



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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FAQs You May not have Asked Yet: July 2023 Edition

Exploring Holdback, Closeout and Warranties, and Forms

The seventh installment of this series existing OAA resources in the [Practice Advisory Knowledge Base](#) that address common themes and issues raised with the Practice Advisors on the free [Practice Hotline](#). This edition continues by exploring the theme of conflict of interest and copyright.

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

OAA's FAQs **Topic**

| | |
|------------------------|--|
| FAQ.00 | Index to Frequently Asked Questions |
| FAQ.08 | “Finishing” Holdback and Added Scope of Work |
| FAQ.09 | Are Construction Warrantees Transferable? |
| FAQ.20 | Where Can I Find Standard Forms? |

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 Practice Hotline, and 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.

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



Understanding Tarion Common Element Process for Condos

Certificate of Practice holders play an important role during all the stages of a condominium project, including in relation to common elements. Holders may find themselves working with Tarion in a number of ways on a condominium project, including Tarion's Qualification for Enrolment (QFE) of the project and, for post-construction warranty-related matters.

According to Tarion's commonly used definitions, "Common Elements" is a term describing the shared areas that form part of the condominium property outside an individual condominium unit. For most condominiums, warranty coverage is provided for common elements.

To find out more about the Common Element process, [click here](#).

This is a followup to the March 2022 *Practice Advisory* article, "[Tarion and Your Practice's Residential Projects](#);" the information is provided by Tarion.



I Have a Difference of Opinion with the Plans Examiner. What Should I Do?

Difference of opinions are part of daily life and the practice of architecture is no exception. While architects apply the building code using their professional judgement, it is in the first instance, the building departments which interpret the building code. Both have a common goal: protecting the public interest.

Does the plans examiner's interpretation result in decreased safety or increased risk to life or health? Is the issue primarily one of cost to the client? Is the disagreement technical (what does the code actually say?) or is it a conflict of personalities?

Understanding the nature of the disagreement or conflict is often the first step to moving things forward. Every situation is unique, but this article on the [OAA Website](#) offers some points to explore when facing a challenging situation.



When Architects are not the Prime Consultant

Architects who are Certificate of Practice holders typically fulfil the role of the prime or lead consultant, in addition to that of architectural services provider, on all sizes of project and under all types of project delivery. It remains rare in most areas of practice for the holder to be either a subconsultant or a consultant providing just architectural services, rather than the prime consultant. Holders acting as both architectural service provider and prime consultant is so common that clients, other consultants, and even holders themselves have difficulty separating the tasks typically done by holders as architectural service providers from those done as prime consultants.

[Click here](#) to read more.



Client Delay to Construction Start: Items to Consider

Imagine this situation: You have been retained by a client to provide documents suitable for a building permit submission, and to assist in the preparation of their application. When the documents are ready for submission, or perhaps once the building permit is issued, the client advises they have decided to delay applying for permit or are postponing the start of construction for an indefinite length of time. What would you do?

Read the article on the [OAA Website](#) to explore your options in this hypothetical situation.



Updates to PPE Requirements on Construction Sites: Effective July 1

Members should be aware of amendments to Section 21 of [O. Reg. 213/91 – Construction Projects](#), made under the [Occupational Health and Safety Act](#) (OHSA), addressing the requirements for personal protective equipment (PPE). These changes, effective **July 1, 2023**, explicitly require that personal protective equipment and clothing be properly fitted, including for women and a diversity of body types and sizes.

For more information and how this applies to your practice, please contact the Ministry of Labour, Immigration, Training and Skills Development (MLITSD) at the applicable regional office.



Practice Advisor Colm Murphy Retires from the OAA

In late June 2023, Colm Murphy retired from the OAA after six years of service, having joined the OAA's Practice Advisory Services (PAS) team in April 2017.

Colm graduated in 1972 from Dublin Institute of Technology's School of Architecture. Before joining as an OAA staff, Colm gained more than 40 years of experience working with both small and large architectural practices.

During his formative years in practice (1973 to 1989), he worked on mainly housing and retail projects before expanding into institutional projects, including healthcare and justice facilities—many in joint venture with other architectural firms. As part of his managing principal experience, Colm developed and negotiated client-architect agreements, consultant agreements, and construction disputes. He also served on the CSA committee on healthcare standards and various OAA committees.

Beyond assisting in supporting OAA's Practice Hotline, Colm worked on RFP Reviews for members and clients, helped develop the new OAA 2021 Contract Suite, and offered staff support on the professional coordination file with Professional Engineers Ontario (PEO).

More recently, he led an OAA Advisory Group that participated in a public review of the new CSA-Z252 Volumetric Modular Construction—Guide to Compliance and Approval Processes.

"In my work with the OAA, Colm says, "I enjoyed not only talking to members on the Practice Hotline and supporting them with queries regarding OAA regulations, but also, in particular addressing their concerns with everyday practice issues."

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