



Practice Advisory

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

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New OAA Contracts Suite 2021: Files Now Available for Free Download!

Start using the newly updated standard contracts now

The OAA is pleased to announce a downloadable suite of FREE revised standardized contracts for both members and the public to use. The goal behind the updated [OAA Contract Suite 2021](#) is to make it easier for members—along with their subconsultants or clients—to enter into fair, balanced business relationships.

To download a contract for a project, visit the OAA's [Documents and Publications Portal](#).

The OAA offers:

- **OAA 600** (long-form contract between an OAA member and a client);
- **OAA 800** (short-form contract for use on less-complex projects); and
- **OAA 900** (standard form of subcontract between OAA members and subconsultants).

Each contract comes in two versions—one for use with Architects and one with Licensed Technologists OAA—along with guide documents for proper use. They are structured to be familiar to most people in the construction industry. Note that the previous versions of OAA Contracts 2013 will be sunsetted in a few months.

The OAA is also continuing to host Continuing Education webinars related to use of the new contracts. On **November 29**, the final session of the first series, "[OAA Contract Suite – 2021: The New OAA 900 \(Subconsultant Agreement\)](#)," will be presented. Additional online events are planned for the spring.

The most effective contracts concisely describe a project's requirements, roles, and responsibilities. Using the new OAA Contract Suite 2021 brings many advantages, from greater clarity of intent, increased goodwill between the parties, and less anxiety about legal issues.

These [OAA contracts](#) were written in consultation with groups representing owners, procurement groups, and construction law specialists representing owners, contractors, and consultants. The contracts are intended to be fair to all parties, balanced, and with the public interest in mind.

For OAA members, providing architectural services without an express written or oral contract is considered professional misconduct under the [Architects Act](#).



One of the ways the OAA helps support members is through collaborative relationships with others in the industry and their respective industry organizations. The design and construction industry is a team effort, and the work the Association's members do is part of the web of relationships and efforts to bring a project to fruition. One example is the group known as **Engineers, Architects, Building Officials (EABO)**.

EABO is a joint liaison group comprising the OAA, the [Ontario Building Officials Association \(OBOA\)](#), [Large Municipality Chief Building Officials \(LMCBO\)](#), the [Association of Consulting Engineering Companies – Ontario \(ACEC-Ontario\)](#), and the [Building Department of the City of Toronto \(Toronto Building\)](#). In place since 1993, it works to find common positions and establish industry standard practices related to the execution and delivery of design and construction work relative to buildings industry while recognizing the various specific roles and responsibilities.

EABO focuses on three priorities:

- Consistency in Forms and Approaches;
- Professional Coordination; and
- Forged Seals/Seal Authentication. (You can watch an EABO webinar on this topic on the [ACEC website](#).)

The group is currently working on the development of a customizable, industry-standard checklist form—“Required Occupancy Documents”—that helps identify expected documents to have a municipality grant occupancy. Stand by for more information!



Share Your Thoughts for Both Ontario and National Code Consultations

Until **December 9**, the [Ministry of Municipal Affairs and Housing \(MMAH\)](#) is hosting the final phase of its public consultations on proposed changes for the next edition of the Ontario Building Code. The focus is on certain province-specific provisions and new changes related to harmonization with the [National Model Codes](#). The proposals include changes to support the *More Homes Built Faster Act*. OAA Members are invited to submit to MMAH directly. Visit the [OAA Website](#) for additional information and how to share your comments.

The [Canadian Commission on Building and Fire Codes \(CCBFC\)](#) is hosting a public review of proposed changes to the 2020 editions of the National Building Code of Canada, the National Fire Code of Canada, the National Plumbing Code of Canada, and the National Energy Code of Canada for Buildings. Until **December 23**, OAA members are encouraged to comment on suggested changes via [the CCBFC website](#).



FAQs You May not have Asked Yet: Bidding and Permits

The next installment of this series in the *Practice Advisory* highlights existing OAA resources in the [Practice Advisory Knowledge Base](#) that address common themes and issues raised with the Practice Advisors on the free [Hotline](#). The November edition explores the theme of bidding and permits.

Members are encouraged to review the following FAQs (i.e. Frequently Asked Questions):

- [FAQ.00](#) **Index to Frequently Asked Questions**
- [FAQ.04](#) **Architect's Right to "Pull a Permit"**
- [FAQ.06](#) **Supplier/Installer wants to Bid on a Specified Product**
- [FAQ.11](#) **Recommending Bid Acceptance**
- [FAQ.33](#) **Is There a Difference Between Tender and Bid?**

FAQs originated as questions asked in response to the OAA's Construction Contract Administration Committee's "Ask a Question, Get an Answer" efforts, posed by callers to the Hotline, or sent by email to the Practice Advisors. The responses are based on the limited information contained in the question as posted, and may include assumptions made about the context and circumstances in order to frame the response. The responses and answers were reviewed by committee members, represent peer advice, and are not to be taken as OAA policy.

