



Ontario Association of Architects

June 18, 2018

Mr. Doug Ford, MPP
Etobicoke North
Premier-Designate of Ontario
Queens Park
Toronto, ON
M7A 1A1

Dear Mr. Ford:

On behalf of the Ontario Association of Architects (OAA), we would like to congratulate you on your election as Premier of Ontario. In addition to our role as the self-governing regulator of Ontario Architects, OAA advocates on behalf of the public for a safe and healthy built environment that performs at the highest levels and elevates the human spirit. Architecture is also a cornerstone of Ontario's economy. The economic footprint of architecture in Ontario totals \$128.4 billion - 14% of Ontario's GDP. That footprint supports nearly one million jobs.

Attached with this letter you will find a copy of OAA's 2018 Election Issues Paper. It's a useful policy toolkit. Among the several issues it raises, we wanted to highlight three main points of focus:

Site Plan Approval (SPA) – It's costing Ontario builders and end users at least \$1.2 billion annually. These costs hurt development, office rents and housing affordability. SPA can and should be streamlined.

Deep Energy Building Retrofits – Building retrofits create jobs and produce lower business operating costs; creating value while at the same time addressing climate change. There are many ways to encourage building retrofits, including tax and financing incentives, direct investment and regulatory requirements.

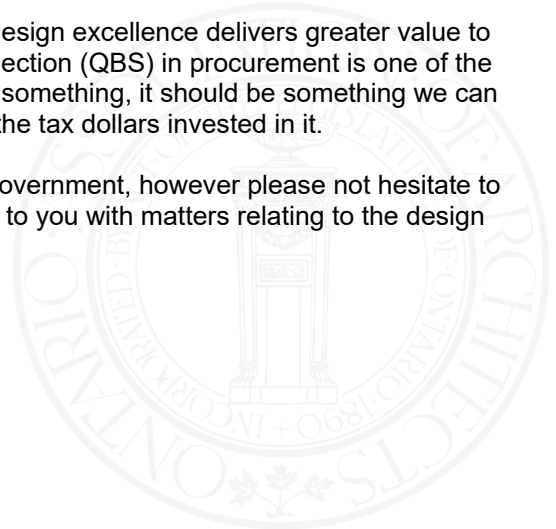
Building and Infrastructure Design Excellence – Design excellence delivers greater value to the public and grows our economy. Quality Based Selection (QBS) in procurement is one of the keys to achieving design excellence. If Ontario builds something, it should be something we can be proud of and which provides the highest value for the tax dollars invested in it.

We are committed to working with members of your government, however please not hesitate to contact the OAA if we can be of any direct assistance to you with matters relating to the design and construction industry.

Congratulations again,

A handwritten signature in black ink, appearing to read 'John K. Stephenson', written in a cursive style.

John K. Stephenson, Architect
OAA, MRAC
President





Election Issues Paper

ONTARIO ASSOCIATION OF ARCHITECTS

May 2018

Now in our 128th year, the OAA has a long history of engaging the built form in the Province of Ontario. The OAA is pleased to present a list of election issues for members to ask their candidates to take forward into the 42nd Parliament.

The Ontario Association of Architects (OAA) was founded in 1889 and is the licensing body and professional association for Ontario's architects established under the Architects Act, R.S.O. 1990, to regulate the practice of architecture "...in order that the public interest may be served and protected." The OAA has a membership of 4,000 licensed architects, 1,530 intern architects, and 1,900 practices. As part of its regulatory mandate, the Association provides a wide range of services to its members and to the public.



**Ontario
Association
of Architects**

OAA ONTARIO 2018 ELECTION PACKAGE

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INTRODUCTION

The Ontario Association of Architects (OAA) promotes positive policy change to ensure a safe and healthy built environment that performs at the highest levels by every measure. This provincial election campaign is a great opportunity to ask party leaders and district candidates questions about issues of interest to OAA members. A lot of these issues affect the province's economy and the basic needs of Ontarians.

