

Architect's Professional Seal

Application of Seal

Summary

Architects, architectural firms and corporations, and joint A/E firms and corporations, must use the professional seal issued to them by the MAA in accordance with The Architects Act and MAA By-Laws. The practice of architecture cannot be performed competently, within the requirements, unless the Member maintains direction and control over the provision of services.

BACKGROUND

This Practice Bulletin is issued to serve as a guideline for Members with regard to the required standard of care for use and application of their professional seal.

To understand the principles involved in the appropriate use of a professional seal, members must understand the fundamental principles of the legislation. In the interests of the public, The Architects Act (coupled with Regulation 127/2006 under The Buildings and Mobile Homes Act) restricts both the planning and review of construction of most Part 3 buildings to Architects.* This restricted scope of practice has been confirmed by the courts. The Act also provides that others are not prevented from acting under "the direction and control" of an Architect.

*Some professional engineers have been granted a Recognition Certificate authorizing the practice architecture in specifically restricted areas.

REQUIREMENTS

Registered Members and Corporations must use the seal issued to them by the MAA in accordance with the regulations governing its use contained in The Architects Act and the MAA By-Laws.

From The Act:

- "Architect" means any person who is engaged for hire, gain or hope of reward in the planning or review for others of the erection, enlargement, or alteration of buildings by persons other than himself (1(1)).
- Where a Firm or Corporation is licensed to practice architecture under a Certificate of Approval, "all plans, drawings, specifications, reports or documents shall be signed by and sealed with the stamp of an architect...who is responsible for them and who supervised the preparation thereof", as well as the stamp of the firm or corporation (17(a) and 17(b)).
- Sole proprietorships and architectural firms "...must stamp with their seal all working drawings and specifications issued from their office for use in Manitoba." (28(2)).

From the By-Laws:

- All working drawings, specifications and certificates involved in the practice of architecture when issued shall bear the seal and signature of the Registered Member responsible for the design. (11.4(b)).
- All working drawings, specifications and certificates involved in the practice of architecture which are prepared by through or on behalf of a firm or corporation, shall bear the seal and signature of the Registered



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Member responsible for the design and the stamp of the firm or corporation. (11.5(b)).

The Association refers its Members to the above sections from The Act and from the By-Laws. The Act exists to regulate the practise of architecture in order to protect the interests of the public. The Association's position is that the practice of architecture cannot be performed competently, nor within the requirements of The Act and By-Laws, without the Member maintaining direction and control over the provision of services. In order for a Member to be "responsible" for architectural services, he/she must be actively involved in the planning or review (ie. directing and controlling the project). A Member cannot be adequately responsible otherwise.

Therefore, Members are reminded they are required to affix their seal only to those working drawings, specifications and certificates for which they have directed the planning and review of construction.

CONCLUSION

This Practice Bulletin attempts to outline the fundamental principles of the legislation and relies on the ability of members to exercise good professional judgment.

The Architects Act (coupled with the Regulation under the Building and Mobile Homes Act) dictates the required involvement of the architectural professional relative to the planning and review of construction of buildings. Other regulations may impose more stringent requirements (e.g. the need for an architect to certify for occupancy, etc.); however, the requirements of The Architects Act (and the Regulation) cannot be superseded.

It is in the interest of the public that legislation restricts a specific scope of practice to members of the profession, who are qualified to practice architecture within the restricted scope of the legislation.

Members who affix their seal to documents not prepared under their direction and control will be in contravention of By-Law 15.1(h) and subject to appropriate disciplinary measures.

DOCUMENTS WHICH MUST BE SEALED:

- Plans, drawings, specifications, reports or documents issued by the architect that are complete and intended for construction.

DOCUMENTS WHICH MUST NOT BE SEALED:

- Documents not prepared in their entirety under the direction and control of an architect.
- Legal documents requiring signature under seal. (An architect's seal, architectural corporation's seal, joint firm or corporation's seal, are not the same as a corporate seal. Use the corporate seal for legal documents such as contracts, leases, etc.)
- Open competition documents where anonymity is a requirement.
- Documents that are incomplete (e.g. drafts, preliminary, etc.). Such documents should have a notation indicating their incomplete state.

DOCUMENTS WHICH MAY BE SEALED:

- Generally, any item prepared in its entirety under the direction and control of an architect may be sealed at the architect's discretion.
- Reports and documents which are not construction documents, but which are complete.

REQUIRED INVOLVEMENT OF ARCHITECTS

It is important that members are fully aware of the requirements under the law where the planning and review of the erection, enlargement, or alteration of buildings is or is not restricted to the architectural profession.

In accordance with Subsection 25(1) of The Architects Act and Regulation 127/2006 under the Building and Mobile Homes Act, the planning and review of the erection, enlargement or alteration of a building, may be undertaken as follows:

1. By any person or firm (without restriction) on the following buildings:
 - any residential, business or personal services, or mercantile occupancy or medium or low hazard industrial occupancy, where the building does not exceed 600 m² in building area or three storeys in height; and
 - any building to which the Manitoba Building Code does not apply.
2. By an architect or by a professional engineer that is skilled in the work concerned, on the following buildings:
 - any arena with a fixed seating capacity of 1,000 people or less;
 - any high hazard industrial occupancy;
 - any medium or low hazard industrial occupancy, where the building exceeds 600 m² in building area or three storeys in height.
3. By an architect only*, on the following buildings:
 - any assembly occupancy (except arenas as noted above);
 - any care or detention occupancy;
 - any residential, business or personal services, or mercantile occupancy, where the building exceeds 600 m² in building area or three storeys in height.

(*Note: Three professional engineers have been granted Recognition Certificates, which legally authorizes them to provide architectural services in a narrow and individually defined scope which would otherwise fall within the scope of practice restricted solely to architects.)