who have been tested on building-specific design principles and have satisfied the national qualification standards to practise architecture that are required in every jurisdiction in the country.

In short, you can count on a registered architect. Thank you for your time and consideration.

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

The committee calls Alec Katz, private citizen. Once again, Alec Katz, private citizen. Mr. Katz's name will be taken off the list.

The committee calls Martin Kuilman, private citizen. Martin Kuilman, private citizen. Mr. Kuilman's name will be taken off the list.

The committee calls Ron Basarab. I apologize if I said your name wrong.

Mr. Ron Basarab (Private Citizen): It is okay. I owe you an apology for my outburst this morning. So now we are even; so it is okay. It is Basarab. I am an enthusiastic fellow.

Madam Chairperson: You can proceed.

Mr. Basarab: Thank you very much. Honourable Minister, Chair and members of the committee, thank you for the opportunity to be here this afternoon. I applaud you on your ability to be able to decipher all of the words that have been presented to you here.

My name is Ron Basarab. I was born and raised in Manitoba. My family and I have resided at 90 Spence Street in the West Broadway area for over 30 years. As I wrote these words, I was able to look out my bedroom window and view our new Golden Boy. I have been an active member of my community and have volunteered my talents in a variety of community endeavours, such as the founding of the West Broadway Development Corporation.

I started my professional career with three years of engineering at the University of Manitoba. I was very young then, and I realized my talents would be better served as an architect. I graduated in 1975 from the University of Manitoba with a master's degree in architecture. I am a registered architect and have worked for over 30 years in private practice with my own firm, with a design-build firm, whom I educated, I hope, a little bit, and am now currently with a large architectural and engineering design firm in Winnipeg.

In addition, I have also been an instructor and teacher at the School of Architecture, which I am very proud of, and I am proud to hear students coming forward and speaking so eloquently. I have

had the good fortune to work on a variety of projects: from a small horse barn in rural Manitoba—and I receive every year, and I got it already, a Christmas card from the owner with her horses and the barn in the background; she is very proud of it—to being the project architect for the recently completed MTS Centre in Winnipeg. I am also very proud of the involvement of my firm and all the professionals that worked on it.

Many of my closest friends are engineers. My high school friend and my best man at our wedding is one of the most creative engineers I know, designing chemical refining plants all over the world, but is quick and proud to explain to everyone he meets how his best bud, the architect, designed for his family the most beautiful cottage on Lake of the Woods.

As with all my other engineering acquaintances, design professionals and building contractors, we respect and honour each other's expertise and our working relationships. My closest relationship with an engineer, however, is my daughter, Sloane, who recently graduated from mechanical engineering at the University of Manitoba and is my pride and joy. It gets a little more complicated. I now also have a new son-in-law who is also an engineer, and though I am too young to be grandfathered, I expect I will be welcoming a miniature engineer soon enough.

I have had the chance to mentor many creative young students and architects, and I was encouraged to hear not only the architectural students, but the engineering students speaking passionately about their profession. But they should know that the built environment is beyond the scope of simple code interpretations or a sound mechanical system. Their words were also very noble about canons and ethics, but I would challenge these young engineers to meet some of the heroes who mock and abuse our building development industry. I am sure they would be disillusioned. I believe I have an understanding of our professions.

My remarks today will focus on two words. I will begin with the word "and" and finish with the word "promise." And I will attempt to connect these remarks with the concept of value.

The journey we are on today started approximately 12 years ago and many people have put in a lot of effort and it is to their credit. With the seemingly simple word "and" in the National Building Code, the intent of the authors of this word was to recognize the expertise of architects and

engineers in the building industry and to utilize those talents to the betterment of the built environment for human beings. The impact, as I review the events of the past few months and look around me today and for the last few days, it appears that we have drifted far from that intent. It reminds me of quite a dramatic scene in the movie *The Godfather*, and it was in a room a little smaller, but certainly as comfortable and as grand as this: How did we get to this point?

In absolutely every project that I have had the privilege to work on in my career, our community and our clients have all welcomed and valued the benefit of an "and" collaboration of architects and engineers and interior designers and specialists and building contractors and building officials, all working in harmony. An "or" adversarial relationship has never benefited anyone. The value of the word "and" cannot be underestimated.

* (15:20)

What is the value of a promise? As professionals, we begin our careers with a promise to do the best that we can do. We join our respective associations. We promise to uphold those ideals. We begin a project. We promise to our clients and the community to bring all of our skills to the benefit of project at whatever scale and whatever complexity.

When we started these deliberations in these matters before the committee, our respective associations promised to work in good faith and to achieve a solution. I believe we did have one. An arbitrator was appointed to assist in that process and promised to achieve a resolution and stand by that resolve. The government and the Minister of Labour (Ms. Allan) promised to honour that resolution and to make it work for the benefit of Manitoba. I believe we all need to re-examine those promises and obligations. I believe it is the committee's task to review those promises and to ensure that they are honoured and they bring the best value to our community.

The impact on the economy has been seen as the focus of these deliberations. I would suggest that it is folly for any individual, group, association or industry to assert that it can singularly affect the progress or the health of the economy of Manitoba. It is a naive proposition to expect that Bill 7, as written, will solidify or clarify what a healthy economy means. The bill as written, however, will, I think, alter how we think about our communities and our citizens, and I believe it is a detrimental step.

I will finish with a challenge to everyone associated with this endeavour to the built environment, whether it be a hog barn in Melita, a hockey arena in Teulon where I come from, or the Millennium Library, which is I see absolutely packed with people. These deserve all of our best. It is simply not good enough to do good enough for the citizens of Manitoba. Thank you very much for your indulgence.

Madam Chairperson: Thank you.

Hon. Nancy Allan (Minister of Labour and Immigration): As a horse owner, I was wondering whose barn you built.

Mr. Basarab: It is in Birds Hill Park.

Ms. Allan: Pine Ridge?

Mr. Basarab: Birds Hill Park in Pine Ridge, God's country.

Ms. Allan: You did a fabulous job. My daughter has competed there. So thank you.

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

Mr. Basarab: Thank you very much.

Madam Chairperson: Mr. Basarab, I just wanted to ask you, you did not have a written presentation?

Mr. Basarab: Sorry, yes, I did. I did leave it at the front, sorry.

Madam Chairperson: That is okay. I just wanted to make sure that got distributed. Thank you.

The committee calls Jennifer Stockford.

Ms. Jennifer Stockford (Private Citizen): Minister Allan, honourable members, ladies and gentlemen. I am here today to share some of my experiences practising interior design prior to and since the injunction, as well as to comment on how I feel Bill 7 will affect my business.

My name is Jennifer Stockford. I graduated with a Bachelor of Interior Design from the University of Manitoba in 1982. Since then, I have worked for a small architectural design firm in Regina, a developer in Toronto, a large interior design firm in Toronto, a large architectural firm in Winnipeg where I was director of design and production, and for the last nine years I have worked on my own.

I am a full-time mom during the day, and I work mainly on Hospitality projects during the evenings and weekends. I have designed most of the WOW!

Hospitality restaurants, such as Pasta la Vista, Breadworks, the Old Spaghetti Factory, Finn McCue's, 529 Wellington, Hu's on First, and now a new Pasta la Vista on Kenaston.

When I look at the proposed legislation, I do not see interior designers mentioned anywhere. Yet our area of work is affected. To illustrate our area of specialty and training, I have included a plan section through a building. If you were floating above a building and looking down, this is what you would see. The blue perimeter walls, or exterior shell, are the responsibility of architects and engineers. The red interior is the portion of the building that interior designers are responsible for. We study for five years in university to learn how to assess the needs of the end user. We find out how they can best function within the space, and we plan and detail the interior so that it is specifically tailored to their needs.

To give an example, the architect or engineer might concentrate on the landlord's shell, while we concentrate on the needs of the individual tenants. We are the only consultants with this type of training and expertise, not architects, not engineers. Engineers tend to respect our unique skills and work with us, while architects, and I realize this is a generalization, occasionally want to influence, or dare I say interfere with, our designs.

In my opinion, Bill 7 should be addressing the base building shell only. Since interior designers are the only people trained to plan interiors, a distinction should be made to give clear guidance to the plan examiners at the City. We should not be required to have architects' seals on our drawings, regardless of the size or type of project. All of you sitting on the committee have had the same amount of interior design training as architects. Would you feel capable of supervising or taking over our work? Your answer, along with the architects, should be no.

I would like to cite an example of how my jobs typically worked prior to the injunction. WOW! Hospitality wanted to do an Asian bistro at the ballpark. Number Ten Architectural Group were the base building architects for the ballpark. I alone designed Hu's on First, the restaurant, and Pre-Con Builders built both the ballpark and the restaurant. I did all of the drawings, furniture plan, flooring plan, reflected ceiling plan, complete with lighting selection and placement, and all the millwork details. No seal was required on the tenant drawings as there was a shell seal for the ballpark. No architect was involved with the planning, detailing or inspections

of the restaurant interior. Hu's on First was new construction in the Group A, Division 2 building classification, which falls under the category of requiring an architect's involvement. Even though the combination of an interior designer and a design build engineering firm seemed to work well, with no risk to public safety, this project could not have materialized under the present injunction nor the proposed Bill 7, as I understand it. Why not?

I would like to now talk about another new construction project which exceeded 600 square metres in Group E. Banville & Jones wanted me to design a new store interior for them on St. Mary's Road, and they wanted Terracon Development Ltd., another design build engineering firm, to build it. The Tuscan theme was so prominent on the interior that I asked the owner if I could make some suggestion for the exterior. Terracon intended to hire an architect to develop drawings for the exterior, but when they saw my freehand elevations of the façade, they decided that their own in-house engineers could detail it. This project was nearing completion when the injunction came into effect and we had to have an architect's seal and the building site inspected, I think, mostly after the fact. This was a perfect example of the injunction causing unnecessary time delays and costs, all for no apparent gain. Terracon had completed the Building Code review long before the architect was involved. Again, for all intents and purposes, this project was a product of collaboration between an interior designer and an engineer. What was missing from that equation that should have been provided by an architect? I cannot think of anything.