The next Ontario general election will take place on Thursday, June 7. All Canadian citizens who are Ontario residents, and 18 years of age or older, are entitled to vote in this election. Each electoral district elects a Member of Provincial Parliament (MPP) in the Legislative Assembly of Ontario. You can find your electoral district by entering your postal code at the **Elections Ontario website**. Elections Ontario will also list the candidates running in your local district. The number of electoral districts in Ontario will increase from 107 to 124 for the June 7 general election—some shifting boundaries and name changes may mean your electoral district has changed since the last provincial election even if you have not moved.

The election issues paper is a great touchstone that covers a wide range of policy, regulatory and legislative issues that have been raised by the OAA in recent weeks, months and years.

SUGGESTED ISSUES AND QUESTIONS

Discussions with candidates can happen almost anywhere and at any time during a provincial election campaign. Whether you meet with a party representative or candidate at a local candidates' debate, community event or at your front door, keep them on their toes by asking questions about issues that matter to you. The OAA promotes policy improvements in the public interest on many subjects. Its Policy Advocacy Coordination Team (PACT) has highlighted three of these priority areas to raise for possible discussion.

Site Plan Approval
Deep Energy Retrofits
Design Excellence

These three issues, along with other important issues, are discussed in more detail in the Election Issues Paper included with this package.

SUPPORT

We're here to help. Should you require additional information on OAA positions and initiatives, you can contact:

Liam O'Brien, senior policy analyst at the Ontario Association of Architects.

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SITE PLAN APPROVAL

SITE PLAN APPROVAL

DEEP ENERGY RETROFITS

DESIGN EXCELLENCE

In October 2013, the OAA released an independent report that demonstrated the cost to the end users (homeowners and businesses) and the economy caused by Ontario's inefficient Site Plan Approval system. For a 100-unit condominium, the report found the combined impact on new home buyers could be \$2,375 per unit per month. Assuming a six-month site plan approval process for a 50,000 square foot office building, site plan approval related delays, fees and costs could add 6% to 7% to the building's total cost.

A recent update on the OAA report showed the cumulative effect of site plan delays cost the Ontario economy at least \$100 million per month, or \$1.2 billion per year. These growing costs affect housing affordability and discourage the construction of more affordable housing.

OAA's original independent report included numerous recommendations. OAA has repeatedly shared these recommendations with various provincial ministers and officials. One key recommendation would be that the provincial government issue a Provincial Guideline to clarify the purpose and intent of the site plan approval processes and set out best practices to streamline and improve the process for most developments and exempt certain public interest developments from the process.

POSSIBLE QUESTIONS

SITE PLAN APPROVAL

DEEP ENERGY RETROFITS

DESIGN EXCELLENCE

- How will your party show leadership in addressing the problem of Site Plan Approval fees, delays and costs?
- Will your party commit to implementing the recommendations of the 2013 OAA independent report on Site Plan Approval Processes in Ontario?

DEEP ENERGY RETROFITS

SITE PLAN APPROVAL

DEEP ENERGY RETROFITS

DESIGN EXCELLENCE

Various political party commitments and government initiatives have included green investment, home energy audits and retrofits. In recent years, government programs have included retrofit credits. While the home energy retrofit credits were certainly beneficial to those seeking to save energy, they mostly applied to superficial energy-saving opportunities and retrofits.

Most of our province's buildings today will still be standing in 2050. The energy used by these buildings will form a large part of the overall energy picture. As such, decisions made today about new buildings as well as building retrofits will still be felt in 2050.

The OAA has pushed for the province to establish a Deep Energy Retrofit (DER) program to significantly reduce the energy use of existing buildings. A DER program should set a target of an 80% reduction in the total energy use of the existing building stock by 2050, excluding renewable energy. Tools that could be used in such a program may include tax credits, low/zero cost loans, subsidies or grants—any/all of which could taper as the market adapts to low/no emissions buildings.

POSSIBLE QUESTIONS

SITE PLAN APPROVAL

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DESIGN EXCELLENCE

- Does your party support the creation of a Deep Energy Retrofit Program? If yes, what would your program do?
- What will your party do to ensure our buildings are retrofitted to move toward low/no emissions buildings?

