

*Established in 1889, the Ontario Association of Architects (OAA) is the self-regulating body for the province's architecture profession. It governs the practice of architecture and administers the Architects Act in order to serve and protect the public interest.*

Ministry of Public and Business Service Delivery and Procurement  
56 Wellesley St West, 6th Floor  
Toronto, Ontario  
M7A 1C1

October 22, 2024

## **Re: Consultation on the Proposed Initiatives Affecting Condominiums**

To Whom It May Concern:

The Ontario Association of Architects (OAA) applauds government for exploring the best approach for bringing into effect some sections of the *Condominium Act* that are not yet in force. On its consultation posting, government notes these sections in Ontario Regulation 48/01 are aimed at strengthening protections for condo owners and purchasers by improving transparency and clarity while limiting burden.

To complement this important work, the OAA strongly urges government to consider amending Schedule G under section 5 of O. Reg. 48/01 of the *Condominium Act*, which an architect must complete to ensure registration of a condominium.

### **Schedule 'G' creates two challenges for the public.**

The first is that the current wording in Statement 1 of Schedule G provides a "warranty" for the building envelope's performance. A "warranty" is not covered under an architect's professional liability insurance and therefore compromises the public's protection. The public has the right to expect the availability of insurance to fund compensation for any damages.

The second challenge with Schedule G is its lack of consideration for conversions of existing buildings. As it is currently written, Schedule G contemplates new construction only; it assumes the architect was fully involved in all aspects of the building's design and construction process. Architects cannot certify critical aspects of the construction that are not visually apparent or work that cannot be assessed given that the building is constructed.

This can put architects at risk of assuming liability for work that may have been deficient at the time of construction or that may have deteriorated since the time of construction. Moreover, it may put the public at risk by creating misleading or confusing statements about the converted building.

Building conversions can advance housing affordability and climate action across the province. However, building conversions are inhibited by the existing regulatory framework in which they exist. For more than a decade, the OAA has been advancing recommendations to government to amend Schedule G; however, little progress has been made.

As government continues to prioritize building 1.5 million homes by 2031, the OAA acknowledges that several regulatory hurdles to the development process have been addressed. Now, with office vacancy rates at all-time highs and interest in building conversions on the rise, the OAA strongly urges government to act once again.

**By amending Schedule G of the *Condominium Act*, government is uniquely positioned to advance affordability and climate action across Ontario.**

Building conversions can support intensification in already existing areas (and already existing buildings). Given current office vacancy rates throughout Ontario, the time to amend Schedule G is now. According to CBRE data, as of the second quarter of 2024, the downtown office vacancy rate for Toronto was 18.1%, while Waterloo and Ottawa were 24.4% and 14%, respectively.

Building conversions can also advance climate action. According to the [World Economic Forum](#), about 80% of today's buildings will still exist in 2050, so it is essential for combatting climate change that they be improved for energy efficiency. Each building conversion offers a chance for deep energy retrofits since they must meet current building codes, which are typically more advanced than those from when the buildings were originally constructed.

As the housing affordability and climate change crises continue to loom, building conversions are one way to tackle both.

The OAA enjoys a longstanding, collaborative relationship with government and looks forward to continued work alongside this Ministry to ensure the public interest is protected. As always, please do not hesitate to reach out to me directly if you have any questions or require additional information.

Sincerely,



Settimo Vilardi, Architect  
M.Arch., OAA, FRAIC  
President