



Practice Advisory

Practice Advisory brings to members' attention topics that have an impact on either management of the practice or management of the project.



Best Practices for Review of RFP Language and Supplementary Conditions to OAA 600 and Other Client-Architect Contracts—Excerpt 5

What You Should Know, What to Look For, and What to Be Wary Of

The OAA continues to review RFPs and contracts with the intent of identifying requirements and/or provisions that:

- may be uninsurable;
- require an architect or Licensed Technologist OAA to contract out of their professional obligations as set out in the *Architects Act* and Regulation 27;
- are a contravention of either piece of legislation; or
- unreasonably increase their obligations beyond those at law.

The following does not constitute legal advice. It is the fifth in a series of excerpts from [Practice Tip 39.1](#) that should assist practices in making a 'go/no go' decision with respect to responding to an RFP or in contract negotiations. Members should familiarize themselves with all of 39.1 and refer to it when reviewing RFPs, and bid and contract documents.

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COVID -19

updates

COVID-19's Legal Impacts on Design and Construction

Considerations Related to Delays (CCDC 2 and OAA 600 in Particular)

The impact of COVID-19 on the design and construction industry will continue to be felt for years to come. There are no simple answers to the multitude of questions architects have about the effect of the pandemic on their practices and projects.

The OAA has received questions about the allocation of costs resulting from delays, extra work (e.g. demobilization, mothballing, security, remobilization), loss of productivity, and the new health and safety measures. There will also likely be additional financing costs, loss of revenue, and delay costs related to buyer/lease agreements on the owner's side.

The answers to these questions will depend on the circumstances of each case. The OAA cannot presume to be lawyers, but there are some common threads and themes architects should keep in mind.

For the purpose of this article, we will consider CCDC 2 and OAA 600 more specifically.

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What Is It and Why Should You Be on the Mailing List?

CodeNews is an online newsletter issued by the Building and Development Branch of the Ministry of Municipal Affairs and Housing (MMAH). This resource provides information related to the Ontario Building Code.

Subscribers receive an email when changes to the OBC are made, such as:

- Minister's rulings;
- amendments to the *Building Code Act* and *Building Code*;

- seminars and courses in your area;
- decisions from the Building Code Commission; and
- authorizations from the Building Materials Evaluation Commission.

Being aware of this information may provide valuable information for practices' current and upcoming projects.

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May 15 Meeting Allowed for Review of O.Reg 209/20

On May 11, the Ministry of Municipal Affairs and Housing (MMAH) [filed Ontario Regulation 209/20](#), which made amendments to Ontario's Building Code (OBC) related to the delivery of building code services, such as reviewing building permit applications and conducting inspections. The OAA was invited to attend the MMAH's information session on May 15 to review the details and rationale for the changes to the OBC.

The Ministry stressed the importance for the authority having jurisdiction (AHJ) to maintain permit review and inspection timeframes to prevent backlog—as of the week of May 18, all construction is allowed to proceed under .27 of the [O. Reg 82/20 Closure of Places of Non-essential Businesses](#).

MMAH also explained that the amendment regarding conditional permit was intended to avoid unreasonable delays for non-essential projects. That said, with the updates made to [O. Reg 82/20 Closure of Places of Non-essential Businesses](#), this amendment is not applicable for the time being. However, the provision will be in place in case there is a change. As for the duration of this amendment, it will remain in effect for as long as municipal building department offices are closed to the public for in-person services due to the COVID-19 outbreak.

MMAH also encouraged reviewing the links in a [May 14 news release](#), highlighting documents linked to [Phase 1 opening](#) and other important information.



OAA and OGCA Issue Joint Statement on CSPs

Best Practices Shared

The OAA has published a joint statement with the Ontario General Contractors Association (OGCA) regarding the publication of Certificates of Substantial Performance (CSPs).

The *Construction Act* has expanded the definition of a daily industry paper in which substantial performance may be published to also include those that are electronic. This increases the number of publications in which the certificates could appear, making it more difficult for those searching for the CSP publication in order to anticipate the release of their holdback or be prepared to start an action. When preparing bid documents, OAA members are now advised to require that the general contractors identify which publisher will be used.

To read the joint statement, [click here](#).



Reminder: Update on OAA Access to CSA Standards

Blackout Period to Commence Shortly

The OAA offers access to 10 selected CSA standards annually. The current platform being used by the CSA is being replaced, which will affect how members can access the standards available. CSA and OAA are currently negotiating future access to standards on the new platform.

Members are reminded there will be a blackout period (expected to start on May 30) to allow for any required transition or migrations to the forthcoming new OAA Website. During this time, there will be no access to the standards directly through the OAA

Website, although members will still be able to access standards through CSA under the terms and conditions offered to the public.

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