



BULLETIN 61: SEAL OF AN ARCHITECT

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(This edition of Bulletin 61 replaces the first, February 1994 edition and replaces Directors Chair 004. Note that Bulletin 60: Signature, Seal and Delivery of Electronic Documents provides specific guidance with respect to 'electronic seals'.)

1.0 BACKGROUND

1.1 This Bulletin is a summary consolidation of the AIBC's historic Council rulings, guidelines and interpretive advice with respect to the use of the architect's seal. It represents the most current expectations by the institute of its members, in the public interest, in relation to the use of their professional seals.

2.0 LEGAL FOUNDATION

2.1 An architect's seal¹ is a representation to the public – including clients, other consultants, approval-granting entities such as local governments (“authorities”), contractors, consultants and sub-trades – that the architect who applied it not only takes responsibility for the document, but that the document was prepared by that architect or under his or her direct supervision, direction or control. The seal is a solemn confirmation that a qualified, registered architect is sufficiently aware of the relevant considerations that went into the drawing or other instrument of service such that, in the architect's opinion, the document is ready for publication and intended to be relied upon and used by others for the purposes intended.

In appending his[her]signature and seal [s]he is indicating that [s]he is fully aware of the background, sources of information, design criteria, code requirements and cost implications and is willing to accept the relevant responsibility.²

2.2 In British Columbia, Sections 77 and 78 of the *Architects Act* establish the basic legal requirements for the use (and return) by an MAIBC of his or her seal:

¹“Seal” is the word used in the *Architects Act* and AIBC documents. It is used to refer to either the traditional embossed seal or the inked ‘stamp’, as well as the use of an electronic seal (see AIBC Bulletin 60). Descriptions in this Bulletin relating to “sealing” documents are shorthand and include the expectation, discussed in more detail below, that the application of an architect's seal will include the architect's signature and date.

² B.M. McLachlin and W.S. Wallace, *The Canadian Law of Architecture and Engineering*, (Toronto: Butterworths, 1994) at 40-41.

Architect's seal

- 77 (1) An architect must apply a seal, with signature and date, to letters of assurance, certificates, drawings and specifications prepared by or under the architect's supervision, direction or control if the architect practises architecture
- (a) as a member of the institute holding a current certificate of practice,
 - (b) as a sole proprietor or partner of an architectural firm, or
 - (c) on behalf of an architectural corporation as a continuing employee or shareholder of the corporation.
- (2) An architect may have a seal which must
- (a) be obtained from the institute,
 - (b) leave an impression of the name of the architect and the words "Registered Architect, British Columbia", and
 - (c) be used only in the manner and circumstances described in subsection (1).
- (3) If an architect ceases to be a member, the architect must promptly return the seal to the institute.
- (4) If an architect who ceased to be a member again becomes a member, the institute must return the seal to the architect.

Use of seal

- 78 A member of the institute or a licensee must not affix his or her seal to a plan, working drawing, detail drawing, specification or other document unless it was prepared by or under the supervision, direction or control of the member or licensee.

2.3 AIBC Bylaw 34.2, with Council rulings and relevant commentary from the *Code of Ethics and Professional Conduct*, supplements the *Architects Act* requirements:

Bylaw 34.2 An architect shall seal the architect's work in accordance with the requirements of the *Architects Act* of British Columbia and the Bylaws and Council rulings.

- (a) An architect's professional seal is to be applied only by that architect and is to be used only on documents prepared by the architect personally or by other persons under the architect's supervision, direction and control.

This applies to architects providing services to clients of varying characteristics, including (e.g.) building owners, design/build entities and other architects...and in roles which include (e.g.) those of prime consultant, coordinating registered professional, payment certifier and in such specialized capacities as code consultant (including that of a Certified Professional under that program) and Building Envelope Professional under Bulletin 34.

2.4 Further underscoring the importance of the seal is the fact that engineering drawings in B.C. are sealed by professional engineers under similar statutory requirements and protocols. Members of this allied profession, authorities, government and the public are entitled to a consistent and rigorous approach to seal application.

3.0 PRACTICAL USE of the SEAL

Building Size and Type and Project Stage

- 3.1 An architect's essential obligations with respect to the seal are not affected by the size or type of the building or the stage of approval. The fact that a building, such as a single-family home, may not require an architect's services under the *Architects Act*, is not relevant. The fact that there may be no requirement for provision of letters of assurance under the B.C. *Building Code* – whether because of the project's stage or building type – is not relevant. As long as the architectural services are being provided by an architect (through the required Certificate of Practice), the architect's responsibilities and the public's expectations are no less than if the building required an architect under the *Act*. Similarly, the architect's responsibilities to seal drawings, and the public's expectations, are no less at an earlier approval stage, such as for development permit application.

