

# MEMO

**DATE:** April 7, 2021  
**TO:** All Voting Members  
**FROM:** Council  
**RE:** Bylaw Amendments – Complaints Review

---

**PURSUANT TO SECTION 6 OF THE ARCHITECTS ACT AND EVERY ENABLING POWER, COUNCIL ORDERS THAT THE BYLAWS OF THE NORTHWEST TERRITORIES ASSOCIATION OF ARCHITECTS BE AMENDED AS PRESENTED IN THIS DOCUMENT.**

**1. After bylaw 115, by inserting the following new bylaws:**

***Complaints***

- X1. (1) *A complaint submitted to the Registrar shall include*
- (a) the name and contact information of the complainant,*
  - (b) the name of the Architect, Restricted Practitioner, Licensee, or Permit Holder to which the complaint refers,*
  - (c) a clearly identified complaint that pertains to improper conduct pursuant to section 37(2) of the Act, and*
  - (d) information to reasonably establish grounds for the complaint.*
- (2) *An oral complaint transcribed by the Registrar or designate shall be signed by the complainant prior to being received by the Registrar.*
- X2. (3) *Notwithstanding anything in the Act or these bylaws, the Registrar*
- (a) shall act upon a complaint submitted by Council on behalf of the profession and the public, and*
  - (b) may act upon anonymous information or a complaint not received in writing.*
- X3. *The Registrar may refuse a complaint that appears, beyond a reasonable doubt, to be vexatious or frivolous or without basis.*

***Notice of Complaint***

- X4. (1) *On receipt of a complaint, the Registrar shall immediately*
- (a) deliver a notice of receipt to the complainant and the respondent, and*

*(b) send a copy of the complaint to the member.*

- (2) The Registrar may, at their discretion, redact identifying information about the complainant.*

***Conflicts of Interest***

*X5. The Committee shall not appoint as investigator*

- (a) any member of Council,*
- (b) the complainant or the authorized practitioner under investigation,*
- (c) any member of a firm of which the complainant or the authorized practitioner under investigation are also a member, or of which any other member has advised any party on the complaint under investigation, or*
- (d) any mediator appointed by the Registrar for the complaint under investigation.*

***Discovery of Further Conduct***

- X6. (1) If it is discovered, during an investigation or hearing, that a respondent or another member may have engaged in improper conduct that is different from or in addition to the original complaint being investigated or heard, the investigator or hearing panel shall immediately report these findings to the Registrar.*
- (2) Pursuant to subsection (1), the Registrar may*
- (a) order the Committee to expand its investigation to address the discovery,*
  - (b) order the hearing panel to expand its hearing to address the discovery, or*
  - (c) order the Committee to investigate a new complaint.*
- (3) Notwithstanding any action taken in subsection (2), the hearing panel may adjourn a hearing to allow the Committee to report on any new findings.*
- (3) The Registrar shall immediately notify the complainant and respondent of any action taken in subsection (2).*

2. At bylaw **116(2)**, by deleting “*may*” and replacing it with “*will*”, and by appending it with “*for a period no greater than two (2) years*”.

3. After bylaw **116(2)**, by inserting the following two paragraphs:

(3) *If, in the judgment of Council, an authorized practitioner has not engaged in improper conduct, Council may post a notice to the public for a period no greater than two (2) years if it is in the interest of the public.*

(4) *An entry on the Association’s website will suffice as public notice.*

#### COMMENT

Further to the powers given by the Act, these bylaws intend to provide fundamental tools with which Council can develop policy and procedure regarding the complaints review process.

#### Motion & Instructions

This amendment is presented alongside a proposed complete revision of the Bylaws, and is designed to be reviewed and approved *following* the approval of the proposed revision at the same meeting.

The motion is as follows:

**TO** amend the revised Bylaws of the Northwest Territories pertaining to Complaints Review as presented,

**AND TO** renumber all bylaw paragraphs, sub-paragraphs, and list items as necessary.