I invite all of you to visit Hu's on First and Banville & Jones and tell me why an owner or tenant should not be able to select the team of design consultants of their choice, be it an architect and interior designer, an architect and engineer, an engineer and interior designer or all three together? All of these disciplines are familiar with the Building Code and act responsibly by checking for code compliance throughout the design development process. No one would ever put public safety at risk. In fact, interior designers are not interested in assuming any more responsibility than they have to. The crux of the matter is that it would be nice to have the option to choose whether we use an engineer or an architect.

Now I would like to tell you about a project that I have been working on since the injunction, the

renovation of Branigan's at Kenaston and McGillivray. I had an extremely tight budget and time frame to turn it into a Pasta la Vista. I was informed that an architect originally designed Branigan's. Rather than being able to stretch my budget to the max to aesthetically change the look of the restaurant, I had to spend a huge portion of my budget just fixing basic design mistakes. Unfortunately, most of the mistakes were simply too costly to rectify on my budget, and please keep that in mind if you ever visit the restaurant.

*(15:30)

To add insult to injury, I was informed by the City of Winnipeg that my drawings had to have an architect's seal. This resulted in me e-mailing my drawings to an architect's office, which essentially means that they have at their disposal drawings which my client paid me to produce through hours of work that they can add to their library of drawings to borrow from at will. I am not saying that this particular firm would do this, but the potential is there.

This architect then superimposed my drawings onto his sheet with his logo, added a small Building Code compliance blurb and sealed it. There was no advantage to my client, to the contractor and, certainly, not to me. It merely added another layer of red tape and cost to the owner. Architects can say that their intent was not to take our work from us and that we are merely being caught in the crossfire, but this individual architect told me this was the fifth project like this he had done recently, and when I asked, "You mean the fifth set of drawings done by a designer that you put on your sheets and sealed?" he matter-of-factly replied yes. When you consider that, as a result of the current injunction, each of the architects within that large firm may have had five such projects just walk in their door with which they otherwise would have had no involvement, how likely is it that they will point out the fact that it was not their intent to go after our work? And think about how easy it would be for them to say to our clients, "Well, you will need us to seal your drawings eventually anyway, and, by the way, did you know we have an interior design department?"

For this reason, and the fact that I would like to have control over the design development of my projects, I request that the interior spaces of buildings be exempt from Bill 7, and that owners be

given the choice of which design profession they use, architects or engineers, to seal their drawings.

I have heard from two different sources that government departments that have previously hired interior design firms to renovate their offices have now hired architectural firms to do interior work. Interior designers have already begun to lose their clients due to what I feel is a misinterpretation of the intent of the injunction. This injunction, and even Bill 7, hits independent interior designers the hardest, those specializing in hospitality in particular. However, all interior designers are affected to varying degrees. I suspect there are a number of designers working for large architectural firms who cannot voice their concerns today because an architect employs them. There are also several experts such as kitchen designers who dare not voice their opinions for fear of backlash from the architects, their clients. Those of us speaking today are just a small sampling of the hundreds of design service providers affected. I am sure there are also several architects who feel uncomfortable about how the injunction is affecting other design professionals but are hesitant to voice their objections.

Obviously, times have changed since The Architects Act was written. Building owners and tenants have many more options open to them now. Why should we take their options away from them by following an out-of-date act? I doubt the public at large is aware of the impact that this will have on their business in future. I personally was not aware of the seriousness of the injunction until I was suddenly told that my projects that had previously been accepted for building permits needed an architect's seal. If clarification is not made so that the plan examiners know they no longer need to ask for an architect's involvement on interior spaces, then I will lose the bulk of my business. The only designers working will be those involved with small residential projects or those working within an architectural firm.

I love what I do. I love working on my own. I have no desire to take on responsibility for structural, electrical or mechanical work. I just want to be left alone by the architects to continue working in my field without having to have my work overseen by or be subject to the approval of a group of consultants when interior design is outside their area of expertise.

Madam Chairperson: Thank you.

Ms. Allan: Thank you for your presentation. I just wanted to let you know that officials in my department worked with the professional organization of interior designers, and some of the changes that we are going to make in the Building Code around alterations will address some of the concerns that you have raised.

Ms. Stockford: Thank you.

Mr. Ron Schuler (Springfield): In fact, I would recommend to all presenters, and I know a lot of them are not here anymore, that you watch Hansard in the next 24 hours when deliberations take place at this committee. I think the minister is going to lay out a lot of clarifications, and we will be asking a lot of questions, and in particular in third reading, because, again, there is an opportunity for the committee then to seek and hopefully to get clarification on a lot of these issues.

I flagged a few of your questions, and I will be raising those as well. The minister, then, can clarify it on the record, so—

Madam Chairperson: Thank you.

Mr. Schuler: Stop cutting me off.

* (15:35)

Madam Chairperson: I am sorry. Come on, Mr. Schuler, we have to be together for a little while longer.

Thank you very much for your presentation.

The committee calls Cecilia Moon, private citizen. Once again, Cecilia Moon, private citizen. Ms. Moon's name will be taken off the list.

For the information of the committee, the eighth presenter has been moved to the bottom of the list, so Terri Fuglem will be dropped to the bottom of the list as per her request.

The committee calls Bob Parsons, private citizen. You can proceed whenever you are ready.

Mr. Bob Parsons (Private Citizen): Thank you Madam Chair, Minister, members. My name is Bob Parsons or Robert Parsons; you can call me whichever you wish. I speak today as a private citizen. I am also a professional engineer. I am registered in the province of Manitoba. Besides that, I am registered as a professional engineer in the province of Ontario. Besides that, I am registered as a professional engineer in the province of Alberta. I hold a master's and a Bachelor of Engineering. I hold

a Master of Business Administration. In addition to my current work, it is useful for you to also know that I am enrolled in the Faculty of Graduate Studies at the University of Manitoba. I am pursuing my doctorate in the Department of Biosystems Engineering, and I am going to come back to that point in just a moment.

In my view, Bill 7 does not represent a perfect solution to the current unfortunate situation. However, it does represent a good start. As such, I would urge members of this committee and members of the Legislature in general to pass Bill 7 speedily as it is worded. My preference would be for simply an amendment to The Architects Act that would simply include an exclusion clause as now exists in the current professional engineers and geoscientists act for architects, but, be that as it may, Bill 7 is sufficient.

Now, there were a number of points that I had originally wanted to bring forth but I am going to deviate from the text that I had provided you. I know that there have been many engineers who have been very frustrated and, in some instances, quite angered by some of the things that have been said by some presenters at this hearing. But we have also been given some very prudent advice that we should not say negative things about other professions. It really is not helpful. Engineers as a general rule respect architects and the important role that they perform, and we know collectively that we are all going to have to work together in the end anyway. So let me focus my comments on engineers.

I want to indicate to you that I am not directly involved in building construction-related activities, but I want to assure you that the recent Court of Queen's Bench ruling has adverse implications for all engineers and the work that we all do, creating uncertainty and increasing costs. The subject or aspect of uncertainty alone is a significant problem, and it is a cost and it affects a broad swath of activities.

Is anyone really sure if an architect might be required for a particular activity? Well, the answer currently, and especially if activities even remotely touch on a building in some way, is that we are not really sure. That is the nature of having a legal judgment imposed on us. No one really is sure to the extent that it can add implications and others have talked about how broad some of those implications have been or could be.

I did provide you in my information package the text of a recent article from the national media, specifically the *National Post* article by Jason Kirby dated the 12th of October, 2005. It is entitled "Olympian Panic: B.C. faces a critical shortage of architects, engineers and trades." This article provides you some national context and I think the title really kind of says it all. There is an unmet demand for qualified professionals and trades to the west of us in British Columbia and particularly in Alberta. If, for some reason, Bill 7 is not passed and the current situation whereby qualified engineers are forced to become in a subordinated role, it can be guaranteed that many qualified engineers will finally succumb to the lure from Alberta and British Columbia. They will leave.

*(15:40)

I want to assure you that a fact of life as a professional engineer in the province of Manitoba is that, yes, we do get calls from head-hunters in Alberta. A similar potential loss of trade staff has already been outlined by an earlier presenter, who is a contractor.

Now, one of the issues that really has come to the fore through the course of these deliberations in this hearing is really the nature of The Architects Act itself and the fact that it has really not been updated or modernized nearly to the same extent as the professional engineers and geoscientists act. Some aspects of The Architects Act, as I think we are all aware, are probably as much as almost 100 years old.

Let me come back, momentarily, and this is kind of interesting, to my doctoral studies in biosystems engineering, which used to be called agricultural engineering. One of the exemptions that had been long implemented in The Architects Act has been the design of grain storage silos and grain elevators. Let me enlighten you a little bit on this topic. Rather than simple, rinky-dink, no-brainers to design structures, it turns out, actually, the storage silos, in general, represent the most difficult and most problematic structures that exist. They are subject to a variety of very, very severe stresses that are complex, subtle and that vary dynamically.

Now the wisdom of previous legislators is actually evident when you realize that roughly, say, around a century ago grain silos and elevators would have been amongst the most complex and the most difficult building challenges faced in the province of Manitoba. Legislators long ago recognized this

special and complex characteristic and the need for engineers with specialized training.

At this point, you will probably ask me, "Well, Mr. Parsons, this is a wonderful history lesson, but what relevance is it today?" The point is that buildings or, you might say more appropriately, building systems, in general, over the past century or so have not remained static, but have become ever more and increasingly complicated, too complex for any one single profession to claim any absolute superiority.

Yes, we recognize that architects are a very important profession and that they have a very important role. We all recognize that, but others also have important roles: engineers, but not just engineers, interior designers, whom you have just heard from, technologists, specialized trade. The list is very long.

