

**PB-33****PERSONAL SUPERVISION, DIRECTION AND CONTROL****SUMMARY**

This practice bulletin addresses the obligations of registered architects and licensed interior designers when providing their services and applying a seal.

**BACKGROUND**

The *Architects Act*, *Architects Act General Regulation* (General Regulation), Bylaws and Code of Ethics exist to regulate the practice of architecture and licensed interior design in the public interest. The Alberta Association of Architects (AAA) has a duty to responsibly maintain the integrity of the professions and protect the public. Professionals owe a duty of trust to their clients, to the public and to the profession.

Under the *Architects Act*, only authorized entities are entitled to engage in the practice of architecture and licensed interior design. Pursuant to the *Architects Act*, General Regulation and Bylaws, it is not acceptable for an authorized entity to sign off on or seal contract documents unless they were prepared under a registered architect or licensed interior designer's personal supervision, direction, and control throughout all phases of the project.

**APPLICABLE LEGISLATION & RESOURCES**

- ▶ PB-15 – Documents Authentication
- ▶ *Architects Act* – Section 2(2)(c) for Architects and Section 2.1(3)(c) for Licensed Interior Designers
- ▶ *Architects Act General Regulation* – Part 3, Section 42
- ▶ Bylaws – Part 9
- ▶ Safety Codes Act – (Section 45)
- ▶ National Building Code – Alberta Edition
- ▶ Canadian Handbook of Practice for Architects
- ▶ RAIC Documents 6 and 10
- ▶ CCDC-15 Design Build Contractor-Architect Agreement
- ▶ CCDC-2, 5A, 5B and 14

Legislation governing the use of the seal are as follows:

1. *Architects Act* – Section 2(2)(c) for registered architects and Section 2.1(3)(c) for licensed interior designers state that a seal shall not be affixed to a plan, drawing, detail drawing, specification or other document or a reproduction unless the item was prepared by or under the personal supervision, direction and control of, the registered architect or licensed interior designer to whom the seal was issued.
2. *Safety Codes Act* (Section 45) and National Building Code Alberta Edition – state that an individual who offers a design for use by others must ensure that the design complies with the requirements of this legislation and that the seal is affixed in accordance with the requirements of the *Architects Act*.
3. *Architects Act General Regulation* – Part 3, Section 42 places the responsibility for conducting site reviews on authorized entities. When drawings, detail drawings, specifications and other documents or reproductions are prepared by or under the personal supervision, direction, and

control of a registrant, that registrant is in the best position to understand and execute the construction review mandate established by law.

4. AAA Bylaws – Part 9 describes how manual seals, signatures and corporate stamps shall be utilized, applied, and controlled.
5. Practice Bulletin PB-15, as endorsed by the Practice Review Board and approved by Council as per its authority under Sections 6, 9, 10 and 39 of the *Architects Act*, applies to the use of seals and the application of electronic seals.

### PERSONAL SUPERVISION, DIRECTION AND CONTROL – WHAT DOES THIS MEAN?

To comply with legislative requirements, an authorized entity must maintain personal supervision, direction, and control over the provision of its services.

This means an authorized entity must be engaged at each stage of the project to provide guidance and to review ongoing work and deliverables. The registrant who personally supervised the preparation of the drawings, detail drawings, specifications and other documents is in the best position to execute an accurate construction review. It is important for the registrant to be engaged throughout the project to ensure the work meets the client's functional program, the requirements of the authority having jurisdiction, and to provide supervisory control of the work.

### RESPONSIBLE SUPERVISORY CONTROL

Responsible Supervisory Control is the responsibility for exercising the ultimate authority over, and possessing the knowledge and ability to oversee, delegate and integrate the design and technical decisions related to the preparation of the project's instruments of service and the projects implementation in accordance with the standard of care.

### GUIDANCE

Guidance refers to the professional expertise that must continually be provided throughout a project to ensure the work will comply with the client's intent. Registered architects and licensed interior designers have the education and experience required to guide a project and resolve complex design issues. The realization of the clients' objectives in built form can only be responsibly achieved by a professional who remains engaged and active in a project from inception to completion. This may be achieved through:

- ▶ Written service agreements that are consistent with a proper level of professional engagement.
- ▶ Continuous involvement of both client and professional throughout the project, including:
  - » Regular project meetings involving client and all consultants.
  - » Accurate recording and filing of all meetings.
  - » Special reports and investigations that are required to resolve specific issues and problems.
  - » Recording and filing of all communications with regulatory agencies, authorities having jurisdiction and other stakeholders.