Documents and Instruments of Service that Must be Sealed

- 3.2 Section 77(1) of the *Architects Act* establishes the documents that require the application of a seal by the architect who prepared them or who provided supervision, direction or control of their preparation. **Note that it is not relevant to an architect's statutory and professional conduct obligation whether an authority (or client) has a seal requirement or expectation that differs from the obligations outlined below.** For example, it is not acceptable to dispense with the sealing requirements merely because, for example, a particular authority does not require development permit drawings to be sealed, whether that 'requirement' derives from advice, policy or customary practice. The proper use of an architect's seal is a matter for the *Architects Act* and AIBC professional standards such as Bylaw 34.2, Council rulings thereto and this Bulletin, not expectations established by local governments, clients or third parties.

- 3.3 The following documents must be sealed:

3.3.1 Letters of Assurance

Through administration of the BC *Building Code* and the Vancouver Building Bylaw, authorities may require submission of letters of assurance for certain types of projects. As long as the request for letters of assurance is in keeping with this authority (i.e., not unsanctioned 'rogue' letters), and the assurances are properly merited, an architect is required to seal them. Consult AIBC Practice Notes, especially 12 and 15, for specific practice information about letters of assurance, as well as AIBC Bulletin 90 regarding minimum acceptable scope of services, especially regarding field review.

3.3.2 Certificates

An architect must apply his or her seal to certificates of payment and certificates as to construction performance (e.g., certificates of substantial completion), when so contracted and functioning as 'payment certifier' under lien legislation and when such certificates are appropriate and merited.

3.3.3 Drawings

All drawings issued by an architect for approval by an authority or for reliance by a client or third party, including the general public, must be sealed. This includes drawings submitted for rezoning, development permit (including such processes as ‘development permission’, ‘preliminary plan approval’, etc.), design panel review, community presentation, building permit, tender, construction (working) drawings, addenda and drawings accompanying change orders, change directives and site instructions.³ Drawings submitted for amendments to applications must also be sealed. For guidance with respect to multiple sets of drawings and photocopies, see Paragraph 3.4.

The requirement for sealing “drawings” under the *Architects Act* is not limited to building permit drawings. The requirement for sealing drawings is not defined by the B.C. *Building Code* or an authority’s practice, expectations or guidelines.

Drawings used for internal purposes within the architectural firm need not be sealed. Similarly, drawings prepared solely for discussion purposes between architectural firm and client or consultants need not be sealed; indeed, if such drawings were not prepared by or under the supervision, direction and control of an architect, they must not be sealed – see Section 78 of the *Act*.

As noted below at Paragraph 3.8, architects should never seal “record” or “as-built” drawings.

3.3.4 Specifications

All specifications issued by an architect for approval or reliance by a client or third party must be signed and sealed. Where specifications are issued in separately bound or binder format, as opposed to already ‘sealed’ as an integral part of sealed drawings, the first appropriate page of the specification document should be sealed. When bound specifications include drawings (or any other instrument of service) that must be sealed on their own merits, such documents should be sealed separately within the bound document.

3.4 As a general statement, it is unnecessary, unduly burdensome (and impractical) to seal and sign multiple sets of documents, such as multiple runs of drawings or specification binders. However, any set(s) intended for submission for approvals and/or for reliance by third parties must be signed and sealed appropriately. Most authorities will not accept photocopies of official submission drawings and documents. Where photocopies of sealed documents are made, or where unsealed copies of multiple runs are distributed, such documents should clearly be marked ‘copy’. Where copies of originals are being reviewed and circulated among multiple parties, it is good practice to indicate on such copies that that an original, sealed set is available, and where. In keeping with this guidance, it remains good practice and sound advice for an architectural firm to:

- i. seal the set(s) required for submission to the authority and client;
- ii. retain a sealed set for the firm; and

³ Note that not all change orders require a seal – only those that alter a document that has already been sealed (generally, a drawing).

- iii. (for construction contract drawings and changes), ensure that one sealed set is provided to each of the contractor and client and one retained by the architectural firm.

3.5 Members are reminded that since October 2009, the AIBC has permitted and encouraged the use of the ‘electronic seal’ by architects. See AIBC Bulletin 60: (*Signature, Seal and Delivery of Electronic Documents*) for detailed information on the use of the electronic seal, including possible advantages when submitting multiple sets of drawings requiring an architect’s seal. It is vital for members to understand that applying an ‘electronic seal’ is a specific, highly-secure protocol that requires purchase of a licence authorized by the AIBC. The simple application of a seal graphic (such as JPEG, PDF, BMP, etc.) to documents does not constitute proper electronic sealing of such documents and invites considerable civil liability and professional conduct exposure.

Documents that Should be Sealed

3.6 Although not specifically identified in the *Architects Act*, the AIBC strongly recommends that architects apply their seal to architectural reports, including expert reports, building code or zoning analysis reports and formal written opinions. The application of a seal to such documents reinforces the “solemn confirmation” that an architect has applied his or her professional judgment in the preparation of the document and that it is intended for reliance for the purpose intended.