I urge you to pass Bill 7 as a starting point to restore appropriate equality. In closing, as I mentioned earlier, I believe that Bill 7 can only be considered as a necessary starting point. Bill 7 needs to be passed in order to address the current unfortunate situation that exists in Manitoba. But, once it is passed, I know I personally will urge the Association of Professional Engineers and Geoscientists to once more open a dialogue with the Manitoba Association of Architects to try and reach a mutually agreed upon negotiated settlement that would cover these matters. That may take time, we need to address the current problem, but we can go back at it and work at it. For all of us, that sort of solution would be the desired end point. I thank you for your time and your consideration and if there are any questions.

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

Mr. Parsons: Thank you.

Madam Chairperson: The committee calls Debbie Grant, private citizen. Ms. Grant, did you have a written submission you wanted to circulate?

Ms. Debbie Grant (Private Citizen): No, I do not.

Madam Chairperson: Please proceed.

Ms. Grant: I guess you never thought you would meet so many architects, engineers and interior designers in your life. You must be getting sick of us. *[interjection]* Yes, probably. Well, I am one of the mosquitoes in the architects' tents, even though I love them, I do.

My name is Debbie Grant. I am a professional interior designer, principal owner of Grant Design Group Incorporated located in downtown Winnipeg. Incorporated in 1985, we are a company of six, four of whom are interior designers, and we specialize in corporate commercial interior design, not residential design, although sometimes we help clients, like there are a few at the table.

I personally hold a Bachelor of Interior Design from the Faculty of Architecture from the University of Manitoba. I have passed the National Council for Interior Design Qualification. I am the past president of the Professional Interior Design Institute of Manitoba, and our professional association requires all members to hold mandatory liability insurance.

It is really unfortunate, actually, to be standing here today addressing all of you. I remember when I started out, and I was a very green little designer running around and I met a few architects, marketing my services, and I remember them, specifically, unrolling my drawings and saying, "Oh, soon you will not be able to do this. We are going to be passing a law." I said no. So here I am today.

So I am addressing all of you, including my colleagues with whom I was educated, I have worked side by side with, and I am here in order to defend changes to the September 16 ruling, which now requires my company and my clients to employ the services of an architect on any project that I am working on within a floor plate of 400 metres squared, and I do not think everyone realizes the impact of that.

People are actually saying to me, "Well, you can still do a 1600-square-foot space and a 20 000-square-foot floor plate." No, I cannot. It is the floor area, and that means even something as simple as adding two offices into an existing tenant space of 20 000 square feet requires this service, which is completely unnecessary and unwarranted.

I am here to defend a degree I received from the Faculty of Architecture, as well as my business, my staff and my clients who are all Manitoba business people, including Ernst & Young, CanWest Global, Q-94 FM, A.S.H. Management, Oxford Properties, Lombard Management, SNC-Lavalin Profac and Manitoba Government Services. I have done work in this building. I guess I cannot now, or I can, with limits.

I complete 250 projects, approximately, per year, ranging in size from 1000 square feet to our largest

project, which was actually 120 000 square feet, which did have an architect who did the building shell but we were completely responsible for the interior design. Many of my projects take place in the Commodity Exchange Tower, the Richardson Building, the CanWest tower and many other buildings throughout Winnipeg and Manitoba. Not one of these projects has ever been turned away from the permit process until September 16 of this year. Not one of the projects has ever resulted in a life safety hazard for my clients. After September 16, any project from my office that was in for a building permit was sent back to my office along with a letter stating my drawings now needed to be prepared, supervised and sealed by an architect in order to obtain a permit.

When I hear others stating there is no backlog regarding permits due to the new legislation, I can verify there is. Since that has happened, I have retained the services of several architects in the city and proceeded to serve my clients. I have not chosen to sit back and wait for the changes to occur, because that all takes time and I also am a professional and know that I need to adhere to the law.

I have been hired on various occasions by architects and engineers. As an aside, during my company's 20-year history, I have not once hired an architect because I do not design buildings. If I wanted to design buildings, I would go back to school and become an architect. I do not. We do, however, require mechanical and electrical engineering on the majority of our projects. When there are structural issues, we have always secured the services of a structural engineer.

We have excellent knowledge of the Manitoba Building Code, attended Building Code courses and this summer, internally, just as an office before this whole thing was happening or it was happening, we ordered and took the Ontario Building Code course, simply because we believe in being progressive and thorough in order to liaison with other professionals and we know it is important to the vital, safe, successful project.

I would actually welcome such a course to be offered in Manitoba. I find it interesting that a faculty which now offers a master's of interior design as one of its choices is seemingly forgetting the training we have received and has forgotten what the stand-alone interior design companies do and the business they generate in the city of Winnipeg. I find

it ironic to read last Saturday's ad in the *Winnipeg Free Press* that claims the new legislation shows a shallow disregard to the skills of architects. I have to say honestly I found the September 16 ruling displayed a disregard to my profession as well. My clients are now forced to add another layer to already time-sensitive and budget-sensitive projects.

* (15:50)

I am in support of Bill 7 for that reason. I also have the uncomfortable task of exposing my client lists, which have been built over 20 years, to potential competition. I believe this goal goes against free enterprise.

I will close by saying I do not want my profession to be forgotten yet again in the crossfire between others. We all have common sense. We all have integrity. We all have the ability and education to perform our respected and separate duties in a professional and responsible manner.

Of course, professionals need to integrate in this new age of green building, technology and transparency of government. However, we do not need each other for every project alteration and renovation. May common sense prevail in granting us a legislation we can continue to thrive in.

I appreciate your efforts. I know you have been up for hours, and I hope that we can come to a resolution that lets stand-alone interior designers do their work as well, because I really do not want to sell coffee. Thank you.

Madam Chairperson: Thank you very much.

Mr. Kevin Lamoureux (Inkster): Thank you for the presentation. I take it that you are familiar with the legislation. You have likely gone through the different clauses. Do you have a listing of which clauses you would like to see amended? You indicate that you would like to see the bill passed.

From your professional perspective, are there areas that need to be amended? Is there a list that you might be able to provide, maybe not now, but sometime in the next 24 hours?

Ms. Grant: Yes, there is.

Mr. Lamoureux: I would just appreciate it if, you know, you can make it available to the committee, but if you can ensure that I get a copy of it, I would appreciate it.

Ms. Grant: Okay.

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

The committee calls Marjorie Larson, private citizen. Ms. Larson, did you have a written submission you wanted to circulate?

Ms. Marjorie Larson (Private Citizen): No, I do not.

Madam Chairperson: No? You can proceed then.

Ms. Larson: Good afternoon, Madam Chairperson, Minister Allan, honourable members, ladies and gentlemen. My name is Marjorie Larson. I am a professional interior designer with 27 years of experience in this field. I graduated with a Bachelor of Interior Design from the University of Manitoba, Faculty of Architecture, in 1978. I am a member of the Professional Interior Designers Institute of Manitoba and Interior Designers of Canada. As a result, I carry the required errors and omissions insurance. I am also a member of the Manitoba Chapter of the Canada Green Building Council.

I am the owner of a very small independent interior design firm, and I have been fortunate over the years to enjoy a diverse range of projects: day cares, showrooms, lounges, bars, offices, stores and housing, from condominium renovations to single-family renovations in addition to new homes up to 7000 square feet. Some specific projects over the years have been to develop stores and shopping malls throughout Manitoba and Saskatchewan for Tropic Son Fruit and Nut, Alannah's florists in Saskatoon, the Marion Street offices for BDO Guenette Shaput, as well as offices for MicroPilot in Stonewall. Recently, renovations to the offices of Manitoba Egg Producers were completed.

On September 16, this all stopped. The injunction against the City of Winnipeg meant that I was no longer allowed to do projects of a similar nature. I was no longer able to practise as an independent professional interior designer. I have heard that it was not the intention to affect interior designers by this injunction. However, when I must have an architect supervise and stamp all of my projects that are over 400 square metres, it definitely affects me. It has taken 27 years to build my client base. Why, at this point, do I need to be supervised?

I have also heard that the motivating factor behind this injunction was a concern for public safety and the implementation of the Building Code.

At no time has my client base been compromised as to this issue. Complete code analysis has always been a part of my design process, and the authorities having jurisdiction is an appropriate place for decisions to be made in the public interest.

I have always believed that the integrated design approach provides solid, exciting solutions and is of utmost importance in the creative process. Architects, engineers and interior designers each contribute a unique and high level of education and experience critical to the success of the building design and execution. It is a team effort, one that I feel fortunate to be a part of. Teams change and they will continue to change with more green buildings.

I am encouraged by the proposed legislation. The draft of table 2.1.7 alterations works toward assembling teams that are appropriate to the project while ensuring public safety. The proposed Bill 7 is not a win-take-all approach. All parties have made concessions toward resolving this issue and the government and legislators have worked quickly to bring forward this proposal. It is important that Bill 7 be passed.

Interior design is work that I have truly enjoyed for all these years. It is important for us to be able to work in our professional capacities, to grow creatively through the integrated design approach for the satisfaction it gives us as individuals, for our clients and for Manitoba. Thank you.

Madam Chairperson: Thank you.

Mr. Schuler: Thank you very much for your presentation and just the way things worked out, your profession seems to be more at the latter end of the presentation. I think we are getting a little bit of a mixed message as a committee. The interior designers are fine with the legislation because it will allow them to practise where they did before or they are not fine with the legislation because it takes away their freedom to practise. I am not too sure where you are because—and I am talking as a group of professionals.

Ms. Larson: I believe it gives us more than we had before. Personally, when I saw the proposed tables, I would really like to see interior designers included there as a profession. That is probably what you sense is my hesitation, but that is not where we are at.

Mr. Schuler: When we get into the discussion of the bill, perhaps the minister can shed some light on how this will reflect on interior design, and that will

happen later on, because I do not know if the minister is getting the same feeling. But I do not think there is necessarily a real cohesive feeling from your profession on how the legislation affects you. I think in Hansard, and keep posted, you can find it on the Internet, I think it is very important that everybody knows exactly what the intent is on behalf of the government toward your profession. That will be discussed later on, but we certainly appreciate your comments.

