

Distribution of Plans Examiner’s Notices

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Background

Some building departments or other authorities will only forward communications and permit set mark-ups to the permit applicant. Where the owner or project manager is the permit applicant, and not the architect (as is strongly advised in PT.08), this potentially leaves the architect uninformed as to the comments and potentially any changes to the documents required by the building departments or other authorities. Certainly, the architect must rely on whoever received the communications and permit set from the building department to forward the information to the architect. The standard client/architect contracts are silent about this. To put the onus on the client to forward such communications to the architect, consider inserting wording into non-standard contracts or using supplementary conditions with OAA documents 600, 601, and 800 for Architects and with OAA documents 602, 603, and 801 for Licensed Technologists OAA.

Suggested wording to be added to a non-standard contract:

It is the responsibility of the Client/Owner, upon receipt of notices, comments or notifications relating to the rezoning/ site plan agreement/ building permit applications from the municipality or other authority having jurisdiction to forward or require the coordinator of the work of all consultants to forward, in a timely manner, all such communications to the architect so that any necessary response may be prepared or other appropriate action taken. Failure to do so may result in delays to the project and in additional consultant fees.

or

It is the responsibility of the Client/Owner to provide the architect with a copy of all approved zoning amendments/ site plan agreements/ building permit document sets, including all annotations/ amendments/ conditions in a timely manner upon receipt of same from the authorities having jurisdiction.

In OAA 600, 601, 602, and 603 amend General Condition 4.4.3 by adding “..., and forward in a timely manner all notifications from authorities having jurisdiction to the architect” after the words “development costs”.

GC 4.4.3 would then read “... sign applications for permits as the owner, or if the Client is not the owner arrange for the owner to sign and pay for the building permit and all other permits and development costs, and forward in a timely manner all notifications from authorities having jurisdiction to the architect;”.

In OAA 800, and 801 amend General Condition 2. (2) by adding “..., and communications from authorities having jurisdiction” after the word “responses”.

GC 2.(2) would then read “... timely communication of Client’s decisions or responses, and communications from authorities having jurisdiction during the Project;”.

The OAA does not provide legal, insurance or accounting advice. Readers are advised to consult their own legal, accounting or insurance representatives to obtain suitable professional advice in those regards.
