

**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. 4 - 6 p.m., Tuesday, November 22, 2005**

ISSN 1708-6698

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

| <b>Member</b>            | <b>Constituency</b> | <b>Political Affiliation</b> |
|--------------------------|---------------------|------------------------------|
| AGLUGUB, Cris            | The Maples          | N.D.P.                       |
| ALLAN, Nancy, Hon.       | St. Vital           | N.D.P.                       |
| ALTEMEYER, Rob           | Wolseley            | N.D.P.                       |
| ASHTON, Steve, Hon.      | Thompson            | N.D.P.                       |
| BJORNSON, Peter, Hon.    | Gimli               | N.D.P.                       |
| BRICK, Marilyn           | St. Norbert         | N.D.P.                       |
| CALDWELL, Drew           | Brandon East        | N.D.P.                       |
| CHOMIAK, Dave, Hon.      | Kildonan            | N.D.P.                       |
| CULLEN, Cliff            | Turtle Mountain     | P.C.                         |
| CUMMINGS, Glen           | Ste. Rose           | P.C.                         |
| DERKACH, Leonard         | Russell             | P.C.                         |
| DEWAR, Gregory           | Selkirk             | N.D.P.                       |
| DOER, Gary, Hon.         | Concordia           | N.D.P.                       |
| DRIEDGER, Myrna          | Charleswood         | P.C.                         |
| DYCK, Peter              | Pembina             | P.C.                         |
| EICHLER, Ralph           | Lakeside            | P.C.                         |
| FAURSCHOU, David         | Portage la Prairie  | P.C.                         |
| GERRARD, Jon, Hon.       | River Heights       | Lib.                         |
| GOERTZEN, Kelvin         | Steinbach           | P.C.                         |
| HAWRANIK, Gerald         | Lac du Bonnet       | P.C.                         |
| HICKES, George, Hon.     | Point Douglas       | N.D.P.                       |
| IRVIN-ROSS, Kerri        | Fort Garry          | N.D.P.                       |
| JENNISSEN, Gerard        | Flin Flon           | N.D.P.                       |
| JHA, Bidhu               | Radisson            | N.D.P.                       |
| KORZENIOWSKI, Bonnie     | St. James           | N.D.P.                       |
| LAMOUREUX, Kevin         | Inkster             | Lib.                         |
| LATHLIN, Oscar, Hon.     | The Pas             | N.D.P.                       |
| LEMIEUX, Ron, Hon.       | La Verendrye        | N.D.P.                       |
| MACKINTOSH, Gord, Hon.   | St. Johns           | N.D.P.                       |
| MAGUIRE, Larry           | Arthur-Virden       | P.C.                         |
| MALOWAY, Jim             | Elmwood             | N.D.P.                       |
| MARTINDALE, Doug         | Burrows             | N.D.P.                       |
| McGIFFORD, Diane, Hon.   | Lord Roberts        | N.D.P.                       |
| MELNICK, Christine, Hon. | Riel                | N.D.P.                       |
| MITCHELSON, Bonnie       | River East          | P.C.                         |
| MURRAY, Stuart           | Kirkfield Park      | P.C.                         |
| NEVAKSHONOFF, Tom        | Interlake           | N.D.P.                       |
| OSWALD, Theresa, Hon.    | Seine River         | N.D.P.                       |
| PENNER, Jack             | Emerson             | P.C.                         |
| REID, Daryl              | Transcona           | N.D.P.                       |
| REIMER, Jack             | Southdale           | P.C.                         |
| ROBINSON, Eric, Hon.     | Rupertsland         | N.D.P.                       |
| ROCAN, Denis             | Carman              | P.C.                         |
| RONDEAU, Jim, Hon.       | Assiniboia          | N.D.P.                       |
| ROWAT, Leanne            | Minnedosa           | P.C.                         |
| SALE, Tim, Hon.          | Fort Rouge          | N.D.P.                       |
| SANTOS, Conrad           | Wellington          | N.D.P.                       |
| SCHELLENBERG, Harry      | Rossmere            | N.D.P.                       |
| SCHULER, Ron             | Springfield         | P.C.                         |
| SELINGER, Greg, Hon.     | St. Boniface        | N.D.P.                       |
| SMITH, Scott, Hon.       | Brandon West        | N.D.P.                       |
| STEFANSON, Heather       | Tuxedo              | P.C.                         |
| STRUTHERS, Stan, Hon.    | Dauphin-Roblin      | N.D.P.                       |
| SWAN, Andrew             | Minto               | N.D.P.                       |
| TAILLIEU, Mavis          | Morris              | P.C.                         |
| <i>Vacant</i>            | Fort Whyte          | P.C.                         |
| WOWCHUK, Rosann, Hon.    | Swan River          | N.D.P.                       |

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON SOCIAL AND ECONOMIC DEVELOPMENT**

**Tuesday, November 22, 2005**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

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

**VICE-CHAIRPERSON – Mr. Doug Martindale (Burrows)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

Hon. Ms. Allan, Hon. Mr. Lemieux

Ms. Brick, Messrs. Cullen, Eichler, Jennissen, Martindale, Nevakshonoff, Rocan, Santos, Schuler

**APPEARING:**

Hon. Jon Gerrard, MLA for River Heights  
 Mr. Kevin Lamoureux, MLA for Inkster

**WITNESSES:**

Ms. Ellen Kotula, Private Citizen  
 Mr. Glenn Penner, President, Manitoba Hydro Professional Engineers Association  
 Mr. George Constantinides, Contempora Steel Builders  
 Mr. Jim Wagner, Private Citizen  
 Mr. Ray Hoemsen, Private Citizen  
 Mr. Phillip Reynolds, Private Citizen  
 Mr. Myron Paryniuk, Private Citizen  
 Mr. Tony Eshmade, A. F. Eshmade & Associates Ltd., Civil and Structural Engineering Consultants  
 Ms. Ruth Gumprich-Hogue, Private Citizen  
 Mr. Norbert Hansch, Terracon Development Ltd.  
 Mr. Jim McFeetors, Private Citizen  
 Mr. Francis Pineda, Private Citizen  
 Mr. Richard Marshall, Private Citizen  
 Mr. Evan Hancox, Private Citizen  
 Mr. Kevin Sim, Private Citizen  
 Mr. Kevin Sydor, Private Citizen  
 Mr. Amjad Mian, Private Citizen  
 Mr. Reed Winstone, Private Citizen  
 Mr. Quinn Menec, Private Citizen  
 Mr. Dean Syverson, Private Citizen

Mr. Gerald Peters, Private Citizen  
 Mr. Jason Coreau, Private Citizen  
 Mr. Dean Schilling, Private Citizen  
 Ms. Mitra Tirandaz, Private Citizen  
 Mr. Bruce Wardrope, Private Citizen  
 Ms. Jennefer Siwik, Private Citizen  
 Ms. Allison Fulford, Private Citizen  
 Mr. Graeson Wright, Private Citizen  
 Mr. David Dick, Senior Vice-President, FWS Construction  
 Mr. Daniel Serhal, Private Citizen  
 Mr. Patrick Gloux, Private Citizen  
 Mr. John Iig, Private Citizen  
 Mr. Mel Fedeniuk, Private Citizen  
 Mr. Glenn Paskaruk, Private Citizen  
 Mr. Travis Cooke, Private Citizen  
 Mr. Rudy Friesen, Private Citizen  
 Mr. Bob Martin, Private Citizen  
 Mr. Ken MacKinnon, Private Citizen  
 Mr. Robert Garet, Private Citizen  
 Mr. Brian Tokar, Private Citizen  
 Mr. Vern Reimer, Stantec Architecture Ltd.  
 Ms. Marcy Shelvey, Private Citizen  
 Mr. Layne Arthur, Private Citizen  
 Mr. Don Spangelo, Private Citizen  
 Ms. Maria Lopez, Private Citizen  
 Mr. Steve Isfeld, Acting President, University of Manitoba Association of Architectural Students  
 Mr. Robert Morrison, Private Citizen  
 Mr. Guy Newman, Certified Technicians and Technologists Association of Manitoba Inc.  
 Mr. James Kacki, Private Citizen  
 Mr. Alan Pollard, Private Citizen  
 Mr. Mark Zaitsoff, Private Citizen  
 Ms. Mona Lemoine, Private Citizen  
 Mr. Fletcher Noonan, Private Citizen

**MATTERS UNDER CONSIDERATION:**

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

\* \* \*

**Madam Chairperson:** Good evening. 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. Gerard Jennissen (Flin Flon):** I nominate the Member for Burrows (Mr. Martindale).

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

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

First, I would like to inform all in attendance that subsequent meetings have been announced for this committee as follows: Wednesday, November 23, 2005, from 9 a.m. to noon; from 3 p.m. to 5 p.m.; and at 6 p.m.; and also 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 evening, 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.

In addition, if members would like to leave written presentations, those can be submitted. We will take those if you wish to leave written presentations in lieu of making an oral presentation.

I would like to inform all in attendance, in provision with our rules regarding the hour of adjournment, except by unanimous consent, a standing committee meeting to consider a bill in the evening must not sit past midnight to hear presentations unless fewer than 20 presenters are

registered to speak to the bill being considered when the committee meets at 6:30 p.m. As of six o'clock this evening, there were over 100 persons registered to speak to this bill. Therefore, according to our rules, this committee may not sit past midnight to hear presentations.

How late does the committee wish to sit tonight?

**Mr. Doug Martindale (Burrows):** Madam Chairperson, according to the rules, I think we have to adjourn at midnight, before if we get through all the presenters.

**Madam Chairperson:** Is it agreed by the committee that we will sit until midnight? *[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 mikes on and off.

Thank you for your patience, and we will now proceed with public presentations.

I have been informed that we have had a request from an out-of-town presenter to have the out-of-town presenters called first. Is that agreed by the committee? *[Agreed]*

We had agreed previously that they would not be dropped off the list until the end of this evening. That was what we agreed to. So is that agreed? *[Agreed]*

The first out-of-town presenter I would like to call is Duane Joyce, private citizen. Once again, for the information of committee members I am on No. 118, page 10 of 12. Once again, Duane Joyce, private citizen. Mr. Joyce's name will now be dropped to the bottom of the list.

Ellen Kotula, private citizen. Yes, do you just want to come up to the mike. Did you have written presentations you want to circulate?

**Ms. Ellen Kotula (Private Citizen):** Just my notes, scribbles.

**Madam Chairperson:** Okay, that is fine. You can use them to do your speech. You can proceed.

**Ms. Kotula:** Good evening Minister Allan, honourable members, ladies and gentlemen. My name is Ellen Kotula and I own Super Builders Incorporated. We are general contractors that specialize in pre-engineered metal buildings. Some

of our customers include Rothsay Recycles, which is a division of Maple Leaf in Winnipeg; Tolko, a division of Kraft Pulp and Paper Mill in The Pas, Diageo Global Supply in Gimli, Manitoba; Gerdau Ameristeel and TC Industries in Selkirk, Manitoba.

Our projects for these companies have not required architects in the past. The buildings are standard utilitarian structures that have met all the building codes and public safety. They are designed and stamped by an engineer responsible for these projects.

Our customers have been very satisfied with our work and the building design. Bill 7 will allow us to continue our services without the additional and unnecessary cost of hiring an architect. If legislation requires us to have an architect involved on our projects, this could lengthen the development process. There would be no benefit to the public to have architects designing industrial facilities. Our engineers and design teams have been providing these services for decades and they have worked very well.

Public safety is inherent in the engineering profession, plus the Building Code should be the ultimate authority on public safety. Although Bill 7 is a compromise for the engineers, there are enough positives for my support. It is important to the public of Manitoba and to our economy to pass this bill. The legislation will restore my ability to provide this service to the public. Thank you.

\* (18:10)

**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 Phillip Dorn, private citizen. Once again, Philip Dorn, private citizen. Mr. Dorn's name will be dropped to the bottom of the list.

The committee calls Roger Wilson, private citizen. Once again, the committee calls Roger Wilson.

That concludes the list of out-of-town presenters. We will now return to the original list of in town presenters.

The committee calls Glenn Penner, Manitoba Hydro Professional Engineers Association. Mr. Penner, did you have something you wanted us to circulate to committee members?

**Mr. Glenn Penner (President, Manitoba Hydro Professional Engineers Association):** No, I did not.

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

**Mr. Penner:** I had crossed out the evening and put afternoon in, so now I guess I have to switch it back to evening.

Good evening Minister Allan, honourable members, ladies and gentlemen. Again, my name is Glenn Penner and I am the president of the Manitoba Hydro Professional Engineers Association. I represent over 360 engineers that are a vital part to keeping the lights on in Manitoba. Our primary responsibility as Manitoba Hydro engineers is to ensure the safety of the public of Manitoba. At Manitoba Hydro, you will be pleased to know that the No. 1 corporate goal is safety.

We are not involved in the traditional building industry. We practise engineering on buildings which architects do not normally get involved with. However, since the court ruling on September 16, my members have been affected. Many Manitoba Hydro engineers practise professional engineering by planning supervision for others of the erection, enlargement or alterations of Manitoba Hydro buildings. If you take out the words Manitoba Hydro from that previous sentence, these words are a direct quote from Justice McCawley's ruling as a definition of what an architect does.

Manitoba Hydro's buildings include power houses, HVDC converter stations, control structures, station control facilities, sluiceway gate structures, spillways, non-overflow dams, storage facilities, maintenance shops and other buildings, and all of these fit the current definitions of buildings as defined by The Architects Act. None of the projects have been stopped by this ruling because they do not require approval from the City of Winnipeg. However, we are concerned that the September 16 ruling by the Court of Queen's Bench and its broad interpretation of The Architects Act leaves the engineers at Manitoba Hydro open to litigation.

Manitoba Hydro engineers are involved in the planning, designing, supervising of the modifications of industrial-type buildings. These modifications include changing thyristor valves at Dorsey, Heday and Radisson, installing blast walls for circuit breakers, transformers, adding insulation and cladding packages to the exterior of aging dams and power houses, modifications to equipment layout, re-

running of turbines, installation of fire protection and fall protection equipment, design of storage facilities and maintenance shops, and the planning and design of Wuskwatim, Keeyask and Conawapa.

For us, this issue is not a turf war between architects and engineers, as some outsiders may see it. We are concerned for the protection of the public. Manitoba Hydro uses the services of architects for its staff houses, for its office complex, and, yes, there are even cases where Manitoba Hydro chooses to enlist the services of an architect to design the exterior walls of its hydro substation. One very good example of this is the hydro switchyard in downtown Winnipeg on York and Garry. In the past, we have chosen to use architects to help design the aesthetics of urban switchyards and will continue to do so when required, but we do not need them when we plan and design the valve halls for the next HVDC station, which is Riel, on the outskirts of Winnipeg.

The engineers at Manitoba Hydro want to get on with the business of providing safe, reliable, and inexpensive energy to all Manitobans. For MHPA, Bill 7 provides the needed clarity between the two acts and allows Manitoba Hydro to choose when it needs architectural services. Manitoba Hydro believes that Bill 7 has adequately addressed these concerns, and we want to ensure that it gets passed into law as soon as possible. Thank you.

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

The committee calls George Constantinides, Contempora Steel Builders. You can proceed.

**Mr. George Constantinides (Contempora Steel Builders):** Minister Allan, honourable members, my name is George Constantinides and I am here to represent my company, Contempora Steel Builders. We are a design built contractor and have been a Winnipeg-based business since 1978.

We have successfully completed over 1500 buildings for a variety of customers, including trucking facilities, hockey arenas, warehouses, airplane hangars, community centres, churches and a wide range of industrial buildings.

Our buildings range from small renovations to 1000-square-foot buildings to 60 000-square-foot turnkey operations. Depending on the scope of work of each of our particular projects, we retain an architect and/or an engineer in order to ensure that

the buildings we build are in compliance with the national and provincial building codes.

Personally, I have my bachelor's degree from the Faculty of Architecture, as well as employing a certified architectural technologist and two certified engineering technologists. We are very well versed in the building code requirements. The codes are quite specific as to the public safety design requirements which we have studied and ensure that all our buildings comply with.

The passing of Bill 7 would enable us to continue to economically service our customers' needs. Due to the recent injunction against the City of Winnipeg, three of our projects have been delayed or put on hold until such time that this legislation is confirmed.

I would like to bring one particular project to your attention. We have been hired by the Assiniboia Downs to build an 80 x 100 x 16-foot-high building, 8000 square feet of non-insulated horse barn with two overhead doors and two fire exit walk doors in order for the Downs to enclose a piece of equipment that will be used to exercise horses. Please see the attached drawings that I added, quite simple.

This building is classified under the National Building Code as an F3 occupancy and not an agricultural building due to the zoning of the property that it sits on. Prior to the injunction against the City, we would have been issued a building permit from our in-house drawings along with our consultant engineer's review and seal.

Now, due to the injunction, we have received the attached notification from the City of Winnipeg, and I quote, "The recent court ruling against the City requires the plans that were submitted with your building permit application be submitted under the seal and signature of an architect who shall be responsible to ensure the plans are in compliance with the code. As a result, it will be necessary to retain the services of an architect to provide new architectural drawings."

Please review these drawings and help me explain to an irate customer exactly what added value the customer will gain with the involvement of an architect. If Bill 7 is not legislated and we must hire an architect under the current Architects Act, our in-house drawings would either have to be redesigned by an architectural firm or at least reviewed by an architect while we will still require the services of an engineer.

This would force me to reconsider the employment of my in-house, three-person technical design team which was educated in Winnipeg's very own Red River community college. The contract we have with the Downs is worth approximately \$150,000, and should the architects charge a typical fee of 5 to 8 percent, this would add \$7,500 to \$12,000 to the customer.

\*(18:20)

We must stop and ask ourselves: Does the end user truly gain from this, and why include an extra step in the construction process, let alone the added costs which, in many cases, may kill a project? During my education within the Faculty of Architecture, one specific design principle remained with me. I added this in after I was listening to some things that were said today. That design principle is form follows function. How does this relate to the building industry in Winnipeg you might ask? It is quite simple. The customer confirms the requested functions, and the form is either designed by an architect or an engineer based on the scope of work. It is quite simple. I commend the proposed Bill 7 for filtering through the ambiguity of these two professions and setting adequate and reasonable guidelines for qualifying which buildings can be designed by either profession. As design builders, we appreciate the clarity.

I believe the role of the architect is very valuable, and once again we as design builders feel that Bill 7 is a fair compromise for all parties involved. I believe it should be passed quickly and as presently written so that we can continue to build for our customers such as the Assiniboia Downs and many others. We feel that Bill 7 is good for our Manitoba economy as it will allow us to continue to give customers a choice between using an architect or an engineer. It will also give us the choice to make that choice for them because some customers will prefer the design builder to make those choices based on the particular project scope of work.

I would also like to take this opportunity to thank the Minister of Labour (Ms. Allan) and all the MLAs for their time and effort spent on proposing this reasonable legislation.

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

The committee calls Jim Wagner, private citizen. You may proceed, Mr. Wagner.

**Mr. Jim Wagner (Private Citizen):** Good evening, Minister Allan, and members of the committee. My name is Jim Wagner and I am a registered member of the Manitoba Association of Architects. I am also a registered architect in the province of Ontario and a member of the Royal Architectural Institute of Canada. I came to Winnipeg 20 years ago because I thought that Winnipeg had something to offer for a young architectural intern, and I have lived in Wolseley ever since then. I support the position of my colleagues and call upon the minister and the committee to delay Bill 7 from proceeding to third reading.

While I have concerns with a number of the aspects of Bill 7, I would like to speak briefly on one item only, and that is the definition of the word "architect." Bill 7 proposes a seemingly small change to this definition, but I feel that it is one that is significant. I have been a registered member for 16 years, have served on the MAA practice committee and am currently serving on the MAA council. The Manitoba Association of Architects publishes practice bulletins to advise its members on the expected standards of practice.

During my tenure on the practice committee, I drafted the Practice Bulletin on architects' application of professional seal. It describes the duties and level of care that registered members are expected to observe when providing architectural services to a client. The key fundamentals of this bulletin are founded on the definition of "architect" in The Architects Act, specifically, "the planning or supervision for others of the erection, enlargement or alteration of buildings." Bill 7 proposes to replace the word "supervision" with the word "review." The definition then would read, "the planning or review for others of the erection, enlargement or alteration of buildings." My concern is that "review" constitutes a less rigorous level of professional involvement and accountability than does "supervise" and that this lowering of the expected professional standard is not in the public interest.

Currently, an architect may only seal drawings that have been prepared under his or her direct supervision and control. This is consistent with the principle that a restricted scope of practice cannot be delegated by the regulated professional, as stated in the Law Reform Commission Report of 1994. The MAA's Practice Bulletin, appropriately, is consistent with this standard of practice.

The proposed change from "supervision" to "review" implies that supervision is not, in fact,

required, that delegation of the restricted scope of practice is indeed authorized and that an architect need merely "review" drawings prepared unsupervised by others in order to apply his or her seal. This is definitely not in the public interest.

Furthermore, the words "supervise" and "supervision" appear throughout The Architects Act, and by substituting the word "review" in the definition of architect, it introduces a degree of confusion in an area that is currently very clear. As legislators, I am sure you know that clarity of legislation requires consistency in the use of words. Not doing so just leads to confusion.

The Engineering and Geoscientific Professions Act defines one of the activities of the "practice of professional engineering" as "supervising." Nowhere in their definition is the term "review" used. This is consistent with the level of professional practice and care expected by the public, and, appropriately, there are no changes proposed for their definition in Bill 7.

I do not believe the citizens of Manitoba elected any of you to lower the expected standard practice for any of the province's professionals. I am asking that the government make a commitment to the public and to the practice of architecture by making no changes to the definition of "architect" and remove clause 2(a) from Bill 7. Thank you very much.

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

The committee calls Carmine Militano, president of the Consulting Engineers of Manitoba. Once again, Carmine Militano, president of the Consulting Engineers of Manitoba. Mr. Militano's name will be dropped to the bottom of the list.

The committee calls Ray Hoensen, private citizen. You can proceed, Mr. Hoensen.

**Mr. Ray Hoensen (Private Citizen):** Good evening. Thank you. Honoured committee members, thank you for the opportunity to present my personal views as a private citizen concerning Bill 7, The Architects and Engineers Scope of Practice Dispute Settlement Act. My remarks will be brief since there have been many before me and many more to follow.

I was born, raised and educated in Manitoba, have been a registered professional engineer since 1979 and have continued to live in Manitoba throughout my career. Currently, I am employed as

the Director of Applied Research and Commercialization at Red River College.

Even though I do not work directly in the building industry myself, I have been involved in this matter, both as an elected member of Council to the Association of Professional Engineers and Geoscientists of Manitoba, or APEGM, and as the APEGM Council appointee to the Engineering Geoscience Architecture Inter-Association Relations joint board, or EGAIAR. Although I am no longer on the APEGM Council, my term ended in October, I am still the council appointee to EGAIAR until the new year.

The key point I would like to make is that I endorse the adoption of Bill 7 without amendment. While there are still some items in Bill 7 that I feel need work, such as the implication that engineers are practising architecture when they are really practising engineering, I believe that resolution of this dispute takes precedence.

I believe Bill 7 will address what has been at the root cause of this dispute, specifically the lack of an exception clause in The Architects Act. Including such a clause will enable Manitoba's professional engineers to continue to practise engineering for the design, construction and alteration and renovation of buildings in Manitoba. This amendment will, basically, reflect the exemption currently in The Engineering and Geoscientific Professions Act which allows other professionals, such as architects and interior designers, to practise their profession without fear of prosecution, especially in the areas where the professional services offered may overlap, for example, the practice of architecture might be construed to be the practice of engineering and vice versa.

An exception clause in The Architects Act is a fundamental requirement to resolving this issue in a positive manner and moving Manitoba's economy forward and will rectify the current inequity which exists between the two acts.

\*(18:30)

I believe that giving the EGAIAR joint board more power should serve to resolve conflicts in a timely manner. For example, twice now the Joint Board, which is populated by engineers and architects appointed by the MAA and APEGM, has come to consensus and developed a memorandum of understanding to address overlapping jurisdictional issues between members of the MAA and APEGM.

Both times, APEGM Council endorsed these agreements developed by the Joint Board, and, both times, the MAA council or its members have rejected the proposed agreements. Giving the EGAIAR joint board the ability to make decisions which are not subject to ratification by either council is another positive step forward.

While I could continue my commentary concerning several of the proposed legislative changes in Bill 7, I will defer to my colleagues. However, before I finish, I would like to inform the committee, in response to comments made by some of the other presenters concerning the integrity of professional engineers and the ability of APEGM to properly self-regulate, of the following two points.

First, all Canadian engineers take an oath upon graduation, the primary consideration of which is our obligation to protect the public. In fact, we all wear an iron ring on the little finger of our working hand to remind us of our obligation to the public on a daily basis. Secondly, after several years on the APEGM council and 12 years in an APEGM investigation committee, I can reassure you that the profession does indeed take its self-regulation and disciplinary role seriously and exercise the necessary actions to protect the public.

Architects and professional engineers have generally worked together well in the past and have mutual respect for one another's expertise and capabilities. I am positive that the legislative changes proposed in Bill 7 will clarify the jurisdictional overlaps and allow registered architects and professional engineers, interior designers and other professionals to continue to practise for the continued benefit of all Manitobans.

Thank you again for your attention and consideration.

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

**Hon. Jon Gerrard (River Heights):** Just a question for you. When we are dealing with municipalities around the province, the authorities having jurisdiction, when they are presented with material from an engineer which is stamped by an engineer, you may have electrical engineers, building engineers, what have you. In Saskatchewan I gather that they have some guidelines which are selective, but here we have got an approach which will include all engineers the same. How will somebody in a community in rural Manitoba know that that

engineer has got the experience and the background to be designing buildings?

**Mr. Hoemsen:** Part of it will be, the comment was made before that engineers are self-regulating, and part of our code of ethics and our code of practice is that if it is an area we are not comfortable with, we should not be doing work in the area. We have actually, at the investigation committee, dealt with situations. People have been referred to us, and it turns out they have been practising properly and there has been no negative outcome on that individual. So people do self-regulate, and if there is a concern by the public that it is not appropriate, we are usually got in touch with and asked to clarify the situation.

**Madam Chairperson:** Seeing no other questions, we thank you for your presentation. The committee calls Phillip Reynolds, private citizen. You can proceed, Mr. Reynolds.

**Mr. Phillip Reynolds (Private Citizen):** Ms. Chairperson, Minister, committee members and respected architectural, engineering and interior design colleagues, my name is Phillip Reynolds, and I am a registered member of the Manitoba Association of Architects. I support Don Oliver and others who have urged the minister and the committee to delay Bill 7 from proceeding to third reading as it stands. Those are my words. They have made the argument. My story this evening will be a touch more personal.

I graduated from the University of Manitoba with a master's degree in Architecture in 1978. After several years practising with a local firm, or interning with a local firm, I met the professional requirements. It was a proud moment for the grandson of a Methodist minister who immigrated to Manitoba with only a letter of introduction to J.S. Woodsworth at United College, now the University of Winnipeg.

My education and internship had provided me with the opportunity to make a difference with some of the ideals that my grandfather, a Methodist and United Church minister, and my father, a working man, had passed on to me. A more practical side, the other side of my family were farmers, and the only relationship they had to architecture was a great-grandfather who built his stone house in the 1840s, which is still standing and used for a different function now. It did not require an architect, nor does it now.