Madam Chairperson: Did you want to respond?

Ms. Larson: Just to repeat that the hesitation that you may have picked up is that I think probably as a profession we would all like to have, to be able to, and I am understanding now that we can, be prime consultants. It is complex. I am just starting to learn more of the things, and I found out more this morning than I knew earlier. But I think that that may be some of it and, certainly, to work as a team and to be an equal member of the team. So I do not know if that answers your question or not, but that is certainly my position.

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

I have just received a request from Tom Alston for his presentation to be included as a written submission to Bill 7, copies of which are currently being distributed to committee members. Does the committee grant its consent to have this appear in the committee transcript for this meeting? *[Agreed]* I believe Mr. Alston is not currently on the list, but he was previously and had been dropped from the list as his name was called twice.

Cassandra Hryniw, private citizen. Did you have a written submission you wanted to distribute?

Ms. Cassandra Hryniw (Private Citizen): No.

Madam Chairperson: Please proceed.

* (16:00)

Ms. Hryniw: Good afternoon, distinguished members of the committee. Thank you for allowing me the opportunity to speak on this matter.

My name is Cassandra Hryniw, and I come before you today both as a student in the Master of Architecture program at the University of Manitoba and as a concerned citizen.

I first moved to Manitoba from Edmonton in 1995 to pursue a professional degree in interior design at the University of Manitoba. Upon completion, I persistently pursued employment in Winnipeg, only to discover that the job market was saturated. So I left for greener pastures, moving to Seattle, Washington, where I quickly secured employment in Seattle's third-largest architectural firm.

At this firm I was fortunate to work on large, complex building projects where all the disciplines were not only required, but equally valued. I experienced strong team environments where often many types of expertise were required. For example, I have worked alongside architects, engineers, landscape architects, interior designers, furniture designers, graphic and signage designers, code consultants, acoustical consultants and lighting consultants, all co-ordinated by a project manager, a senior architect within the firm.

During my experience there I learned many things. I learned that the construction of a building is extremely involved and complicated. I learned that it is the absolute necessity of each discipline to understand their own role in the built environment, exercising that role to the highest standards. I also learned that I, too, wanted to design buildings, and I knew that in order to do so I had to learn more. So I returned to Manitoba, having the opportunity to attend other schools in North America, and I am currently in my last year of studies in the master's program of architecture at the University of Manitoba.

I have discovered that I have returned to a very different province than the one I left behind. We are experiencing a great boom in the building industry. I am energized and excited by recent upcoming projects such as the new Hydro building and the Museum of Human Rights. I am excited to see cranes on Portage Avenue for the first time, and the city I have grown to love and call my own regaining relevance in the Canadian landscape. It is why I am here today and why I am deeply saddened by the bill set before you.

Bill 7 allows people not educated and qualified in the design of buildings to build and make adjustments to our communities. To be honest, if you allow Bill 7 to pass, a young designer like myself without a stamp can practise more easily. I can call up my agricultural engineer friend to stamp my projects, shortening this lengthy and costly design

education. However, my education teaches me about my great responsibility to the people of Manitoba, our cities and our environment. It is a responsibility I take very seriously.

Even though I have worked in the design profession for many years and have obtained a previous degree, I am not so arrogant to believe that I am yet qualified to renovate or build or add on to buildings. As I have stated, I have learned enough to know that I have a lot to learn.

I will complete the necessary steps in order to be registered because it is not only the culmination of everything an architect must know, it also holds the requirement that an architect must keep learning, taking courses to fulfil the continuing education requirement to maintain registration and to keep in constant step with the changes in the world around us. I want to be registered. I want to be sure that if I build and leave my own thumbprint on this society, our lives, our history, that I know exactly what it is I am doing.

In closing, I ask the committee: If you have not had the proper architectural education, how do you know that what you know is enough? How do you know the answers if you do not even know the questions to ask? If passed, this bill creates a buyer beware situation as it puts the onus on the public to know who is the most qualified to build their buildings. I ask the committee how they expect the public to understand the difference between the work of an architect and the work of an engineer when their own government does not understand. How do you expect me to stay in this province when my own government has little regard for my value in this community?

I support the position of my colleague Don Oliver and others 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, which I do not believe that 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 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.

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

The committee calls Michael Banman, private citizen. Mr. Banman, did you have a presentation you wanted to circulate to the committee members, a written submission?

Mr. Michael Banman (Private Citizen): No, I do not.

Madam Chairperson: No? You can proceed whenever you are ready.

Mr. Banman: I am a little disheartened, I think, currently, at this situation that we find ourselves in. I have worked about a year and a half in two different firms, and we have always used engineers and had good experience doing so. If buildings are getting more complex, as the engineers continue to suggest, why is it that we want fewer professionals involved? I do not understand that. If buildings are getting more complex, why fewer? It does not really make sense to me.

I think I might liken it to perhaps a hospital situation. Do we want pharmacists diagnosing patients? Do we want nurses diagnosing patients? I do not think so. They are qualified in their areas of expertise, but they are not qualified to do the things that a doctor is potentially, and I think this is a dangerous place to be.

So I would ask that you reconsider Bill 7. Also, I guess I am really frustrated with the whole thing, so I do not really know what to say and I did not know what to write either because of listening to everyone else. A lot of things have been addressed already that I would have spoken to and it would just reiterate.

But I will be forced to leave, likely, if this bill goes through and I do not want to do that. My family is here. My wife's family is here. She is also a professional and she will be forced to leave, as well, which, I think, is an unfortunate situation.

So I side with the MAA members, Don Oliver, and the people who have spoken before on the MAA's behalf. I just thank you for your time.

Madam Chairperson: Thank you very much.

Mr. Schuler: Michael, we have heard the comments at committee for about three days now, and I have to say, to my concern, that we have heard from a lot of younger professionals coming in front of committee

and saying, "We will have to leave," or "There will not be an opportunity."

What specifically would signify or would indicate to you that you would have to move to another city? What is it in everything that you have heard and all the legislation that you have looked at? What is it that says to you, "I might have to leave the city of Winnipeg to continue practising my profession"?

Mr. Banman: I think there are a few things. I think the MAA sort of alluded to some of the things like the renovation additions clause, the arena clause, the 1000-seat arena clause that they have discussed, the gross area clause that means that, if a fire wall is put up every 400 square metres, an engineer could potentially do those jobs.

Is it up to clients to decide what is in their best interest? In this scenario, I do not know if it is. If it is going to save them money in the short term, they are likely to go to an engineer, I would suspect, in which case they are not going to go to an architect, in which case there will be less work for architects and I will be forced to leave because there just will not be work.

Mr. Schuler: Michael, certainly if I would have been the Minister of Labour, I would not have written the bill like this, but I guess my concern is that we have all these young people, all these young professionals coming forward saying, "I am going to be forced to leave."

What if those things that you have brought forward, if the minister can show in legislation that they will not happen, is it just that there is a mood out there, a feeling out there, that this is going to cost young professionals their jobs? Based on what?

Again, I would suggest stay posted, because we are not done yet. You can watch the proceedings. You can certainly sit and watch them, or you can read Hansard. You know, keep an eye on that because the bill certainly goes in some interesting directions, but I hope there is not a sense out there that this bill is going to chase young people out of the province. That is something we will, obviously, be talking about when we do line-by-line.

Is there a sense out there, this foreboding kind of mood that, "Oh no, we are going to eat our young"?

Mr. Banman: There is definitely the sense around the faculty. I think if any of you would care to come

and talk to the students, I think there is. I think most students will be leaving. I would suggest that to you. I mean, if you want to see the difference between the two disciplines in what students learn, come to school, come to the university, come to studios, see what students are designing, see how they design, see how they approach architecture, and look at the difference, look at what they are learning. I mean, it is probably a great way because, you know, you are not going into someone's personal office. You are seeing what the students are doing and how they are approaching what they have to think of while they are designing, what the difference is between architecture, interior design and engineering. Come to school. Ask to talk to the students.

Ms. Allan: Well, thank you very much, and I thank my Labour critic for raising this issue in regard to the number of architecture students that have gotten up to the microphone in the last three days and told us that if this bill is passed, they will have to leave this province. I can guarantee you that I would not bring in a piece of legislation, and I would not recommend it to my colleagues around my Cabinet table, and I would not recommend it to my caucus colleagues, and I would not recommend it to anyone in the opposition, if I was bringing in a bill that was going to force architecture students to leave Manitoba. I can tell you right now that my Premier, Gary Doer, would tell me to rewrite the legislation.

In regard to the issue that you raised, gross area, it is very, very important for you to know that it is going to be no different than it is now, and it is also important for you to know if you are going to leave this province because of that issue, it is exactly the same in Manitoba as it is in British Columbia, Alberta, Saskatchewan and Manitoba. You know what, I am making an offer right now, in this room, that I will come with my staff to the department of Architecture at the University of Manitoba, and I will meet with all of the students that have said in this public forum that they are going to leave this province because of this legislation. I would be more than happy to have that opportunity to come with my staff and talk about this legislation, and dialogue with you about what is in the legislation, and how we can work together.

We have done a lot of consultation on this legislation, and we think it is critically important that architecture students, people in the profession, remain in Manitoba. I am going to be speaking later about all of the issues that have been raised in the over 200 presentations that we have received and

heard over the last three days. I am going to do some clarification and, as my labour critic said, that clarification will be on the Internet. But I would be more than happy to come out to the university and speak to students who feel they have to leave this province because of this legislation.

Madam Chairperson: Thank you. I am sorry to say our time has expired. Is there leave to extend the time? *[Agreed]* Leave has been granted.

Mr. Banman: I would really appreciate that. If you would take the time, I think that that in itself would send a bit of a message to the students. Please do come, please see.

Ms. Allan: Thank you very much. If you would like to give your contact information to this individual right here, we will work with you to set up that meeting. Thank you.

Mr. Banman: Thanks.

