

CASE SUMMARY #5

UNSUITABLE BUILDING ENVELOPE DETAILS & INADEQUATE DOCUMENTATION

COMPLAINT REVIEW COMMITTEE

The AAA Complaint Review Committee recently heard a case that illustrates the need for architects to ensure that they have the expertise required to complete work that they take on, and to be diligent in the controlled use of their professional seal.

BACKGROUND AND FACTS

The architect entered into a contract with the Client to design and provide site services for the construction of a three storey residential-commercial building. Following completion of the project, severe building envelope failure became evident resulting in the eventual removal and replacement of the entire rain screen installation and exterior cladding at a substantial cost to the Client. The Client lodged a complaint with the AAA regarding the quality of services provided by the architect. The AAA preliminary investigation also revealed that the architect may have provided low quality documentation in support of the building permit application resulting in the Authority Having Jurisdiction issuing an extensive deficiency list related to life safety issues.

FINDINGS OF THE PANEL

The architect was fully cooperative in the hearing process and admitted a failure to perform adequate professional services required of an architect on the project. It is noteworthy that during the course of the hearing the architect advised the Panel that the building permit drawings in question were provided to the Contractor for preliminary purposes only and were not intended for submission to the Authority Having Jurisdiction (which the Contractor eventually did without the architect's knowledge). The Panel found that the architect, by applying his signature and seal to the drawings, was representing that they were complete and ready for building permit submission. A professional seal is the architect's assurance of completion and should only be used in circumstances where the architect is prepared to warrant that the documents are complete and ready for permit application and construction. In this regard, the architect's intent was irrelevant – the signature and seal on the documents was conclusive.

The Panel found the architect guilty of unskilled practice and unprofessional conduct in that the architect:

- failed to provide an adequate design of the building envelope system with sufficient detail and completeness to allow for proper construction and failed to provide adequate installation details for the rainscreen exterior cladding to allow for proper installation and functionality;
- failed to provide adequate documentation in support of the building permit application and that the signed and sealed permit application documents provided by the architect were inadequate, incomplete, lacking detail and failed to address key Safety Code compliance issues.

SANCTIONS

In addition to a formal reprimand for the above noted conduct, the panel ordered the following:

- a fine of \$8,000 for the finding of failing to provide adequate design and documentation of the building envelope system;
- a fine of \$4,000 for the finding of providing inadequate permit application drawings;
- payment of \$13,000 to the AAA toward costs of the complaint, investigation and hearing; and
- publication of a Case Summary for the education of the membership.

COMMENTARY

This case illustrates what can happen when an architect takes on work which exceeds the architect's experience, knowledge or ability. The problems that occurred on this project were a result of the architect's lack of understanding of building envelope and rain screen technology. In this circumstance the architect should have declined the work or consulted with a building envelope specialist or colleague with respect to areas of uncertainty.

The case also illustrates the importance of using the professional seal in the manner in which it was intended. The affixing of the seal, signature and date should be reserved only for circumstances in which the architect is prepared to certify the documents as complete and ready for the use for which they were prepared.

Date: November 2009

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