I strongly believe that The Architects Act, the association through its registration board, provides the public with the only reliable, certifiable, trained and consistent group of designers for most buildings regardless of location. There is some overlap and my colleagues and I have accepted that. The current draft of Bill 7 has some serious flaws, as had been addressed earlier by a number of members of our association and others. Please, do not let it go through as it is.

The structure may be adequate as the Dean Emeritus of Engineering pointed out, but when asked about a detail, he did not know. This is a very good illustration of one issue; if the structure of the building is sound and safe as some engineering colleagues have argued that that may be enough, it is not. The details which an architect provides can fulfil a much higher standard of building, meeting important issues such as accessibility, defensible space and all the way to the movement of sustainability where we look forward to going even beyond green buildings which use less energy to sustainable buildings which are balanced with a net energy use. As some visionary architects point out, in the future to what is now called restorative buildings which actually give back more than they take in the way of energy.

Of course, our engineering colleagues will be a big part of that process and I value their contribution. I believe that as a supervised and then as a reliable, certified, trained and consistent professional, I have now practised architecture for 27 years in Manitoba. I mentioned supervised, then reliable and certified, and that is part of the internship which is part of the whole process.

I have been directly involved as a designer, as a project architect and as a partner with Friesen, Tokar and Reynolds at the time; as a project manager and now, as a client, in over several hundred million dollars' worth of projects including many for the Government of Manitoba. These include the Union Centre where my skills in diplomacy were also required to bring 22 unions together to build a building that they were proud of and that fit their needs; the Brodie Centre, John Buhler Research Centre, numerous Health Sciences Centre projects, Fort Rouge School, hospitals and personal care homes in Carman, Morden, Winkler, Baldur, Brandon, Wawanesa, Roblin, Grandview, Gilbert Plains, Selkirk, Fort Frances, Kenora, Dryden and Steinbach, making a complete circle; a lot of time on the road in those years.

Much of this work in Manitoba was for fees for hospital work that is, at times, 25 percent less than other provinces. That may be for another committee and another debate down the road, but I did not become wealthy. In fact, I tried the private practice as a sole practitioner for a while. It did not suit me and it did not work. In fact, one real estate developer that I worked for said I was the least commercial person he had ever met. I came to understand that he was dead-right and I went back to work for an architect that I had actually trained, but let us say he is a little more shrewd on the commercial side and was well suited to be a partner in a firm.

I learned computer design and now enjoy my work with the Airfield Engineering, Realty Asset Directorate of the Air Force in Winnipeg. Recently I have contributed to projects in British Columbia, Alberta, Saskatchewan, Ontario, Québec and Nova Scotia. I enjoy my work tremendously and as a reliable, certified, consistent, trained professional, my contribution is valued by an organization much dominated by engineers, I might add. I even have a performance review which, I think, is pretty good, signed by an engineer to prove it.

\*(18:40)

I look forward to finishing my career, helping my three kids and two step-kids through university. Then, since I hope to stay fit and healthy, I will probably semi-retire and continue to practise as a certified, trained, reliable and consistent architect as long as the professional body and my own body will permit.

I do not have an axe to grind. I did at one time. As MAA president in the nineties and as an MAA councillor for another stint on council in the eighties, these issues were brought forward. We sought a fair solution but were not listened to at the time. Perhaps we did not present it well enough and I will accept that. I thank you for this opportunity to really be heard. I know you have listened carefully, and I believe you will do the right thing and delay this bill long enough to make it right.

I do not have a direct interest as I do not have to seal drawings as I work for the Queen and we get that privilege, but we do use architects a lot in our work across the country. I do not have to meet a payroll anymore or work for a colleague who does, so I do not have a particular self interest. I do not believe that I have a debt left to this province. I have more than repaid her, I believe, in investment in my education and training. At one time I did feel that

debt strongly, and I stayed in Manitoba and worked in that vein, in that thought. As I said, I have no particular self-interest in the legislation, but I have an interest in this community. During those 25 years or more I participated in this community as baseball convenor, United Way division chairperson, chair of council for church and as a board member and president of the Day Nursery Centre.

I believe this community will be best served by a corrected Bill 7. My colleagues have presented the case that we tried to put forward in the eighties and nineties. I got tired at that time and stood by, but they have taken up the argument. They are committed, concerned and have the integrity and I believe in this case they are right. I hope this community will see the benefit of these reliable, consistent, trained, certified professionals who are aspiring to the profession, people like Matt Baker who spoke earlier, whom I coached in baseball, and people like my daughter who is almost six years through eight years of university in architecture.

Okay, I have some indirect self-interest; I will grant you that, but Matt and Jennifer and all the other students and I presented. Jennifer felt very strongly when she was able to be here for a few minutes. We were going to do a joint presentation, but she is busy at school and will be there longer than you will be here tonight—and I.

The students and interns of architecture who will meet even more rigorous standards than I did are the ones who I hope will practise here in a system which respects them as professionals. I had some anecdotes, I do not think I will have time to say them, but you can count on a registered architect, and I thank the committee for their time and I know their diligent effort on this matter. I think that is my time.

**Madam Chairperson:** That is. Thank you very much. Are there any questions for the presenter? Thank you very much for your presentation.

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

The committee calls Myron Paryniuk. Mr. Paryniuk?

**Mr. Myron Paryniuk (Private Citizen):** Yes.

**Madam Chairperson:** Did you have a presentation you wanted to circulate. No?

**Mr. Paryniuk:** No presentation.

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

**Mr. Paryniuk:** I did not have enough time for that. Good evening, Minister Allan, honourable members, ladies and gentleman. I am here in support of Bill 7. Also, I am here representing myself as a private citizen. A bit of background about myself. I am a professional engineer with approximately 20 years of experience in the engineering world. I graduated with a degree in biosystems engineering, followed with a post-graduate master's degree.

In my capacity as a professional engineer, I have held roles with the provincial government, the federal government, industry and engineering consulting companies. I have seen many faces of industry exposed to both engineers and architects.

In my present capacity, I am with the consulting engineering firm of Earth Tech Canada here in Winnipeg. Previously, it was recognized as Reid Crowther & Partners. We have a 50-year history in Winnipeg and about a hundred-year history in Canada. We are a multi-disciplined engineering company made up of mechanical, electrical, structural, civil and environmental engineers. We number approximately 1000 in Canada. We certainly are not the largest company, but a considerable force.

As engineers, we plan, design, engineer and deliver small-to-large projects. We range in project size anywhere from \$1 million to \$500 million in capital. We work with architects continuously, and I stress work with architects. We work with them co-operatively and productively. We have in the past; we will continue in the future.

To give a perspective of our role as a consulting engineering company in Manitoba, more specifically in Winnipeg, over the last five years our work in hand, both what we have completed, plus what we are developing now, out of our staff in Winnipeg of 110 engineers, designers and support staff, we have designed and delivered approximately \$1.5 billion-worth of capital, that is \$1.5 billion. We have done it effectively, successfully, with partners, partners in our clients, partners with our architectural brothers.

We feel that we have some understanding of what drives the economy of Manitoba, certainly as it relates to the professional services area, including engineering and architectural, and what was important to continuing its drive within Manitoba, continuing Manitoba's drive in the economy.

An example of some of our recent work includes a considerable amount of work with the City of

Winnipeg. That is the water treatment plant; the waste water treatment upgrades; the Winnipeg Airports Authority; the groundside and airside developments for the new airport; Manitoba Hydro office tower, doing the mechanic-electrical design for that and the LEED's sustainable design; the Simplot Foods facility in Portage la Prairie; as well as numerous projects with Canada Safeway; Diageo; Manitoba Hydro and others. These are all industry-related projects.

Our firm in Winnipeg focusses mostly on the industrial or infrastructure-related type projects, as referenced in Bill 7, projects relating to the F classification buildings, F-1, F-2, F-3, primarily industrial-type buildings. These buildings are traditionally driven by function over form where it is made to work, perhaps not as eloquent as a public office, an institution where the aesthetics are certainly much more important, much more publicly viewed. These are industrial workhorses that we design and are involved in. Aesthetics is important, but it is not the driving force. Needless to say, these design intents that we are involved in, they operate efficiently and safely. Above all, they operate safely.

The authorities having jurisdiction, in this case the engineers, have taken control and managed these jobs to the best of their abilities because, in my view, they were the best technical group to do so. Not the best technical group to manage and promote all the projects, but in this case, they certainly are.

\* (18:50)

Areas we co-operate with engineers in on the F-rated facilities, and we utilize their expertise which we ourselves with our own firm cannot supply, are the architectural, the aesthetics, the architectural design, the room layouts, the building code review, life and safety systems and building envelope issues. Those are key expertise areas which we do not provide, which rely on our architects and our architectural friends to provide to us. They provide them to us in a collaborative manner that effectively completes any large industrial project in Manitoba both safely and efficiently.

The marketplace has largely dictated the role for architects and engineers in the past and I believe has done so effectively and, hopefully, it will continue to do so in the future. I believe Bill 7 will formalize the process in which the ongoing works between engineers and architects continue and will continue to serve the public both efficiently and safely in the future. Thank you.

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

The committee calls Tony Eshmade from A. F. Eshmade and Associates Ltd. Consulting Engineers.

**Mr. Tony Eshmade (A. F. Eshmade & Associates Ltd., Civil and Structural Engineering Consultants):** Good evening, Minister Allan, honourable members and ladies and gentlemen. My name is Tony Eshmade and I am a professional engineer, a chartered engineer and a Fellow of the Institution of Civil Engineers, the most senior membership body in the U. K. where I trained.

I am here representing myself, my company and the civil and structural engineering consultants, my company being established in 1971. We are a small company with five members, but our work affects many more people; associated sub-consultants such as mechanical, electrical, geotechnical, building envelope, roofing. There is related staff of more than 20, and they, in turn, involve approximately 70 others.

Either as an employee engineer or in my own company, I have been practising engineering in Manitoba for 46 years, and I have 55 years associated with the profession of engineering in both the U. K. and here. Thanks to this many years of experience, I have a background which has been considerably expanded beyond being identified and doing work simply as a structural engineer. Our clients have requested our services for the design, modification, additions, et cetera, to a variety of buildings and facilities for many of which we have retained an architect but many more we have more than adequately experienced to handle in-house.

As a consequence, more than 90 percent of our work is done as the prime consultant and it included recreation facilities such as more than 30 arenas across western Canada, additions such as new facilities as far north as the Arctic for Hudson's Bay Northern Stores, heritage restoration, industrial buildings and significant work in the area of building envelope renovations and replacement. Essentially, our work has been executed outside metropolitan Winnipeg, in areas ranging from as far north as Iqaluit to the U.S. border and across all provinces west from and including Québec.

To deal firstly with the aspect of building technology concerns and bearing in mind claims made by the architectural community with respect to

public safety, every one of more than 100 projects with which we are, as a very small firm have been associated in this field, have been the result of discrepancies in the original design detailing almost significantly failure of the prime consultant, the architect, to inspect the work during construction and then ensure that the intent of the design was transposed into the final product. The consequences of failure have been bricks, panels of stone and entire sections of walls falling off buildings, generation of rotten wood structures, creation of mould and many other concerns, some of which have been news and if not news are known to the industry and perhaps to the minister.

Examples of some of these failures are Grace Hospital's nurses residence; numerous pools in the city of Winnipeg; Golden Gate School where a wall fell off; 200 Tuxedo which is well known, I am sure, to many people; the Convention Centre; Victoria Hospital; schools across the province which have a backlog of over \$50 million required to fix them.

I am sorry, I lost my place. Please excuse me, as you can gather, I have a cold. There are many more building types which surely must raise the question of the architect being the arbiter of public safety. Our expertise in this area of building technology and that of other engineers must have had some impact on various levels of the government and building owners, since by far the largest amount of such corrective work is directed to the engineering profession. Clients for all of us as engineers include Public Works Canada, defence construction, Province of Manitoba, Manitoba Housing, school divisions, municipal governments and many private clients. All of my clients from these organizations or whatever source are selecting our company because we as engineers have performed to their satisfaction, both technically and on a business and personal level, and have a proven track record, all of which very frequently also leads to our being recommended for work. This is freedom of choice in selecting a design professional which our clients wish and insist be maintained.

Whether an architect or an engineer, schooling provides only the basics of the profession. Like any other professional business, it is experience, exposure to the real world and time in the trenches which allows one to develop one's skills. The suggestion by the architects that an engineer being able to read parts 3 and 5 of the Building Code does not mean one is able to interpret same is ludicrous in my opinion. As well, there are aspects of part 5 of

the Building Code which designate and require an engineer to perform calculations with respect to air barriers. Codes are frequently couched in such phraseology that whether it be an architect or an engineer who has heretofore stamped a set of drawings, the authority having jurisdiction will very frequently still debate aspects of the interpretation on the part of the design professional.

The date at which The Architects Act was proclaimed should surely be an indicator that times have changed, as have all those ways and means which relate to building design and construction. To the best of my knowledge, prior to the mid-1950s there were no engineering consultants in Manitoba, and all work was done by material suppliers such as Dominion Bridge, Cowin Steel and others. Architects provided the base drawings and details and were the lone professionals in the field and actually included structural details on their drawings. As we all know, this has changed, never to be repeated, with pre-engineered building systems, developers and others providing service.

As the committee is aware and has been stated also again this evening, on two occasions an agreement was reached by the joint board, only to be rejected by the MAA. Although the engineers are giving up a great deal by endorsing the proposed bill, we must thank the minister and her staff for expediting a solution to this impasse of several decades where the two professions function in the real world of construction.

However, in closing, I must express my concern over the matter of grandfathering for individuals in companies such as mine. I suggest for the intent of this clause to be genuine and become a fact, there needs to be a very unbiased evaluation team and explicit just cause to refuse demonstrated experience to grant this approval. As well, there must be an appeal process to an independent adjudicator outside the design professions.

Finally, as you all know by now from what you have heard, engineers are required to operate within their area of expertise which always controls our activities and which I and others take very seriously. Thank you.

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

We have a request. We have a presenter who is here right now, and she is visually impaired and she is also in a wheelchair. I am asking leave from the

committee that she be allowed to appear at this point.  
[Agreed]

\* (19:00)

So, Ruth Hogue, private citizen. Did you have a written presentation you wanted to circulate, Ms. Hogue?

**Ms. Ruth Gumprich-Hogue (Private Citizen):** No, I do not.

**Madam Chairperson:** Okay. You can proceed. Just one moment, can we make sure that mike is on? It is on. Okay, you may have to speak up, if possible.

**Ms. Gumprich-Hogue:** Hi, my name is Ruth Gumprich-Hogue, and I have a Bachelor of Social Work degree, a Developmental Services Worker diploma and a Governor General of Canada medal of honour for advocacy work in the community.

I am here today to support the delay of Bill 7. I was not born with a disability. I did not become disabled until the age of 22, I lost my sight due to diabetes. At the age of 35, I had a stroke and when I lost my sight, it was then that it became too important what the design of a building was all about. Before that, a building was just a place I saw that was either beautiful or not, or looked great. It had no other meaning to me but it was at that point it became important. Things such as textured floors, which told me where I was at, contrasting colours on the edges of steps to tell me where there was a step so I did not fall and hurt myself and possibly break a limb. These all fall under the domain of architects. Architects have the education needed to meet these needs and engineers do not.

As the population of Manitoba ages today and as the number of persons with disabilities rises, we need people with this education and knowledge to meet these demands. Architects are these people. Thank you.

**Madam Chairperson:** Are there questions for the presenter?

**Mr. Ron Schuler (Springfield):** Just more of a comment, and we certainly appreciate you coming to committee. We have heard a lot of presentations and it is important to get a real full idea of where people are outside of the bubble, outside of this Legislature. We really appreciate the fact that you made it here and gave us your presentation. As we move towards going line-by-line through the bill, we certainly do take everything into consideration and, again, thanks for coming to committee.

**Madam Chairperson:** Seeing no other questions, we thank you very much for coming forward to present to the committee.

The committee calls Norbert Hansch from Terracon Development Limited.

**Mr. Norbert Hansch (Terracon Development Ltd.):** Good evening, my name is Norbert Hansch and I am a professional engineer. I graduated from the University of Manitoba in 1976 from civil engineering.

Engineers have many specialities we engage in as you have heard. They include civil, mechanical, electrical, aerospace, agricultural, chemical, computer, environmental, industrial, materials, mining, nuclear, petroleum and engineering management. We have been educated and trained to understand that we need to assemble the specialized expertise required to perform our work. Civil engineers like myself are involved in the design and construction of buildings, bridges, power dams, sewage and water treatment plants, underground utilities, roads, subdivisions and many more.

The institution of civil engineers defines civil engineering as a great art on which the wealth and well-being of the whole of society depends. Its essential feature, as distinct from science and the arts, is the exercise of imagination to fashion the products, processes and people needed to create a sustainable physical and natural-built environment. It requires a broad understanding of scientific principles, knowledge of materials and the art of analysis and synthesis. It also requires research, teamwork, leadership and business skills.

I am the vice-president of Terracon Development. We are one of the largest developers of new industrial, commercial and office space in the city of Winnipeg. We are also a design build construction firm. We design new buildings, we construct these buildings, we lease these buildings to tenants or sell them and we manage the properties, all of the maintenance. It is critical that our buildings are designed and constructed for the long term, that they are designed and constructed safely since we assume the liabilities, being owners of them. They must be designed and constructed efficiently at the lowest cost for us to remain competitive. They must be designed and constructed to have low ongoing maintenance or our tenants will leave, and very importantly, it is critical that they must be aesthetically pleasing or our clients will not lease them or return.

Our staff includes one professional engineer, two civil techs, one engineer-in-training and a senior project manager. Our staff designs the buildings, builds them and handles the ongoing property management. They are not just fully responsible during the design stage as architects are, but we have the responsibility for the life of the building. Some of these properties have been in our portfolio for over 30 years.

Our client include tenants such as the Winnipeg Regional Health Authority, and no, we do not build hospitals for them. They are a tenant of ours with their Manitoba tissue bank. You could nearly call it a skin manufacturing operation. We have Coca Cola, we have 3M Canada's Winnipeg sales offices, Maple Leaf Foods Winnipeg sales offices, TransCanada Pipelines Winnipeg head office, Panasonic's Winnipeg head office; Manitoba Pork Council's and Manitoba chicken council's executive offices. The Saskatchewan Government Insurance has their Winnipeg office in one of our buildings. Ridley's Inc., a large Australian company, has their Canadian head office with us. Rothmans Benson & Hedges, Chubb Security, Acklands-Grainger, we have the photo radar people as one of our tenants. We have medical tenants, including Surgipath Canada Stevens Company; Brathwaites Oliver and Canada Drugs.

Many of these companies have staff architects. They are sophisticated buyers. Very few have ever asked us for an architect to be involved in their projects. The base buildings these companies are in have all been designed by Terracon staff and sealed by professional engineers. Interior design on these buildings has been done both by interior designers and by architects as the clients have requested. Ralph Schilling, a well-known Winnipeg architect has done some of these, and the interior designers that have been involved are Van Osch Designs, Grant Design Group, Stockford Design, Arnott & Associates, XYZ Design and many others over the years.

Our clients are sophisticated, demanding corporations. They deal with us because of our expertise. The expertise we have is to assemble the team that provides our client with the best long-term value. When architectural design is critical, we work with architects. When we design basic style industrial buildings, including warehouses, manufacturing plants, small offices, basic retail buildings, we rely on engineers to deliver the best value. Delivering value to our clients is the key.

The Esplanade Bridge is designed by an architect; a beautiful bridge, but it is a sidewalk and it cost twice as much to construct as the four-lane Charleswood Bridge which was designed by an engineer. Both have their place. Neither is right or wrong. It is what the client requested and what the client could afford.

We as engineers do not question the value of architecture but in many instances the work can be performed by competent engineers. When it comes to basic buildings, engineers are logical and process oriented and quite capable of working with the National Building Code in designing a facility for the client's needs.

\* (19:10)

Interpretation of the National Building Code is extremely technical. It is not about creativity. The city's chief authority on the code is a civil engineer. His predecessor is a civil engineer, an ex-professor of mine at the university.

There are six major committees that are involved in the formulation of the new 2005 National Building Code. Out of over 150 persons, over 50 percent of these people are engineers. Only about 15 percent are architects. Each committee in the code review was dominated by engineers. Why? Because they do the technical analysis for each of these sections. Nowhere in the National Building Code does it say an engineer is not qualified.

As engineers, we do not claim to be able to design the architectural features of a hydro tower, a millennium library, a museum of human rights or a hospital. However we are responsible for the structure, occupant safety, the mechanical and electrical systems and every other component from roof design, glass, doors, elevators, foundations, the Leeds energy systems. We are not responsible for the appearance of the buildings. We are not qualified for that.

We are comfortable with having equal footing with professional architects. We are not comfortable when the feeling is that they need to be dominant. You can build a building without an architect. You cannot even dream of it without having an engineer there, especially on simple structures like industrial buildings, small offices, retail, big box, gas stations, warehouses. It is not logical to force an architect on the project when there is no requirement.

I have heard scare tactics being employed here. Engineers will design hospitals, concert halls, office

towers. That is not our intent. Engineers are logical and technical. We know when we are in over our head. Our act and code of ethics restricts us from practising outside of our sphere of competence. The professional engineering association does an excellent job of policing this. Architects have no such restriction in their act. This means they can design garages, office towers, bridges, et cetera, that may well be out of their sphere of competence.

I have heard architects say they should be the lead designer in all living spaces. Does that mean every house that is built? Those are living spaces we have in our homes more than anything else. Is that what people really want or do they want a choice? I chose to design the floor plan of my home. I also chose to have Les Stechesen, a well-known and respected Winnipeg architect, to give my design flow and to design my exterior. I chose Jan Ash, Bachelor of Interior Design, to do the interiors, my choice, not forced. That is what I am hearing and there was an eloquent poem about it yesterday.

I believe I heard Scott Stirton of Smith Carter speak some words of wisdom the other evening. Let us lift the injunction, put together a proper bill that serves our clients and ourselves, and let us pass this and strike a committee to make improvements. In any event, it is not fair to stop construction and development in this city and force the ideals of a few on the rest.

I have an enormous respect for the talents of the architectural community. I would appreciate a mutual respect from them. Thank you.

**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 Jim McFeetors, private citizen. Do you have a written presentation?

**Mr. Jim McFeetors (Private Citizen):** No, I do not, Madam Chairperson.

**Madam Chairperson:** No? Okay. You can proceed then, Mr. McFeetors.

**Mr. McFeetors:** My name is Jim McFeetors. I graduated from the University of Manitoba 50 years ago. I have been practising as a registered architect in Manitoba for 48 of those years.

As a professional, this bill will not affect me in any way because I have retired, but it will affect many of my younger colleagues. It saddens me to see that this government is enacting a bill which says to

them that they are not worthy of the trust that has been placed in them in the past, and that in the future they are going to have people of lesser experience tell them what to do.

Over the years, I have known many engineers and worked with many engineers in engineering firms of all disciplines. I have never met an engineer who could do what I do. I have never met an engineer who wanted to do what I do. They were more intent on doing well in the discipline that they had experience in. The danger that can happen is that people who do not do well in a particular discipline will gravitate to something else, like a building engineering discipline, where they will not do well in that either. Good engineers are intent on doing a good job in their own profession and do not want to move into architecture.

This bill has had a very rapid progress, an amazing amount of speed, maybe due to a very strong lobby. That lobby is, I believe, based on economics, not really intending to solve the difficult problem that we have had over the years. But, there is an old saying, "Act in haste, regret at leisure." I think there will be regrets if this bill is passed in the haste that it has been prepared. It is a good indication that a bill is unfair when one side is totally against it and the other side is totally for it. I think the alarm bells should be ringing.

Architecture is the fingerprint of a society on history. Do not make that fingerprint so smudged it will be indistinguishable. I urge the committee to delay the bill.

Sometimes in a union-management fight, they put the various parties into a room and do not let them out until they solve the problem. Maybe that is a way of solving this problem. But, until a better result can be achieved, I would suggest you delay this bill or make amendments, recommendations to the government. Thank you.

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

The committee calls Colin Reed, private citizen. One more time, the committee calls Colin Reed, private citizen. Mr. Reed's name will be dropped from the list to the bottom of the list.

The committee calls Ken Drysdale, Accutech Engineering. The committee calls Ken Drysdale, Accutech Engineering. Mr. Drysdale's name will be dropped to the bottom of the list.

The committee calls Francis Pineda, private citizen. You can proceed.

**Mr. Francis Pineda (Private Citizen):** Good evening, Madam Chairperson, and to the members of the committee.

My name is Francis Pineda, a private citizen, a registered architect, a member of the Manitoba Association of Architects. I am calling upon the Minister of Labour (Ms. Allan), members of the Legislative Assembly and this committee to object Bill 7 from legislation until you study the facts, the implications and consequences of this legislation. The law should serve every person, not only a selected few. This amendment is only for the professional engineers, not for the architects. The government should not allow any professional body, like the engineers, to debate any amendment to any professional body like the architects. This is like a dictatorship in disguise.

\* (19:20)

I would like to speak briefly on the practice of architecture. I would like to draw your attention to the intent or purpose of this bill as stated in the explanatory note supplied for every bill introduced in the Legislative Assembly

It states that the amendments to The Architects Act include provisions that clarify the circumstances in which a professional engineer can do engineering work that would also be considered architectural work. With this line, this simply states that the main purpose and the intent of this bill is to license a professional engineer to practise architecture without any training, qualification, registration as an architect. In any court of law, the judge would refer to the intent or the purpose of the law if there is conflicting meaning in the act or legislation.

The bill, as drafted, is unjust and discriminatory law in nature. If passed by this government it will result in many challenges in any court of law. First, unjust. These amendments of The Architects Act will create injustice and open a door for any unqualified persons to practise architecture in this province. The government and Building Code will dictate and regulate the practice of architecture and engineering, setting a stage for deregulations of all provincial self-regulatory provincial bodies like law, medicine, dentistry and others. Nothing is in the engineers act that they cannot practise law, medicine, dentistry or any other profession. Building Code is the minimum standard and requirement in construction, alteration

and addition of buildings. Nothing in the code states the regulation and practice of architects and engineers. The code is not the law. There is no other jurisdiction in Canada that the Building Code dictates any professional regulation.

This government or the amendment of The Architects Act condones the violation or contribution or contravention of The Architects Act, as the judgment delivered by Justice McCawley of the Court of Queen's Bench, Manitoba, on September 16.

Members of the Legislative Assembly are elected by the people to govern government, not to regulate the persons. It is up to the professional regulating boards to regulate their own respective professions. The engineers association is using this government to control another profession for their self-interest and greedy needs. If these engineers are practising other professions instead of engineering, why then should they not be registered in the first place?

The second item is discriminatory. The problem or issue of discriminatory arises when the government will license any professional engineer in any discipline to practise a profession like architecture without any training qualifications or satisfying the requirement of The Architects Act registration board.

The government favours a profession in expense of another profession. A person goes to an architecture school to become an architect, and an engineer engineering school to become an engineer not an architect. You go to medical school to be a medical doctor. If a professional engineer wants to become an architect, then this person should get the training in architecture and pass an exam to qualify him as an architect as required by the law. Even a hairdresser, journeyman or dental hygienist goes to school to be licensed in their respective field. This government even tables Bill 5, The Dental Hygienists Act, to have a respected regulating board of this profession.