Madam Chairperson: Thank you. The committee calls Lisa Kasprick, private citizen. Once again, the committee calls Lisa Kasprick, private citizen. Ms. Kasprick's name will be removed from the list.

The committee calls Evan Hunter. Evan Hunter, private citizen. Mr. Hunter's name will be removed from the list.

The next presenter, for the information of the committee, presenter 16, James Blatz, has submitted a written presentation. So his name can be removed from the list.

The committee calls Bill Thomas, private citizen. Bill Thomas, private citizen. Mr. Thomas's name will be removed from the list.

The committee calls Andrea Flynn, private citizen. Good afternoon, Ms. Flynn. Did you have a written submission you wanted to circulate?

Ms. Andrea Flynn (Private Citizen): No, I did not.

Madam Chairperson: No. You can proceed then, Ms. Flynn.

Ms. Flynn: Okay. Hello, everyone—

Madam Chairperson: If you could just move a little more centre to the mike and just speak up just a little, if you can.

Ms. Flynn: Sorry about that. Hello, everyone. My name is Andrea Flynn, and I am currently a graduate student at the University of Manitoba in the Faculty of Architecture.

It is my belief that Bill 7, as it is now, has the potential to propagate indifference to the area of knowledge and expertise which has been my educational and creative focus for the past six and a half years. I am very concerned it will be too difficult to remain in a province that discounts both this focus and the qualifications of the architectural profession that I hope to soon be a part of. I believe that with Bill 7 Manitoba risks the loss of future practitioners, myself included. So I guess I will see you at the university.

I support the position of Don Oliver and the Manitoba Association of Architects 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 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.

So I thank you and I look forward to seeing you at school.

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

The committee calls Steve Cohlmeier, private citizen. Hello, Mr. Cohlmeier. You can proceed whenever you are ready.

Mr. Steve Cohlmeier (Private Citizen): I want to express my thanks to the honourable minister and to the committee for this opportunity to present some personal thoughts and observations regarding the proposed alterations to The Architects Act and other related legislative initiatives.

I am a registered architect, a member of the Manitoba Association of Architects, a Fellow of the Royal Architectural Institute of Canada and a third-generation architect. I was trained at Harvard University. I have worked in the profession since 1968 and in Manitoba since 1971. I have run my own practice since 1981, currently with 15 highly educated employees.

We are very proud of the quality of our work. We have completed projects and are working in Chile, Costa Rica and Whitehorse. Our work has been recognized through international awards and publications, and we have been recognized by international architectural review bodies as one of the most important architectural firms in Canada. I am registered to practise architecture in five Canadian jurisdictions and in the United States.

I agree with the MAA position that the legislation, as drafted, is flawed and runs counter to the professional legislative framework in any other jurisdiction in Canada or North America. I respectfully request that it be tabled, not withdrawn, in order to assure that the final legislative framework is clear, concise and it conforms to North American and worldwide norms.

*(16:20)

I would like to speak about scope for a moment. Scope is the core of any professional act. It defines what lawyers, doctors, nurses, engineers and architects are entitled to do, and it defines what others who are not lawyers, doctors, nurses, engineers or architects are not entitled to do. All other text in professional acts is basically housekeeping. Without clear scope definition, a professional act—remember, it is a restricted scope act—is an irrelevant framework.

Our definition of scope is a two-part linked definition. The first part of this structure is the clear statement that architects plan and supervise the construction of buildings for others, and the second part of this structure is the clear listing of those buildings which do not require the services of an architect. Stripping Part 2 out of the act and putting it under the jurisdiction of another act and under the control of a lay volunteer board which has shown disdain for the profession for the past 12 years is a clear message that architects are best put out of sight and out of mind.

There is no other professional legislation in North America which exposes the defining role of a restricted scope profession in this way, and we can only warn all other professions, including the engineers of Manitoba, against such an extreme precedent. We have particular fear of the pleasure shown by the APEGM with the current draft act. They know that they can be comfortable with the framework because they can easily distort the framework set out in the code, with no need, ever, to subject this issue to the legislative process again.

We have very good reason for this fear. When the last major revisions were made to the engineers and geoscientific act, clear promises were made regarding the intent to expand the role of engineers into the realm of architecture. The engineers and the Legislature of Manitoba agreed that the new definition of engineering was intended to reduce the practice of engineering as it relates to architecture. These promises were made clear by declaration of

intent by the Minister of Labour and by the president of the then APEM. These promises were read into Hansard, and only because of this clear record of legislative intent were we able to withstand subsequent denials of the meaning of common language by the APEGM.

I would like to speak to the exemption clause which has been raised by the engineers today. The draft exemption clause is relatively tightly written and constrains the work of engineers to areas in which they are qualified. It makes the scope of architecture subject to a regulation in another act, but if that problem is dealt with, the general structure of the clause protects the rights of engineers to work independently within their intended scope, and it protects the scope of architecture for architects.

An "equal and opposite" exemption clause, as requested by the engineers, would be inappropriate. It would give total determination of scope to the engineers under whatever framework they might follow, clearly including the design of buildings of any sort.

The Department of Labour elected in 1997 to not include an equal and opposite exemption clause in The Architects Act for the following reason. The definition of architecture is precise and concise: it is the planning and supervision for others of the construction of buildings. The definition of engineering is broad: the design and resolution of issues based on the exploration of engineering principles, which we believe refers to the principles of mathematics and physics. Almost everything can be broken down to these engineering principles, including even medical and intellectual activities. The legislatures have therefore elected to protect all other regulated bodies, who retain precise areas of licensed practice, from the incursion of engineering practice, and the exemption clause in the engineers act protects not only architects but everyone. It explicitly does not prevent anyone, and I quote from the act, "who is registered, licensed or certified under or has otherwise acquired rights pursuant to any enactment of Manitoba or Canada which licenses, governs or regulates the practise of a profession or the carrying on of an occupation or trade from practising that profession or carrying on that occupation or trade in accordance with the provision of such enactment."

Architects are not even mentioned. It is the breadth of the engineers' definition of scope which demands that others be protected. It is the

narrowness of the architects' scope which creates no substantive need for such protection.

I would like to talk about sledgehammers for a moment. Some engineers are aggressively pursuing and supporting the legislation, even though they are only trying to protect very specific areas of practice. Hydro and cH2MHill want to retrieve the right to complete housings for industrial works and process. One firm wants to retrieve the right to design repairs to exterior walls. Both of these precise issues can be dealt with clear and directed amendments, and do not require blanket submersion of our profession.

These engineers have joined the more aggressive side of the engineering movement and are using their position to solve a small problem with a massive legislative gesture, akin to the killing of a fly with a sledgehammer.

I would like next to address precedents and the importance of precedent in forming new law. The basic framework of the existing architects act is in line with and comparable to all other legislative frameworks in North America. The amendments which we are pursuing are, as well, in line with North American precedent.

We were assured at the outset of this process that solutions would build on other precedents and would not be new legislative invention. What appears in the draft legislation is almost entirely freshly minted language and legal precept. Please review this issue and build on the legal frameworks which have been tried, tested and proven in other North American jurisdictions.

The engineers have raised an issue of choice a number of times, and I would like to address that with this short comment. It has been a common complaint from the engineers of Manitoba and private contractors that consumers should have "the right to make a choice of whom to employ to design their buildings." This choice is not the one-time builder's to make. A building, once standing, is standing for a very long time and governments have recognized for 100 years that the duty of care is a duty to society and to future workers and occupants who inhabit and live in relation to buildings. This duty of care extends well beyond the satisfaction of safety standards.

We live in a society. People inhabit our buildings long after we are gone. We have a collective duty to build well in all meanings of that expression and we can only build well when we

involve the only profession which is demonstrably qualified to design our buildings. I am going to exit from my text for a moment. The engineers have taken offence at the architects' use of some language, particularly that related to a hierarchy of status. I would like to comment on that which is a short comment offered, actually, in friendship. Engineers are as smart as architects. Engineers are as well educated as architects. Engineers are not certifiably, consistently trained in the design of buildings. Engineers are certifiably, consistently trained in the analysis and design of a myriad of systems, tools and equipment.

When the Prime Minister has surgery done, the surgeon, not the Prime Minister, is the chief. When lawyers petition the judge, the judge is the chief. When structural systems are designed, the trained and certified structural engineer is the chief. When buildings, with some clearly noted exceptions, are designed, the certified designer of buildings is chief.

We are all equal in the eyes of the law but in certain environments, when certain things are being done, hierarchy is real and necessary. It is in this light that architects do supervise the planning and construction of buildings. I introduce that because of the proposed removal of a very key word in the definition of the practice of architecture in the draft legislation.

My level of qualification is a guarantee of my capability. I am by definition a professional capable and entitled to design complex buildings. There is no other profession which is capable and so entitled. Robust and demanding standards have been satisfied by all architects in the world and these standards have not been satisfied by the engineers of Manitoba who claim the right to design or alter complex buildings and buildings for human occupancy. Thank you.

Mr. Schuler: Thank you very much and, if it is agreeable to the minister, if we can take just a little bit more time with this presenter, we are almost at the end of our presentations and we have been very careful to economize on time.

First of all, Steve, I would like to thank you and your organization, not that the other individual needs his name mentioned any more in Hansard, but I would like to thank Don Oliver now that he has got his name in Hansard more than I do after six years. He also advised me that he is paying \$2 every time he is, and I hope that is to a good charity, Don, because that will be much appreciated.

Thank you to both of you. Once I got through that fire wall working in your office, we certainly had an opportunity to sit down and discuss these changes as we did with the other organizations, and I did want to thank you for that. That was much appreciated. As you know, we are going to be sitting here late into the night once we have heard all the presentations dealing with the line by line, and the minister has indicated she is willing to deal with some of the concerns with intent.

Could you just comment a little bit on a concern that I have, that we have had just some of the most amazing and bright young people, I mean, on both sides, engineers and architects, literally the cream of the crop, the pinnacle that we have out there, insofar as young people are concerned, indicating to this committee that they do not see a future for themselves in their profession after this legislation? Do you view that same sentiment?

