



# 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 6

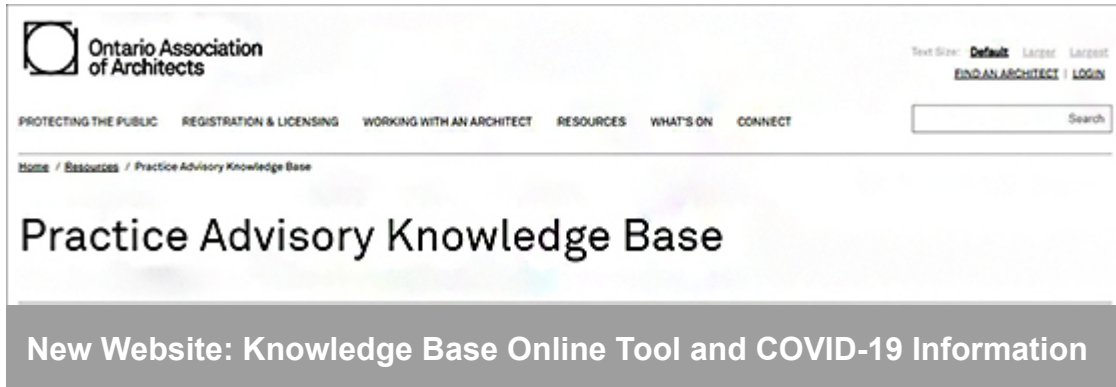
### What You Should Know, What to Look For, and What to Be Wary Of

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 sixth 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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With the launch of the new OAA Website at the end of June, it will take a little time to get used to where to go to find some of the documents you seek. It features both a reorganized COVID-19 Updates source and a Practice Advisory Knowledge Base tool under its [Resources](#) menu heading. For the latter, material from various parts of the old website has been entered into a searchable database. By selecting one or more filters, the material displayed can be narrowed down to just a few documents. Material may also be narrowed down by entering search tags either alone or in conjunction with the various filters.

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The [Ontario government](#) is launching consultations to improve elevator safety, performance, and availability in multi-storey buildings. Until August 4, the province is seeking input on proposed regulatory changes under the *Technical Standards and Safety Act* to ensure elevators are well-maintained and meet updated safety requirements. For more, [click here](#).

# CODENEWS.CA

## Inquest into Death During an Excavation Exercise

In early spring, a coroner's [inquest](#) was conducted into the death of Michael LaVigne, who died from injuries to his torso during a trench collapse—this case is detailed in [CodeNews](#) issue 303.

Architects are not responsible for the activities related to excavation, but they should be aware of the potential hazards so they can identify any that may be seen during a site visit.



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Public Services and  
Procurement Canada

Services publics et  
Approvisionnement Canada

## OAA Responds to PSPC RFI on Possible Future Design-Build Standing Offers

In early June, the OAA responded to an RFI from Public Services and Procurement Canada (PSPC) on Design-Build Standing Offers for Office Fit-up Projects ([Solicitation EP008-210016/A](#)). PSPC was seeking feedback from the industry. The federal department is contemplating the establishment of a design-build standing offers for office fit-up projects in the National Capital Region, with cross-Canada potential.

The [OAA's response](#) can be found in the [Government Relations](#) portal.





## Coming Soon: Practice Tip on Adjudication

The creation of a new Practice Tip is currently underway. OAA Council made the decision at its January 2020 meeting regarding adjudication under the new *Construction Act*, specifically as it relates to Architects and Licensed Technologists OAA. This is also provided as a followup to discussion that occurred at the September 2019 meeting between OAA Executive Committee and Pro-Demnity Committee Chairs.



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**ARCHITECTURAL  
INSTITUTE OF  
BRITISH COLUMBIA**

## Precedent-Setting Court Case? AIBC vs. City of Langford

British Columbia's architectural regulator, the Architectural Institute of British Columbia (AIBC), recently brought the City of Langford and its Chief Building Inspector to the Supreme Court of BC.

In 2016, the Chief Building official issued a building permit for a residential/commercial project. The project was designed, and drawings were completed by a designer and not an architect. The AIBC, much like the OAA, enforces the provisions of its *Act* respecting illegal practice. When the regulator raised this to the City of Langford, the City's Senior Building Inspector acknowledged that the *Act* required the involvement of an architect, but stated that the City's *Building Bylaw* only conferred authority to enforce the British Columbia Building Code and not the *Act*.

The AIBC brought a legal challenge against the City of Langford, with the case eventually ending up in the Supreme Court of British Columbia. The well reasoned decision in court case between the AIBC and the municipality of Langford can be read [here](#).





## Document Retention and Your Practice: How Long Should I Keep My Records?

A lot of members wonder for how long they have to retain their project files. The answer is not simple, and depends on a number of factors. In fact, there is no single answer. It often comes down to which documents for what purpose...



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## Reminder PAS services – Summer hours

Members are reminded that the OAA's Practice Advisory Services (PAS), including the Hotline (email and phone), are operating on summer hours until the first week of September. This means Monday to Thursday are regular business hours, and Friday is until noon.

Please note that messages left via voicemail or email are typically returned within 24 to 48 hours.



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