To practise architecture in Manitoba, you need to be a registered architect in the province with the regulating body of the Manitoba Association of Architects. When I came over to Manitoba in 1976 as an immigrant, I was already a registered architect in the Philippine jurisdiction, but I have to satisfy the requirements of the registered architect in Manitoba and, as the professional engineers do, practising in their profession in any province. Every regulating

board has a requirement in their respective registration. Then why would a professional engineer without any registration, training or qualification be given a licence to practise as an architect? This is unfair, discriminatory and detrimental to the practice of architecture in the province.

The solutions will be in educating the authority having jurisdiction in the law of the province and not in the amendment of The Architects Act. Ignorance of law is not an excuse to implement the law. Thank you for listening.

**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 Grant Koropatnick. Not here. Mr. Koropatnick's name will be dropped to the bottom of the list.

The committee calls Richard Marshall, private citizen. You can proceed, Mr. Marshall.

**Mr. Richard Marshall (Private Citizen):** Good evening, Honourable Minister Allan, members, ladies and gentlemen. My name is Richard Marshall. I am a professional engineer practising in Winnipeg. My route to this room today has been more indirect than most of my colleagues, and I never imagined that I would be standing here today to defend my career and my profession.

Unlike many of my colleagues here today who attended the University of Manitoba, I graduated from Ohio State University in 1982 with a Bachelor of Science degree in civil engineering. The Ohio State University Department of Civil Engineering defines civil and environmental engineering as such: "Civil and environmental engineers plan, design, build, maintain and address the environmental impacts of constructed facilities and public works essential to civilization. A typical engineering project is large, one of a kind and important to the daily lives of many people. It is one of the few areas of engineering in which the engineer deals directly with the public in every phase of the project." Both the construction engineer and generalist options at the Ohio State University train civil engineers in building design, construction and planning.

As an aside, I would like to mention that the Knowlton School of Architecture at Ohio State University is part of the College of Engineering and always has been. This is the case at many other American universities as well.

I was fortunate early in my career to be involved in two significant projects. In 1982, shortly after graduating, I was the project engineer in charge of a clean room installation for the IBM plant in San José, California, that produces silicon chips for the IBM XT, the first mass-produced personal computer. In 1990, I led a design-build team that designed and constructed the sole North American quality assurance lab for Nestle S.A., in which samples of all food products produced by Nestle for consumption in the United States, Canada and Mexico are tested to assure that the public health and welfare are protected.

I immigrated to Manitoba in 1993, and I have been a member of the Association of Professional Engineers in Manitoba since 1995. As my career has been mostly limited to work in Winnipeg and the surrounding area, I am licensed to practise in Manitoba only. Since 1997 I have been a senior project manager for Pre-Con Builders. Our firm does approximately \$45-million worth of construction work every year. We are about 4 to 5 percent of the total market value of commercial construction in Manitoba. We are a market leader in design-build commercial construction and project management.

We are proud to be the prime builders serving such developers as Shindico Realty, Bachman Property Management and Morguard Investments. I have been a project manager on many significant projects in Manitoba and Winnipeg, including the 2002-2003 additions to the Canwest Global Park, Kenaston Crossing Shopping Centre, Grant Park Festival Shopping Centre, the new Shindico headquarters building, Fort Garry Brewing Company, the Assante building on Taylor, six Sobeys grocery stores in Winnipeg, Portage la Prairie and Brandon, to name but a few of the hundreds of projects I have been involved in.

Each project that our firm does is unique and we approach the design of each project as such. We have an in-house drafting staff of four, including two foreign-trained engineers, who we are helping to get acclimated into the Manitoba economy, a graduate landscape architect and a technologist from Red River College. On a large number of our projects, at the behest of our clients, I hire architects, engineers or both to complete the design work. In many of the presentations last night, the architects who presented first stated how valuable their services are to society but then cautioned that if their services were not guaranteed through legislation, the profession of architecture would wither and die.

\* (19:30)

I find this self-contradicting position to be baffling. I can tell you today, unequivocally, that as a constant, repeat purchaser of architectural services, I will continue to do so on behalf of my clients for the good of the project, no matter what is decided on this bill. That would be the case for projects larger than square 600 metres or smaller than 600 square metres.

Dr. Gerrard, you may remember that the last time we met was at the dedication ceremony for the Glesby Centre for the Performing Arts in Portage la Prairie in December 1998. On that project, we collaborated with the former GBR Architects led by staff architect Vince Kwiatkowski who addressed this committee last night.

In May of 1998, when we were approached by the Portage Community Centre board of directors to rescue a project that was \$600,000 over budget and in jeopardy of not proceeding. We analyzed the design, working together with GBR Architects, redesigned the building, foundations and structure, and proposed other modest changes, cutting the budget by \$500,000, from \$1.9 million to under \$1.4 million. The Glesby Centre was then completed ahead of schedule, and to much acclaim I might add, at the opening ceremony.

I have attached a letter from the Portage Community Centre as it has more details on this successful collaboration. I bring this up to point out that architects are not infallible and that all construction projects are complex undertakings that can benefit from the input of many participants. For the 2003 addition to the CanWest Global Park, I interviewed several prominent architectural firms to join the design team, ultimately hiring Number 10 Architects. Several partners at Number 10 have already addressed this committee.

We also engaged the services of Wardrop Engineering for site design and utilities, Crosier Kilgour & Partners for structural engineering, Nova 3 Engineering for mechanical electrical, NDLEA for environmental assessment and Hilderman Thomas Frank Cram Landscape design.

We are currently finishing the construction of a new Safeway store in Brandon. For this project, we hired LM Architects for the architectural plans, led by David Kressock, who addressed you last night. We are also currently working with Les Stechesen of Stechesen Katz on a major office development on Corydon.

Last November, the U of M Faculty of Architecture asked for my help in arranging a field trip to view current construction technology. We showed 87 students through a construction site over a two-and-a-half-hour period, highlighting the design elements so that they could relate real-life experience to what they were studying. I have attached a letter from Leon Fedinuw expressing gratitude for this help in training Manitoba's future architects.

I think it would be instructive to this committee to explain how projects actually proceed in the real world. Most projects are collaborations that then involve an architect, a civil engineer, an interior designer, landscape architect, mechanical engineer, electrical engineer or other professions as needed. We assemble teams, based on our knowledge of the industry, the unique project requirements and the capability of the professionals to meet the challenges involved, always in consultation with our client.

One example that I would have, and I want to paraphrase here because I will probably run short on time is the Grant Park Festival Shopping Centre at Taylor and Nathaniel. For most of that design we used David Goyer, Architect as our architect of record on it. Several of the tenant improvements that were done in there were chosen. The tenants themselves chose to use interior designers for the design work. Those projects had proceeded up to this point.

I have one current project that is underway there, which is a 3000 square foot Chinese restaurant in unit 2 of the strip centre. We engaged an interior designer for this interior alteration and had plans ready to submit just prior to September 15. Due to the injunction, we then had to hire an architect to review and seal the drawings. The setback and delay totalled about a month, and so far the tenant is stuck paying for one month's rent for an empty space during the delay, the additional cost to the architectural review fees, and he is also out one month's revenue on that project.

Our firm has been fortunate to construct all or most of the recent stores in Winnipeg, Brandon and Regina for Best Buy, Future Shop, Michaels crafts and Old Navy. Each of these stores has a concept design that is followed across their market area. Their respective construction departments provide us with complete architectural drawings. The drawings are complete, but do not carry an architectural seal. In many cases, the drawings are available for download from a special Web site that requires

password access. To complete the design, we are only required to do a code check for life safety and perform structural design of the foundations and building structure.

Not only would engaging architectural services add nothing to this process other than the architect acting as a drafting service, the stores that I have mentioned do not allow any changes to their concept designs. We generally do these types of projects in-house or outsource the structural engineering and life safety review to a competent engineer.

Many of the architects who spoke to you last night mentioned that buildings should nurture the human spirit, contain beauty, grace and delight. I agree that some buildings should have these attributes. Engineers do not live in a vacuum. But, for many projects, nurturing the human spirit is far down the list of requirements an owner is looking for. A few examples spring to mind: a sewage sludge treatment plant, a warehouse for brake shoes and fan belts, a dry cleaning drop-off depot, a tanning salon or a gas station. For every Canadian human rights museum built over the next five years, there will likely be two dozen tanning salons and a half a dozen gas stations

Many of the architects who presented last night asked you to consider protecting the public interest by legislating an architect's involvement so that some of the unspecified design criteria are met in a way that the building looks or fits with its environment. I ask you to consider that the public interest is already protected in this manner where it matters. In Winnipeg, that would be through application of Zoning By-law 6400 through the Downtown Design Review Board through zoning variance and rezoning procedures, through zoning development agreements and through various community committees.

In summary, I would like to say if you pass and proclaim Bill 7, I predict that the industry will not operate much differently than it has for the last number of years. More architectural firms will fail, owners will continue to hire architects for the value they add to projects and students will decide to stay here or move away dependent on factors that are far removed from the issue of scope of practice of architecture. Time up?

**Madam Chairperson:** Time up, yes. Does anybody have any questions for the presenter? No? Thank you.

The committee calls Digvir Jayas, private citizen. One more time for Digvir Jayas. His name will be dropped to the bottom of the list.

Calling Evan Hancox, private citizen. Good evening, Mr. Hancox. You can proceed.

**Mr. Evan Hancox (Private Citizen):** Minister Allan—

**Madam Chairperson:** Stop for one second. If you just bring that mike down a little bit more because I do not think we are going to get you at the back there. Thank you.

**Mr. Hancox:** I will start again. Minister Allan, honourable members, ladies and gentlemen, I consider it a privilege to stand before you today and address the issues related to Bill 7 as I see them. I will warn you that I have actually typed out a whole lot more than I am going to speak to, so I am going to be skipping along.

My name is Evan Hancox and I am a journeyman bricklayer. I have amassed well over 15 years of experience working commercial construction before entering the University of Manitoba to study engineering. I graduated with a degree in mechanical engineering and spent the last four years working as an engineer-in-training for consultant firms in Manitoba. I expect to receive my designation as a professional engineer within a year.

Let me begin with stating that I have the utmost respect for architects in this province. I also have a position where I support Bill 7, although I do have a few issues with the way it is written. Grandfathering; I do not agree with the concept of grandfathering engineers into practice architecture. It is not necessary since the intent deals with the overlap that already lies within the scope of engineering. I also think it sets a dangerous precedent that suggests that engineers require permission from the MAA to practice engineering.

I am also concerned with the fact that the chair of the joint committee is the Dean of Architecture at the University of Manitoba. I would be equally concerned if the chair of the joint committee was the Dean of Engineering. Either way, I believe there is a conflict of interest because the chair will have the power to implement changes when an agreement cannot be reached between architects and engineers. To prevent even the appearance of a conflict of interest, the chair of the committee should be neither an engineer, an architect nor any person out of past, present affiliation or connection with either

association or regulated bodies. A layperson should be appointed to that position by the Government of Manitoba and that person should meet the qualifications I outlined above.

Now with respect to the exemption clause, while I hold that inserting a broad exemption clause similar to that found in the engineering act into The Architects Act would better serve the citizens of Manitoba, I think that a good compromise has been reached by the Government of Manitoba and that the greater good of the people of Manitoba will be best served by passing the bill as it is written.

\* (19:40)

Having listened last night to many presentations from the MAA, I heard a number of comments, actually, that I found to be misleading, and they were repeated over and over again. I am just going to point out a couple of those. The MAA had repeatedly said that no one should be able to dictate how a professional self-regulating body practises. It is paramount to the ideals of self-regulation. To that I agree; however, that is exactly what the current Architects Act does to engineers by being void of exclusion clauses. We are simply trying to gain the freedom that they already enjoy with exclusion clauses built into the engineers act. I believe Bill 7 moves us in that direction.

The MAA also repeatedly claimed that Bill 7 would see all the many disciplines of engineers designing buildings. This is simply false propaganda. Engineers and APEGM take the issue of practising within one's area of expertise very seriously. There are checks and balances in place to ensure this. You will not find a mechanical engineer practising as a structural engineer.

The MAA also repeatedly claimed that Bill 7 would see the end of architecture and, in short, the world as we know it would end. Again, false. They fear an end to a monopoly. We only have to look to the engineering act and the exemption clauses included within it to see that this fear is unfounded. Engineering did not end in Manitoba when these same exemption clauses were implemented in the engineering act. Remember, we are talking about an overlap here, nothing more.

The MAA repeatedly claimed that architects are the only people trained and qualified to implement building design. I do not agree with this either. The MAA went on, ad nauseam, about education that they receive as it relates to buildings and attempted to suggest that engineers have no such training. Let

us not forget that much of their education is based on the ephemeral, the artistic philosophy of buildings, in their words.

The information left out of their presentation is this. Engineers are trained in the sciences of buildings from the fundamental perspective upward. Consider that all things are built from fundamental principles. This includes all materials and systems used in building construction, structures, heat transfer, ventilation, electricity and on and on. To suggest that the very people who create these systems, who happen to be the only people who completely understand the limits of their application, are not sufficiently trained to implement or co-ordinate construction of these systems and buildings is again false. To suggest otherwise is misleading.

The MAA repeatedly claimed that the Building Code is a minimum and that they would strive to design beyond this minimum. Is the Building Code a minimum standard? Yes, in some ways it is. However, please consider what standards mean. Standards are an acceptable level of performance set down to ensure that all factors related to the issue are met. That is a standard. Furthermore, the very aspects of the building design, short of the artistic flair, is what these are. The very education of all professionals are based on standards. Can we work beyond standards? Of course, but let us not lose sight of the fact that the client must be willing to pay for these steps above acceptable standards. Engineers also consider it a responsibility to the client to ensure that clients' capital investments and future operating costs are considered within their design work. In the end, once standards are met, the public must have a choice how they wish to spend their money.

I am just going to jump along here a little bit because I have got way too much to talk about here. Let us talk about public safety before I run out of time. As I see it, when one distils this entire dispute down to its simplest form, the question becomes do engineers have the skill set to design buildings of any size and in doing so ensure public safety. All one has to do to determine the answer to this question is to look to who defines the codes that ensure public safety.

Firstly, as stewards of public safety, the government is charged with putting laws in place. These laws or acts form a structure professionals work within while ensuring public safety.

Secondly, the resulting building codes define the specific framework to ensure that safety standards

are applied to the design and construction of buildings. Herein lies an important point. The Building Code defines parameters of safety and it is written almost exclusively by engineers. Why? Simply because engineers are specifically trained and motivated to determine all factors of safety that must be integral to all design work. This applies to all engineering design, including the design of buildings of all sizes and application. More to the point, section 3 of the Building Code was written by engineers, yet the MAA suggests that only architects have the skill set to apply it. How could that possibly make any sense that the very people that define the code and related safety regulations are unfit to apply it?

Is that two minutes, or are you saying hi?

To sum this up quickly, I support Bill 7 the way it is written and urge you to pass it. I thank you for taking the time to listen very carefully to all my comments.

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

The committee calls Mitra—sorry, excuse me, I have to go on to the back of the page.

The committee calls Kevin Sim, private citizen. You can proceed, Mr. Sim.

**Mr. Kevin Sim (Private Citizen):** Thank you very much. Good evening, Minister Allan, Madam Chairperson, honourable members and ladies and gentlemen.

My name is Kevin Sim, and I have recently been registered as a professional engineer, licensed to practise engineering here in the province of Manitoba. I attended the legislature committee proceedings last night and had an opportunity to hear the first speakers on the issues and concerns around this proposed Bill 7 prior to third reading. I heard several things of interest which were presented by those for and against the passing of this bill. I wish to address three particular issues which I heard and wish to challenge. One is the education of professionals in this province; two, use of code of ethics; and three, my own individual concerns on Bill No. 7.

Many of my esteemed counterparts in the architectural profession, including one architectural student last night who is attending the University of Manitoba, raised the issue that architects are the only

persons properly educated to design, plan, supervise and inspect buildings. They indicated that it takes approximately six years of post-secondary education and additional time in a rigorous internship program administered through the MAA to become a registered architect licensed to practise architecture in the province of Manitoba. The internship program is intended to provide the intern with various exposures in the field of architecture to allow them to become well-rounded professionals, competent in many aspects of design, construction and administration.

I applaud and congratulate those who have completed the course of study and internship program and obtained their registration through the MAA. In fact, an architect friend of mine recently became registered. He completed the internship program. There is no doubt that there is a certain measure of pride in his voice when he speaks of his accomplishment.

Professional engineers go through a similar process to become registered with APEGM here in Manitoba. After four or more years of university education, and it varies across the country, persons wishing to become licensed to practise their particular field of engineering must participate in a pre-registration program and are designated members-in-training.

This program is mandatory for all and requires participation in at least four years prior to becoming a registered professional engineer. All participants are required to submit a progress report every six months to indicate the experience gained in various types of projects. They are also required to show steps taken in professional development through courses or seminars to aid the member-in-training to further their education. There is also a requirement for the member-in-training to complete community service and volunteer hours.

Much like the architects' internship program, our pre-registration program is intense. I know because I have just completed it. Members-in-training have to show growth in the field of engineering through design, application of theory, construction and contract administration, management, professional development and professional service to the association and to the greater community.

The type and length of education should not be the measure of who is qualified to design buildings. To say that would mean that a person who went to school for six years in engineering is more qualified

than someone who went for four. Experience and training in the field is a key component to competency, and it is something that is learned through the internship program in the MAA and APEGM's pre-registration program. If our respective associations say that we are ready to practise in our fields, they will register us and provide us with our licences and seals. That is the reason for having our respective self-governing associations in the first place.

\* (19:50)

To say that education alone is sufficient flies in the face of building officials and authorities having jurisdiction who are neither engineers nor architects. If this were true, based on what the architects have been telling us, only architects could review drawings for permits and only architects can declare buildings safe for occupancy.

I do have one particular item of interest to note. While perusing the MAA Web site to find information on how the association views this particular bill, I found an advertisement for three week-long courses that architects can take to further their knowledge of part 3 of the Building Code which deals with life safety and fire safety systems. When reviewing the course material, I recognized the name of one of the instructors for the course as someone who happens to be a registered professional engineer in this province. Is it not interesting that an architect's education, which places them as the sole person qualified for building design, would include a course taught by a professional engineer?

I would also like to note that I have taken these courses through the Emergency Services College in Brandon, and passed and received certification from the Office of the Fire Commissioner. I feel that this training qualifies me to review and design part 3 life safety systems for buildings over 600 square metres as stipulated in the Building Code. I will touch on this point later on.

I am sure that some people will agree with me here that there are good registered architects and bad registered architects, much like there are good registered engineers and bad registered engineers. Who we are and what we are qualified to do should not be based solely on our respective educations but also on our experience and our relative competencies. This leads me to my next issue of concern.

Public safety has been a common theme of concern raised by the MAA. All members of APEGM are bound by a code of ethics, and I have included a copy of the code of ethics in the package. Our code of ethics has five fundamental canons and 38 individual statements on the canons of conduct for an engineer. The five fundamental canons are listed there, but I will not read through all of them. I would like to point out fundamental canon No. 2, and I will read it as follows: Each practitioner shall regard the physical, economic, and environmental well-being of the public as a prime responsibility in all aspects of professional engineering and professional geoscientific work. This second canon expressly states that professional engineers are to regard public safety as a prime responsibility in all aspects of our work.

In contrast to this the architects' code of ethics, which is also included, does not expressly or implicitly make a similar statement with regard to public safety. The architects' code of ethics makes five statements with regard to the following: your profession, the architect, the architect's services, the architect-contractor relationship, and the architect-architect relationship.

Further to the second fundamental canon of the APEGM's code of ethics, statement 2.1 also states that each practitioner shall possess the training, ability and experience necessary to fulfil the requirements of any engineering and geoscientific work undertaken. I interpret this to simply mean do not do any work that you are not qualified to do. If I were to do something I was not qualified to do, I am subject to the rulings of the discipline committee of the association and any sanctions that they may impose upon me. These sanctions include financial penalties or the extreme of complete removal of registration with any association. I ask who would want to take such a risk that could potentially harm public safety and risk losing a livelihood over. Not I.

Seeing as I have very little time left, I will skip to my concerns about the bill. My personal views of Bill 7 have evolved and are based on my knowledge of the issues from previous meetings at my association and personal conversations with other concerned individuals. I speak in support and the passing of this bill by the government, but would like to make the following comments.

Things I like about the bill: the ability for any party involved in a particular project to be the prime consultant and the ability for joint architectural-

engineering firms to be established without restrictions based on a particular ownership model.

The things I disagree with include the grandfathering clause and the prescription of required designers on projects based on size and type of occupancy. This leads me to my training and part 3 of the Building Code.

With the passing of this bill, I would no longer have the ability to provide services to clients with regard to part 3 of the Building Code, which relates to fire and life-safety systems. As I have indicated, I have completed these courses and passed with a grade of 90 or higher and have received certification. My certificates are also included in the package. This additional training that I have received qualifies me to review and plan fire and life-safety systems for buildings over 600 square metres as they relate to part 3. Typically, this role falls to the architects. When there are on projects involving architects and engineers.

Now I ask the question: What do I do with my training? Where do I fall within the realm of this new legislation? The bill is not perfect but right now, it is required at this time to provide a framework with which discussions between architects and engineers can once again take place. In my view, both engineers and architects are to blame for the lack of progress made in their negotiations and discussions through the joint board.

Two respectable professional groups should have been able to come to some sort of resolve on these issues without government having to step in. It has been over 15 years and no solution has been reached. Now, the government needs to act. If the two sides can come to consensus on a new memorandum of agreement in the future within the joint board, then it is my hope that government would review the new agreement and implement any changes that are suggested. Thank you for the time to allow my voice to be heard.

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

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

**Madam Chairperson:** The committee calls Kevin Sydor, private citizen. You can proceed, Mr. Sydor.

**Mr. Kevin Sydor (Private Citizen):** Good evening, Minister Allan, honourable members, ladies and gentlemen. I am thankful for the opportunity to speak

to you today. My name is Kevin Sydor and I am a civil engineer. I specialize in hydrotechnical engineering and I received my engineering degree in 1992 and my Master of Science in Engineering in 1998, both from the U of M.

I have worked in both the private consulting sector as well as in public service. At various times, as a consultant, I have had the good opportunity to work with architects and so I have developed a respect for what they do. I am speaking in support of Bill 7 which the Government of Manitoba has recently introduced to settle the scope of practice dispute between the engineers and the architects.

We all realize that the physical well-being of the public is of paramount importance and I believe that both associations do their best in regulating the practices of their members to ensure this, but also the economic well-being of the public is important. I am concerned that, if Bill 7 is not passed in its current form, there could be extra unnecessary costs associated with building some projects which are ultimately passed on to the public.

That includes me and that is why I am here talking to you. Bill 7 addresses these concerns by allowing owners to choose their own prime consultants. It clarifies the circumstances in which an engineer could do engineering work that might also be construed as architecture work. Bill 7 does not go so far as to provide the engineers the same exemption clause that the architects enjoy in The Engineering and Geoscientific Professions Act.

\* (20:00)

On one hand, I was hoping for mutual exemption clauses in both acts which, I have been told, might be the case in some provinces. I looked it up on the Internet, and, yes, there are some provinces that have that, some that do not. But, on the other hand, I have read that the government created this bill after consulting with several stakeholders in Manitoba in order to arrive at a workable solution which is in the best interest of the public, not in the interest of any individual or group. So I would like to commend the Government of Manitoba for taking action to finally bring this dispute to an end and provide a framework for the joint practice of engineering and architecture. I hope that the legislation will be passed into law as soon as possible the way it is.

Now, on a personal note I have been listening to many presentations today and yesterday, and I am troubled by some of the comments I have heard. I

think it is my duty, this time I am speaking as an engineer, to respond to the claims made by many of the speakers that amount to saying that using an engineer only would effectively lower standards. I cannot say that I am very happy to hear this and it seems that we have heard from others much to the contrary. This bill does not allow engineers to be an architect. It simply allows engineers to practise engineering as defined by the engineering act as their legislation regulates them. Richard Marshall earlier seemed to be wondering why he would be here today in front of a legislative committee defending his profession. Well, I can remind him of that. It was the MAA who sought the injunction and set this into motion. Owners and builders and government know when an architect is needed or when both engineers or architects are needed, or none. Manitoba needs engineers to design buildings and manage projects some with architects and some without.

This will not lower the standards in Manitoba. The sky is not falling. Thank you.

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

The committee calls Amjad Mian. You can proceed.

**Mr. Amjad Mian (Private Citizen):** Good evening. Minister Allan, honourable members, ladies and gentlemen, my name is Amjad Mian. I am a professional engineer in the province of Manitoba. I work for Manitoba Hydro as a corporate fire protection engineer. I provide fire protection engineering services to my corporation pertaining to all hydro stations including corporate, smaller and larger facilities. I also serve on the National Fire Protection Association. It is the lead body in the fire protection business in the world. I serve on three technical committees.

Since the court ruling on September 16, 2005, we have been affected in principle. I am very concerned that the broad interpretation of the architects in that ruling may affect professional engineers' work performed at Manitoba Hydro and leave us open to litigation.

I am involved in fire protection planning, designing and sometimes supervising indirectly new construction or modifications to existing facilities, which include hydro-electric stations, transmission and distribution stations, indoor and outdoor switch yard equipment, system control centres, service

centres and other corporate facilities. This is a very specialized and a sensitive field of engineering. Fire protection is a very serious business.

For me, fire protection engineering is all about life safety and protection of public safety issues. Therefore, authority having jurisdiction is the appropriate place for decisions to be made in the public's best interest. Public safety, inherent in the engineering profession, is well documented, but it should be noted that the Building Code becomes and should be the ultimate authority on public safety and is no longer subservient to any professional act. This is not a turf war between architects and the engineers. Bill 7 provides needed clarity between the two acts and allows my corporation to choose when it needs architectural services, and we have several examples where we have required services of the architects.

In closing, I would like to point out that this is legislation that will help engineers and the architects work together well in the future without looking over their shoulders. I would like to request that this legislation and the members here fully support Bill 7. Thank you very much.

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

The committee calls Reed Winstone, private citizen.

**Mr. Reed Winstone (Private Citizen):** Good evening.

**Madam Chairperson:** Do you have written submissions?

**Mr. Winstone:** I do not have a prepared submission.

**Madam Chairperson:** Please proceed, Mr. Winstone.

**Mr. Winstone:** Good evening, honourable members, Minister Allan. I am here in support of Bill 7 as a private citizen. I am a professional engineer. I also am employed by Manitoba Hydro. I do not work in structures or related fields. As such, my code of ethics says I shall not practise in that.

I am concerned that many of the buildings that are built and maintained and designed by our engineers are built for purposes other than occupancy. They are built specifically for issues that I do not think architects are necessarily prepared for. They provide protection against electrical hazards,

against chemical hazards, explosion protection, contaminant containment, vibration loading through industrial equipment, hydraulic loading in the cases of hydro dams and structures, noise protection in the cases of combustion turbines or any other loud equipment.

In the fire ratings of the buildings, not necessarily the fire protection, what is the structural strength of that under designed fire codes or the designed fire lines? How long is the building going to stand before it collapses under these? Those are engineering questions. In all due respect, I believe that an engineer should be given a primary role in terms of trying to determine or at least be allowed the primary role in terms of trying to design buildings to withstand those kinds of loadings.

I have all due respect for architects, and I believe that they play an integral role in many of our projects, including some of these. But the question being who should take the lead role, I think engineers, as stated in Bill 7, should be allowed to take a lead role in industrial buildings that are subject to those or other types of industrial loadings.

I thank you.