Madam Chairperson: Just before you answer, I just want to seek clarification.

Mr. Schuler, you are asking to extend the five-minute question period? Is there leave from the committee to do so? *[Agreed]* For this presenter only? Just I want to clarify. For this presenter only?

All right, Mr. Cohlmeier, since that was agreed by the committee. *Agreed? [Agreed]*

Mr. Cohlmeier, please proceed.

* (16:30)

Mr. Cohlmeier: Thank you very much for that. Upon first reading of the draft legislation, I went yelling around my office that the first thing I was going to do, if it passed, was call the University of Manitoba and tell them they all should quit and go somewhere else. So I happen to have a great deal of sympathy with that point of view.

I think the primary reason is that the actual impact of this, I think not the intent so much, but the impact of the actual wording puts architects and the mechanics of the scope, maybe put into another act, which, I think, is so easily abused that it is frightening. It puts a very visible vote of confidence on the other side and against the architects, and I think that vote of confidence from our Legislature is the kind of thing that tells people they maybe should go somewhere else.

Mr. Schuler: I am not asking you to redo your whole presentation, so I choose my words carefully. You say that there is a vote of confidence on one side

and not the other. If you could narrow it down to one thing, what is it that you feel takes that vote of confidence away from you? What is the one thing? Is it a feeling you have about this? Is it a sentiment, intuitively you just do not feel good about where this going? Is there a specific line?

Mr. Cohlmeier: Yes, I think it is less a feeling. I think, in fact, the relationship or the discussion has been good, healthy, comfortable discussion. So, at a personal level, and even at the emotional level, I do not have a sense of that dismissal. I just think that the impact of the actual wording of the draft legislation is where that message is coming through, unfortunately, very loud and clear.

Yes, I think the element in the proposed legislation which is the most damaging is the removal of scope from the act and the insertion of that under the control, essentially, of a lay body under the guidance of an entirely separate act. I think everything else is the kind of detail one can work through, but with that exposure and lack of secure positioning in the legislative framework, architecture becomes basically exposed to dismissal in a way that no other profession in North America is.

Mr. Schuler: So, if that one change would not have happened, you would not have walked around your office, and, to some degree, my office, screaming. That is okay; I was fine with it. That is sort of the flashpoint for you as an organization that is preventing—you have to wait. They have to call your name first. So we are not allowed to debate.

Floor Comment: I just have to remember the question.

Mr. Schuler: You have to wait, sorry. Really, that is what we want to get down to after everything has been said and done: What is it that really set everybody off and had all these dynamic young people coming in front of the committee and saying "the end is nigh"?

Mr. Cohlmeier: I believe that is the core issue. It is the biggest one. It is the biggest lack of confidence and the biggest exception to the legislative norms everywhere.

Although my attitude has been there is a hierarchy of the things, we have to choose which one of these things is the most important. If we can get it in a more normative environment or conclusion, then there is another one. There are five or six clauses in here which we think all of them are flawed, contrary to precedents in other places and ambiguous.

For me, it is more a question of working my way down the line a bit in the hierarchy. Each one is a serious concern, but the most important three, because they set the tone so strongly, contrary to our profession, or the scope in another act and then the two clauses which appear in the Building Code. One is an extremely open-ended reference to arena-type buildings, and the other one is a reference to alterations which is so open-ended, and, I think, unintentionally open-ended. So I am hoping that can be addressed. After that, we get the next level of concern, which I can keep speaking to, if you like.

Madam Chairperson: Absolutely, we have leave to continue.

There are no more questions, Mr. Schuler?

Mr. Schuler: I will defer.

Ms. Allan: First of all, you say a few words in regard to that scope of practice and in regard to why it is in the regulation and not in the act. It is my understanding, from the work that was done by my officials with not just your professional association, but also the engineering association that there was still work to be done in regard to the distribution of work, and that there were some particular points where we could not get agreement. I know a lot of people that have spoken in the last few days, you know, they do not understand the rush, right, and those kinds of issues, and do not seem to think that there is any problem at the City of Winnipeg, but I have to work, as the Minister of Labour for the province of Manitoba, with the authorities having jurisdictions, Steve, that are telling me differently.

So I guess we have a solution here that puts your scope of practice into the regulation, and we believe that it will provide some kind of certainty in regard to some of the work. If we could continue to work with both professional associations to get to some kind of consensus, at some point down the road there is absolutely no question that we would be prepared to put that in your act, but for now, that is why we did it. I have to be really honest with you. We did not do this lightly. We totally understand, and I guess I just have to ask one question that is really giving me—I think I am getting heartburn. On page 2 of your presentation, when you talk about fear and you refer to the Minister of Labour—

Floor Comment: It was the past Minister of Labour.

Ms. Allan: Oh, thank you.

Madam Chairperson: I just have to recognize you, Mr. Cohlmeier.

Mr. Cohlmeier: It was the past Minister of Labour. The other party.

Ms. Allan: The other party.

Madam Chairperson: Just a moment, if I could seek clarification. Mr. Cohlmeier. If you could just respond to that.

So you are saying that it is previous—give us a time frame would be suitable.

Mr. Cohlmeier: I would like to, maybe, take that as a general statement and treat it as a question, if I might.

One of the discussions we have been having with the government for the last month is the lack of a fixed answer as to where the scope stops and where it starts. I think the last one of my later sections, I speak to using past precedent as a good measure of where the right answer is, is a very simple way to get outside of the box you have built there.

It is not a terribly volatile issue anywhere in the world. One thing everybody should be aware of and probably are not because it is more my world than other people's world is that, in the rest of the world, almost literally the rest of the world, but certainly the rest of the first and second worlds, the requirement for use of architects is much greater than it is in North America, and in Canada it is less than it is in most of the United States. This is not a framework that is a challenge to normal expectations. We remain the profession which is trained for the benefit of the public in the long run in the design of buildings and not in the design of specific engineering systems, which is a key distinction you hear a million times, but it is really the base of the whole argument.

The only significant change in direction over the last one hundred years is, I think, a stronger move toward industrial buildings being recognized as the domain of engineers and perhaps beyond the housing of works, which used to be the old standard that you could use. Some of the discussions were making sure that you could put sewage works or hydro-electric works in buildings, and engineers are quite competent to do that and something we have never challenged.

I believe the only significant shift in this issue of when architects are not required to do buildings is in the move away from the requirement to do

engineering buildings. In Québec, they are going the opposite direction. Agricultural buildings have not required architects, and the architects are just now winning legislation back to the demand that they be involved in agricultural buildings as well because in that province the demand for architecture is seen as a pure civic obligation, and they see it in, we think, the correct light. So the world is not even necessarily sliding away from the requirement of architects.

It is not a volatile issue; it is really a fixed issue. If we go with a part of the legislation which we have agreed to, which is to have industrial buildings done without architects, with an exception I will come back to in a minute, then you have made that shift. We have jumped into that world and would be in line with about half the provinces in Canada if we were to do that.

The issue of arenas we think is purely political. We think it can only be accepted as a political decision, and we sincerely doubt, do not understand, why we would make professional legislation in the interest of the public in terms of short-term political convenience and comfort. Arenas remain significant assembly occupancies which is one of the key distinctions between architect-designed buildings and non-architect-designed buildings. A tiny church for 10 people is an assembly occupancy and requires an architect, because it is, by definition, a complex building that requires an architect, even if it is small, because it is an assembly occupancy.

Arenas have become recognized or accepted in principle as something that engineers can do because they have been doing them, but they have been doing them, remember, illegally. The courts twice told the world that it has been happening illegally. There have been businesses developed doing that work, and we are not uncomfortable—we are not terribly happy but not terribly uncomfortable with grandfathering as a solution to that particular issue. We believe that two things are a much better response to the arena issue. One is to change the language to much clearer language because in the note you may have seen, I think you saw it from me, it would be easy to call the MTS Centre an arena-type building with fewer than a thousand fixed seats if there were no seats made in the original installation, or if they had all been folding seats, which is not far from reality in the world of arenas. It would be easy to make the St. James Civic Centre, which is a very complex large building with all kinds of uses, as an extension of arena-type buildings.

So, if we can get arenas back to the scale that makes sense, which I think in small community arenas, and there are certainly a reasonable number for what that means. It is an ice rink with a coffee shop and a couple of toilets and change rooms and bench seats around the edge. We know what that is. We know that that is what is driving this, and we think that the language should be changed to that and believe it should be changed to grandfathering, as opposed to a permanent right under the act, because we think it flies in the face of the logic of the whole thing. We are taking a type A occupancy and all of a sudden not requiring architects. We recommend that strongly.

Madam Chairperson: I think that answers the two questions that we have had from here.

Mr. Lamoureux: One question. We had a couple of presenters this afternoon who were actually interior designers, and they had indicated that, once the court injunction came down, they, too, were now required to get architectural seals in order to have their projects proceed.

I am wondering if you could give, because this bill really makes absolutely no reference to interior designers, which I trust the minister will address once we get into the line-by-line discussions, but if you could just give a perspective on the interior designer profession and what place you see them in this whole debate.

Mr. Cohlmeier: If I could address, maybe, the wording on the alterations clause in the proposed legislation and have that as a lead-in to the issue of interior designers.

In our existing act, which, remember, still exists, the planning of alterations or new construction of basically all buildings was required to be under the control of an architect. We have had some concerns that there have to be lines when alterations really do demand the architects. The running joke is if you have to change a light bulb, it is an alteration and do you need an architect? And we say, "Of course, you do not." So where do we go from there to establish a line which is the appropriate level?

In other jurisdictions, this issue has been dealt with. In Ontario, there is a list of concerns which, if affected in a significant way, kick in the requirements for architects and engineers, and we believe that is the correct framework. I do not remember the list now, but the basic list is fire safety

systems, exit systems, fire separations and building envelope, I believe.