DESIGN EXCELLENCE

SITE PLAN APPROVAL

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DESIGN EXCELLENCE

Design excellence recognizes the innovative skills of Ontario's architects in creating spaces, buildings and communities that respect and enhance the environment and enrich human activity. It is directly measured through five key criteria:

Creativity: the innovative nature of the design solution;

Context: the contribution a project makes to its unique location, neighbouring uses and community building;

Sustainability: the contribution a project makes toward sustainable objectives, including a reduced ecological footprint and reduced dependence on fossil fuels;

Good Business: the degree to which the project supports and interprets the business and architectural goals of the client through programming and design; and

Legacy: how the project establishes a new benchmark for architectural elegance and leaves an enriching and enduring icon for future generations.

SITE PLAN APPROVAL
DEEP ENERGY RETROFITS
DESIGN EXCELLENCE

The *Infrastructure for Jobs and Prosperity Act* (IJPA) was passed in 2015. OAA highlights two provisions in this legislation that are critical for fostering design excellence:

The requirement that design excellence be incorporated into infrastructure planning; and

The requirement that architects are to be involved on all major infrastructure projects, including projects that otherwise would not have required an architect.

Unfortunately, three years later, the OAA is still waiting for introduction of the regulations to enact and implement these provisions.

POSSIBLE QUESTIONS

SITE PLAN APPROVAL

DEEP ENERGY RETROFITS

DESIGN EXCELLENCE

- If elected, will your party introduce regulations to ensure the involvement of architects in major infrastructure projects and incorporate design excellence into infrastructure planning?
- What will your party do to foster, encourage and promote design excellence in the province of Ontario?

ELECTIONS ISSUES PAPER

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ARCHITECTURE

“SCHEDULE G”

Since October 2012, the OAA has been asking the Government of Ontario to intervene on the province’s broken Site Plan Approval process. In October 2013, the OAA released an independent report that demonstrated the cost to the end users (homeowners and businesses) and the economy from an inefficient Site Plan Approval process, recommending a number of potential fixes. The OAA has written numerous letters to Ministers, presented to staff in various Ministries, and sent deputations to standing committees and red-tape consultations. After nearly five years of work on this costly issue, Ontarians are still waiting for improvements to be made.

Just How Much Does Site Plan Approval Cost Homebuyers and Businesses?

Site Plan Approval is a hidden cost in development. Unlike many other charges during the development process that are individually recorded or have been extensively studied, little research beyond the OAA’s report has been done on Site Plan Approval. Despite that, the costs are enormous not only for end users, but also for the government, through lost or delayed jobs and tax revenue¹ associated with the delays. The report found that:

¹ The government also pays directly, as provincial buildings also go through Site Plan Approval.

Statistics Matrix From Report: A Review of the Site Plan Approval Process in Ontario

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100-UNIT CONDOMINIUM	
Page No.	Statistic
29	Huge regional variability of \$31 to \$1,386 per unit
34	227 person years of employment
37	\$44,255 total per month \$443 per unit per month (divided by 100 units)
37	\$192,384 to 193,907 per month (likely to get passed on to homebuyer)
37	\$159,879 to \$241,637 per month - Delayed tax revenue \$14,710 to 23,884 per month - Lost Retail Spending \$145,169 to \$217,753 per month
37	\$396,500 to \$479,800 per month
37-8	“The combined impact...on new home buyers amounts to roughly \$2,375 per unit, per month.”

50,000 SQ FT OFFICE BUILDING	
Page No.	Statistic
29	Huge regional variability of \$0.06 to \$1.02/sq ft
34	139 person years of employment
34	250 (50,000 sq ft office development) 300 (150,000 sq ft office development)
37	\$7,019 per month
37	\$112,292 to \$113,815 per month (likely to get passed on to the business)
37	\$4,126 to 15,993 per month
38	\$123,400 to \$136,800 per month
38	“If we assume a six-month site plan review process, these costs would add between 6% and 7% to the overall construction cost of the building.”

