

# Condo Certification

## Guidelines for the Architect's Certification under The Condominium Act

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### Summary

The architectural and land surveying professions play an important role in safeguarding the property and financial interests of all concerned, with respect to registration of condominiums in the Province of Manitoba. Under The Condominium Act, the requirements for the submission of certain documentation by the respective professions as part of the registration process, ensures that a basic record exists with the Property Registry Department.

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### BACKGROUND

This Practice Bulletin is intended to provide guidance to members and firms with respect to the required standard of care for an architect's certification under The Condominium Act, clarify the intent of "structural plans" under the legislation and ensure more consistent submissions to the Property Registry.

In 2007, the Province of Manitoba looked at implementing certain changes under The Condominium Act. It separated the existing three sections of the registration submittal process for condominiums and sought the MAA's advice with respect to the definition of "structural plans" and appropriate submission requirements for both new and existing construction.

### INTENT

Based on the information provided by the provincial government, the intent of the "structural plans" which must be filed with the Property Registry, is to serve as a basic record of existing condominium building(s) and facilitate the reconstruction of a similar structure(s), in the event of a catastrophic event. The structural plans are not intended to be construction documents, nor a definitive description of the condominium project at any given point in time, since any construction changes are not required to be filed. The purpose is to merely serve as a guideline to the registered professional (or possibly designer, in the case of Part 9

buildings) for the preparation of new construction documents.

To clarify the intent, the MAA recommended that certain changes (which have been highlighted) be made to Section 6(1) of The Condominium Act, as follows:

### Contents of plan

6(1) A plan shall delineate the perimeter of the horizontal surface of the land, and the perimeter of the buildings in relation thereto, and shall contain

- (a) structural plans of the buildings *comprised of site plans, building plans, exterior elevations and building sections as required to convey the building assemblies, including roof, wall and floor assemblies;*
- (b) a specification of the boundaries of each unit by reference to the buildings;
- (c) diagrams showing the shape and dimensions of each unit and the approximate location of each unit in relation to the other units and the buildings;
- (d) a certificate of an architect certifying that the buildings have been constructed ~~and that the diagrams of the units are substantially accurate, and substantially in accordance with the structural plans; and~~ *substantially in accordance with the structural plans and that the diagrams of the units are substantially accurate; and*



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- (e) a description of any interest appurtenant to the land that is included in the property.

The MAA also recommended that the certification statement provided by architects, be revised to read as follows:

*I hereby certify that the buildings have been constructed substantially in accordance with the structural plans and that the diagrams of the units are substantially accurate.*

#### SUBMISSION REQUIREMENTS

As a result of the changes that the Province has been able to implement, Parts 1 and 2 must now be certified by a land surveyor registered to practice in Manitoba and Part 3 must be certified by an architect registered to practice in Manitoba. The architect must also review Parts 1 and 2, to confirm that they are substantially accurate relative to the submitted structural plans.

**The architect must sign the certification statement on the documentation to be filed (a seal is not required).**

The Property Registry has established internal guidelines which outline the appropriate level of detail required in the building registration submission, based on the recommendations of the MAA as to the appropriate standard. The requirements differ for new construction and the registration of existing buildings which are converted to condominiums and are as follows:

#### **New Construction**

Structural plans of the building. This part is to be reviewed and signed by an Architect. Structural plans are to include the following:

- Site plan(s), indicating the location of the building(s), site layout and identification of all accessory structures;
- Building plan(s), dimensioned for all levels and indicating roof, wall and floor assemblies;
- Exterior elevations, indicating the exterior finishes of the building;
- Building Section(s), indicating the dimensions and general building assemblies.

#### **Existing Construction**

Structural plans of the building. This part is to be reviewed and signed by an Architect. Structural plans are to include the following:

- Site plan(s), indicating the location of the building(s), site layout and identification of all accessory structures;
- Building plan(s), dimensioned for all levels and indicating roof, wall and floor assemblies that can be determined with nondestructive examination;
- Exterior elevations, indicating the exterior finishes of the building. Large scale, monochrome photographs may be utilized in lieu of measured drawings;
- Building Section(s), indicating the dimensions and general building assemblies that can be determined with nondestructive examination.

Members must ensure that the submission which is provided to the Property Registry is consistent with the above-noted guidelines. Members must NOT simply provide a complete set of construction documents, which contain far in excess of the documentation required; this would be as much of a concern as filing insufficient information to provide the necessary guidance intended under the provisions of Section 6(1) of The Condominium Act.

#### **When can the architect certify?**

Members who are involved in the provision of architectural services on new construction for a condominium project, may be pressured to provide certification under The Condominium Act prior to completion of the construction project. It is acceptable for a member to provide architectural certification, once a sufficient level of the construction has been completed to confirm that construction of the building(s) is substantially in accordance with the documentation filed as part of the submission. If proper attention is paid to the submission requirements and the appropriate documentation is filed, then certification can certainly take place in advance of completion of the project.

**Part 9 Buildings**

An architect's certification is required for all condominiums, including Part 9 buildings where no architect may have been involved in the preparation of construction documents. In providing the architect's certification for the purposes of The Condominium Act, the architect does not assume any liability for the construction documents (unless the construction documents were also prepared and sealed by that architect). Rather, the certification is simply confirming that the buildings have been constructed substantially in accordance with the documentation provided and that the diagrams of the units (provided as part of the land surveyors portion of the submission) are substantially accurate.