So getting to a framework that is clearer would be better. The way the text is written now, it is absolutely, totally open-ended. Any alteration would not require the services of an architect as it is currently written, and alteration is not a defined term. So it is easy to think of gutting the whole floor of a very large building and changing the use and getting it all built because it would all be considered an alteration. The example which is not far from reality is that the Richardson Building could literally be gutted and turned into condominiums with no architect involvement the way the text is written now—and it is not a stretch to get there. It would be easy for the authority having jurisdiction, who has been happy for 15 years, remember, to use engineers on complex buildings without architects. So we have good reason to think that this is an easy thing, an easy decision for authorities having jurisdiction to make. We need more control.

Another issue is that alteration is defined in the brand-new code as extension, and we had a question from the good Fire Commissioner's office about a small addition to a church. Would that not be just an alteration? So we know that there is an automatic response. Additions suddenly become alterations and do not require architects. That logic is not very hard to stretch to a position where every alteration, every building should be added to and added to and added to, and every addition could be considered an alteration by authority having jurisdiction with sound logic, because he could look at the new Building Code under definitions and look under alterations, and it says extension. He says this is an extension; it is triple the size. It is just an extension, I do not need an architect. I think that language has to be clarified and has to be based, I think, more closely on the language in Ontario, for example, where I think the issue is dealt with well.

But let me come back to the question you have asked about interior designers. Actually, interior designers are probably much closer in spirit and character and professional direction than—sorry, much closer to us than they are to engineers, typically, and we work with interior designers on a regular basis. We think of them as more of a part of our gang as the design side and making space, solving spatial issues and making the public or the human environment better. Sorry, I do not mean to imply that engineers do not make it better, I mean in

terms of the aesthetic issues and comfort and efficiency of movement and so on.

We have seen this coming but I do not think we anticipated it coming quite the way it did with interior designers. We anticipated that the resolution would be that we work hand in hand with interior designers on a regular basis when it was established that alterations to larger buildings require an architecture's oversight and involvement. I believe that it is very possible for architects to work for interior designers and be involved with them. It is very easy for architects to work, even if it came to be the person who hires an interior designer, but take a very small portion of fee, for example, and do only the co-ordination work.

We had one story come up recently where we were asked to get involved with an alteration, very small alteration, the kind of thing we do not think architects are actually required for, to be perfectly honest, in the Richardson Building immediately after the injunction, it was the moving of two walls in the bank's office building on one of the upper floors, but we took it. We know what the rules were, and we did our best to co-operate with the process. The design work was being done by interior designers out of Toronto, the main bank headquarters. We called the mechanical and electrical engineers, who were not in the habit of getting called for this kind of project, and made sure they came. Sixty percent of our fee structure was to pay for the engineers who would not normally be involved in the building. Only the maintenance people would have been involved before, and there are fire rating issues and so on which have to be addressed. So we think the level of safety in fact has been developed from this, not as an insult to interior designers, but because, in this case, interior design was a planning office out of Toronto who would normally not worry about it and send it off to some drywall people and some mechanical people and some electrical people who were tradesmen to go make the changes. So we think a level of oversight comes out of a more rigorous oversight process built into the city.

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

Mr. Cohlmeier: Thank you very much.

Madam Chairperson: The committee calls Michael Sinclair, private citizen.

Good afternoon, Mr. Sinclair. Did you have a written submission you wanted to circulate to the committee members?

Mr. Michael Sinclair (Private Citizen): No, I do not have a written submission.

Madam Chairperson: Okay, you can proceed then.

* (16:50)

Mr. Sinclair: Thank you. I would like to begin with an apology. You were here last night and I was not. When I looked at the list, I thought there was no way you were going to get to me, so I apologize if I had a good night's sleep and you did not.

I am here as a private citizen. I am a lawyer. I was called to the bar in 1968, and have practised with the firm of Thompson Dorfman Sweatman, now called Thompson Dorfman Sweatman, since that time. I have been managing partner for that firm since 1990. In the 37 years of practice I have enjoyed, I have had a fair amount of involvement with professional acts, and so when I became aware of this particular professional act, I looked at it from the perspective of what I have known and what I have learned over the years of practice that I have had.

I do not have to tell you that the purpose of professional acts is not to benefit the professions; the purpose is to protect the public. The way that it is done, what is fundamental to a professional act, is that the Legislature identifies an activity which the Legislature determines has to be done by someone with a particular education and with particular training. That is called scope of practice. Every professional act that I am aware of has that structure. The Legislature defines what the scope of practice is.

Bill 7 proposes a departure from that legislative structure. Bill 7 provides that the exceptions to what is in the scope of the architect's work are to be delegated to regulation. They are to be provided in the Manitoba Building Code, which is a regulation. I do not have to tell you, because you know better than I, that regulations do not enjoy the same degree of scrutiny, the same degree of attention as legislation. The process for a regulation is that the minister responsible for an act and his department or her department drafts, with the help of legislative counsel, the regulation that they wish to proceed with. That regulation is then brought by the minister

to Cabinet for approval by Cabinet. The opposition is not involved. These committees are not involved. This committee would not have any role in looking at a regulation to determine whether it was one that was appropriate for protection of the public. That causes me a great deal of concern.

I believe that this method of defining the practice of any profession is destructive of the concept of professional acts. I regard it as dangerous. I regard it as far-reaching. That is why I am here. The rigorous examination of legislation, of which this committee is a part, is essential to defining scope of practice. To depart from that is, in my view, bad law. There is a saying amongst lawyers that hard cases make bad law. What that means is that when a court is faced with a hard decision where the merits, where trying to do what is right, is not in accordance with the law, the court is tempted, and sometimes does, twist or change the law in order to achieve a particular result.

You were clearly, from what I have heard in sitting while this committee has had its hearings, facing a hard case. But I am afraid that that is driving you to bad law. So my request to you is that you reconsider on scope of practice, that you find some way to bring that into the act.

Let me move from what are general comments to specific comments. The section that I find offensive in the bill is section 25(1), "Nothing in this act prohibits a person or firm from performing architectural work." If I could read that again: Nothing in this act prohibits Michael Sinclair from performing architectural work, provided that (a)—and I do not have a problem with sub-paragraph (a) because it refers to an act which has been passed by the Legislature with due rigour and examination, but (b) "that, under the . . . construction code adopted or prescribed by regulation under *The Buildings and Mobile Homes Act*, (i) relates to a building to which that code does not apply, or (ii) is not required to be performed by an architect or professional engineer."

So the scope of the architect's practice is a moving target. It can be changed by regulation from time to time by decision of the Cabinet. I think that that is a dangerous way to proceed. Thank you very much for listening.

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

Mr. Lamoureux: Can you just re-affirm: Are there any other jurisdictions in Canada that you are aware of that have it in regulation, or are they all in legislation, period, and you are 100 percent conclusive on that?

Mr. Sinclair: As far as I am aware, there is no other act, there is no professional act that I am aware of in Canada, which provides for definition of scope by regulation.

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

The time being 4:56 and in light of the fact that we would not have time to hear another presenter, what is the will of the committee?

An Honourable Member: Another one. One more.

Madam Chairperson: Okay, just prior to proceeding then, if you would like to hear another presenter, is there the will of the committee to extend past the five o'clock time to hear the entire presentation? *[Agreed]*

The committee calls Melissa McAlister, private citizen. Ms. McAlister, did you have a written submission you wanted to circulate to committee members? You can proceed.

Ms. Melissa McAlister (Private Citizen): Thank you. My name is Melissa McAlister and I am speaking to you as a private citizen and as a student in the final phase of graduate studies in the Faculty of Architecture at the University of Manitoba.

I was born in and grew up in Ontario and moved to Manitoba in 1998 to pursue architecture. I received my Bachelor of Environmental Design in 2001 from the U of M and, before entering graduate studies, I worked as a junior designer in an architecture, engineering and interior design firm in Alberta. It was there that it was reinforced, the value and distinction between each profession and their role in the design of complex structures.

I have been offered a position to return to that firm as an intern once I have completed my master's degree in architecture. However, it is my hope that I will stay in this province that I now call home. It was my plan to obtain employment with one of the many competent architectural firms in the city and that the design and construction industry will be one that respects and values the knowledge and skills I have gained in the past seven years. I do not wish to work in a climate that devalues my chosen profession.

In response to the question that you asked my colleague Michael earlier, the problem is that Bill 7, as it is written, as I understand it, removes the scope of practice from The Architects Act, as we have also heard from the previous speaker, then allowing others to design buildings for human occupancy, which we have had extensive training to design. Therefore, if Bill 7 proceeds to third reading it will make me reconsider my decision to stay in Manitoba, and 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. Thank you for your time.

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

The time being 4:59, what is the will of the committee?

An Honourable Member: Committee rise.

Madam Chairperson: Committee rise. But prior to that, if you could please leave your acts on the table, and if you did want to leave anything else on the table, that can be done as well. There will be another list that will be printed out so that you will have an updated list. I thank you very much for your patience.

Committee rise. Be back at six o'clock.

COMMITTEE ROSE AT: 5 p.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Re: Bill 7

Good evening, Minister Allan, honourable members, ladies and gentlemen. Thank you for the opportunity to make a presentation regarding my opinion of the proposed Bill 7, The Architects and Engineers Scope of Practice Dispute Settlement Act, which will amend The Architects Act, The Engineering and Geoscientific Professions Act and The Buildings and Mobile Homes Act.

I was born, raised and educated in Manitoba and have been a professional engineer since 2001. I am currently employed by the University of Manitoba as an Assistant Professor and as the Associate Head of the Department of Civil Engineering. As such, I am one of the faculty members responsible for educating and assessing the academic qualifications of many Civil Engineering graduates that enter the workforce in our province. In my role as a faculty member I

also conduct research in Civil Engineering. One of my research projects you might recognize is the sandbag structures research project which has developed new understanding as to how to construct better sandbag dikes, a perfect example of the commitment of engineers working toward measures to protect and improve public safety.