The FAQs were current when they were written. With the advent of the 3rd edition of the [Canadian Handbook of Practice \(CHOP\)](#), several FAQs were revised to add references to the new document. In other cases, the answers may refer to the *Construction Lien Act (CLA)* as opposed to the newer *Construction Act (CA)*. Since there are still projects underway under the CLA, such answers may not have been updated.

Readers are to use their judgement in applying the FAQ answers to the specifics of their own situations.



Electronic Monitoring: Keeping up with Employment Law Updates

For employment-related updates, members and their practices can consult the [Ontario Ministry of Labour, Immigration, Training and Skills Development](#) website and consider subscribing to their *What's New?* newsletter. You may also consider discussing with an employment lawyer, how legislative changes occurring within the [Employment Standards Act](#) affect your practice.

A recent example is the [new electronic monitoring law](#) that recently came in effect in Ontario. As of October 11, 2022, employers with more than 25 employees are required to implement a policy that explains to employees if, how, under what circumstances, and why they may be being monitored electronically. With the passage of the [Working for Workers Act 2](#) in April, Ontario became the first province to require electronic monitoring policies and protect workers' privacy whether they are in the office, at home, or at the job site.

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.

CCDC

Help Shape IPD Contract Document from CCDC

The Canadian Construction Documents Committee (CCDC) is currently updating the CCDC 30 Integrated Project Delivery (IPD) standard form contract document.

Those with IPD experience are encouraged to participate in either a [survey](#) or a 30-minute interview before **November 30** to share your perspective with CCDC IPD Working Group members. Feedback will be used to update CCDC 30 with current best practices.

Participate in the interview by emailing jkvist@cca-acc.com.



Ontario

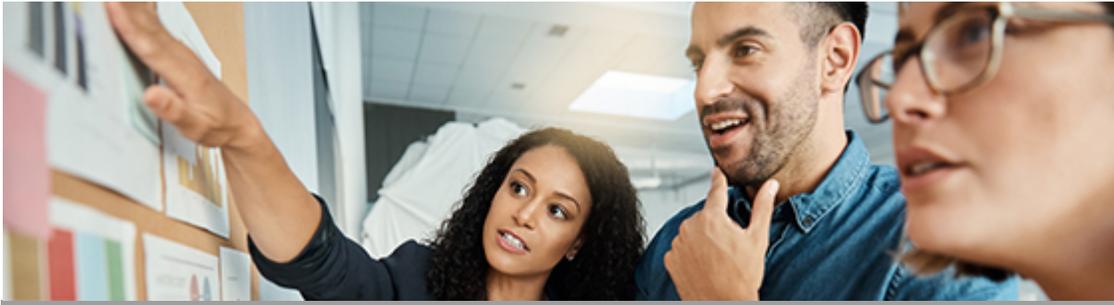
Ministry of Municipal
Affairs and Housing

Updated 2012 Building Code Compendium Available Digitally

The Ministry of Municipal Affairs and Housing has updated its digital English version of the [2012 Building Code Compendium](#) for the code that came into effect on July 1, 2022. Amendments in this version include:

- supporting the [More Homes for Everyone Act](#) by removing barriers to multi-residential modular construction projects, allowing encapsulated mass timber buildings to be constructed up to 12 storeys high, and encouraging development of local building official internship programs;
- exempting certain size sheds from code requirements;
- requiring municipal building departments to notify fire departments (or clerk) if a building (other than a house) will be constructed or renovated using a truss and lightweight system; and
- moving provisions for temporary shelters and health facilities created to respond to COVID-19 from the Temporary Health or Residential Facilities Emergency Order to the code.

The updated compendium also includes bookmarks, hyperlinked tables of contents, and the ability to insert personal notes or highlight sections of the Code.



OAA Website: Info on Architectural Design Competitions

Architectural design competitions can be a great way to solicit a wide range of ideas and approaches for many large-scale, landmark, or infrastructure projects. Competitions equitably open up a procurement process to all types of architecture practices, large and small. Well-managed competitions encourage transparency and fairness while also allowing for public engagement.

OAA Council has endorsed for Ontario-based competitions the [Royal Architectural Institute of Canada's \(RAIC's\)](#) competition documents and guidelines. Whether you are considering entering or judging a competition or want to share the information with someone hosting one, visit the [OAA Website](#) to learn more.



Have You Renewed or Registered for Free Access to CSA Standards Yet?

CSA standards are an important reference tool for ensuring design and construction meet building code requirements. Those licensed by the OAA have *viewing* access through the CSA OnDemand platform to all standards referenced in the National Building Code and the Ontario Building Code, as well as others (including bird-friendly building design). Learn how to access this program [on the OAA Website](#).

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