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

**Mr. Winstone:** Thank you.

**Madam Chairperson:** The committee calls Quinn Menec, private citizen. You can proceed, Mr. Menec.

**Mr. Quinn Menec (Private Citizen):** Thank you very much.

Hello, my name is Quinn Menec, and my current position is assistant to the vice-president of transmission and distribution and chief engineer at Manitoba Hydro. In this capacity, I assist the chief engineer in the oversight of approximately 360 engineers that plan, design and manage a multitude of projects, many of them involving buildings in support of delivery of dependable, low-cost energy for all Manitobans.

\* (20:10)

While Manitoba Hydro is not very involved in the traditional building industry, I believe the engineers at Manitoba Hydro are concerned with the broad interpretation of the September 16 ruling that could potentially affect the engineering work for, in particular, the many buildings under Manitoba

Hydro's responsibility by increasing costs, lengthening schedules and limiting the scope of practice of our responsibilities and capabilities.

Bill 7 clearly defines the requirements whereby architects and engineers are needed with respect to specific building designs. This bill also provides for a mechanism to work together in resolving any potential future disputes and eliminates the position of economic advantage or leverage that currently exists in today's environment.

I am here in support of Bill 7 that provides a fair, equitable treatment to both professions, placing the architect and engineer on equal footings. I believe that this bill provides the necessary defined scope of practice needed for both professions and addresses those situations where the abilities of both professions overlap in a fair and reasonable manner. Thank you very much.

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

The committee calls Dean Syverson, private citizen. Did you have a written submission?

**Mr. Dean Syverson (Private Citizen):** No, I do not.

**Madam Chairperson:** You can proceed, Mr. Syverson.

**Mr. Syverson:** Good evening Madam Chair, committee members. My name is Dean Syverson, and I am a registered member of the Manitoba Association of Architects and current president. I support the position of my colleague, Don Oliver, and call upon the minister and this committee to delay Bill 7 from proceeding to third reading.

I would like to speak to the design of the built environment as it pertains to Manitoba's disabled community. As has been stated, architects are the only people who are educated, trained, tested and certified to design buildings with the peoples' health and welfare in mind. Part of this specialized training and testing is focused on learning to design specifically to accommodate the needs of the disabled community. Twenty years ago when I started my architectural education, accommodation for an accessible ramp into a public place such as a restaurant likely would have required the user to take a scenic route into the facility starting in the back lane, proceeding past the BFI bin up to the receiving dock, through the kitchen, past the washrooms,

servers' station, and finally into the restaurant seating area.

Non-architects have frequently responded to this type of scenario with questions resembling, "What is the big deal? We got them into the building, did we not? It is good enough." Well, yes, the disabled user may have gotten to their seat in the restaurant, but only after having getting stuck in the snow in the lane, after having their sense of smell assaulted as they proceeded past the garbage bin, after having negotiated around yet unpacked boxes in the receiving area, and after having survived a collision with the kitchen staff.

For an architect designing with people's health and welfare in mind, it includes consideration for and accommodation of personal safety and dignity. Simple compliance with the Manitoba Building Code does not achieve this. Neither personal safety nor dignity are achieved in the above-noted example, yet, many non-architects would consider this type of bare minimum accommodation good enough.

Accessibility in universal design, and to clarify, accessibility is a mandate. Universal design is a movement. Accessible, adaptable environments are not optional. Universal design is a worldwide movement that approaches the design of the environment, products and communications with the widest range of users in mind, including members of the disabled community. The accessibility laws focus on people with a narrow range of specific disabilities, such as those who use wheelchairs or who have visual and/or hearing impairments. They ensure access to designated types of buildings based on assumptions about particular barriers in the environment. For example, they stipulate that there must be one level entry into public buildings for someone who uses a wheelchair and that a person who does not see should have audio signals and Braille signs in an elevator.

*Mr. Vice-Chairperson in the Chair*

Universal design comes from incorporating these guiding principles into underlying design thinking. There are no specific goals to reach. There is, instead, a framework for creating solutions. Universal design asks designers to rethink some fundamental, formal architectural concepts to contemplate environmental equity for all kinds of users and to consider a variety of ways the environment can be designed or adapted to accommodate people's changing needs such as those

of the aging or of people who do not speak the dominant language.

Providing a universal environment means creating space that does not segregate some and prevent others from using it independently but does benefit many whose needs have not traditionally been of concern. The largest cohort that universal design in North America seeks to include are aging baby boomers who will soon begin to find the world more difficult to navigate. Proponents insist that universal design meets the highest standards and contest the stereotype of accessibility that creates places that are segregating, costly and ugly. Outstanding examples of universal design are so seamlessly integrated into the architectural solution that they are rarely noticed for their common characteristics. The best projects in this context are those you do not see. The public benefit is sometimes taken for granted until it is not present.

Architects now commonly practise sustainable design and universal design. Energy efficiency and accessibility have made their way into the codes. There will always be others who doggedly meet the minimum prescribed standards, but the best examples of both will continue to come from architects who embrace the concepts, push the technology and use them as a platform for invention.

To the members of the committee, we as architects practising in Manitoba collectively urge you to reconsider the hasty passing of Bill 7. This bill creates more problems than it purports to solve.

The need to protect both the public health and public welfare in the built environment includes the same with respect to the disabled community. Architects have made great strides in the last 20 years in our design capabilities relating to the disabled community. Bill 7 in its current state proposes to lower that standard by allowing non-architects to design many public spaces that need to accommodate persons with disabilities despite these non-architects having no formal training to do so. Do we live and work in a province that muscles legislation through in a hasty manner, legislation that is perceived as simply being "good enough," or do we live and work as professionals in a province that takes its time in changing legislation to ensure that the proposed changes are good?

If this legislation is passed, we will undoubtedly see many more non-architect designed buildings in which the needs of the disabled are, once again, accommodated as they were 20 years ago, from the

lane, past the BFI bin, through the receiving dock, through the kitchen, past the public washrooms and server station and into the restaurant proper. "Why not?" the non-architects say, "We have been doing it this way for 20 years and it has been good enough."

I believe we would all agree that "good enough" is not the standard by which we measure appropriate legislation. "Good enough" is not the standard we as citizens of Manitoba should aspire to, and "good enough" is not the standard we should be subjecting our disabled community to.

Let us ensure that the safety and dignity of disabled peoples in Manitoba is maintained and let us start with the reconsideration of Bill 7. Thank you.

**Mr. Vice-Chairperson:** Are there any questions? Seeing none, thank you for your presentation.

The next name is Dave Bone, private citizen. His name drops to the bottom of the list. Next is Doug Ruth, private citizen. His name drops to the bottom of the list.

Next is Gerald Peters, private citizen. Do you have a handout?

**Mr. Gerald Peters (Private Citizen):** Yes, I do.

**Mr. Vice-Chairperson:** Please proceed.

\* (20:20)

**Mr. Peters:** My name is Gerald Peters, and I am a registered member of the Manitoba Association of Architects, the Ontario Association of Architects and the Royal Architectural Institute of Canada.

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

I would like to speak briefly on the limitations of the Building Code in the design of the buildings. According to the National Building Code of Canada 2005, which was recently released, the four objectives of the code are safety, health, accessibility for persons with disabilities, fire and structural protection of buildings.

Quoting from the preface of the code, paragraph 3, under National Building Code of Canada 2005, which is attached, code provisions do not necessarily address all the characteristics of buildings that might be considered to have a bearing on the code's objectives.

Through the extensive consensus process used to develop and maintain the model national codes, the code-user community has decided which characteristics should be regulated through the NBC. Because the NBC is a model code, its provisions can be considered as minimum acceptable measures, despite what some of my engineering colleagues including Calvin Gray who I have worked with, an instructor in the Building Code, has indicated earlier he considered them high standards.

Minimum acceptable standards required to adequately achieve the above listed objectives as recommended by the Canadian Commission on Building and Fire Codes. They become minimal acceptable provisions once they are adopted and passed into law or regulation by an authority having jurisdiction, i.e., the provisions represent the minimum level of performance required to achieve the objectives that are acceptable to the adopting authority.

In skipping down one paragraph, the NBC is a model code that when adopted or adapted by a province or territory becomes a regulation. It is not a textbook on building design or construction. The design of technically sound building depends upon many factors beyond simple compliance with building regulations.

Such factors include the availability of knowledgeable practitioners who have received appropriate education, training and experience and have some degree of familiarity with the principles of good building practice and experience using textbooks, reference manuals and technical guides. In fact, there are numerous issues in the design of buildings that have an impact on the health and welfare of people which the Building Code does not address.

A few examples: Security. From the simple provision of locks on doors in buildings other than residential occupancies to the more complex issues of being and feeling secure in public parkades, in tunnels or in corridors to the design of buildings to provide windows as eyes on the street, safety is a concern. This is of particular interest to the elderly and women, who feel vulnerable in these circumstances. The Building Code is silent on this issue but architects are trained to deal with them.

Privacy. Have you ever walked past the open door of a public washroom, glanced in and noticed in the reflection in the mirror of a man standing at a urinal? Or, who determines the construction of a wall

that separates one exam room from another in a small doctor's office, ensuring that the patient in the next room does not hear your conversation with your doctor? Privacy is a design issue but not necessarily a code issue.

Daylight, views and natural ventilation. The Building Code addresses windows for residential occupancies only. Other occupancies such as office or industrial workplaces also benefit tremendously from access to natural daylight and views. There is empirical evidence that performance and quality of life improve for people who have access to natural daylight, views and operable windows. The Building Code does not address this issue, but architects are trained in it.

Accessibility. The Building Code provides insight into the intent of making buildings accessible to all, however there are significant gaps in addressing the needs of many. For example, handrails in corridors of a seniors apartment building is not addressed in the code. The use of various types of strobe or visual alarms for the hearing impaired is left to the designer.

Offices that meet the special needs of disabled are not a part of the code. Kitchens that accommodate people in wheelchairs are not a code issue. Architects are trained to address accessibility issues and universal design, as was eloquently said by Dean Syverson.

Thermal comfort. The code provides basic information on providing thermal protection through the insulation and envelope protection. However, there are many design issues which impact the comfort of people in buildings; shading of southern or western exposures to reduce and control solar gain. The design and specification of windows to control heat gain and loss has a direct impact on people. The Building Code does not address these provisions, but architects do.

These are only a few of the many issues that the code does not adequately address in meeting the needs of people but issues for which architects are trained to design. Please do not make the mistake of assuming that designing a building to simply meet the Building Code will address the health and welfare of people. This is not the goal of the code and this is not the intent of the authors of the code, nor is it the case for any province in this country. Architects are the appropriately trained, tested and certified professionals designated to carry out the design and planning of buildings. That is the intent

of the code. Several of my engineering colleagues have indicated that meeting the code is good enough. I do not agree. Designing a building is much more than meeting the code.

I am a 36-year-old architect; I am a Manitoban by birth; and I was educated at the University of Manitoba. I am currently a one-third owner in principle in a 25-person architectural and interior design firm, Friesen Tokar Architects. I am very concerned about my future in this province, my ability to continue to attract young architects back to this province, which has happened in the last couple of years, but only the last couple of years, and the future of building design in Manitoba. Please put a stop to this legislation and its regressive approach to building development in Manitoba. This is unlike any other jurisdiction in North America in which I am eligible to apply to practise, by the way. Please allow for acceptable solutions to be found. I work with engineers and architects every day and we work well together. I believe we can resolve this issue in a reasonable manner. Please give us a fresh mandate with a new set of members and more time to do so. Demonstrate to me that you want people with my expertise and training to call Manitoba home and to build a better future.

I am a registered member of the Manitoba Association of Architects. You need look no further to assess whether I am qualified to design a building. A registered architect is your assurance that I am and you can count on a registered architect. Thank you.

**Mr. Vice-Chairperson:** Are there any questions? Thank you, Mr. Peters.

Next is Jason Coreau, private citizen. Do you have a handout, sir?

**Mr. Jason Coreau (Private Citizen):** I do not.

**Mr. Vice-Chairperson:** Fine. Please proceed.

**Mr. Coreau:** Good evening and thank you for the opportunity to speak tonight.

My name is Jason Coreau, and I work as the assistant manager of operations in the industrial division of FWS Construction. I would like to use the time that you have allotted me to briefly explain why I support the proposed amendments to Bill 7 as it stands.

In short, I believe that regulatory bodies, including the City of Winnipeg and the clients who undertake construction projects, need to have the freedom to choose the right professional for the job.

That right professional is not necessarily an engineer and it is also not necessarily an architect, but in many cases it may be either. This, specifically, is important to Manitoba in the case of industrial and agricultural processing facilities. Unfortunately, the Court of Queen's Bench ruling on September 26 said that the planning and construction of all new buildings and modifications to existing buildings over 400 square metres in Manitoba must be stamped, supervised and inspected by an architect. It does not disseminate the industrial projects and needs to be corrected.

\* (20:30)

I am, for the record, a registered professional engineer in both the province of Manitoba and the province of Alberta working strictly on industrial projects over my career. I have been involved in building facilities from British Columbia to New Brunswick through the United States and in eastern Europe. Nearly all of my experience has been in the heavy industrial sector. I have been involved in the detailed design and construction of grain elevators, animal feed mills, malting facilities, cement storage plants, fertilizer facilities, wind turbine projects and similar other buildings.

All of these projects involved large capital expenditures and had important financial implications for the communities where they were located. Industrial process projects typically consist of a collection of automated process equipment run by a small number of workers. Design of these facilities is highly complicated from a technical standpoint but is very straightforward from a life-safety standpoint. Simply put, the public and the workers need to be protected from the dangers inherent in the process itself.

Civil engineers, mechanical engineers, electrical and geotechnical design engineers on these projects all put a great deal of effort into the proper equipment selection, building material design and the layout of these plants to ensure that this is the case. In only one situation have I ever run into a case where a regulatory body felt that an architectural review of an industrial facility design was imperative. In the end, upon review of the drawings, that body needed only to take one look at the level of care and attention given to these plans to quickly change their minds. Never in one single case have I ever been approached by an owner requesting that an architectural review need be completed of an industrial facility.

The economy of Manitoba is obviously very agricultural dependent and we cannot afford to drive away potential investments on agricultural or indeed any type of industrial projects if we are to maintain pace with the rest of the country. I believe that a simple exemption clause in The Architects Act similar to that in the engineers act should have been all that was required to put things right with this dispute. I find it very disheartening the two groups of professionals have not been able to embrace the concept that both groups have their own place and that at times these places may overlap.

Notwithstanding that, I have spoken with Deputy Minister Parr, and I realize that concessions have been made to appease both sides. As such, I support the changes to Bill 7 as proposed as I believe it will allow industrial projects in Manitoba to be built in the manner they historically have been. I encourage you to guide the bill through third reading and on to law. Thank you for your time. I would be happy to try and answer any questions you may have.

**Mr. Vice-Chairperson:** Are there any questions? Thank you for your presentation, Mr. Coreau.

Next is Dean Schilling. Do you have a handout?

**Mr. Dean Schilling (Private Citizen):** No.

**Mr. Vice-Chairperson:** Please proceed, sir. Go ahead, please.

**Mr. Schilling:** Good evening, Minister Allan and committee members.

My name is Dean Schilling, and I am an architectural intern member of the Manitoba Association of Architects. I currently work and live in the city and also completed my undergraduate degree at the University of Manitoba approximately 10 years ago. I want the committee to know that I fully support the position of my fellow MAA colleagues 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 solve. The need to protect public health and welfare in the built environment is too important to allow this legislation to rush through without resolving those problems.

On a more personal level, a little bit of background, I finished a Master of Architecture degree in Vancouver and worked there in various architectural firms for a few years. Then, three years ago, I moved to Manitoba for both personal reasons,

my family, and financial reasons, cost of living. In coming to Manitoba, I have a strong commitment to continue studying and writing my eight required architectural registration examinations commonly referred to as the AREs or the NCARBs and become a registered architect and practise architecture in this province.

As an intern let me tell you this is a long road of education, specific training, work experience, continuing ed, mentorship and the nine examinations I just mentioned to becoming a registered architect. It does not just happen overnight or simply even because I have worked in the field for many years. It is a comprehensive, tightly overseen process, and I am still in it.

With the current hasty rush to change legislation, I see a shadow over my professional future here in Manitoba. In my initial arrival to Winnipeg three years ago and, up to now, I have witnessed a climate of creativity and excitement that has been continually growing, especially in the city of Winnipeg, a climate where young designers like myself, who have invested a huge amount of time, effort and money into our professional careers, can continue to contribute our talents and skills to create meaningful architecture in our city and province.

My fellow MAA colleagues have made it clear on the seriousness of Bill 7 and the problems that it will create in the practice of architecture in Manitoba. Please do not create permanent roadblocks here so that I have to go to another province to have my education, my experience, my training and my skills recognized and put into good use. Thank you for your time.

**Mr. Vice-Chairperson:** Are there any questions? Seeing none, thank you for your presentation, Mr. Schilling.

Next is Steve Cohlmeier, private citizen. Steve Cohlmeier. His name drops to the bottom of the list, unless he is out in the hallway. His name drops to the bottom of the list.

Next is Mitra Tirandaz. Do you have a copy to hand out?

**Ms. Mitra Tirandaz (Private Citizen):** No, I do not.

**Mr. Vice-Chairperson:** Please proceed.

**Ms. Tirandaz:** Good evening, Minister Allan, honourable members, ladies and gentlemen. My name is Mitra Tirandaz, and I support Bill 7. I have

worked as a protection engineer in my previous position and I am presently a station design engineer. Overall, I have been working for Manitoba Hydro as a professional engineer for the last 16 years.

As a protection engineer, my first priority was to protect the public from the faults that could happen in any of the distribution systems. I used due diligence in performing my duties and assured that safety criteria are followed. In my present position, I have designed similar modifications to the Manitoba Hydro electrical system, distribution and transmission together, in the suburban Winnipeg area and some in the Brandon area.

I do not believe that having an architect approving my station layout drawings or designing the ground grids for any of the stations would add to the quality or safety of the building or to my design. I am, therefore, pleased with Bill 7, particularly to allow the owner of the building, such as Manitoba Hydro, to choose when it needs architectural services. In the case that I have been involved with, those services were not required because of the type of job I am doing. The jobs were done safely, on time, on budget, and the safety of public was never sacrificed.

As a taxpayer, I also believe this bill helps the economy move along because the other part of Bill 7 has aligned the building area limit between the architectural act and the Building Code to an area of 600 square metres. As a home-owner, I believe this will allow me, like other owners of the large homes, to use services of an architect if and only if they see added value to it. I am sure there will be many cases that will see added value.

In summary, I would like to mention that even though this bill does not completely satisfy the wishes of both professions, architects and engineers, it satisfies both my concerns, namely, the building area, limit of 600 square metres, and the second, alterations to buildings covered under subsection 2.1.2.

In conclusion, I fully support this bill, and I strongly urge you to pass it quickly. Thank you for allowing me to talk to you this evening.

\* (20:40)

**Mr. Vice-Chairperson:** Are there any questions? Thank you for your presentation.

**Ms. Tirandaz:** Thank you.

**Mr. Vice-Chairperson:** Are there any questions? Thank you for your presentation.

Next is Bruce Wardrope. Please proceed, sir.

**Mr. Bruce Wardrope (Private Citizen):** Good evening, Mr. Chairman, Minister Allan, honourable members, ladies and gentlemen. My name is Bruce Wardrope. I completed the requirements for the Bachelor of Interior Design at the University of Manitoba in 1976. I am a member of good standing and the past president of the Professional Interior Designers Institute of Manitoba. I have been on the board of directors for eight years, five of those years as the V.P. of finance and administration, and I am currently the president of the Interior Designers of Canada. I also taught for the Department of Interior Design in the Faculty of Architecture for 16 years in the capacity of part time, sessional and full time.

I co-own a four-person independent interior design firm located in Winnipeg called Partners by Design. We have been incorporated for 21 years and specialize in corporate design. As required by the regulations of our professional association, every individual in our firm carries professional errors and omissions insurance. I myself carry \$2-million worth per occurrence of E & O insurance and \$2 million per occurrence for commercial general liability. As well, we are all committed to participating annually in the continuing education programs offered by the Professional Interior Designers Institute of Manitoba.

I wish to speak to this committee from two perspectives, that of personal experience as well as from my national association experience. As president of the Interior Designers of Canada, I represent every professional interior designer in Canada. I also have the benefit of collaboration with my interior design counterparts in the United States. Interior designers in North America have many things in common, few of which are of interest to this committee. But what might interest you is that every single case, when the interior designers went to their legislature for a titles act or a practice act, the architects, be them the MAA, the RIAC or the AIA, and I repeat, in every case, the architects have opposed the legislation. If nothing else, the architects have been consistent in their efforts to thwart the advancement of the profession of interior design in North America.

It may be of interest to this committee that the architects raise the same concerns at every legislative review committee, be it in Manitoba, in other provinces in Canada or any state in the U.S. These

concerns are twofold. They refute the quality and value of our education, and they claim that they are only capable of overseeing design that involves the health, safety and welfare of the public.

*Madam Chairperson in the Chair*

These concerns are unfounded. To become a professional interior designer in Canada, you must graduate from an international FIDER-accredited university program of a minimum of four years' duration. A successful candidate must then complete a minimum of 24 months of internship and then pass an international NCIDQ three-part competency exam. All interior designers in North America now complete these requirements in order to qualify for competency in their jurisdiction, and this is just one of the nine areas of competency the architects have described to this committee. I believe I can confidently leave it to this committee to consider if the rigor required by interior design-regulating authorities is equal to or greater than that of architecture.

One other point of interest to this committee would be that, in every jurisdiction in North America where interior designers have sought a titles or practice act, they have succeeded. Curiously, after opposing every legislative effort by interior designers, the architects then insist that they be included in the act by way of an exemption clause. In every instance they have succeeded. It is my opinion that the architects have somewhat overstated their exclusive status as the only experts capable by education, training and experience to design for human needs as it relates to the built environment.

On a personal note, over the last 21 years, Partners by Design has developed a substantial client list including the Province of Manitoba Government Services, Shelter Corporation, Great West Life, the North West Company, Canadian Tire, Mediacom, Manitoba telephone system, the Qualico Group, Sport Manitoba, the Manitoba Lotteries Corporation, WestCo, Red River Community College, Parks Canada, Holy Trinity Church, Knox United Church, Bethel Mennonite Church and Young United Church, to name a few.

Our primary client for the last 21 years has been Manitoba Hydro, and we have provided interior design services for their many facilities throughout Manitoba ranging from staff houses in the North, regional office space from Brandon to Selkirk to Steinbach, district offices in Winnipeg that include large heated garages, material and equipment

warehousing, testing laboratories and in head office alterations ranging from the executive suite to the mailroom. A conservative estimate of the value of construction and fit-up that our firm has been responsible for in those 21 years would be well in excess of \$100 million.

Not once in those 21 years has the City of Winnipeg rejected a set of our working drawings or specifications, nor has a client ever sued us. No one has been injured as a result of our designs, nor has anyone been exposed to a dangerous environment. Not once in those 21 years has an architect reviewed our drawings or specifications.

As a result of the judge's decision in favour of the architects' injunction on September 16 of this year, I am now required to have an architect review and supervise my work and seal my drawings, and by doing so the architect is now responsible for my work.

I have made the business decision not to proceed with any projects affected by the current restrictions invoked by the injunction, as the thorny issue of liability has not been discussed by any of the parties nor have our insurers been informed.

Clearly, the environment created by the injunction cannot go on forever without affecting my business. Bill 7 begins the process that will result in restoring my ability to practise as I did prior to September 16 with the understanding that the appropriate changes must be made to the Manitoba Building Code in very short order.

I am therefore in favour of Bill 7 and encourage the committee to move it forward unaltered as quickly as possible.

I thank the committee for the opportunity to speak today, and I appreciate the efforts made by the many people behind the scenes to resolve this dispute as fairly and expeditiously as possible.

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

The committee calls Jennefer Siwik. You can proceed.

\* (20:50)

**Ms. Jennefer Siwik (Private Citizen):** Thank you, Madam Chairperson. Good evening, Minister Allan, honourable members, ladies and gentlemen. Thank you for your time and dedication to this process.

My name is Jennefer Siwik. I am a professional interior designer and I have been working in Manitoba for 11 years. I graduated with a Bachelor of Interior Design from the Faculty of Architecture, University of Manitoba. I am a member in good standing of the Professional Interiors Designers Institute of Manitoba and the Interior Designers of Canada, both of which mandate errors and omissions insurance. I am a certificate holder of the National Council for Interior Design Qualification. I have an extensive long-term satisfied client base including Manitoba Hydro and Qualico Group National Head Office.

Interior design includes a scope of services performed by a professional design practitioner qualified by means of education, experience and examination, to protect and enhance the life, health, safety and welfare of the public.

The injunction against the City of Winnipeg that was handed down on September 16, threatens the practice of interior design in Manitoba. I have personally experienced negative consequences from this decision with projects held up at various stages of completion. Results include delays, expenses beyond established budgets and a variety of effects to my client base, the Manitoba public. In one case, due to a project requiring a fast-track schedule, the file was started at the City of Winnipeg with my drawings on August 17. The mechanical drawings were not filed with the package until September 20, so, currently, the contractor is unable to obtain a building permit. This is not just an issue of backlog, this is a long-term issue for my profession of premiums and delays.

My work on the projects I have mentioned does not involve any changes to the fire safety, life safety, fire compartments, structural systems, environmental separation systems, heating, ventilation, air conditioning systems, mezzanine, infill or other similar element. These projects only involve the interior design scope of work that I am qualified to perform by education, experience and examination. We have been informed that this injunction was not intended to affect the profession of interior design, however, the reality is clear. This ruling has directly affected my livelihood and, as a consequence, I am concerned that I could be out of work in this province.

The proposed legislative amendments with the subsequent amendments to the Manitoba Building Code will ensure that I can continue to practise in my

chosen profession in Manitoba. I would like to thank the legislators for their serious attention and hard work in resolving this matter. While the legislation does not provide everything that we had hoped for, it will ensure that our interior design projects that are stalled at the City of Winnipeg can finally be issued a permit, and that we can continue to practise within our scope of work. It is clear that the legislators have made a concerted effort to protect professional interests while allowing the Manitoba public with the authority having jurisdiction the ability to continue their determination of appropriate proponent eligibility for their individual projects.

The Professional Interior Designers Institute of Manitoba's position on this issue has been clear since September. Architects, engineers and interior designers each contribute a unique and high level of education and experience critical to the success of building design and execution. An expeditious resolution is in the best interests of the building industry, the health and welfare of the citizens of our community and the continued economic growth of our province.

It is critical that the Manitoba government enacts legislation swiftly in order to provide the City of Winnipeg or the authority having jurisdiction with a clear mandate to assist the current reality of Manitoba's construction industry and the economic capital it generates. Attempts to resolve this conflict have been going on for years. I fail to see how any delay of Bill 7 will help remedy this situation.

I simply want to continue to practise as a professional interior designer. I appreciate the opportunity to speak to you. Thank you.

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

The committee calls Allison Fulford, private citizen. You can proceed, Ms. Fulford.

**Ms. Allison Fulford (Private Citizen):** Okay. Good evening, Madam Chairperson, Minister Allan, honourable members, ladies and gentlemen.

My name is Alison Fulford and I am an interior designer working in the city of Winnipeg. I graduated from school this fall and am currently interning at a local interior design firm, working towards taking my professional certification, so that I may become a professional interior designer.

I have spent the past six years of building-specific training at the University of Manitoba, working toward graduation with a Master of Interior Design Degree from the Faculty of Architecture. I feel grateful to have participated in this interdisciplinary design education, as I have had the opportunity to work under the tutelage of interior designers, architects, landscape architects and urban planners, many of the same professors who have taught the Manitoba-trained architects who have come before this committee.