### REVIEW OF DELIVERABLES

Construction is a complex process involving significant risk assessment and management. Registered architects and licensed interior designers play a significant role in helping to mitigate

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risk to a project. Risk assessment and management must be done throughout the development and construction of a project. Registered architects and licensed interior designers are expected to carefully examine the production of the contract documents that will be used for permit application and construction. They are responsible for reviewing construction progress for compliance with the design intent and solutions to life safety issues documented in the contract documents. This may be achieved through:

- ▶ Robust project management and documentation.
- ▶ Ongoing review and management of the project plan, the schedule, and the deliverables.
- ▶ Review of all documents.
- ▶ Quality control of all design deliverables.
- ▶ Continuous management of stakeholder engagement.

### REVIEW AND EXAMINATION OF WORK

The goal of the work done by a registered architect or licensed interior designer is to solve a client's design challenge and develop a set of instructions to guide the construction of the built form. A contractor will be responsible for building the project, while the registered architect or licensed interior designer will provide oversight to ensure that the work is being completed in accordance with the design intent expressed in the documents. This will require the registered architect or licensed interior designer to manage the following documentation throughout the construction process and:

- ▶ Respond to contractor inquiries.
- ▶ Issue supplemental instructions as required to clarify the intent of the documents.
- ▶ Review shop drawings.
- ▶ Conduct regular site reviews during construction.
- ▶ Attend regular site meetings.
- ▶ Prepare changes to documents if changes to the work are requested or required.
- ▶ Manage the construction administration process in accordance with the construction contracts.
- ▶ Provide final assurances to the authorities having jurisdiction at the completion of the project to confirm that the project complies with all required life safety and other legislation.

### PROPER USE OF SEALS

Only authorized entities, as defined in the *Architects Act*, are entitled to engage in the practice of architecture and licensed interior design. Authorized entities assume full responsibility for the design represented in the documents they seal.

When to use a seal: Registrants must use the professional seal issued to them by the AAA in accordance with the rules set out in the *Architects Act*, General Regulation, Code of Ethics, Bylaws, and this practice bulletin. The professional seal is intended for personal use in connection with plans, specifications, and other instruments of service prepared under the responsible control of the registered architect or licensed interior designer. These authorized entities assume full responsibility for the documents that they seal. This responsibility is not transferable.

The issue of transferability is not found in a physical act of handing over the seal but in transferring or abrogating responsibilities given by virtue of the seal. This means that the seal of an authorized entity is NOT for sale and must not be seen to be offered for sale.

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From time to time, registered architects and licensed interior designers may be asked by an unauthorized entity to seal drawings, or they may be asked to prepare or review construction drawings for a permit application. This may be presented in the form of an RFP or a sketch. Affixing a seal to contract documents prepared by someone else and without the registered architect or licensed interior designer’s personal supervision, direction and control exposes the registered architect or licensed interior designer to professional conduct proceedings and considerable legal liability.

A registered architect or licensed interior designer that is asked to collaborate on a project with an unauthorized entity is required to provide **personal supervision, direction, and control** of the project.

For example, if an unlicensed designer retains a registered architect or licensed interior designer to perform a scope of work that requires professional involvement, as defined by the *Architects Act*, *Safety Codes Act* and other authorities having jurisdiction, the unlicensed designer must:

1. Have a written contract with the registered architect or licensed interior designer that clearly defines the scope of work.
2. Notify the client that professional involvement is required and that a registered architect or licensed interior designer has been retained for the project.
3. Establish a project plan that clearly defines how the registered architect or licensed interior designer will engage with the client and project team, how they will provide guidance, coordinate the work and the frequency of reviews. Below are some additional examples.

Allowed	An auto dealership has a building template designed by a firm in Ontario. You are hired to use those drawings to apply for a development permit (DP) and building permit (BP) and to provide contract administration for the project. You engage engineers (that also have their template drawings), and as a team you make whatever modifications are required to the package to suit both site and NBC-AE requirements.
Requires review	A client has engaged an architectural firm to design a building. Somewhere at about 50 percent of the completion of the contract documents, there is a falling out and the client wants you to finish the design, contract administration and schedules.
Requires Review	A sole proprietor passes away while a project is under construction. The client hires you to complete contract administration and prepare schedules.
Not Allowed	A design company has designed a building and obtained a development permit. The company hires you to complete the contract documents and provide contract administration.
Not Allowed	A design company has completed contract documents and they hire you to review the drawings in detail and apply your seal.

**If you are unsure when to apply your seal or if you have any questions regarding personal supervision, direction and control, contact the Practice Advisory Committee at [practiceadvisor@aaa.ab.ca](mailto:practiceadvisor@aaa.ab.ca).**

**Date Approved by Council: January 26, 2023**

Practice bulletins are issued by The Alberta Association of Architects as a practice resource or as general interpretations of the requirements in the *Architects Act*, the General Regulation under the Act, and the Bylaws. Practice bulletins should be read in conjunction with the Act, Regulation and Bylaws and in no way supersede these documents. Practice bulletins are not intended to be and are not legal advice to the members of the association nor to the public / client. Members and the public should consult their own legal, income tax or financial advisors as to the application of the *Architects Act* and Regulation in specific circumstances.