I also own and operate my consulting firm, Blatz Engineering, which provides specialist consulting services to engineering firms and Crown corporations in the province. I have been heavily involved with such projects as the Pre-Design of the Floodway Channel expansion, the design of bridge crossings for the floodway expansion, the City of Winnipeg Water Treatment Plant, the Graham Avenue Transit Mall and the Wilkes Avenue Reservoir South Cell rehabilitation. As such I interact with engineers in industry on a regular basis and see the direct impacts the injunction is causing to their practice. I am currently serving APEGM as a councillor and have been intimately involved in the discussions and activities that have occurred since the injunction was declared.

The past six weeks have been difficult for both professions. I know the past six weeks have also been difficult for government officials in dealing with this matter. However, difficult times call for difficult decisions and I believe the government has put forward a plan that will address the current dispute in an expeditious and meaningful manner. I fully support Bill 7 as presented with no further amendments.

There has been some criticism that the development of the bill has been too hasty, and this point is certainly warranted. However, considering the urgency of the situation that the injunction has created, this is a reality that must be accepted. The bill as presented has included considerable input from both professions, and represents a path forward to bring the building industry back on track while moving the two professions forward to a new position in terms of their ability to work together for the collective good of the province.

There are many aspects of the proposed bill that I would like to see changed to better reflect what I feel is in the best interest of the citizens of Manitoba but I recognize that there must be compromises from both sides and what has been presented will effectively address the situation at hand which is the most important consideration at this time.

I will highlight a few of the key points which in many ways reiterate what has been said before me but I believe bear repeating.

1. The failure of the joint board to effectively develop an agreement of the two councils in the past is in many ways why we are here today. Had this legislative framework been in place, twice before we would have had agreements brought forward from the joint board that would be in place today. It is shameful to think of the wasted time spent collectively by members of both associations sitting on the joint board only to have the recommendations rejected twice previously by the MAA council. Why did the MAA nominate members to the committee if they were not in fact prepared to support their recommendations? The importance of providing the joint board with the power to reach consensus and make changes as required for the two associations is paramount. This in itself will bring the two associations closer together with a joint board that can effect change through their actions.

2. The authorities having jurisdiction is the appropriate place for decisions to be made in the public interest with respect to protecting public safety. Public safety is inherent in the engineering profession but in addition to the legal and ethical obligations followed by all engineers, the building code plays an important role as the ultimate authority on Public Safety for buildings. It must not be subservient to any professional act. It defies logic that detailed definitions regarding building size and occupancy usage would fall within a professional act. Keeping the details related to the building practice in the code will ensure that the stakeholders have the opportunity to modify the details as required to ensure continued and ongoing protection of public safety. This again is a key component of this bill.

3. The execution and coming into force is crucial in this process. Manitoba is an exciting and vibrant province with considerable potential. Young graduates in Engineering and in Architecture see tremendous promise with announcements of major Hydro development, major construction projects such as the floodway expansion, the development of Wind power farms and a clearly thriving building economy. The perception that going West to Alberta for exciting and challenging careers is changing, many of our graduates are poised to stay and make major contributions to our province. It is vital that this activity continue for the betterment of the province and as such it is paramount that the

injunction be lifted to get back to business in the building industry. Nothing can be gained by continuing to withhold and slow permit processing when there is no threat whatsoever to public safety. Yes, we can speculate what the impacts can be if the injunction continues but clearly we can all agree that the continued action of this injunction will risk projects at some level from moving forward and why would we jeopardize our economy at any level? If this injunction continues to hinder the construction industry, no doubt the situation will lead to long term negative impacts on our economy and likely the perception of Manitoba having the exciting and challenging opportunities for our young graduates. The development of this component of the bill clearly indicates that government wants to get the building industry back on track and I wholeheartedly support this.

In summary I would like to thank the Minister of Labour, elected representatives and other civil servants for the hard work and dedication that has gone into Bill 7 as presented. I am pleased to see a bill that adequately addresses the core issues introduced with the injunction. I feel that the government needs to move forward with the bill as presented to get the building industry back on track. Any modifications to what has been presented will only delay this and could potentially cause further difficulties. In summary, I strongly encourage the committee to put the bill forward as presented without any further amendments or delays. Once the bill is enacted the professionals from both associations can move forward using the new powers provided to the joint board to deal with the details.

Thank you for your attention.

Respectfully submitted,

James Blatz, Ph.D., P.Eng.

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Re: Bill 7

Madam Chairperson, honourable minister, committee members, ladies and gentlemen. My name is Larry Hamilton. I am a Registered Architect practicing in Manitoba for over 20 years. For the last two years I have sat, as a representative of the MAA, on the industry advisory board, a coming together of many construction industry stakeholders committed to the improvement and streamlining of the building and occupancy permit approval process. I have been witness to statistics produced as a result of a process known as permits express which if believed would

suggest there is little or no backlog of plans requiring permits.

And over the last few weeks I have personally been responsible in advancing three projects that required the services and seal of an architect in order to release building permits.

I am also aware of the loss of experienced staff due mainly to retirement and the extreme difficulty the City is having in replacing those experienced individuals at a time when there appears to be no succession plan or knowledge-based upgrading being planned for those left behind.

Liability of AHJs stemming from an improper exercise of discretion (i.e. the wrong choice about the design professional)

First, I would like to state that 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. 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.

It appears from these proposed amendments that government wants to give Authorities Having Jurisdiction wide latitude and discretion to decide whether an architect or an engineer or both should be required on a building project.

But with a great deal of discretion comes at a great deal of responsibility to exercise that discretion appropriately.

What if an AHJ requires an engineer, and what if later there is a failure within that building, a failure that a qualified architect would likely have caught?

The AHJ "take on" an extensive liability if the day-to-day "operational" or administrative decisions are left to their discretion.

That is liability that they would not be exposed to if they were simply following a policy decision that had been set out in the statute.

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

I have completed nine years of "building specific" design education and internship. I have

been tested on "building specific design principles" and have satisfied the national qualification standards which are required by every jurisdiction in this country 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.

Respectfully submitted,

Larry Hamilton

* * *

Re: Bill 7

I am currently a student at the University of Manitoba. It is my understanding that you have and will hear from a number of students, but my situation is a bit different and may give you another perspective on the impacts of Bill 7. I admit to being an ignorant, young student and that much of my statement today is based on my individual situation of which I am passionate, but I hope that you will indulge my words today.

If I may share just a portion of the Letter of Intent that I sent when applying to the University of Manitoba: "The city of Winnipeg itself also attracts me as a growing and dynamic city. I believe that Winnipeg's local professional architectural and design community will also be of great benefit. . . . I have decided to apply only to Canadian schools because I plan on practising and raising my family in Canada. . . . The University of Manitoba is appealing not only because of the credibility of the Department of Architecture, but also because of the vibrant, culturally rich city in which it is located." May I say that this statement has proved true on so many levels. My wife and I have had the opportunity to live in a number of places around the globe, and I can sincerely say that we have been welcomed and enjoyed Manitoba like no other place. The people here have been incredibly friendly, my schooling has been incredible, and the architecture community here is indeed rich and valuable.

Now, with those things said, I would like to speak to my specific situation. I was born and raised in Alberta. My lovely wife is also from Alberta. Making the move to Manitoba was a big one for us.

Though we had lived overseas and in various places in the U.S., our move to Manitoba was a major life step because it entailed this lifelong dream for me to hopefully become an architect. In making this decision, I should note that we had applied and were accepted to other schools in Canada, yet we chose Manitoba. There is also one other factor that complicates our situation here. In the next few days my wife will be giving birth to our first child, she is 10 days late, a Manitoba baby. We have only been here 15 months, yet we already have roots here. But will this Alberta boy stay? That decision rests largely in the hands of this committee. I am not trying to be melodramatic, but I cannot seriously consider staying in a province or community that does not value the profession I have chosen, which I believe Bill 7 proposes to do. In my reading of Bill 7, and I do not claim to have an in-depth knowledge of the proposed legislation, the architecture profession is being stripped of its legitimacy and value. I admit that there needs to be compromise on each side of this heated debate, but as Bill 7 currently stands, architects are being marginalized, and I would suggest that the committee considers the state of affairs that will result if this profession is dissolved as Bill 7 proposes. I am just one person speaking to you today, but I represent a significant number of people in similar situations that have come to Manitoba with the high hopes which are now being effectively shattered by Bill 7. Not only will many of us be forced to leave, but I would suggest that many will not come at all.

I have listened to many of the comments given by our esteemed engineering colleagues. They have argued for a free system in which owners and clients are able to choose whether or not they want an architect involved in building. I would ask if that rationale goes both ways. Should the engineering profession also be subject to a free market where an owner or client can choose whether or not to involve an engineer in building?

Regarding the scope of practice, Bill 7 proposes that the architecture profession be subject to the Building Standards Board for matters of exceptions to be carved out of architecture's restricted scope of practice. I would ask if the engineering profession or any self-regulating profession, for that matter, should also be subject to an independent board to govern facets of their profession?

I have also heard the ridiculous claim that architects have slowed Manitoba's building industry by disputing Bill 7, yet it is my understanding that

this issue was previously settled by Justice Monnin in 1997 and that the MAA agreed to compromises proposed by the Witty Report, yet our engineer partners continue to bully us out of our profession to the extent that now we must debate over legislation, Bill 7. Has the building industry and economic development been slowed in other parts of the country, like Ontario and Alberta, where legislation has not been tampered with like Bill 7 proposes to do?

Lastly, I would like to reiterate some of the comments I have heard regarding the value of an architect's work. It was mentioned yesterday that they are indeed valuable where human occupancy

and the standard of life is involved. I would ask where is the standard of living not a factor in our built environment? In which instances would we be willing to compromise, which are not of public importance? Which would we discard and leave undersigned by one who has been trained as an expert in such things?

In closing, I would ask the committee to reconsider Bill 7, which in its current form severely compromises the architecture profession in my opinion. Thank you for your time.

Tom Alston, Architecture Student, University of Manitoba