This professional design education has garnered me a position at a small professional interior design firm, whose speciality is commercial interiors and involves successful projects with such clients as Manitoba Hydro, Qualico Group, Sport Manitoba and the Canada Mortgage and Housing Corporation.

I want to speak to you today because the proposed legislative amendments of Bill 7 currently affect me and my employer, and will continue to directly affect me in the future, as well as impact my ability to work as a professional interior designer in the province of Manitoba.

The implications of the current injunction affect the independence of interior designers, who have spent many years in education, and are dedicated to serving the public good. I would greatly welcome the consideration of the effect that this legislation will have on people like me who, after years of intensive schooling, have to face the reality that the scope of their profession has been diminished in Manitoba and the avenues of opportunity to work in the province of their choice has narrowed.

I find it unfortunate that I have had to reconsider my future goals, as for a long time I have looked forward to one day owning my own business. I now feel, after observing the impact upon my employer, that I will be unable to accomplish my dream in Manitoba, should the existing injunction remain in force. I know that I have a lot to offer the people of this city as a young professional woman, and have aspired to be a leader in Manitoba one day. I truly hope that this dispute is resolved in a manner that will be fair to all involved. I have come to the realization that, unless this is achieved, I will be unable to keep myself employed in my chosen field. I will need to go to provinces that are set up in a more equitable manner for interior designers such as myself.

Finally, I would like to express my support for the proposed changes to the legislation and the

Manitoba Building Code that are addressed in Bill 7. I feel that, if implemented promptly, the direction taken by these amendments will foster better working relationships between all members of the design team, and will result in a positive outcome for the public of Manitoba.

I thank you for allowing me to speak today, and I truly feel fortunate that I may contribute to this process.

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

The committee calls Graeson Wright, private citizen.

Do you have a written presentation you wanted to circulate, Mr. Wright?

**Mr. Graeson Wright (Private Citizen):** I do not.

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

**Mr. Wright:** Mrs. Chairperson, honourable members of the House and other committee members. My name is Graeson Wright. I am a professional engineer in the province of Manitoba and I work as a mechanical consultant, specializing on the design of heating, ventilation, air conditioning and plumbing systems.

It appears that Bill 7 as it presently reads, in assuming that the table is proposed to be inserted into the Building Code is inserted as it currently reads, would allow me to, once again, supervise, design as well as oversee the construction of mechanical system replacement projects without the supervision of an architect. The type of projects I am referring to are boiler replacements, air handling system replacements, things of that nature, which essentially have no other building or involvement.

\* (21:00)

What I would like to speak about is some of the concerns I have regarding the bill and how it maybe does not go far enough to give the engineers and interior designers the freedom to operate under their open governing body.

Before getting to some of those points in the bill, I would like to just read a little bit out of the Code of Ethics for the professional engineers act.

It says each practitioner will regard the physical, economic and environmental well-being of the public as the paramount responsibility in all aspects

of professional engineering and professional geoscientific work and specifically, possess the training, ability and experience necessary to fulfil the requirements of any engineering or geoscientific work undertaken. This means that if the engineer is not well versed in a particular project, an architect or interior designer would be engaged to carry out that scope of work.

The second is to guard against conditions that are dangerous or threatening to health, life, limb or property. Again, that is in regard to safety issues in the code and so forth. I am disappointed so far that the House has not recognized the APEGM as a self-governing body complete with its own disciplinary mechanism for dealing with members who practise outside of their scope of expertise.

In light of this, I ask the House why a joint board is required to determine their scope of work. Is the House telling us that we are, in fact, not self-governing and that we need to be governed in part by the MAA and as such, require their permission for our members to practise engineering?

Since the injunction is the instigator for Bill 7, I would like to discuss a re-occurring theme from the decision in how Bill 7 attempts to address these issues. The decision includes a discussion of The Architects Act and restrictions on who can practise architecture. McCawley included in her decision the exemptions in The Architects Act which you, no doubt, have heard dozens of times already, so I will not go over it again, but essentially the 400 square metres, grain elevators, farm buildings and so forth.

McCawley goes on to define engineering as it is defined in The professional engineers and geoscientific act as well as the exemption clause which you also, no doubt, have heard a dozen times. McCawley goes on to say that the act, the engineering act, does not prevent a member of MAA from practising architecture where the activity in question falls within the definition of the practice of professional engineering. She also goes on to say that equally important, is that there is no similar exemption for professional engineers in The Architects Act. I will repeat that. Equally important, there is no similar exemption for professional engineers found in The Architects Act.

Further on in the decision, McCawley goes on to say that it is apparent that in the 1998 definition, she is referring to when the engineering act was revised, the definition represents a significant departure from earlier ones particularly insofar as it purports to

include within it any act of planning, designing, inspecting, supervising the construction, alteration, improvement and enlargement of buildings.

McCawley then relied upon the intention of the Legislature. In the legislative history, she finds that the president of APEGM at the time put in writing that the scope of activity was not being expanded and that the new definition being proposed was more restrictive of the practice of professional engineering with respect to the practice of architecture than the one in the current act.

I would like to comment here that this took place in 1998. Over 20 years had passed since the City and presumably other authorities had been accepting building drawings prepared by engineers or architects. The statement that the scope of engineering was not being expanded appears to have been taken out of context. It seems to me that the building engineering was already a mature and accepted discipline of engineering at that time.

McCawley goes on and her next statement seems to be taken out of context. It is clear that there was no legislative intent to expand the definition of the practice of professional engineering to depart from the existing restrictions against professional engineers practising in the architectural domain. Again, that had already been going on for over 20 years. She goes on to say that her statement is supported by the fact that there continues to be no reciprocating exemption for professional engineers from the application of The Architects Act of the kind the architects enjoy under the engineers act. Again, no exemption clause.

I would also just like to add a little bit of a facetious point in here. The way that this could be read is that the world around us, even though it continues to change and evolve, the practice of professional engineering and architecture seems to be legislated never to change and evolve. I ask the committee how professionals under this legislation can compete, to change, evolve and compete on a global scale. Maybe this is why some of the lead design roles on some high-profile projects in Manitoba are performed by out-of-province professionals. Now, Bill 7 attempts to address this problem but, in my opinion, is very weak. It relies on a joint board which has a history of failure.

The judgment goes on to say that most significantly The Manitoba Architects Act does not exempt other professionals from its application,

again that recurring theme. It was also argued during the case that the City's practice had existed since 1977, so it should be accepted. To that, she replies, again The Architects Act contains no exemption beyond subsection 25, which is the 400 square meter. She also goes on to say it would be a perverse result to find that clear legislative intention could be overridden by what the City had been doing, which is in direct conflict with the legislation.

The lack of the exemption clause in The Architects Act ensures a monopoly in the design of the building industry. The lack of the exemption clause appears to be one of the key factors in Justice McCawley's decision. The decision rightly acknowledges the letter of the legislation and it has brought to the forefront the problems with the current legislation. The problem is that the absence of the exemption clause in the current Architects Act provides the architects in Manitoba with the luxury of a monopoly in the design of all aspects of building construction, addition and renovation, resulting in construction slowdown and the additional costs that we face today.

Bill 7 is a step in the right direction. However, it should be revised to more clearly address the problems cited by Justice McCawley, the exemption clause. The shortcoming of Bill 7, in my opinion, is that the exemption clause is not strong enough to allow engineers to practise engineering under the scope of the engineers act and within the code of ethics outlined by APEGM. Engineers only request the right to practise engineering under the professional engineers act. The grandfathering of certain engineers currently practising as building engineers to now be practising architecture is simply wrong.

Bill 7 also does not recognize APEGM as a governing body. Members should not be subjected to the decisions of the joint board which has been in place for a long time and proven ineffective. Also, Bill 7 attempts to correct that by imposing time limits on the joint board. However, it does not address any potential conflicts of interest. The chair of the joint board must be an impartial third party with no affiliation with either MAA or APEGM. I understand that the current chair is presently the dean of Architecture. Thank you.

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

The committee calls David Dick from FWS Construction. Did you have a presentation you wanted to circulate, Mr. Dick?

**Mr. David Dick (Senior Vice-President, FWS Construction):** No, I do not.

**Madam Chairperson:** Please proceed, Mr. Dick.

**Mr. Dick:** Good evening, Minister Allan, honourable members, ladies and gentlemen.

My name is Dave Dick, and I am senior vice-president of FWS Construction. FWS Construction has been in business since 1953, and since about 1973 we have been doing the bulk of our work as a design builder. That is, we design facilities as well as build them. I have been with FWS for over 20 years. The first 10 years of my time with FWS was spent more in the commercial division. The last 10 years has been more in the industrial division.

Our most visible construction projects in the industrial division in the last 10 years have probably been the concrete grain silos that we have built for virtually all of the grain companies in western Canada, Cargill, JRI, Patterson, virtually all of them. For Agricore United alone, we have done over 20 projects of varying sizes but all of that same nature.

\* (21:10)

As a businessman, I believe the Bill 7 legislation is an appropriate solution to the current impasse between the engineers and the architects. I will not discuss at length the relative education, training and ethics of the two groups. I was here last night and I have been here for awhile tonight, so I think everybody is well aware of the state of the two groups in that regard. I, personally, and our company considers both groups to adhere to the highest professional standards required in the industry, and we welcome working with them.

As a business, we pride ourselves in our ability to solve problems. Our clients basically come to us when they have a problem. That problem may be a specific issue or it just may be the enlargement of a facility or they need a 100-unit multi-family unit in Canmore, Alberta. We look upon ourselves as problem solvers for our clients and our clients come to us for that reason. We pride ourselves in being a one-stop turnkey service provider. Our clients expect us to come up with solutions. How we achieve the multitude of solutions necessary to bring a project to successful completion is entirely up to us. When we began in the industrial division with the slip-form concrete, they were more simple structural entities

and, as such, we had structural engineers on staff. Currently, we have three structural engineers on staff for that specific reason. As we continue to expand in the industrial field, we found that the projects were becoming more and more multi-faceted. They were becoming, basically, processing facilities. As such, we needed more different types of engineering disciplines and, as such, we have added mechanical engineers and we work with electrical engineers.

We recently completed a project in B.C. It was a flour mill, which is another level of processing because it is for human consumption and there are issues with that. The facility was a multi-storey office that had a higher than normal occupant load for our type of work that we were used to. There were four different building classifications, all within close proximity to each other, and to assist our design team to come up with the right solution for this particular set of circumstances, we employed an architectural firm to work with us. This allowed our design engineer of record, he relied heavily on this local architect's experience and skill sets when he finalized the design of the facility and when we were applying for the final occupancy permit. The point I am making with this is that we constantly re-evaluate the makeup of the design team. A design team has to meet the requirements of the project which, by extension, is the design requirements of the client.

If our projects continue to increase in diversity, we would like to look at the merits of in-house architects. Currently, all we have in-house is engineers. We currently hire out-of-house architects and have worked with a number of the architects that have made presentations here this evening or yesterday evening.

In our multi-family division, we also do design build, as I have said, and for those facilities we use 100 percent out-of-house architectural firms. That is not to say that we may not gravitate to in-house architectural, but right now that is how we do it.

I read in the paper today how we in Manitoba are in, the term they use, "a rare period of prosperity." We hear it so infrequently I think it comes as a bit of a shock to us when we hear this. I believe that Bill 7 will go a long way to maintaining that boom that we are in right now in Manitoba and maybe this period of prosperity will not be quite so rare next time.

I think it is important throughout all of this not to lose sight of the overriding issue here and that is to get a project moving, get it through, have the right

solution for the right client with the right problem. In summary, the project dictates the makeup of the design team.

This Bill 7, I believe it puts the two major providers of building design on a level playing field. It includes some compromises on both sides which, I think, any time you bring two groups together, you will always have some compromises from both sides and I guess that is what makes up a proper agreement and one that will last a long time.

I think it is a good common-sense approach to solving this issue. I commend the committee for bringing the stakeholders together, allowing me time to speak to it. I think it is time, when you look around this room, to get all of the brain power and the desire that is out there behind us. If we put them all to work tonight, we might not have any backlog in building permits by tomorrow morning. Thank you for this moment to talk to you.

**Madam Chairperson:** Thank you. We always appreciate humour, especially as the night gets longer. Are there any questions for the presenter? No? Seeing no questions, we thank you for your presentation.

The committee calls Daniel Serhal, private citizen. You can proceed, Mr. Serhal.

**Mr. Daniel Serhal (Private Citizen):** Greetings honourable MLAs, minister and chairperson.

My name is Daniel Serhal and I am an architectural intern registered with the Manitoba Association of Architects. I grew up overseas and came to Winnipeg specifically to attend the University of Manitoba's architecture program. I received undergraduate and graduate degrees in architecture from our university and decided to stay in Winnipeg. I married a Winnipeg woman, bought a house in Winnipeg and have been working within the Winnipeg construction industry for 10 years. I support the position of my colleague Don Oliver and call upon the minister and the committee to delay Bill 7 from proceeding to third reading.

First of all, let me express my outrage at the introduction of this bill. It is appalling that I have to stand here and defend the uniqueness of both architectural and engineering professions. The court ruled clearly that a handful of engineers in the city of Winnipeg were in violation of The Architects Act by issuing permits based only on an engineer's seal on architectural drawings where an architect's seal was clearly required. The court issued an injunction for

them to cease this practice, and as a result this government has apparently been misled by the unsubstantiated claims perpetuated by APEGM, some developers and design build contractors.

These falsehoods and half-truths include that his ruling will threaten to bog down this province's construction. Wrong. This suggests it was okay to circumvent the law in order to expedite the construction process, and out of fear of the law being forced the government is choosing to change the law.

Two, that development of projects will cost more. Wrong. It is insulting to suggest that the protection of public welfare offered by the architectural profession is superfluous and parasitic, while the service of engineers and builders is simply pragmatic. Architects are trained to design buildings with and for people. The provision of a fundamental safeguard such as this for construction industry and the accompanying level of professional involvement is necessary to preserve the welfare of Manitobans.

Three, that there is a stalling of projects caught up in the permit process. It has been two months since the judgment was rendered, and neither the City nor the Province has made any attempt to request a temporary suspension of the injunction. The MAA has indicated to the Deputy Minister of Labour and the Office of the Fire Commissioner that we will not be an obstacle to such an application. Why has this government chosen not to if construction delay and bottleneck is truly an issue.

Four, that there are almost 3000 engineers registered in the province. This is true, however more truthfully, less than 20 of these are directly involved in illegally sealing architectural drawings, and in fact none of the consulting engineers that I personally collaborate with support APEGM's position. They fully recognize the distinct difference between our two professions.

Over the past 12 years there were numerous attempts between MAA and APEGM to try to come to some agreement to resolve this dispute. Let me remind this committee, as recently as June 2004, the Minister of Labour (Ms. Allan) initiated a process which was supposed to resolve this issue of engineers illegally practising architecture. It was our understanding from the Minister of Labour that, if the two sides failed to reach consensus on this issue, she would implement the recommendation of the chair. A chair, Dr. David Witty, was endorsed by both associations at the start of the process. However, after the delivery of the chair's report,

known as the Witty Report, APEGM rejected both the report and the chair.

My association supported the report even though we had serious concerns and made fundamental concessions. However, the government failed to implement these recommendations of the Witty Report as promised. It was this event which left the MAA no choice but to proceed with legal action against the City of Winnipeg and ask the court to declare how the law ought to be enforced. Let us be clear, we did not walk away from the table.

\* (21:20)

Make no mistake, engineering and architecture are two completely different professions with different schooling, training, internship and examinations to qualify.

Engineers are a diverse group of professions. Where their practice is applied to building construction, they design within their own discipline the systems within buildings such as structural, mechanical, electrical and so on.

Architects are specially educated, trained and tested on the design and co-ordination of the complete building and its systems, including integration of the building's structural, mechanical and electrical systems. We do not, however, undertake to engineer these systems, even though during our schooling and testing we are required to study all of these disciplines.

As far as I know, there are no engineering schools anywhere in North America that have architecture in their curriculum. Simply put, there is no architectural engineering. So why do some engineers think they can practise architecture? In fact, since APEGM does not even licence their members by specific discipline, how can the public health and welfare be protected if we have not any agricultural or mining engineer that can seal architectural, structural, mechanical and electrical drawings and submit it to the authority having jurisdiction for building and occupancy? The MAA has always advocated for the involvement of the appropriately licensed professional on building projects, both architects and engineers based on their relevant expertise. This interpretation has been supported by all other jurisdictions in this country.

I would like to know how the public's interest is served by allowing someone to practise a profession they are not trained, tested, liable, nor quantitatively qualified for. Will you advocate allowing registered

nurses to diagnose, treat patients and prescribe medication? Surely you can argue that with experience they could treat minor ailments just as well as doctors and expedite the health care process.

Under this proposed legislation, the definition of our scope of practice will be removed from our act and now will be put into the Building Code under the control of the Building Standards Board. This effectively gives the control over what is the practice of architecture to the Building Standards Board. There is no other regulated profession in this province and, indeed, in this country which has its scope of practice defined by a group made up of industry stakeholders, including business and private interests. By analogy, this amounts to a board comprised of representatives from the regional health authority, the Manitoba League of Persons with Disabilities, the Association of Manitoba Municipalities, pharmaceutical suppliers, medical equipment suppliers, and so on, plus one doctor being given authority by the Minister of Health (Mr. Sale) to report on what the scope of practice should be for the various medical professions.

The Building Standards Board has a valid role to play in the administration of the construction industry. However, it has no proper role to play in making decisions about the scope of practice of a self regulated profession. With the exception of a single MAA representative on that board, out of the 12, it has no expertise to do so. This circumvents the existing public liability process and puts the scope in defence of public welfare in the hands of industry stakeholders.

In our current act, buildings not requiring architects are very limited and regulated to smaller buildings, less than 400 square metres or three storeys or those intended for low human occupancy. The new legislation increases this from 400 to 600 square metres and does not define it as gross building areas as was done in most other jurisdictions. The result of this change is that it will not allow buildings of 1800 square metres to be done without the involvement of an architect, and, hypothetically, by using firewalls, could allow a building to grow infinitely.

In addition, all industrial occupancies, regardless of their high human occupancy, such as Nygard or Western Glove Works, can be completed by an engineer with no involvement of an architect, again, without any credible expertise or qualifications. Is this their intent?

There are other articles of this proposed legislation that have serious consequences on the high quality of professional service provided by the dedicated architects of this province. My fellow architectural colleagues have been elaborating on them, and I will not go further. I will only say that these will have serious effects on the protection of health and welfare of the people of this province.

In conclusion, I would like to say it is obvious that this proposed legislation was ill-conceived and rushed. It is putting public welfare at risk. It does not respect the intent of The Architects Act that our forefathers and subsequent legislators envisioned and have served this province so well. Therefore, I call upon the minister and this committee to delay Bill 7 from proceeding to third reading and give it the proper time and attention it deserves in order to improve the delivery of both architectural and engineering services. An impartial, dedicated and expert task force must be designated to work with all parties to come to an amicable solution.

Lastly, I came here to Winnipeg to study architecture, to work as an architect and to raise a family. If this government passes this legislation, it will only serve to exemplify their lack of understanding of the critical uniqueness of both the architectural and engineering professions. If this government chooses to treat the architectural profession within this jurisdiction with such disdain and ill will, I am out of here. There are provinces and states where architects are not forced to defend their professional contribution and responsibility to public welfare. Thank you.

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

The committee calls Patrick Gloux, private citizen.

**Mr. Patrick Gloux (Private Citizen):** Good evening, Minister Allan, honourable members, ladies and gentlemen.

My name is Patrick Gloux. I have an architectural drafting certificate. I have a structural diploma in structural engineering technology. I also have a civil engineering degree. I currently work for a local engineering firm as an engineer in training.

I passed around something I have put together. A lot of it you have heard before, so I am just going to talk frankly about a few of the issues on Bill 7 that I disagree with. The first one, Dr. Gerrard actually

asked a very interesting question yesterday. He asked, "When the Government of Canada, Manitoba and the Aspers decided to build a human rights museum, who did they look for, an architect or an engineer?"

The Aspers actually went public with an architectural competition to find somebody who they felt could design a building that they were looking for. The human rights museum is supposed to be a building with stature, one of a kind in North America, maybe even in the world. This type of project is a type of project you want an architect on. Architects are trained in the areas of space planning and natural light and good environment. These architects are instrumental to the success of this type of building.

However, when Costco wants to build a new store, they do not hold an architectural competition. Costco's stores are structural steel exposed, they are masonry walls and they are concrete floor. They have no aesthetics to them. This is not an important factor. When you go to Costco, that is not one of the main reasons.

The next interesting point that I would like to make is that right now we are defining an architect or an engineer's scope of work based on the size of the building. Costco is quite large; therefore, it would need an architect on the job. The architect could design the building envelope, the roofing system, possibly the barrier-free design, but if we look at a Mark's Work Warehouse, which would be less than 600 metres squared, we do not need an architect anymore. What is different between Costco and Mark's Work Warehouse, other than the size? How can an engineer design the building envelope, the roofing system or the barrier-free design in a Mark's Work Warehouse, but not a Costco?

Defining the scope of work between an architect and an engineer based on the size of the building is not right. It should be based on the type of building, the client's needs for the type of building they want to build.

The second part of Bill 7 that I do not agree with is grandfathering engineers to practise architecture. Engineers do not want to practise architecture. They should not be practising architecture. For us to define certain engineers here that can practise architecture is totally contrary to the reason why we are here. We are here because architects are concerned we are practising their scope of work, which we should not

be doing and do not want to do. Grandfathering an engineer to practise architecture is wrong.

My last point is on the joint board. Bill 7 gives the joint board the power to settle disputes between the engineers and the architects. Currently, the chair has certain veto powers that, if the committee cannot come to a decision, he may override a decision or come to a decision for them. Given the certain situation that it is now, the chair is the Dean of Architecture. He is also a member of the RAIC and he has a biased opinion. For the joint board to be able to veto powers like that, that person has to be completely unbiased to both engineers and architects. The joint board has been unsuccessful on several occasions to come to successful agreements, and I am reluctant to believe that they will be able to in the future.

\* (21:30)

In conclusion, I think the bill is important in the fact that it is trying to define the scope between architects and engineers. That task, I do not know how you are going to complete it, but based on building area is not the right way. Grandfathering, I do not think, is right and, I do not think a joint board will have the proper tools required to settle any disputes between the two associations. I think the bill is a compromise. I think it is headed in the right direction. I support Bill 7 because I believe it is a framework upon which the architects and the engineers can begin to negotiate and get to something where they can both agree on. Thank you.

**Madam Chairperson:** Thank you. Before you go, just a second, does anybody have any questions for the presenter? No. Okay. Thank you.

The committee calls John Ilg, private citizen. You can proceed.

**Mr. John Ilg (Private Citizen):** Good evening, Minister Allan, honourable members, ladies and gentlemen.

My name is John Ilg, and I have been practising engineering since I graduated from the University of Manitoba in 1978. I have worked for several consulting firms, two construction firms, a large oil corporation and a project management firm. My work has focussed mainly on water infrastructure projects with projects ranging in locations from Rankin Inlet in the north to the Antarctic in the south. I am currently working on projects in California, taking the expertise that I have acquired here in Manitoba and selling it in the United States.

It is fascinating work, so much so that I am currently furthering my education, taking the master's in Environmental Engineering program. I have found engineering to be an extremely interesting career, allowing me to provide a substantial contribution to society. I feel good about my chosen profession.

I have been following the recent controversy related to Bill 7 and thought it important that I take the opportunity to address this issue.

I would propose that the fundamental question is, "What is best for the public good?" I have heard many arguments from the architects stating that we should leave the system alone or that Bill 7 should be postponed until some unknown resolution is reached at some unknown time. We should, however, ask ourselves, "What are the people in this room trying to accomplish? Are the engineers trying to take over all the functions of architects?" I say, definitely not. Are architects trying to stake out their territory to ensure that they have mandated employment? I would suggest that that is not the case either. I believe that what should be looked at is what is best for society in general. Minister Allan, that responsibility now rests with this group. You are the arbitrator acting in the best interests of the citizens of Manitoba.

A review of the laws of the other provinces shows that the majority allow engineers to practise engineering as defined by their own acts. There is not some arbitrary cut-off, beyond which an engineer is no longer qualified. Let us take this as an opportunity to upgrade our current legislation in keeping with the current realities and allow us to be competitive with our neighbours.

My proposal, or suggestion, is that the marketplace is the best indicator of who should provide the required services to meet the demands of our economy. The government needs to provide the laws and regulations to ensure that the safety and health of our citizens and the environment are protected. Once this is done, then let the market determine how a project should proceed. Currently, the engineering act has in place the safeguards for people and the environment. I would therefore suggest that if a client wants to hire an engineer to design a building and is satisfied with the layout, look, functionality, et cetera, of the building, it should be up to the client to determine whom they want to hire. It is their building, their money and their reputation that will ensure the buildings are an asset to themselves as well as society.

The Witty Report addresses the issue of the marketplace and the freedom to determine who should design buildings. The Witty Report concludes that the ability of the marketplace to discern how to design buildings should be referred to the context of the legislative and regulatory parameters which in Manitoba currently restricts the client to going to an architect for all buildings. I consider this to be a circular argument. The rules need to be changed.

Before September 16, the market had been actively at work to determine how best to meet the various project design needs. During this time, engineers and architects were both providing design services within the framework of competency, training, experience and suitability to the market of each profession. There had been no significant concerns with this process until the architects took issue with what they saw as an encroachment to their area of practice. While it is perfectly understandable that the architects would act in their own interest, it is incumbent upon the Legislature to look beyond the individual interests and develop a set of laws and regulations intended to maximize the potential of our province.

The questions that should be asked and answered before any changes to the acts are made are as follows. Will the health and safety of our citizens be protected? Will this provide for the most efficient use of Manitoba resources? Will this move Manitoba toward being more competitive? Will this improve the quality of life of the citizens of Manitoba?

The proposed Bill 7 takes the legislation in the right direction, but I do not think that the legislation has gone far enough in providing our citizens and entrepreneurs with the ability to select the best solutions for themselves. That being said, I accept the reality of the competing interests and would compliment the government on developing an excellent compromise which substantially improves the state of the existing laws. The proposed solution is elegant and should be passed into law as quickly as possible to keep the Manitoba economy moving forward. Thank you.

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

The committee calls Brad Thompson, private citizen. One more time, the committee calls Brad Thompson, private citizen. Mr. Thompson's name will be dropped to the bottom of the list.

The committee calls Mel Fedeniuk, private citizen. You can proceed.

**Mr. Mel Fedeniuk (Private Citizen):** Minister Allan, honourable members, ladies and gentlemen. My name is Mel Fedeniuk. I am a professional engineer. I have been a fully registered, licensed engineer in the province of Manitoba for over 19 years. I am similarly registered in the provinces of Alberta and Saskatchewan and have been so for the last 10 years.

I was born and raised on a small mixed farm outside the town of Roblin, Manitoba. I grew up in the rural environment, appreciating the value of hard work. Upon graduation from high school I moved to Winnipeg to obtain my electrical engineering degree from the University of Manitoba. As an electrical engineer, I have been privileged and fortunate to have been a contributing party to various agricultural-industrial projects and miscellaneous facility support buildings constructed not only in Manitoba but across a large portion of Canada, the northern territories, parts of the United States and even overseas.

