

# ONTARIO ASSOCIATION OF ARCHITECTS

## 2023 ADMISSION COURSE

### LEGAL ASPECTS: CONTRACT LAW, PROFESSIONAL LIABILITY AND ARCHITECTS CONTRACTS

#### Presenters

Charles Simco, Shibley Righton LLP, Barristers and Solicitors

#### PART I – CONTRACT LAW AND PROFESSIONAL LIABILITY

This session will include a basic introduction to professional liability claims, the dispute resolution process and types of contracts which are suitable to be used by architects.

##### The Ontario Courts System

- A brief overview of the courts system and the judicial process
- Alternative Dispute Resolution: mediation and arbitration

##### Law of Contracts

- What is a contract and the basic elements of contract law;
- Legal ramifications of contract law;
- Advantage of written contracts;
- Risks associated with oral contracts;
- Case studies.

##### Law of Negligence

- Differentiating between contract and tort law;
- Architect's Duty of Care;
- Architect's Standard of Care;
- Liability of architects to persons outside of contract;
- Case studies

##### Professional Liability and Prodemnity Insurance Company

- The basics of professional liability insurance;
- Requirements for liability insurance under the Architects Act;
- Types of claims;
- How to give notice of a claim;
- The anatomy of a lawsuit;
- Risk Management – how to avoid claims and lawsuits;
- Case Studies.

### **Reference Materials:**

- Standard Form of Contract for Architect's Services – OAA 600 – 2013, OAA 601 – 2013 with July 1, 2018 Amendments and Supplementary Conditions for Architect's Services for Design-Build Projects (PT.25);
- Instructions and commentary for Standard Form of Contract for Architect's Services – OAA 600 – 2013 & OAA 601 – 2013 with July 1, 2018 Amendments;
- Standard Short Form of Contract for Architect's Services – OAA 800 – 2011 with July 1, 2018 Amendments;
- Standard Contract between Architects and Consultatn – OAA 900 – 2014 with July 1, 2018 Amendments.
- Guide to OAA 900 – 2014 with July 1, 2018 Amendments.
- OAA Practice Tips:  
PT.5, PT. 12, PT. 15, PT. 21, PT. 22, PT. 25, PT. 26, PT. 27, PT. 29, PT. 30, PT. 31, PT. 32, PT. 33

### **Supplementary Reference Materials:**

- \*The Architects Act R.S.O 1990, Chapter A. 26 as amended
- \*Ontario Regulation 27 as amended
- Canadian Handbook of Practice:
  - Chapter 2.1.9 – Risk Management and Professional Liability

- Chapter 2.1.7 – Human Resources
- Chapter 2.2 – Standard Forms for the Management of the Practice
- RAIC – A Guide to Determining Appropriate Fees for the Service of an Architect, 2009
- RAIC Canadian Standard Form of Contract for Architectural Services – RAIC Document Six
- Guide to RAIC Document Six

\*These can be accessed from Publications Ontario on the Web at: [www.e-laws.gov.on.ca/](http://www.e-laws.gov.on.ca/)

\*\*You are encouraged to have the OAA Contracts (OAA 600 – 2013 and OAA 900 – 2014 with July 1, 2018 Amendments;) available in hard copy or on your electronic device in order to follow the lecture and facilitate note taking \*\*