

# Architect's Professional Seal

## Application of Seal

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### Summary

Architects, architectural firms and corporations, and joint A/E firms and corporations, must use the professional seal issued to them by the Manitoba Association of Architects (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.

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### 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 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.

The following should also be noted:

- The application of a seal or stamp does not increase the professional standard of care or degree of liability that is assumed by virtue of an architect's signature (ie. a letter that has a signature only, carries the same weight as a letter that includes a seal and signature);
- Members are reminded that firms and corporate entities that are authorized to practice architecture in Manitoba,

are professionally responsible and liable for any and all documentation issued from their offices (regardless of whether certain tasks may have been performed, in whole or part by other [unlicensed] staff within the office); and

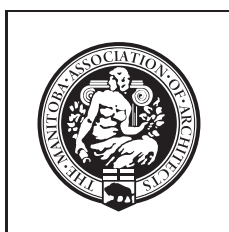
- In this bulletin, references apply equally to both:
  - a) a manual ('wet') or electronically applied image of a seal or stamp; and
  - b) a handwritten signature that has been manually applied or a digital signature that has been issued through the MAA and applied electronically.

### 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, construction, enlargement, or alteration of buildings by persons other than himself or herself (1(1)).



## REGULATORY

Practice Bulletin

**A.1a**

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- 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 drawings, specifications and other documents involved in the practice of architecture and intended for construction shall bear the seal of the Registered Member responsible for the design, complete with the Registered Member’s signature ... (11.4(b)).
- All drawings, specifications and other documents involved in the practice of architecture and intended for construction which are prepared by, through or on behalf of the authorized entity [that holds the Certificate of Approval], shall bear the seal of the Registered Member responsible for the design, complete with the Registered Member’s signature.... and the stamp of the authorized entity, complete with the signature of the Registered Member designated to personally supervise and assume professional responsibility for practice carried on by the authorized entity (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, they 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 drawings, specifications and /or other documents for which they have assumed professional responsibility.

#### 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 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 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.**

*The following examples are intended to provide some guidance as to what must be sealed, what must not be sealed, and where the architect may exercise their discretion to make such a determination. However, members are regularly required to exercise a level of professional judgement, as licensed professionals.*

**DRAWINGS, SPECIFICATIONS AND/OR OTHER DOCUMENTS WHICH:**

**A) MUST BE SEALED:**

- Drawings and specifications involved in the practice of architecture and intended for construction.
- Other documentation involved in the practice of architecture, that is issued to or filed with an Authority Having Jurisdiction (ie. Certification for Occupancy), with exceptions noted below.

**B) MAY BE SEALED:**

- Drawings accompanying addenda, site instructions, change directives, change orders and certificates for payment.
- Reports and documents which are not intended for construction, such as architectural reports, expert reports, building code or zoning analysis reports and formal written opinions.

**C) MUST NOT BE SEALED:**

- Documentation that has not been prepared in its entirety under the direction and control of the architect.
- Legal documents such as contracts requiring a corporate business seal.
- Documents that are incomplete, such as drafts or preliminary documents.
- Record or as-built drawings based on information provided by other parties.
- Third-party assurances or certificates.

**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, 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 occupancy, business and personal services occupancy, mercantile occupancy, low-hazard industrial occupancy or medium-hazard industrial occupancy, where the building does not exceed 600 m<sup>2</sup> in building area or three storeys in height; and
  - any building to which The Building and Mobile Homes Act 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 an occupant load of 1,000 people or less;
  - any high-hazard industrial occupancy;
  - any low-hazard industrial occupancy or medium-hazard industrial occupancy, where the building exceeds 600 m<sup>2</sup> in building area or three storeys in height; and
  - any farm building that is larger than 600 m<sup>2</sup> in building area.
3. By an architect only, on the following buildings:
  - any assembly occupancy (except arenas as noted above);
  - any care or detention occupancy;
  - any residential occupancy, business and personal services occupancy, or mercantile occupancy, where the building exceeds 600 m<sup>2</sup> in building area or three storeys in height.