\* (21:40)

My work over these years has focussed on projects traditionally outside the scope of architecture. For instance, over the last 10 years I have been extremely active in providing electrical distribution and control design services for a large portion of the inland grain terminals built across the Prairies. The construction and operation of these facilities is vital to the economy. These facilities are rural testaments to engineering capability. I also have numerous years of experience in providing emergency diesel generator electrical distribution and control services for some major buildings and facilities such as St. Boniface General Hospital and Regina General Hospital. I am considered a technical expert within my scope of practice.

As a professional engineer, I do not work outside my scope of practice. Most people in the general public do not truly understand what an engineer such as myself does. This is to be expected. Most people, on the other hand, have a good understanding of what a fireman's job is, at least from the dramatic fire response activities we expect and demand from the service. I sometimes think of my job as preventing the use of services of a fireman. I am guided by the practices and policies of the engineering profession I chose to work in.

I work now and am willing to work with other professionals to continue the practice of safeguarding the public in all work that I undertake. My work as an electrical engineer requires close co-operation and co-ordination with other design professionals and authorities having jurisdiction. As professional experts in our respective fields, it is our duty and privilege to perform our work always keeping in mind that the public safety, above all else, must be maintained.

I personally respect and admire the work performed by other design professionals including architects. There is more to society than just excellence in design. The public benefit includes economic well-being. Manitoba's economic health is directly impacted by the quality of and the magnitude of construction projects in process or proposed at any one time. It is imperative that building projects continue without further delay.

Provincial growth and progress in my opinion is only hampered by failure for us to move forward. Public safety is addressed, as it always has been, by leading responsible professionals and authorities having jurisdiction, the authority and freedom to continue the work they are trained and experienced with. In this rapidly changing world, failure to move forward can be detrimental. It is difficult to address all aspects of buildings and construction projects with just one document. Sometimes one must read between the lines and truly read the intent of information documented.

It is my interpretation that the intent of Bill 7 is honourable and that it should be allowed to proceed. I would like to go on record saying that it is important for Manitoba to stay in synchronization with other Canadian provinces with respect to building codes, mandatory use of professionals where required and public safety in general. I feel the proposed Bill 7 meets this intent. Contributions to building construction are required not only by architects and professional engineers, but also contractors, interior designers, plan reviewers and building inspectors.

I am not an authority on legal affairs. I do not normally follow the daily legislative activities undertaken. I was surprised by the September 16, 2005, ruling primarily because I was not personally involved directly in the preceding sequence of events. Subsequently, however, I have strived to educate myself on the events and efforts of many which have now lead us to the presentation of Bill 7

as it stands today. My understanding of the intent and fundamental wordings of Bill 7 has been to support and clarify continued professional activity requirements for buildings of significant complexity. We live in a complicated world.

I am pleased with the work done by the Minister of Labour (Ms. Allan) and her staff in providing us with Bill 7 as it stands at this time. Professional designers work within guidelines provided by government, budgets and general public desires. Professional organizations are capable of working together to work out technical details regarding joint or overlapping areas of jurisdiction. Knowing that we stand here today, not to pass judgment on the past, but to look forward to the future.

Let me close by simply stating, I, as an engineer, as an educated Canadian citizen, as a member of the community support the intent of Bill 7. Thank you for this opportunity to speak.

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

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

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

The committee calls Glenn Paskaruk, private citizen. Mr. Paskaruk, could you raise the mike up just a little? Thank you. You can proceed.

**Mr. Glenn Paskaruk (Private Citizen):** Good evening, honourable members, ladies and gentlemen.

My name is Glenn Paskaruk. I have been a registered professional engineer in the province of Manitoba since 1994.

As the next president of the Manitoba Hydro Professional Engineers Association, I feel that changes to our professional acts are necessary. The broad interpretation of architecture in the September 16 court ruling has the potential to impact engineering work performed at Manitoba Hydro by its some 360 members.

I support Bill 7 for the following reasons: (1) The proposed changes bring clarity to jurisdictional issues which have consumed much of the current dispute between the architecture and engineering professions. For Manitoba Hydro this is especially

important, so that it is clear when it is necessary to obtain the services of an architect and when it is not. 2) The joint board will be given more power. This is consistent with other provinces, Alberta, for example, and proved successful in resolving disputes. 3) Companies will be able to employ both architects and engineers, a positive for the public of Manitoba who will have access to the joint services provided by these firms.

Provincial legislation is established primarily to serve the public. As public demands change, legislation, codes and standards must evolve to meet new challenges. I feel the changes in Bill 7 reflect the requirements of its stakeholders and are necessary in order for both professions to move forward and serve the public.

In closing, I would like to acknowledge the efforts and the hard work that has gone into writing Bill 7 by all parties involved. Thank you for this opportunity.

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

The committee calls Herbert Enns, private citizen. Once again, the committee calls Herbert Enns, private citizen. Mr. Enns's name will be dropped to the bottom of the list, seeing that he is not here.

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

The committee calls Travis Cooke, private citizen. Seeing that you do not have a written submission, you can just proceed, Mr. Cooke.

**Mr. Travis Cooke (Private Citizen):** Good evening, Minister Allan, honourable ministers.

My name is Travis Cooke, and I am an intern member of the Manitoba Association of Architects.

I support the position of my colleagues, Don Oliver and all the members of the architects association, in the previous comments regarding this bill. I call upon the minister and this committee to delay Bill 7 to proceeding to the third reading. The need to protect public health and welfare in the built environment is too important to allow this legislation to rush through without resolving these problems.

I graduated with my master's degree at the University of Manitoba in 2003, and I am currently in the process of completing my 5600 hours of experience in specified areas of architectural practice in the process of writing the nine exams required to become a registered architect in this province.

\* (21:50)

One of the many things that I find disturbing with these amendments is the message it sends to young future architects and students. The province already has a problem with recent graduates leaving. Many of my colleagues have already left for the likes of Vancouver, Montreal or London. Within these cities, the profession has a level of respect that becomes evident in the built environment. In fact, only two out of the nine talented people I graduated with currently reside in this province. I think you would find that this would be very typical of other years as well.

This notion of brain drain is already apparent in this province. The proposed changes to this legislation will only make this condition worse. The bill does not support the future of architecture in this province. As a result, the future architects will be forced not to support the province. This is a downward spiral.

It is my fear that because we are a small organization, our concerns with this bill will not be taken seriously. However, as you can see by the turnout, the entire profession is concerned about this bill. For future architects like myself, the principals of all the large firms and, as the talented Mr. Stechesen put it, even the architects nearing retirement. Hopefully, this will urge this committee to reconsider proceeding with this bill.

I am a recent homeowner in the city, and in the past summer I spent countless hours painting the exterior of it. When I began, I determined there were two approaches to be taken. The first was to buy the paint and begin painting. The second was to spend the time properly prepping the wood by pressure washing, scraping and sanding the wood. Both approaches would cover the wall with paint. However, with the first approach, without the proper prep work, the paint is going to be peeling in only a few years.

The fear I have is that this committee is taking this approach to the bill. It would solve the current agenda by getting this bill off the shelves, but will not resolve the situation for the future years ahead,

nor will it resolve it for the better good of the people of this province. In my mind, that should be the No. 1 priority for this bill.

I would like to finish by commenting on an earlier presentation by Mr. Gloux, and I apologize for the pronunciation of his name, who suggested an architect should be required for a building such as the proposed human rights museum because it requires proper space planning, a good environment and natural light, but an architect should not be required for such buildings as Costco.

I ask this committee why buildings such as these should not have proper space planning, a good environment and access to natural light. The majority of people spend more time in buildings such as these than they do in buildings such as the human rights museum. Thank you.

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

The committee calls Rudy Friesen, private citizen. Feel free to proceed, Mr. Friesen.

**Mr. Rudy Friesen (Private Citizen):** Thank you very much, Minister Allan, Madam Chair and members of the patient committee.

My name is Rudy Friesen. I am a registered member of the Manitoba Association of Architects and a principal in the firm of Friesen Tokar Architects. For the past 35 years, I have been licensed to practise architecture in the province of Manitoba, not because I believe I am competent, but because I have fulfilled the specialized education requirements and the internship requirements which are prerequisite to practise this profession.

Today, I speak as an architect who has completed the required 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 therefore to the public. During the course of my 35 years in architectural practice, I have completed projects in almost every province of Canada. I have also had project experience in the United States and abroad. However, the majority of my work during this time has been in rural Manitoba.

Today, I also speak from my experience as a former president of the Manitoba Association of Architects, as a fellow and a former president of the Royal Architecture Institute of Canada and as a former board member and practice committee chair of the Commonwealth Association of Architects.

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. Second, I want to briefly comment on some of the information presented to you last evening.

Mr. Steckley, an engineer from Winkler, indicated that his clients have had the opportunity to work with architects, but have chosen him. Well, some of my rural clients have had the opportunity to work with Mr. Steckley and now work with me. He expressed concern about the cost to rural clients of architects' travel time from Winnipeg. This is not an issue for our clients from southern Manitoba, since our ongoing projects—I should interject here. When it comes to certain locations in Manitoba, for example, a project in Swan River, I think it is clear to say that the cost of travel for an architect from Winnipeg or an engineer from Winkler, there is really very little difference. In fact, it is probably cheaper from Winnipeg. If he wants to talk about a project in the Winkler area I can assure you that with the amount of projects that I have done there over the years, I do not charge for my travel time because I would end up spreading it over a number of projects, so that is really not an issue. Travel cost is really not an issue.

Mr. Kubinec, the engineer from Holland, Manitoba, made it clear that his expertise was limited to mechanical engineering, and he was very clear on that. However, he referred to agricultural engineers whom he considered to be experienced in building design. If he meant experienced for agricultural buildings, that is understandable, but if he meant experienced for buildings that will be occupied by humans, that is another matter entirely. Sometimes the lines do become blurred.

I have been made aware of a school project in rural Manitoba recently that was designed by an agricultural engineer who put his seal on all the drawings, the architectural, the structural, the mechanical and the electrical drawings. Now, that is of real concern to us and it really kind of makes the statements that we have heard earlier this evening about oath to public safety and checks and balances and a code of ethics and so on sound a little strange

because, as I understand it—I should mention that this particular project was referred to me by a structural engineer who was called in to investigate the problems with this particular building, a structural engineer, who, by the way, fully supports the architects' position on Bill 7. But I understand that this is not the first time that an agricultural engineer has been involved in a project in this way.

But the main issue I want to speak about today is the delegating of decision-making authority about exceptions to the requirements in The Architects Act to involve an architect on certain buildings through the Manitoba Building Code. This involves proposed subsections 15(1.1) and 25(1) of The Architects Act as well as the proposed amendments to The Buildings and Mobile Homes Act. This is the most critical concern for the MAA and, potentially, for all other self-regulating professions.

First, the proposed amendments jeopardize public safety. They weaken public protection offered by The Architects Act by converting architecture from a legislatively entrenched restricted scope of practice, as every other self-regulating profession in this province is, to a profession that can have pieces of it carved out by the board comprised largely of business interests and stakeholders.

That brings me to the second point. As we have recently witnessed in media advertising—I have attached a copy of the ad run a few weeks ago by the engineering association—the board is heavily biased against architects. So not only will public safety be threatened by the proposed amendment, but architects will be treated unfairly. You will recall the presentation last evening by David Penner, who described the experience of the MAA's representative on the board, Mr. Nejmark, and how he has been treated by the board.

Third, the legislative process itself will be undermined because you are putting the cart before the horse by giving precedence to the code instead of the act.

Fourth, the proposed amendment is also bad for the province of Manitoba. How many future architects, and you have heard from a number of them already, graduating from one of the best architecture schools in Canada at the U of M, will want to stay and practise in Manitoba after The Architects Act is essentially gutted and control of their profession given over to a biased board and an impermanent code?

This is unprecedented and an inappropriate structure for any self-regulating profession. It diminishes the independence of the profession of architecture and the profession's ability to protect the public by ensuring that only those qualified to practise architecture are allowed to engage in its practice.

\* (22:00)

The Building Standards Board is responsible for making recommendations to the minister about the content of the Manitoba Building Code. These amendments effectively give the Building Standards Board control over what is the practice of architecture. There is no other regulated profession in Manitoba which has its scope of practice defined by a group made up of industry stakeholders, including business and private interests.

Now, you will have heard some of this before, and I apologize for that, but I think it is important to reiterate it. By analogy, this would be similar to a board comprised of representatives from the Regional Health Authorities, the Manitoba League of Persons with Disabilities, the Association of Manitoba Municipalities, pharmaceutical suppliers, medical equipment suppliers, insurers, plus one medical practitioner being given authority by the Minister of Health to report on what the scope of practice should be for the medical profession.

The Building Standards Board has a valid role to play in the administration of the construction industry but it has no proper role to play in making decisions about what activities require and do not require the involvement of a licensed professional. That is a decision that is to be made by government in consultation with those with expertise in the area, i.e., the members of that profession. With the exception of the MAA representative, one person out of twelve, the Building Standards Board has no expertise to enable it to do so. Once a decision is made about whether an architect is required, those requirements belong in legislation, which is paramount and overrules regulations such as the Manitoba Building Code.

To paraphrase Chief Justice Monnin of the Court of Queen's Bench, to allow the code to define the act would be to let the tail wag the dog or the regulation to wag the statute. The code should provide clarity for authorities having jurisdiction about which activities require an architect, which an engineer and which require none, but the requirements must be set

out in the statute and incorporated into the statute, not the other way around.

To place such important matters into an impermanent code circumvents the legislative process and in doing so dismisses transparency and accountability. While it is a valid objective to provide clarity for authorities having jurisdiction about what activities can or must be done by which professional and which require none and, while a chart is a very clear tool to use to achieve that clarity, the full parameters of the scope of practice of architecture, including any exceptions, must continue to be set out in The Architects Act.

It was noted by the Honourable Conrad Santos during Bill 7's second reading in the House that in Saskatchewan and Ontario this chart is contained in the provincial building code. Actually, while Ontario does have a chart in their code, it is only a clarification document of the provisions which are expressly set out in the architects' and the engineers' acts in that province. It does not remove the scope of the practice from the legislation.

I will skip that because I see I am running out of time.

**Madam Chairperson:** Yes, Mr. Friesen, you will have to just have your last comment.

**Mr. Friesen:** Okay, I will summarize.

In summary, I believe you will make a grave mistake and perpetrate great injustice if you amend The Architects Act in the proposed manner, a mistake that will come back to haunt us all. As it stands, the proposed amendment will (1) hurt public safety; (2) undermine the profession of architecture; (3) adulterate the legislative process; and (4) impair Manitoba's ability to keep and attract bright young architects.

For these reasons and many more, please delay Bill 7 now.

**Madam Chairperson:** Thank you, Mr. Friesen. Are there questions?

**Mr. Schuler:** Just a brief comment. We really appreciate your presentation very much and we certainly appreciate the work you have done, not just in the city, but across the province. As we go through the line by line later on, certainly, presentations like yours are very important, and, again, we appreciate the information that you have brought forward and all the work that you do for our city and our province.

**Mr. Friesen:** Well, I appreciate your comments. Thank you—

**Madam Chairperson:** Thank you. Mr. Friesen, I just have to recognize you.

**Mr. Friesen:** I just want to say thank you to Mr. Schuler for the kind comments and thank you for listening.

**Madam Chairperson:** Thank you.

Bob Martin, private citizen. You may proceed, Mr. Martin.

**Mr. Bob Martin (Private Citizen):** Thank you. Good evening, Minister Allan, Madam Chair, honourable members. My name is Bob Martin. I am a registered architect in the province of Manitoba and have been for nearly 25 years. I am also the Manitoba co-ordinator and local studio director for the Royal Architectural Institute of Canada's Syllabus Program here, and I have taught architectural design to students of architecture in that program for about 20 years. I am also an accredited professional through the LEED environmental design program.

First, I would like to say that I support the position of my colleague Don Oliver and the other architects who have been presenting the views of the Manitoba Association of Architects here to the committee. I call upon the minister and this committee to delay Bill 7 from proceeding to third reading. I would like to remind the committee also, if I may, that when the MAA presents its views, I believe they are speaking within their legally-mandated requirement to protect the public good. This is not about our own self-interest. This is about the people of this province and their living and working environments.

Here we have a government now proposing to carve up the existing scope of work between architects and engineers, with one major group saying, "cut away," and the other saying, "wait, let us save this baby." I am reminded of a very old story where one mother agreed to cut the baby in half and share it, while the other mother said, "save the baby." King Solomon knew which mother had the baby's best interest at heart. I hope this committee can show the wisdom of Solomon and recognize who here is speaking for the baby in this issue.

I personally believe this legislation as presented to be seriously flawed, and I believe it has the potential to seriously endanger the safety, health, and

well-being of the citizens of this province. Today I would like to add some of my own personal thoughts and opinions on this bill and to touch on some of the comments I have heard presented to you in this room.

The situation has been called a turf war. I do not see it as anymore of a turf war than say, the War of 1812 was a turf war. Sure the Americans wanted our turf; we did not want theirs. We just wanted what was ours and to keep it safe. By 1812, we occupied everything down to the Ohio Valley, but we were not greedy for more turf. We returned it to them and set out to maintain the status quo. They never really gave up though, I do not think, nor the engineers in our case. They still seem to want our turf, and negotiating with them, it seems, has been like Canadians trying to negotiate softwood lumber. We win in court, we have right on our side, but because they are bigger and stronger than us, we lose.

Some engineers have said that they have and can design buildings and are competent to do so because they have read the Building Code and can design to its provisions. The fact that they can meet the Building Code does not mean that they can design buildings suitable for human habitation. This room we are in now would meet the code with an acoustic tile ceiling dropped to seven and a half feet above the floor, but would that truly meet the needs for human habitation and the use for which this room is intended? Could this committee properly function through 12-hour meetings with crowds of presenters jammed into such a restrictive space? Would such a space inspire the respect from the public for this committee and for this Legislature that they deserve? Just meeting the code, obviously, is not good enough. I believe someone earlier said, we are speaking of good enough, and I was thinking, good enough is not good enough. We need better.

Please keep in mind that the Building Code simply sets out what is the least safe building you can legally get away with erecting. It does not make it a competent or even suitable building. I believe it was Sir Winston Churchill who said, "People build buildings; buildings build people."

I personally do not want my children to be built by what are the cheapest, least safe buildings that can be gotten away with. I have higher aspirations for them. Better buildings create better working and living environments. Better environments lead to better health and fewer lost days due to illness. That means a greater productivity for workers, greater

profitability for businesses and that means a more vibrant economy for this province. Only architects have the broad ranging education and training to consistently go beyond the minimally competent. Architects are educated and trained to strive for more and to build the foundations for that vibrant economy.

A number of engineers have come here to boldly state that they have been breaking the law for years. The law, as the Denoon case and the City of Winnipeg case have both proven, they have been breaking. Since nobody has been hospitalized due to their illegal activities, as least so far, they seem to think they should be allowed to continue on their merry way. By admitting that they have been breaking the law, I believe that they have shown their disrespect for the laws of this province and their contempt for this House, the makers of those laws. How can we trust them in future to obey other laws? Rewarding those law breakers by legalizing their actions or worse, to do it retroactively, is unbelievable in my eyes. Doing that is like finding out they have been driving down Portage Avenue at 90 kilometres an hour for years without a driver's licence, but, since they have not killed anybody yet, you are going to say, "Well, that is okay. You can keep doing it. You do not have to take a driver's test. We will give you a special certificate so you can keep going, and you will not be subject to demerit points, disciplinary action or other policing."

\* (22:10)

When my five-year-old does wrong, I stop him. I reprimand him and I do not let him do it again. Why these lawbreakers are getting away with more than my five-year-old gets away with, I do not understand. Thank you for your time.

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

The committee calls Ken MacKinnon, private citizen. You can proceed, Mr. MacKinnon.

**Mr. Ken MacKinnon (Private Citizen):** With the darkness surrounding this issue, I thought I would throw a little colour into my handout.

Minister Allan, Madam Chair and fellow committee members. My name is Ken MacKinnon, and I am an intern member of the Manitoba Association of Architects. I support the position of my colleague Don Oliver and call upon the minister

and this committee to delay Bill 7 from proceeding to the third reading.

I would like to speak to you today on innovation, leadership and the integrated design process. Innovation is looking beyond code requirements for building design. Leadership is designing the buildings to the clients' needs but also designing to the needs of the occupants and the environment. Integrated design fully utilizes the design team. This design team includes engineers and other design professionals.

Apart from my work as an architectural intern, I sit as a member of the City of Winnipeg Civic Environmental Committee, chair of the Green Building Subcommittee. I also sit as a board member of the Manitoba Chapter of the Canada Green Building Council. I give you this background because I have been working on the frontier of green building for the past 10 years, and in this area of innovation, I find it is largely being driven by architects across the world.

So far you have heard many presentations from the engineering community on how they can provide buildings that meet the intent of code. It was Jon Hobbs from the Royal Architectural Institute of Canada that reminded you yesterday that today's buildings are tomorrow's heritage. I would like to add another dimension to this statement. Today's buildings will shape our tomorrow. How we design our buildings today will shape their use and reuse in the future. It will shape our behaviour, our productivity and our health. They will shape our footprint, our resource use and our communities. With this in mind, does designing to the intent of code really reflect construction innovation?

The reality of our industry is that innovation is driven by architects working very closely with engineers. Removing either of these components from the equation would be detrimental to our future. Leadership in our industry means that you are ahead of market trends, not driven by them as some of our other speakers would have you believe.

The U.S. and Canada green building councils have been promoting buildings to LEED standards. This stands for leadership in energy and environmental design. This LEED standard is being looked at today by Manitoba Health and other provincial departments as being standard practice for publicly funded buildings. This standard is a holistic approach to design for buildings that addresses resources, occupant health, quality of environment,

energy efficiency and integration into the community and the natural world. LEED has engineering components, but this process is guided through the architectural design of buildings, a process that requires the skilled leadership of architects.

This type of leadership by architects provides a very different agenda to the design of buildings. In a simple example of the typical building, there are three costs in the life of the building. These are shown in my handout as a pyramid. The first cost is the capital cost, in this case, \$1 million, not a very large office building. The second cost is the operational cost over 30 years, roughly three times the capital cost. The final cost is employee salary costs, \$46 million. These costs are more than 10 times higher than the capital and operational dollars combined. There is also an important relationship to note. A small change in capital can drastically alter operational budgets, but have an even greater effect on salary costs.

Engineering design services traditionally focus on the first cost, construction. Life cycle engineering, a more expensive service, would venture into the second cost: operations. As architects we focus on all three costs. But leadership in architectural design today means we place more focus on the third cost: salary. A focus on salary is a focus on occupants. Focussing on this issue is not a code requirement. It is not found in quantifiable rule books. It is not learned as a standard principle in any aspect of engineering. To focus on the physical, physiological and behavioural needs of the occupant in order to achieve a better design, requires the leadership and skills of an architect.

Architects have always understood the importance of the skills of other design professionals to the goals of a project. Integrated design is currently being promoted by the architectural community as a process to better building designs. The buildings that are designed are better for the occupants, better for the environment and better for the operational and capital funds that are usually available. They are better buildings that require no additional costs when designed correctly. Integrated design requires that architects and engineers are both part of the process.

Integrated design is not found as a code requirement. It is not a standard practice, but it is a global movement that is being driven by architects to provide better buildings that are innovative and leading. Integrated design is being embraced as

leading edge throughout North America and will become a standard of practice. It is architects who are driving this need for better integrated design process, a process that requires the skills of all design disciplines, and this progressive tool will be missing from most of Manitoba's future if we focus solely on the capital costs of buildings. Bill 7 focusses solely on the capital costs of buildings.

I believe that in 20 years time there will be more pressing issues at the forefront of the construction industry. But, with architects as an integrated part of this process, leadership and innovation will remain part of our design solutions.

Bill 7 will take away many things, but mostly it will remove architects' design skills from the majority of projects in Manitoba. Thank you for your time.

**Madam Chairperson:** Are there any questions from the committee? Thank you very much for your presentation. The committee calls Robert Gare, private citizen. You can proceed, Mr. Gare.

**Mr. Robert Gare (Private Citizen):** Minister Allan, honourable members, ladies and gentlemen.

My name is Robert Gare. I am president of North Perimeter Construction Limited, a design build contractor of pre-engineered building systems who presently employs approximately 20 people in the design, construction and project management of buildings in Manitoba.

I graduated from Red River Community College in 1972 in building technology, and I am a member in good standing with the Architectural and Building Technologists Association of Manitoba. I have 33 years experience in the construction industry. I have been in my own business for 20 years with approximately 200 building projects completed successfully to date.

We presently source outside professionals, be it architects, engineers to provide the necessary framework to complete our projects. We utilize primarily pre-engineered steel structures in the construction of our projects and our clients seek us out because we have the experience and cost efficiencies for this type of building construction. Our projects are mainly one-, two-storey and warehouse-type. We provide a service and are called upon to decide which disciplines, architects or engineers, are best suited to provide the final working drawings. We have also called upon the

services of interior design professionals to provide their input when we are involved on renovation projects for our clients.

\*(22:20)

I believe my firm has the experience to decide who is best suited to provide the level of service needed to build the projects we build. We presently have four projects in various stages of completion with the City of Winnipeg, all of which have been placed on hold or returned for the required architect's review and stamp. One project, in particular, is an F2 major occupancy. Permits were applied for in July utilizing the services of an engineer. The project is in its final completion and substantial performance has been achieved. An occupancy permit has been requested, only to have the City of Winnipeg issue the attached letter stating that an architect would have to be retained to provide final architectural certification.

Since the September court ruling, we have three other projects in various stages of construction and permit application returned to us by the City of Winnipeg. We have had to submit them to architects for the so-called review and stamp. Each project has taken extra time and caused unnecessary delays at this time of the year, as well as causing extra costs to my business and to my clients.

In closing, I am not interested in turf wars between professions and, as no one will gain because both professions are needed individually, we as builders need clarity from our legislators and to provide the authority having jurisdiction with the necessary tools, such as the Manitoba Building Code, as the instrument with which to issue building permits and as to who should be stamping drawings. I feel Bill 7 will provide this. I fully support our legislators in passing this bill. Thank you.

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

The committee calls Vern Reimer, Stantec Architects—I am sorry. Brian Tokar, private citizen. I apologize. You can proceed, Mr. Tokar.

**Mr. Brian Tokar (Private Citizen):** Yes, good evening, Honourable Minister Allan, committee members. My name is Brian Tokar. I am a principal at Friesen Tokar Architects and have practised architecture for over 30 years in Manitoba and abroad.

I am here to speak against the third reading of Bill 7 as it currently stands.

Firstly, I will attempt to look at the bigger picture on this issue and I hope my presentation will be brief and to the point.

If this government approves Bill 7 as it stands, it will have the unmitigated distinction as the province with the least amount of architectural control over the built environment in Canada. Architecture is the life-enhancing ingredient defining the spirit of our communities. Is Bill 7 going to attract and keep architects in Manitoba in the long-term? I think not. Is this responsible government in action? I think not.

With the emerging critical challenges of energy management, environmental and sustainable issues, as has been discussed by previous speakers, facing Canadian architects, reducing Manitoba architects' ability to design our built environment will be a regressive action that, to me, is unacceptable and, more so, unthinkable. I cannot fathom for one second that our legislative leaders would approve a bill that would be so potentially damaging to the quality of life in this province, a quality of life that will certainly not be in the best interests of Manitobans. On second thought, I suspect that anything is possible when a group of desperate and determined engineers can use political muscle and a show of power with Bill 7 to make a point, regardless of the consequences to the Manitoba public.