Documents that Should Not be Sealed

3.7 Given the importance of an architect’s seal – symbolically, professionally and from a liability point of view – it should not be used indiscriminately. The seal is intended for application on documents produced in connection with rendering architectural service, not a ‘business seal’ for use on fee proposals, business letters, contracts, etc. An architect’s professional seal should not be confused with a corporate business seal, which is intended for entirely different purposes, including application on certain contracts such as client-architect agreements executed ‘under (corporate) seal’. Some members apply their seal when corresponding with authorities or with the AIBC; such use is inappropriate and signifies a lack of understanding of the essential nature of the seal. The mere fact that a document is issued from an architect’s office is insufficient grounds to warrant application of the seal.

3.8 “Record” or “as-built” drawings should not be sealed. Such drawings are largely produced by, or based on information provided by, others, including information that may be concealed. It is impractical and inherently risky for an architect to attest to the accuracy of record documents by applying a signature and seal.

3.9 An architect must never apply a seal to title blocks on blank drawing sheets, blank letters of assurance or any other incomplete or unchecked document. Any apparent convenience of ‘pre-sealing’ title blocks or schedules is dramatically outweighed by grave liability and professional conduct consequences.

3.10 An architect must never apply a seal to other consultants’ documents.

4.0 WHO CAN APPLY the SEAL

4.1 Section 77 of the *Architects Act* requires that an architectural seal must be applied by:

- a member holding a current certificate of practice (i.e., holding a certificate personally);
- a sole proprietor of an architectural firm;
- a partner of an architectural firm; or
- a continuing employee or shareholder acting on behalf of an architectural corporation

where such individuals have prepared the document to be sealed or where it was prepared under the member's supervision, direction and control.

4.2 The AIBC will be providing updated rules and guidance to members and firms with respect to the use of the seal by "continuing employees" and by non-principal, non-partner MAIBCs providing architectural services to sole proprietorships and partnerships. Members are reminded that an architect's seal must never be applied by an architect (whatever the member's title or role) simply upon a perfunctory check without due supervision, direction and control.

5.0 APPLICATION of SIGNATURE and DATE to SEAL

5.1 The *Architects Act* specifically requires the application of the architect's signature and the date to the seal. The architect who applies the seal must be the same architect to apply the signature; 'splitting' the sealing and signing duties between architects is not permitted. The use of initials is only permitted if such initials have become the architect's 'usual signature' (i.e., the signature used by the member in his or her standard business practice). When using an embossed seal, it is safer to apply the seal over the signature to avoid ripping paper. It is permissible to use a date 'stamp' rather than handwrite the date; in either case, ensure that the date is legible.

6.0 CARE and CONTROL of the SEAL: OWNERSHIP, SAFEKEEPING and RETURNING the SEAL

6.1 Seals are issued by the AIBC to its members for their use while they are registered as architects. As set out in Section 77(3) of the *Architects Act*, any architect who ceases to be a member "must promptly return the seal to the institute". This statutory expectation applies regardless of the reason for cessation of membership (e.g., retirement, resignation, removal from the register for non-payment of fees or a professional conduct suspension, death or incapacity). As part of their firm cessation and estate planning, members should provide suitable instructions to their executors, administrators, agents or family to ensure that the seal is returned to the AIBC.

6.2 The seal should be kept safely secured, particularly when traveling or on vacation. The AIBC will also hold an architect's seal for safe keeping if requested, for reasons such as vacation, extended leave, etc. Members are expected to advise the AIBC promptly if the seal is lost or stolen, and to bring in a damaged seal to the institute for replacement. The seal must never be altered for any reason.

7.0 MISUSE of the SEAL

- 7.1 As a general statement, misuse of an architect's seal is considered among the more serious breaches of an architect's duty to the public. Underscoring the gravity of the matter is the fact that, unlike most of the profession's specific ethical requirements found in the AIBC's bylaws, the use of the seal is located squarely in the *Architects Act*. Many of the admonitions relating to misuse of the seal are found throughout this Bulletin, including the fundamental expectation that the architect who prepared the document or supervised, directed or controlled its preparation must apply the seal and signature.
- 7.2 An architect's seal is not for sale, and the term "trained seal" is a legitimately derogatory term to describe any architect who applies a seal to documents that he or she did not prepare, supervise, direct or control. Requests to act as a "trained seal" are fairly common, often sparked by clients looking to have their 'in-house' design (or that provided by a non-architect consultant) sanctioned by a professional. Such misuse of the seal brings the architectural profession and the validity of the seal as a public representation of professional qualifications and responsibility into disrepute. The stakes are even higher when an architect acts as a "trained seal" for a non-architect's drawing, since it appears to legitimize, aid and abet the unauthorized practice of architecture by unregistered individuals and businesses.
- 7.3 Occasionally, unusual forms of seals that purport to bestow architectural credentials are found on documents in British Columbia. These home-made seals may use such terms as "Registered Architectural Design", "Architectural Consulting" or variations on the architectural theme. Members should report these examples of illegal seals to the AIBC.

The AIBC does not provide legal, accounting or insurance advice and expressly disclaims any responsibility for any errors or omissions with respect to legal, accounting or insurance matters that may be contained herein. Readers of AIBC documents are advised to consult their own legal, accounting or insurance representatives to obtain suitable professional advice in those regards.