I contend that what has transpired here over recent years has been a game, a game between two professional organizations that could not internally resolve their practice differences in a reasonable and a timely manner. The MAA utilized what it saw as a legal opportunity to maintain its original practice position of control over engineers as mandated in The Architects Act and APEGM utilized its political influence, not only to attempt to overturn the court decision on the architects' extent of practice in Manitoba, but to further deteriorate the architects' control of architecture in Manitoba. This game is out of hand, and what makes it particularly upsetting is that the game is out of hand for the wrong reasons. If Bill 7 is approved, APEGM may consider itself a winner, but the loser will not be the MAA. The real loser will be every citizen in Manitoba.

If Bill 7 is approved, this government will be allowing professional engineers, not trained in the practice of architecture to do just that, a training that involves six years of a university education, several years of regulated hands-on intern experience

requirements culminating in nine separate exams to be registered as a professional, followed by ongoing continuing education credit requirements to keep pace with our escalating technological changes. It is unthinkable that this government would allow professional engineers with inadequate training to function as architects in the planning, design and construction of buildings in Manitoba, as mandated in Bill 7. If Bill 7 is approved, I submit that Manitoba will be the laughingstock of our architectural colleagues across Canada, a province already mired in bargain-basement-type engineered architecture.

The pendulum in this game has swung from one extreme in favour of the MAA following the decision of the Court of Queen's Bench, and may swing now to the opposite extreme in favour of APEGM. I say enough is enough. Our professional associations are moving down two separate roads, and there is only one course of action, as I see it. It is time to bind our wounds at MAA and APEGM and PIDIM and regroup to find a middle ground of professional responsibilities governed by the hand of an appropriate facilitator and based on what works in other jurisdictions that will serve in the best interest of Manitobans and generations to follow.

I am reminded of a related proverb: Treat the earth well; it was not given to us by our parents; it was lent to us by our children. Please do not destroy Manitoba's earth with irresponsible legislation at the public's expense and at the expense of future generations. Please keep the big picture in mind for Manitoba and amend Bill 7.

Secondly, there have been allegations on the weakness of our code of ethics. For the record, I am a member of the investigation committee of the Manitoba Association of Architects and have submitted copies of our code of ethics for the record, all contained in Article 15 of the MAA by-laws. Thank you.

**Madam Chairperson:** Thank you. Are there any questions for Mr. Tokar? No? Thank you very much.

The committee now calls Vern Reimer from Stantec Architecture Ltd. You can proceed.

**Mr. Vern Reimer (Stantec Architecture Ltd.):** Madam Chairman, Honourable Minister, committee members and esteemed colleagues in the engineering and architectural professions of Manitoba, thank you for allowing me to present my thoughts, opinions and recommendations in regard to Bill 7.

My name is Vern Reimer. I am also the architect of Hydro station Nos. 2, 12, 6, 16 in St. Vital. So, if you want to know anything about the safety of those buildings, ask me. They hired me to do that. I am also the architect for the Canadian Museum for Human Rights, concept stage. I designed that. Izzy Asper hired our firm to do that.

My name is Vern Reimer and I am practice leader of Stantec Architecture in Manitoba. Stanis Smith, who is vice-president of Stantec Architecture and Building Engineering has allowed me to speak on our group's behalf relative to the proposed Bill 7.

Although I am an architect and I have been a member of the MAA since 1985, I am speaking on behalf of Stantec's architects, interior designers and engineers on this matter. My message is similar and in support of Bob Eastwood of Number Ten, and Scott Stirton of Smith Carter who spoke to this committee yesterday.

Our message is in support of both the architectural and engineering professions of Manitoba. We believe that our entire industry is negatively affected by this proposed change and we recommend that this legislation be stopped immediately and that it be left to the architectural and engineering building professions to reach an appropriate and fair solution. This is not a better deal for architects; neither is it a better deal for engineers.

Stantec is a firm of approximately 5600 professionals with over 60 offices throughout North America and the Caribbean. I represent them tonight. We provide clients with effective, efficient and responsible solutions that achieve a positive balance of economic, environmental and social benefits within the world of infrastructure and facilities. We offer a wide range of professional services including architecture, engineering and interior design.

I represent tonight 508 architects and interior designers, 717 building engineers and 95 manufacturing and industrial engineers. We are currently the largest architectural engineering office in Winnipeg, with about 130 persons. This includes an architectural and interior design contingent of 53. The architectural interior design component was formerly GBR Architects. It was acquired by Stantec in 2004.

\* (22:30)

GBR Architects started in Winnipeg in 1934. We are the oldest architectural firm in western Canada. We are the first multi-discipline professional

service firm in western Canada offering architectural interior design services and engineering services. Together with Bob and Scott's list, our collective businesses represent many years of working together as architects and engineers in the design of buildings. As industry members truly focussed on the building industry, our companies represent over 50 percent of the professional staff involved in the design of buildings in Winnipeg.

We have a strong belief in the way we practise our profession in Stantec and we have a strong vision on how we deliver these services. To ensure client satisfaction and to promote innovation, our entire service is built on the model of integration. Through this integrated approach, where the skills and experiences of discipline-specific professionals are brought together as a team, Stantec has delivered award-winning solutions to communities, buildings and infrastructure. A specialized, multi-disciplinary team of professionals, architects, engineers, project managers, interior designers, landscape architects, planners, environmental specialists and technologists generate the creative solutions for our clients.

Our integrated approach works because discipline-specific team members required to deliver excellence in a project design are placed on a project team. As our goal is a complete and comprehensive service, virtually every one of our building projects include an architect, interior design, and a full complement of engineers. The engineering complement would normally include structural, mechanical and electrical engineers. Contrary to Mr. LaLiberte's statement of yesterday, there is tremendous overlap in the industry, and there is a tremendous balance between the architects and engineers. In fact, it is overly balanced.

At Stantec, we are passionate about the design quality of the built environment. We create designs that are timeless, intelligent, and sustainable. Our goal is to optimize durability, quality and reliability of a project. Through environmentally sensitive design and development, we encourage the efficient use of non-renewable resources. Socially, we care and protect the health and wellness of people, including persons with disabilities. Our goal as a professional service firm is dedicated to go beyond satisfying our client's needs, but to also take into account the public interest.

At Stantec, architects design buildings. In order to mitigate risk, our architects do not practise outside this area of expertise.

At Stantec, engineers design building systems. In order to mitigate risk, our engineers do not practise outside this area of expertise at all.

In regard to Bill 7, the possible negative impact of the changes to legislation is too significant to our industry to rush into. We recognize the importance of this suggested legislation to both of our professions. More importantly, we recognize that the public benefits from the collaboration and skills both professions bring to any building project and want the legislators and authorities having jurisdiction to recognize those skills and benefits in addressing code and act changes.

In order to open up the backlog of work at the authorities having jurisdiction, we support the MAA's suggestion to mitigate this issue. There is a safety issue. We believe that in the past the authorities have allowed this and assumed the associated risk and would do so again for a short period of time. Stantec has also assisted where we can over the past while to do exactly that. The architectural profession has not held up the generation of project approvals.

This is not a dollar issue either. Architects and engineers both bring value to clients through the projects that they are involved in, particularly in collaboration. City consultants are not more expensive than rural consultants and vice versa. Fees are generally set on what the market will bear and the level of expertise brought to the project.

Our concerns focus on the lack of clarity in some of the elements of Bill 7. These issues will cause problems in how the proposed scope of work is governed.

It is important that both of our professional associations maintain a role of interpretation, scope definition and licensing of our professions. The proposed legislation states that this will now be governed by the Building Standards Board operating outside of both professional associations and their acts for some areas of buildings and construction. In order to provide clarity to all, it is necessary that changes in regulations be appropriately reflected in the professional acts in order to ensure continuity and stability and that both professional acts are respected and not compromised in the legislation. Clarity on multiple-occupancy projects within this sector is necessary for the benefits of builders, authorities and professionals.

We believe that it is essential to maintain an independent professional status for both the architects and engineers in Manitoba.

The grandfather professions under the bill would be working outside the direct authority of the APEGM or the MAA, even though these two bodies are empowered to grant professional licence. It is proposed that an intermediary board that does not have licensing, investigative or regulatory authority, as do their appropriate professional bodies, will issue the certificate of practice. The resolution of liability issues for professionals acting outside the educational professional guidelines of their professional bodies will be impossible.

The definition of competent is also a serious problem. We believe the professional associations responsible for each discipline should define competency for each of their members. This is the litmus test for being covered for liability insurance, which goes towards assuring the public good and agreeing on the issue.

How are authorities going to make judgments about when to include professionals in the alterations projects? We believe the appropriate professionals as defined by the MAA and APEGM should direct all projects over 600 square metres in gross building area. We believe this issue could seriously impact on all and any building permit issuances as unqualified persons may be involved in these undefined alterations. Our office was the architect for the original Polo Park plus the latter's second story addition. Both projects required substantial architectural leadership. Engineers could not do that.

No. 4. Other issues of concern relative to the public good: gross area versus net area. This is an obvious mistake in the definition and potentially dangerous to the public good. We agree with the MAA's position in this regard. Arena-type exceptions: in the interests of the public interest, we believe that all assembly facilities utilize both an architect and an engineer in the design and implementation of these projects. Industrial exceptions: in the interests of the public interest, we believe that all industrial facilities with human occupancy utilize both an architect and engineer in the design and implementation of the project. Replacement of the word "supervision" with "review": in the interests of the public interest, we agree with the MAA's position in this regard.

As we stated at the beginning, the issue is too important to rush. The MAA and APEGM can jointly propose a logical and affect the way forward and will protect both the public interest and the interests of both professions. Market forces should not negate the best interests of the public. Our collective working environment in Manitoba is enriched by the efforts of both professions and we anticipate that the current draft legislation will compromise that working environment and our collective efforts to strive for excellence in the living environments of Manitoba and the other locations where we practise.

We support our architectural and engineering colleagues in the request that Bill 7 be delayed until it can be given the time it deserves and the problems inherent in it that can be addressed properly with clarity.

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

The committee calls Marcy Shelvey, private citizen. Ms. Shelvey, could you just bring the mike down a little bit so that they will pick up your—Thank you, you can proceed.

**Ms. Marcy Shelvey (Private Citizen):** Hello, my name is Marcy Shelvey, and I am here to support the architectural profession, which I have legitimately and lawfully been working nine years to become a part of. I have recently completed my studies towards a Master of Architecture and will graduate this February. I am currently starting the intern in architecture program with the Manitoba Association of Architects or MAA, with the goal of becoming a registered architect.

I support the position of the MAA and call upon the minister and the committee to delay Bill 7 from proceeding to third reading. Bill 7 creates more problems than it puts forward to solve. Many members of the MAA have already laid out specific problems with Bill 7. The need to protect the public health and welfare in the built environment is too important to allow this legislation to rush through without resolving these problems.

I have lived the majority of my life in Manitoba and would like to continue my future here. If this bill passes in its current state, my future in Manitoba does not look very bright. The government and the people of Manitoba had invested money into my education with the wish that people educated here

stay here. I would hope that the government would not rush through a bill that encouraged graduates of architecture who hoped to become a registered architect to leave Manitoba. Thank you for your time.

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

\* (22:40)

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

The committee calls Layne Arthur, private citizen. Mr. Arthur, do you have a written presentation you want to circulate?

**Mr. Layne Arthur (Private Citizen):** No, I do not.

**Madam Chairperson:** No? You can proceed then.

**Mr. Arthur:** I come to you as a second-year master's student at the University of Manitoba, Faculty of Architecture. I moved here from Saskatchewan to pursue a career in architecture. I graduated 15 years ago from an architectural technology program in Saskatchewan and worked for six and a half years in the firms in Saskatchewan. My fellow professional technologists in that province have been trained in the code as well as building technologies and they have striving to change the legislation in that province, as well, to broaden the scope of architectural practice.

I am not in support of that. I value the education and the hard work to become an architect. I feel this bill diminishes the quality of that education, and I strongly recommend that you guys delay the reading, rethink the consequences of this bill. The Saskatchewan building industry, in my opinion, is in a dire situation because of changes in the past that have allowed structural and civil engineers to practise architecture in certain areas of the province which I have in the past worked for, in Prince Albert. I did work in that firm. I was not comfortable with it. They were practising outside of the scope of their education, in my opinion, working on reservation work and basically driving the level of quality of the built environment down.

This is the sort of situation I feel that this changes this legislative scope of The Architecture Act, is going to open the door to. It is going to whittle away the work that architects can do and be

part of and protect this community, public's best interests. I have heard references to letting the marketplace judge who works on a project and who should decide who is best for their interests in providing this service. Well, in my opinion, architecture is much more beyond creating a building, protecting the public's best interest in occupying that space, and to allow private citizens and that with their own special interests in getting the best building for the lowest dollar whoever designs it puts that in jeopardy. That sort of mentality, I think, is just going to open the door to, it is kind of ridiculous, but why not, why does Wal-Mart not open up an engineering department, and you just go in and buy a building off the shelf that can be put down in any situation? I do not think that is good for the Province of Manitoba to even entertain that idea, but this legislation is opening the door to certain scenarios. It may come forth in the future.

Community is a strong part of the Faculty of Architecture—we have striven to reach out to the community in the past number of years. I was past president of the students' architectural society, and during that year we volunteered our services to the SAA to build a playhouse for the Habitat for Humanity project that was put forth in St. Vital mall to raise money. We feel our services are not understood by the public. That is a huge problem, in my opinion, that the MAA and fellow architectural groups across Canada have not promoted themselves well enough, and I think that is part of the underlying reason why we are here today. I think that through this exercise it has opened the eyes to many of the MAA members, it is time to promote ourselves and for the betterment of the public knowledge base. I feel that this bill should be tabled for further review to protect what is needed for the best interests of the public in the built environment.

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

The committee calls Jamie Kozak, private citizen. One more time, the committee calls—

There is an individual who is getting something stapled. We do not want to move on yet, so we are just going to hold for a minute.

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

The committee calls Don Spangelo, private citizen. You are Mr. Spangelo, right?

**Mr. Don Spangelo (Private Citizen):** Correct.

**Madam Chairperson:** Correct, okay. You can proceed.

**Mr. Spangelo:** Hello, Chairperson, members of the committee and others. I was going to say, "Welcome this evening," but I think I will revise that to say, "Welcome this late evening." And I am sorry. I am pretty tired, so I cannot add any more wit to it than that to help us.

I am here to inspire and not to defend nor intentionally criticize any professional or politician, and I apologize in advance if I end up doing so tonight. We have to look at the very end. I will get to that.

I have a diploma from Red River Community College, a Bachelor of Science in Civil Engineering from the University of Manitoba, and have worked as a professional engineer in the province for over 22 years. I am chair of APEGM's legislative committee and discipline committee and a past council member. I am familiar with the legislative issues that the architects, technicians and technologists, interior designers, land surveyors, landscape architects and other stakeholders have had over the last two years. I have personally talked to many of them.

I spent eight years helping to completely rewrite The Engineers Act and our association by-laws. This act was accepted by APEGM's members and numerous stakeholders, except the MAA. The provincial Legislature, the only entity that can change professional acts, also accepted this act with appropriate revisions and passed it into law in 1988.

In addition to these duties, I have also worked as a structural engineer, along with many architects, in the commercial building field for a number of years before joining Manitoba Hydro. I have heard many of these architects speak to this committee.

Based on these experiences from both a practitioner's and legislative perspective, I endorse Bill 7 and the proposed changes it will make in various professional acts in question.

\* (22:50)

As an employee and one of more than 350 engineers working for Manitoba Hydro, I am a senior designer and a supervisor of other designers of hydro dams, which consist, in part, of powerhouses. These

buildings not only generate energy to power this microphone, but make millions of dollars for the province annually. Since the J. McCawley injunction argues that The Architects Act supersedes all other acts, this implies that only architects can plan or alter buildings of this magnitude within the province. There are no exceptions in The Architects Act for certain classifications of buildings such as powerhouses. This has a direct implication to my work since I no longer can legally design or alter these buildings. It affects Manitoba Hydro's ability to continue development of future dams or maintain and upgrade existing powerhouses.

All existing hydro dams and associated powerhouses built in the province in the last 50 years have been designed by Manitoba resident engineering teams. There is no architect in Manitoba nor North America who has previously designed a hydro dam or powerhouse for Manitoba Hydro. Thus Manitoba Hydro cannot presently hire architects with appropriate expertise to satisfy their current and future needs. Thus I support Bill 7 which will allow engineers to be prime consultants and designers of industrial buildings, which powerhouses are classified as.

The root cause of years of dispute between the architects and engineers and this present issue is the misunderstanding of the existing definition of architecture in The Architects Act. In The Architects Act, the only buildings of substantial size exempt from architectural design are grain elevators and grain warehouses. Ironically, the old wooden-style elevators from the era when this definition was written have become icons that define our prairie landscape and economic base. I am sure I can find a number of pictures of them in this building. However, they are now obsolete and, sadly, are being torn down.

I am aware of the extensive education, certification and commitment it takes to become an architect. However, if a definition cannot be appropriately defined based on these requirements and articulated within a legal statute, it cannot be appropriately defended. It is the lack of an appropriate definition of architecture and not the inappropriate work of engineers that have led to the need for Bill 7.

I ask you, members of this committee, to please recommend the passing of Bill 7.

In conclusion, I would like to commend the government and its support staff's effort to consult with numerous stakeholders and quickly get up to speed on the specifics of our industry to put Bill 7 together.

My name is Don Spangelo.

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

**Mr. Spangelo:** Thank you.

**Madam Chairperson:** The committee calls Maria Lopez, private citizen.

**Ms. Maria Lopez (Private Citizen):** Good evening. My name is Maria José Lopez, and I am a student at the University of Manitoba Faculty of Architecture. If Bill 7 is passed, my future will be negatively impacted and this is why I am here today.

I would like to express my support for the MAA and its members and request that Bill 7 not proceed to third reading.

When I first started studying architecture, I did not realize the complexity of the field or how far it actually impacts on the world and everyone who lives in it. I did not realize that the master's degree more often takes four or even five years to complete, rather than the two years stated on the official course calendar. I did not realize that internship takes a minimum of three years or that there are nine gruelling exams that need to be written before one can really call oneself an architect. I guess I had not really done my research, but I had already started the program and was really enjoying it despite the many sleepless nights required.

I stayed in the program because I was convinced of the importance of having architecture in the world, not just building. After investing so much time, effort and money, I look forward to the day when I will have that stamp that signifies so much responsibility but also recognition, and I look forward to designing meaningful buildings in the future.

If Bill 7 is passed, the education I have gone through is devalued. Personally, I do not want to practise in a province that does not truly value the work that architects have been trained to do.

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

The committee calls Steve Isfeld, UMAAS, the University of Manitoba Association of Architectural Students.

Hello. Did you have a presentation? No? Okay, you can proceed, Mr. Isfeld.

**Mr. Steve Isfeld (Acting President, University of Manitoba Association of Architectural Students):** UMAAS is the University of Manitoba Association of Architectural Students

Hello. Did you have a—

**Mr. Isfeld:** Oh, this is for me. For my eyes only.

**Madam Chairperson:** Okay. You can proceed, Mr. Isfeld.

**Mr. Isfeld:** UMAAS is University of Manitoba Association of Architecture Students, just for the record.

I am currently the acting president of this student group, and I am just going to be the short-and-sweet guy here tonight. Thank you for taking the time to listen to our concerns as a student group. I represent the student body and we are deeply concerned with the legislation proposed in this bill.

As a student body, we support the position of MAA and request that it not be taken to the third reading as outlined in so many presentations thus far. There are key issues such as gross building area, the grandfathering clause, alterations and all these clauses should be changed to reflect the rigour and high standard of our chosen profession, and it should be designated through the MAA in The Architects Act and not by the Building Standards Board.

I speak for the students that are working so hard right now. They are probably actually sleeping on their drafting boards because we have so much positive energy, we are so passionate. I mean, I do not think you can doubt how much passion we have for our profession and we do care about the future of Manitoba and the built environment, and I think that is what this really comes across as.

I know this must be a tough thing to do when you have to hear all sides and not everyone is going to be happy about it, but I just hope that through logic and reason we can go through all these and make something that is going to make me not have to move at the end of the day, because I want to stay

here. I love it here. I take pride in this city. That is it. That is pretty much all I want to say.

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

The committee calls Robert Morrison, private citizen. You can proceed.

**Mr. Robert Morrison (Private Citizen):** Thank you, Madam Minister. May I compliment you and your committee for this endurance test. This meeting may not have transpired if these two professions could have reached an understanding, that memorandum of understanding that you have heard so much about over these two nights and two days.

As for me, my name is Bob Robert Morrison, a registered engineer in the province of Manitoba, practising for 46 years, practicing on the electrical side of the building sciences field. Listening to architects' presentations today, I guess they think I have been practising illegally. Well, I have not been. I practise according to The Engineering and Geoscientific Professions Act of the province of Manitoba. I was not going to even speak. The enactment of this bill will not affect me at all, for I am perhaps the oldest pro-presenter here.

The recent half-page advertisements in the *Free Press* provided me the incentive to speak, I have never read such bunk, changes that will effectively remove the requirements of an architect from many building projects. Allow me, and not to be repetitive to dwell on that. First of all, I feel relatively comfortable in this room. I think architects call this the great room, the room that is a family action place and family pictures are hung. Here I see portraits of two distinguished engineers. Yes, two, I said. Gary Filmon and Ed Schreyer. We like to think that the Honourable Ed Schreyer was an engineer with his vision for this province as an energy centre. I am told that the drawings he is holding in his hands are for the Honourable Ed Schreyer community arena with only an engineering seal on them. But back to the concerns raised by the architects.

There will be no building projects for architects to receive commissions and awards on for outstanding design. Young architects will leave the province. The school of architecture will have to close down. The Building Standards Board does not have enough architects on it. The board of directors at Victoria hospital are going to entertain proposals from engineering firms for the next \$25-million

expansion. Memorandum of understanding architects and engineers is not doable.

\* (23:00)

I want to take you back to early Monday night. Speaker No. 6, Dr. Garland Laliberte, Professional Engineer, Dean Emeritus, Faculty of Engineering, University of Manitoba. He showed this overlapping circles diagram which I have got on appendix 2; on page 2 of that, the overlapping circles. I have in a series of plates, three, simply showing the before-Bill 7 respective practice actions for architects and engineers. You will note that I have put architects on top. They like it that way. I think I even heard last night that architects designed the pedestrian bridge at the Forks.

The first plate, that is plate No. 1, shows the conditions prior to the court injunction, a considerable overlap of the two professions in designing buildings. Plate No. 2 shows the practice conditions after the Royal Assent of Bill 7; a considerably reduced overlap. But again, the architect is practising in groups A, B, C, D and E buildings. The engineer is practising in group F buildings, and the bit of overlap is evolving.

As an appendix, I have given, perhaps the first time for this committee, just what buildings are involved in this group A, B, C, D's and F's so they can get a full understanding of the impact of the two areas of professional responsibilities in this province. Look at the size of the circles. The extent of the perceived overlap on the Bill 7 condition, plate No. 2, the architect should have a concern about that little bit of overlap. It is not a turf war, it is an exclusivity war. Bill 7 is not denying any registered architect from practising, Bill 7 is reducing and restricting the areas that an engineer can practise. Let me leave those three plates with you. Maybe you could refer to them when you are reaching a consensus or when voting on the third reading of the bill.

What I am hearing over and over again from the weighted presenters is that for the House to delay the third reading of this bill. Madam Minister, I plead with you not to let this happen. You and your deputy minister have tackled this problem of an injunction having been put in place. Please listen to the rural representatives on Monday night and City of Winnipeg Councillor Peter DeSmedt, also on Monday night, urging that Bill 7 be given a third reading.

Let me add my encouragement. From a grey-haired observer, this piece of legislation is close to accurately assessing the problems and correcting them. Your department had the foresight to take the responsibility of producing the equivalent to a memorandum of understanding or even simply modifying The Architects Act pertaining to their exclusivity clause. Your department and your legislation writers have produced a workable arrangement.

Madam Minister, please ensure that Bill 7 gets Royal Assent. Get on with it, no more rhetoric. Putting it back to some committee arrangement has, from past performance, shown such is useless. I thank you for listening and I hope I have contributed.

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

The committee calls Guy Newman, CTTAM, Certified Technicians and Technologists Association of Manitoba. You can proceed, Mr. Newman.

**Mr. Guy Newman (Certified Technicians and Technologists Association of Manitoba Inc.):** Madam Chair, honourable minister, honourable members, my name is Guy Newman and I am the executive director and registrar of the Certified Technicians and Technologists Association of Manitoba. Our acronym is CTTAM and I will be using that acronym throughout the presentation. On behalf of CTTAM, I thank you for allowing me the opportunity to speak to Bill 7.

CTTAM is an association of approximately 2400 members; 1900 are certified applied science technicians and technologists, the remainder are students and associates in various stages of certification. CTTAM members hold a right to title under The Certified Applied Science Technologists Act. Our members are part of a multidisciplinary team which is no longer necessarily led by an engineer or architect. The September ruling had the same adverse impact on CTTAM members in the design and construction industry as it had on the engineering community.

In my October letter to the Minister of Labour, the Honourable Nancy Allan, I noted the ruling overlooked the technological involvement we lived in today and, as a result, did not address the need to revise all related professional acts to more accurately reflect all professionals in their areas of expertise.

Greater interaction between all the various acts is needed.

Society has been well represented by Manitoba's architects and engineers. However, certified technologists have been safely and competently serving industry in the design and construction environment for the past 40 years. They have contributed to the growth of the economy and the success of the province.

Attached to my presentation is a statement on professional regulation and practice, as adopted by the Canadian Council of Technicians and Technologists. That statement provides a clear definition of the practice of applied science and engineering technology, as well as supporting rationale. I urge the committee to take this opportunity to revisit Bill 7 for the purpose of including a clear exclusion clause of the technologists under each act.

Bill 7 appears to contain provisions that may assist the non-member; however, the clarity of these provisions is lacking and this may lead to disputes which would be difficult for CTTAM to defend against, owing to the nature of its right to title act. I note also Bill 7 does not reference a joint board with the architects and CTTAM. CTTAM views the proposed changes shown in Bill 7 as a positive signal. One hopes the architectural, engineering and related acts will continue to evolve to meet the needs of Manitobans, as opposed to the ones of the members. CTTAM recognizes the proposed changes listed in Bill 7 and we provide opportunities for other qualified professionals. We also recognize the importance of Bill 7 in the mitigation of this dispute. CTTAM offers its support of Bill 7, based on the foregoing.

I congratulate the Minister of Labour for her leadership in addressing this dispute. Thank you.

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

The committee calls Greg Porth, private citizen. Once again, the committee calls Greg Porth, private citizen. Mr. Porth will be dropped to the bottom of the list.

Chris Roszell, private citizen. Chris Roszell, private citizen. Mr. Roszell will be dropped to the bottom of the list.

The committee calls James Kacki, private citizen. I apologize if I said your name wrong.

**Mr. James Kacki (Private Citizen):** Everybody does.

**Madam Chairperson:** Okay. You can proceed.

**Mr. Kacki:** Okay, thanks. I am going to digress a little bit from my presentation. I was going to start off by, first of all, asking if there is anyone named Solomon here, but somebody else had already taken that sentiment. It is a valid sentiment, because I am sitting here listening to very passionate and very reasoned arguments on both sides that are seemingly irresolvable, and I would not like to be in your position to try to resolve them. So what that says to me, very clearly, is that the Bill 7 that we are discussing does not solve the problem. It has brought out acrimony that should not be there. The disciplines of engineering and architecture and interior design should work seamlessly like a well-oiled machine, and they usually do. In my experience, they have done.

There seems to be this big problem now that, it is not solved by Bill 7. So, in my opinion, and in the opinion of all the colleagues, my colleagues, it should definitely go back to the drawing board. It has to, because it does not solve the problem.

Now, I am assuming that everyone who is involved in drafting the bill has the best of intentions and the highest motives for making these changes. So I can only assume because of the problems that the drafters of the legislation must have been getting either poor advice from people who did not quite understand the complexities of the engineering and architectural professions, or strong lobby groups, or something of that ilk.

\* (23:10)

I do not like to be blunt, and I am not usually blunt, but it seems to me that we are at the eleventh hour here. I have to tell you in no uncertain terms that the bill as it is written right now is no less than catastrophic, and I underlined it. I do not like to be alarmist. I am not. If this bill was an earthquake, it would be a magnitude seven, in my opinion. It cannot continue. It cannot be left to stand as it is.

I think it is catastrophic to the province and to the city of Winnipeg and, certainly, to the practice of architecture and, really, I think, is damaging to the profession of engineering, as well. I will sort of explain. I think it is damaging to the city and the

province because it is going to reverse the giant strides that we have made recently to improve the image and quality of life that is recognized as one of the pillars of economic growth. I mean, when I first graduated, all my colleagues—well, not all—a lot of my colleagues left for Vancouver, Toronto, other places because Winnipeg was a backwater. There was not anything going on here.

That has changed considerably. We have all seen it. It has changed. People are given the examples of, you know, the museum of human rights, et cetera, et cetera. But it is not limited just to the signature buildings of Winnipeg, but throughout the province. I am thinking of Churchill Town Centre, Portage la Prairie Library, Brandon Public Safety Building, even on the first nations, St. Theresa Point School. These are all buildings, designed by architects that have significantly improved the quality of life in this province. There is an upward trend. I am not boasting when I say that these buildings could not have been designed by engineers, but the fact is that they would not have been designed by engineers because that is not their priorities. It is just a fact that architecture is not their speciality. That is not what they are trained for.

It certainly is disastrous for the practice of architecture. You have heard some of the passionate presentations from young architects who say that the bill may cause them to leave the province. Well, how many of them will is uncertain at the moment, but I can assure you that the good ones will because there are jurisdictions that foster the talent and good intentions of young architects and build on it. But this really stifles the practice of architecture in Manitoba because it makes architecture a second-rate and much less valued profession than it is right now.

It is also my opinion that it is damaging for the engineering profession because it allows and encourages, well, it allows, but I think, because it allows, it also encourages engineers to practise outside their area of competence. Now, we have heard many presentations from engineers saying it is in their act, in their code of ethics that they do not practise outside their area of competence, and I think, by and large, that is true. Many engineers that I work with on a daily basis are experts in their field. I enjoy working with them. There is an old joke: some of my best friends are engineers. And a lot of them agree with the architects. They are not here today because they do not want to risk their hide to say so, but they have seen examples where engineers do practise outside their area of competence, as

witness the example given by Mr. Friesen of the agricultural engineer stamping all the discipline drawings. It happens. And in this case, we are actually encouraging it by legislating, giving certificates to people who are not qualified to practise architecture.

So I think it is damaging to the profession. It would lead them away from the excellence that their various disciplines and their specialties encourage. I have to say that there are, each of the disciplines—you have heard all of the engineering disciplines, you know, mechanical, chemical, industrial—all those are specialties that I could not even attempt to try any of those things because these people are experts in their field and what the engineering society and what the architectural society does is promote the excellence in their particular field. I think that this bill sort of encourages them to stray from that. I really do.

So I think in regard to the bill in particular, there are a number of points in the bill that require reworking, and I think some of my colleagues have pointed them out. But the most underlying basic flaw, it seems to me, is that it opens the door to unqualified people to design buildings and practise architecture. It opens the door to people who are university trained, but in chemical engineering, computer engineering, agricultural engineering, et cetera, to practise architecture. I say here it is nothing short of nonsense and I really believe that. I do not understand how this could have come to this point, and it should not continue.

Other people have used the medical analogies, and I have got them here. Would you let an anaesthetist operate on you in a hospital? Would you let a dentist remove your gall bladder? Would you let an agricultural engineer remove an infected tooth? These examples are ridiculous, but it is exactly what the bill is proposing, to let someone trained in one discipline practise in another discipline. I am saying that because you heard the education that architects go through, six years of education and two, three, four years of internship that is very specialized in what we do. Nothing you have heard from the engineers says that, "Yes, we have exactly the same thing." They do not. They have areas of their own expertise.

Now, as you know, architects typically work on most projects with engineers. They are basically structural, mechanical and electrical engineers—you have heard this over and over again—sometimes municipal civil engineers for other aspects like site

servicing. We work very well together and we have a good working relationship with these disciplines. We respect their expertise and they respect our expertise in general. It operates presently like a well-oiled machine, it really does, and as the saying goes, if it ain't broke, do not fix it. If Bill 7 goes ahead we will be encouraging them to practise outside their area of expertise, and here we are in Manitoba going to legislate and legalize unprofessionalism. That is what I think we are leading to.

I have to go quickly, so I do not want to go through our training again. Our expertise, basically, we are trained to put the whole package together of all of these various disciplines and systems that are well designed by engineers and architects. We have to put the whole package together and design the fabric in which all systems work together for a greater goal.

I just want to spend a couple of minutes on that greater goal because that is, in effect, what the pinnacle of architecture is. What is that greater goal? That is what we spend six years of school trying to discover. That is what we spend all of our working lives trying to achieve. It can be called a lot of things. For now I just like to use the phrase, "design of the built environment." This is the inside spaces of buildings, the buildings themselves and the outside spaces of buildings. Our whole cities are a reflection of the built environment. That is what we are trained for and that is what we rigorously try to achieve in every project. It is not a simple task. It is not as easy as looking at the Building Code, as you have heard, or practising building construction. It is far more complex and it involves sociology, psychology, art, philosophy. Building construction is about bricks and mortar and buildings systems.

**Madam Chairperson:** I have to ask you to have your last sentence.

**Mr. Kacki:** Architecture is about these things, but it is also about the human spirit.

I cannot read my last paragraph so I would just like to reiterate that I really believe that Bill 7 has to go back for further consideration.

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

**Mr. Kacki:** Thank you very much. Good luck.

**Madam Chairperson:** The committee calls Ron Brako, private citizen. The committee calls Ron

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

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

The committee calls Andrew Wach, private citizen. Andrew Wach, private citizen. Mr. Wach will be dropped to the bottom of the list.

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

\* (23:20)

The committee calls Esther Link, private citizen. Once again, the committee calls Esther Link, private citizen. Ms. Link will be dropped to the bottom of the list.

The committee calls Alec Katz, private citizen. Alec Katz. Mr. Katz will be dropped to the bottom of the list.

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

The committee calls Ron Basarab. Once again, the committee calls Ron Basarab. Mr. Basarab will be dropped to the bottom of the list.

The committee calls Jennifer Stockford, private citizen. Once again, the committee calls Jennifer Stockford, private citizen. Ms. Stockford's name will be dropped to the bottom of the list.

The committee calls Alan Pollard, private citizen. Mr. Pollard, you can proceed.

**Mr. Alan Pollard (Private Citizen):** Thank you very much, Madam Chairman, ministers, members of the Legislative Assembly, clerks of the House, fellow professionals, ladies and gentlemen, friends, Romans, countrymen. Normally, when I am opening my presentation when I am part of one of these long lists of speakers, my standard opening is that brevity is the soul of wit and I intend to be very witty tonight. However, I see by the order of speaking that I am followed in the speaking order by Dean Witty of the Faculty of Architecture and author of the Witty Report, so tonight I will merely be brief and I will leave being witty to him.

My name is Alan Pollard. I am the past president of the Association of Professional Engineers in Manitoba. I was president in the millennium year 2000-2001. I would like to speak tonight on actually a rather boring topic, and I apologize because the hour is late. I would like to talk briefly about legislative intent with respect to this bill.

As a past president of the association and during my tenure as president, and also in my tenure as council, we had the opportunity to administer the acts which you as the Legislature give us to administer. As a result of that, we sort of see the effect that the entire act has down the road as we attempt to follow your instructions and administer the act. It comes back in many cases in the courts, unfortunately, that we see the effect of legislative intent coming out. So far what I would like to do, if I could beg your indulgence for a minute, is take you through a quick history of how we have gotten into this committee room.

*Mr. Vice-Chairperson in the Chair*

We started in 1997 with a prosecution by the Manitoba Association of Architects. It is entitled *Pestrak v. Denoon*. There is a copy of the third stage of that attached to my presentation. This was a private prosecution of an individual engineer for two actions the engineer undertook which the Manitoba Association of Architects felt contravened The Architects Act. The case was first heard by Assistant Chief Provincial Judge Miller. John Denoon at that time was acquitted of the charges.

On appeal, Justice Monnin of the Court of Queen's Bench granted the engineering association intervener status. He was the one who characterized the prosecution as a turf war. In so doing, he convicted John Denoon of breaching The Architects Act, fined him \$250. Leave to appeal that conviction was dismissed by Justice Phelp of the Manitoba Court of Appeal.

During that time, the complication was that The Engineering Profession Act had been repealed. It had been replaced by The Engineering and Geoscientific Professions Act, and there was a new definition of the practice of engineering contained in that.

As part of the dismissal of the appeal, Justice Phelp mentioned Justice Monnin's footnote in his ruling in the Court of Appeal, who says, "The engineering association's position would have been enhanced had that definition," referring to the later

one in The Engineering and Geoscientific Professions Act, "been the one before the court."

So fast forward to this September, with the court ruling by Justice McCawley on the current case of MAA versus City of Winnipeg and APEGM. I have not included a copy of that case. I am assuming you are either well aware with it, far too aware with it or certainly you can obtain copies. It is very recent judgment.

Justice McCawley took a different view. She did not agree with Justice Monnin. She took the view that the practice of engineering profession and engineering and geoscientific act does not expand the sphere of activity of professional engineers into the realm occupied by the practice of architecture, which applies to all non-members of the MAA.

Now, Justice McCawley spent a long time looking to the legislative background and legislative intent. She has a 60-ish section judgment, a very substantial amount of that judgment is spent discussing legislative background, legislative intent. And so it becomes a kind of core issue to those of us who, down the road, shall be administering these acts and trying to follow your instructions and trying to act as you have instructed us to do.

Justice McCawley concluded that the Legislature intended to prevent engineers from practising architecture. She does this through a number of pieces, most critical of which is that there is no exemption in The Architects Act which allows engineers to practise engineering which may be viewed as architecture, even though in The Engineering Act, as we have heard from other speakers, there is an exemption which entitles architects to practise engineering, provided they are also still practising architecture.

Now, I understand Justice McCawley and her analysis, I read it through, it seems sound to me, and yet I must confess I still find it rather illogical that a legislature would set architects above all other professions in the province. It just does not seem to make sense to me. So from that standpoint we move to Bill 7, and Bill 7 addresses this directly.

Justice McCawley used precedents, legal references and she even cited Hansard in her decision to divine the legislative intent of the two acts. Now, you ladies and gentlemen are a committee of the Legislature. You do not have to divine the meaning of legislative intent. You define it. You are here and I would ask you to do that, please.

Bill 7 does not have the WHEREAS-type of preamble, which is common to some of the other bills. It does have a note, in the explanatory note down at the bottom of the act in the little box which says there are amendments in the bill clarify the circumstances in which a professional engineer can do engineering work which would also be considered architectural work.

I endorse Bill 7 as a major improvement in the legislative framework in which architects and engineers practise their respective professions. I further ask that you clearly articulate the intent of that legislation to create scopes of practice for professionals, which may, in fact, overlap, and that the overlapping areas are not the exclusive jurisdiction of either profession, but are, rather, a place where those professionals have the ability to quickly resolve any ambiguity in the best interests of the public of Manitoba. Thank you for your time.

**Mr. Vice-Chairperson:** Are there any questions? Hearing none, thank you very much for your presentation.

The next presenter is Cecilia Moon, private citizen. Cecilia Moon. Her name goes to the bottom of the list.

Next is Terri Fuglem, private citizen. Terri Fuglem. His name goes to the bottom of the list.

Next is Mark Zaitsoff, private citizen. Please proceed.

**Mr. Mark Zaitsoff (Private Citizen):** Good evening. My name is Mark Zaitsoff and I am an intern member of the Manitoba Association of Architects and a member of the Royal Architecture Institute of Canada. I have been working for a small architecture office in Winnipeg for three years now. The firm I work for practises architecture in Winnipeg, rural Manitoba, as well as northern Manitoba and Ontario.

\* (23:30)

I am currently fulfilling my required experience and preparing to write the nine architect registration examinations, which form the basis for me becoming a registered architect. Prior to my employment, I completed an Environmental Design degree and master's degree in Architecture at the University of Manitoba. I moved to Manitoba in 1996 in order to attend a university which is held in high regard internationally. There are plenty of other universities offering architectural education in Canada. I chose

the U of M because of the university's excellent reputation internationally, and also because of the rich architectural history this city holds in relation to all other western Canadian cities.

It is my opinion that the knowledge I have learned in university as well as the education and training I am still undergoing and will continue to undergo through required continuing education throughout my architectural career is what will qualify me as a registered architect to design and supervise the construction of buildings intended for human occupancy.

I support the position of my colleagues from the MAA who have spoken and will be speaking later on the specific details of Bill 7 and call upon the minister and this committee to delay Bill 7 from proceeding to a third reading.

I have heard several citizens share the opinion that the requirement of an architect is adding time to the completion of building projects and deterring economic growth due to the backlog of projects waiting for plans examination and the issuance of building and occupancy permits. I have also heard the argument that there are additional costs due to the requirement of professional fees which are needed for the professional services of a registered architect. In my opinion, neither of these arguments, speed or cost, addresses the issue that is of true concern, that being public health and welfare as it relates to buildings intended for human occupancy. I believe some of the groups posing these arguments in support of Bill 7 stand to benefit financially and do not have the best interests of Manitobans in mind. Furthermore, I do not believe the words "quicker" and "cheaper" speak to the aspirations Manitobans have for the betterment of quality of life in our province.

Because of an architect's specialized university education as described by the earlier speaker Tom Monteyne, as well as the requirements for architectural registration, including intern experience, the architectural registration exams and continuing education, which have all been discussed at length by my colleagues, I believe only a registered architect is qualified to offer architectural services on buildings intended for human occupancy.

In my opinion, Bill 7 in its current form shows complete disregard for my architectural education and the value of the profession as a whole. It does so by permitting engineers of any background to practise outside their fields of expertise in an area

they have not been specifically trained to work in. The inclusion of multiple firewalls and the use of building area instead of gross area will permit this to occur on virtually any building type of any size, not just industrial-type occupancies or buildings under 600 metres squared.

I believe the passing of this bill will result in a large number of recent architectural graduates as well as interns like myself to leave Manitoba because this bill in its current form suggests our expertise is not wanted or needed and will severely limit our ability to continue in our chosen profession should we choose to stay in Manitoba.

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 the issues that have been put forward by my colleagues from the MAA.

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

**Mr. Vice-Chairperson:** Are there any questions? Thank you for your presentation.

The next name is Bob Parsons, private citizen. Bob Parsons. His name is dropped to the bottom of the list.

Debbie Grant, private citizen. Debbie Grant. Her name is dropped to the bottom of the list.

Marjorie Larson, private citizen. Marjorie Larson. Her name is dropped to the bottom of the list.

Cassandra Hryniw, private citizen. Cassandra Hryniw is dropped to the bottom of the list.

Michael Banman, private citizen. Michael Banman is dropped to the bottom of the list.

I have been advised to slow down so the clerk can keep up.

Lisa Kasprick, private citizen. Lisa Kasprick is dropped to the bottom of the list.

Evan Hunter, private citizen. Evan Hunter is dropped to the bottom of the list.

James Blatz, private citizen. James Blatz is dropped to the bottom of the list.

Bill Thomas, private citizen. Bill Thomas is dropped to the bottom of the list.

Andrea Flynn, private citizen. Andrea Flynn is dropped to the bottom of the list.

Cindy Choi, private citizen. Cindy Choi is dropped to the bottom of the list.

Michael Sinclair, private citizen. Michael Sinclair is dropped to the bottom of the list.

John Radford, private citizen. John Radford is dropped to the bottom of the list.

Jae Sung Chon, private citizen. Jae Sung Chon is dropped to the bottom of the list.

Judy Pestrak, private citizen. Judy Pestrak is dropped to the bottom of the list.

Tina Chakraborty, private citizen. Tina Chakraborty is dropped to the bottom of the list.

Connor Beach-Nelson, private citizen. Connor Beach-Nelson is dropped to the bottom of the list.

We are now reaching some out-of-town presenters' names, and they have been called once already. Normally, they would be called the second time and dropped to the bottom of the list.

**Mr. Schuler:** Just for the committee, I guess, for tonight. I would just ask if there is anybody in the audience that did wish to speak because we still have 20 minutes and I think we would be prepared to hear them. I would recommend that we just take whoever is left on the list. We will call them through one more time tomorrow and then that is it. We would start dropping them off tomorrow morning and no more dropping to the bottom of the list.

\* (23:40)

It is just that I know of individuals on this list who looked at it and thought they were never going to get up tonight, and they went home. I just do not know if that would be any of the out-of-town presenters. I do not think we want to disenfranchise anybody. We have come this far, what is another three presenters? Anyway, that would be my thinking for the committee.

**Hon. Nancy Allan (Minister of Labour and Immigration):** We made an agreement earlier today that the names that were about to go into or the names of the people that were not here last night that were called this morning in committee, that were called this afternoon in committee, so they will be called again tonight. Those are the names that we are talking about dropping off the list, individuals that have been called. This will be the fourth time they have been called. I can agree with you on the individuals that are on the list that have been called once. I believe we need to be fair, but calling individual's names four times we have gone well beyond committee rules in being fair, and I see Don Oliver shaking his head. Thank you, Don.

**Mr. Schuler:** Like starting at what number?

**Mr. Vice-Chairperson:** I am advised by the Clerk that most of the out-of-town people have already been called a number of times, which is only half a dozen—I am told three people that have been called four times.

Shall we proceed?

I am advised by the Clerk that names numbered 117 to 135, 138, sorry, have been called more than twice and, under our rules, normally their names are called twice and then they are dropped from the list.

**Mr. Kevin Lamoureux (Inkster):** I am just wondering and just so that we could attempt to expedite, that the concern that we have is that someone that might not have anticipated their name being called could have left 10, 15 minutes ago, knowing that there are a number of people ahead of the person. What I would be curious to is, if, in fact, because we have 15 minutes left to go, there is anyone that is here whose name is on the list that has not made presentation. If we could just ask that statement, and if there is, let us hear that person and then continue on the list tomorrow as opposed to risking dropping any further names from the list.

**Mr. Vice-Chairperson:** I am advised by the Clerk that these are names that were called this morning in committee, this afternoon in committee and some this evening in committee.

**Mr. Schuler:** Okay, actually I have no problem with that; however, if one of those individuals did show up, would this committee be adverse to their going back onto the list at the bottom? Can they reregister? I do not think they will.

**Mr. Vice-Chairperson:** Does anyone else wish to speak to this issue?

**Mr. Conrad Santos (Wellington):** The rules. What about it now?

**Mr. Vice-Chairperson:** We have actually passed the rules because normally people's names are dropped after they have been called twice, and now we are talking about people that have been called three and four times. Shall we continue on with the list?

Okay. It seems that the agreement is that we are going to call these people anyway even though they have been called more than twice. If they are here, they will present. Is that agreed? *[Agreed]*

*Madam Chairperson in the Chair*

**Madam Chairperson:** The committee now calls Duane Joyce, private citizen. Duane Joyce, private citizen. Seeing that Mr. Joyce is not here, his name will now be stricken from the list.

The committee now calls Phillip Dorn, private citizen. The committee calls Phillip Dorn, private citizen. As Mr. Dorn is not present, his name will be taken off of the list.

The committee calls Roger Wilson from Fox Warren Ethanol Agency. Roger Wilson from Fox Warren Ethanol Agency. Mr. Wilson, his name will now be taken off of the list.

The committee now calls Lanny Silver, private citizen. Once again, Lanny Silver, private citizen. Mr. Silver's name will be removed from the list.

The committee calls Rick Linley, private citizen. Mr. Linley will be removed from the list.

The committee calls Kelly Baumgartner, private citizen. Once again, the committee calls Kelly Baumgartner, private citizen. Seeing as Mr. Baumgartner is not here, his name will be removed from the list.

The committee calls Colin Lount, private citizen. Once again, the committee calls Colin Lount, private citizen. Seeing as Mr. Lount is not here, his name will be removed from the list.

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

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

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

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

The committee calls Mona Lemoine, private citizen. Hello, Ms. Lemoine.

**Ms. Mona Lemoine (Private Citizen):** Good evening, everybody.

\* (23:50)

**Madam Chairperson:** Just before you proceed, Ms. Lemoine, this may take us a little bit past midnight. Is there leave, if we have to go a little past midnight, for Ms. Lemoine to finish her presentation? *[Agreed]* Okay. Please proceed. Before you go, do you have a written submission you would like to—

**Ms. Lemoine:** No.

**Madam Chairperson:** No. Okay, please proceed.

**Ms. Lemoine:** My name is Mona Lemoine, and I am an intern member of the Manitoba Association of Architects. I would like to start by saying that I support the position of my colleagues, and call upon the minister and this committee to delay Bill 7 from proceeding to third reading.

Like some of my colleagues, like many of my colleagues that have spoken before me and will speak after me, I am working towards my licence to practise architecture in the province of Manitoba. I am also an active member of my community. I sit on the executive board of the Société franco-manitobaine and I am vice-president of the Manitoba chapter of the Canada Green Building Council. There are a lot of things I wanted to say tonight.

You have the opportunity to shape our industry and to be recognized as leaders in supporting a better built environment. Having said this, in the interests of the public health and welfare, I would also like to quote an article from this Sunday's *Winnipeg Free Press* by David Witty, Dean, Faculty of Architecture at the University of Manitoba. It is entitled "Better By Design, Winnipeg must wake up to the need for aesthetic appeal," and I quote, "Across North America progressive cities are focusing their energies on creating a high-quality urban design agenda that gives them a competitive advantage while enhancing the quality of life. In Winnipeg

there appears to be a growing public interest in design issues, but there has to be a corresponding civic leadership interest. Current debates that focus on roads and infrastructure suggest that we are a long way away from realizing that the welfare of city is also about investments in good design, sustainable development, green building, mass transit and associated quality of life. Other cities have figured it out. Now it is time we did too."

You have the opportunity, and I said this earlier, you have the opportunity to shape and support our industry to be recognized as leaders in supporting a better built environment. I have left this province on a number of occasions to pursue different opportunities, but it was always with the intent of coming back. I have a strong family and cultural connection to this province. My loyalty to this place and the hope is what keeps me coming back that Manitoba can finally be a leader and make me proud of calling it home. We are educated, ethnically diverse, environmentally conscious, tolerant and creative individuals. We are looking for progressive cities in which to establish careers and build a life. It is imperative that government realizes the importance of their leadership in resolving these issues. Thank you very much.

**Madam Chairperson:** Thank you. Are there questions for Ms. Lemoine? Thank you for your presentation, and thank you for staying so late.

I will just return to this list just to see if there is anybody else here. Sasha Radulovik, private citizen. Sasha Radulovik, private citizen. Ms. Radulovik's name will be removed from the list.

Jac Comeau, private citizen. Mr. Comeau's name will be removed from the list. *[interjection]* Oh, sorry, I am sorry.

With leave from the committee, since the presenter was here until five minutes ago, at which time we did say that we were even going to extend the time, is there leave for that individual's name to remain on the list? *[Agreed]*

The committee calls Jeff Machnicki, private citizen. Once again, Jeff Machnicki, private citizen. Mr. Machnicki's name will be removed from the list.

The committee calls Colin Neufeld, private citizen. Colin Neufeld? Can you come up to the mike? I am sorry, we cannot hear you.

**Floor Comment:** I know for a fact that Colin wanted to speak tonight, and when he saw how far down the list he was, he figured—

**Madam Chairperson:** I am sorry. I just have to ask you to identify your name.

**Floor Comment:** My name is Colin Grover. I know that he wanted to speak. He missed his opportunity by a few turns this afternoon, so he came back again tonight. When he calculated the time, and he saw how far down he was on the list, he figured he had no chance of speaking tonight.

**Madam Chairperson:** Okay. In light of that, we will leave him on the list. *[Agreed]*

**Floor Comment:** Thank you.

**Madam Chairperson:** Just for the information of those present, we sometimes do extend our sitting times even if our previous commitment was not to do so. Just so people might be aware that sometimes that changes at the end of the evening.

Mr. Fletcher Noonan, private citizen. With the agreement of the committee, we will hear this presenter? *[Agreed]*

Mr. Noonan, do you have a written submission?

**Mr. Fletcher Noonan (Private Citizen):** No, just what I have to read.

**Madam Chairperson:** Please proceed.

**Mr. Noonan:** I am a little bit surprised, actually, that I am presenting tonight. After seven years of architecture school, I should realize to come prepared to events such as this and be ready to present at all times. But I was kind of hoping that I would be presenting in the morning, and I have a little bit more to input to this. I will start off.

Honourable ministers of the Standing Committee on Social and Economic Development, my name is Fletcher Noonan, and I am here today as a private citizen speaking against Bill 7 as it is proposed.

I am a graduate student at the University of Manitoba in the Faculty of Architecture. I am a lifelong resident of Manitoba. My heritage in the region reaches further back than the conception of Manitoba as a province. I have not, until very recently, considered leaving the province of

Manitoba. The prospect of Bill 7 has led me to readdress my future. The bill, as it currently stands, will unquestionably force me to leave the province.

I am here to support the position of the Manitoba Association of Architects. I am here to support the specific points the association's representatives have made and will continue to make tomorrow morning during this committee. It seems very apparent that there are numerous flaws within the current draft of Bill 7. I have confidence that the committee now recognizes these flaws and will take our concerns seriously, thereby taking the time to address the shortcomings of the proposed legislation and not proceed with the bill as it is written. That is all I have for you.

**Madam Chairperson:** I am sorry. Thank you very much for your presentation. Any questions? No? Thank you.

I will call the last two names. Michael Flynn, private citizen. Michael Flynn, private citizen. Mr. Flynn's name will be removed from the list.

**Floor Comment:** He is right here.

**Madam Chairperson:** I am sorry. Did you want to come up?

**Floor Comment:** Do we really want to start this at—

**Madam Chairperson:** I will ask for the will of the committee, okay? What is the will of the committee?

**An Honourable Member:** I think we should ask for his preference if he is here right now—

**Madam Chairperson:** I think he—Mr. Lamoureux. Yes, is your preference to speak tomorrow?

**Mr. Michael Flynn (Private Citizen):** Well, Starbucks was not serving after 10:30. My preference would be to speak tomorrow.

**Madam Chairperson:** Okay, thank you. We will call it now at twelve o'clock. Thank you very much for your patience to everyone in the audience. Just a reminder, if you could leave your bills here, committee members. The committee is meeting at nine o'clock tomorrow morning, at three o'clock and, again, at six. Thank you very much.

**COMMITTEE ROSE AT:** 11:59 p.m.