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The report also revealed huge regional variations in terms of fees levied for Site Plan Approvals, despite legislative requirements in the *Planning Act*² that these fees can only cover the cost of processing the application and cannot be used as a revenue source. On a 100-unit condominium, one municipality was found to charge only \$31 per unit, while another charged \$1,386—nearly 45 times more. For a 50,000 square foot office building, one municipality charged 0.06 cents per square foot while another charged \$1.02 per square foot—17 times higher.

And What Does That Mean for the Province?

Based on the 2013 report and the high volume of building permits, the OAA expected the total cost of Site Plan Approval delays to the Province to be significant. With the goal of understanding the magnitude of these costs, the OAA hired Altus Group (who performed the original costing) to update the 2013 report and roll up its findings into a cumulative impact report. The findings were staggering.

In a 2018 province-wide update of its report, Altus found that site plan delays cost Ontarians at least \$100 million per month, or \$1.2 billion per year. Given the scope and focus of the report update, this estimate is conservative.

² Section 69(1): “tariffs should be designed to meet only the anticipated cost to the municipality...in respect of the processing of each type of application provided for in the tariff.”

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Lost Competitiveness

The World Bank Group publishes an annual report (and ranking) entitled *Doing Business*. Under the category “Dealing with Construction Permits” in the 2018 report, Canada is ranked 54th in the world. In comparison, the United States (36th), United Kingdom (14th), France (18th), Germany (24th), Norway(21st), Sweden(27th), Australia (6th) and New Zealand (3rd) ranked higher. Canada has one of the longest approval processes on average (249 days). Countries ranking in the Top 10, like Australia and New Zealand, have processes that measure at less than half the Canadian time, with 121 days and 93 days respectively.

To make matters worse, Canada’s ranking has fallen year after year (53 in 2016, 51 in 2015). In a time where the Province and cities are pursuing large-scale investments like Amazon’s HQ2, this is bound to affect our chances of securing these kinds of projects.

Housing Affordability Implications

Because many housing developments go through Site Plan Approval, this process can have significant effects on housing affordability. As the OAA’s 2018 report update found, on the development of a 100-unit condominium the overall cost to the applicant

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(owner/developer) was \$228,700 to \$278,400 per month. Of 477 applications assessed in the original report, 50% of apartment buildings and more than 40% of multiple-attached residential projects took over nine months³ to obtain approval, in large part because of Site Plan Approval delays. Based on the statistics available in 2013, nine months of site plan delays can add \$1.7 to 1.8 million (most of which is passed down to the end users) in development costs, and can increase direct costs of \$4,000 more for the home owner. Indeed, we have heard stories of designated affordable housing projects incurring over a million dollars in added costs from an inefficient Site Plan Approval and therefore becoming unaffordable. While the OAA cannot guarantee cost savings will be passed on to the end user, improvements to Site Plan Approval has the potential to make housing more affordable.

What Can Be Done?

Municipalities can begin implementing recommendations from the Site Plan Approval report right away. However, this will not get us far enough. The Government of Ontario must intervene and address this costly problem for two important reasons:

³ The *Planning Act* requires a municipality to approve (or deny) a site plan application in 30 days, but municipalities frequently ignore this requirement as there is no penalty for non-compliance.

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- The first is the magnitude and severity of the problem. Our members have reported stories of site plan delays and costs actually killing projects. This in turn has killed businesses and cost the economy jobs.

- The second is that, with 444 municipalities in Ontario, the problem is too decentralized to effect change at a municipal level.

The OAA has a number of additional recommendations related to Site Plan Approval:

- The Province should commence a standalone provincial review of the Site Plan Approval process as it did for other aspects of the building approval process, namely development approvals. Alternately, the government should designate and fast-track Site Plan Approval as a sector under the *Red Tape Challenge*.

- The Province should examine restoring design exclusions that were removed from the *Planning Act* in 2006 that have significantly delayed Site Plan Approval with no real benefit to the built form. At the very least, the government should narrow the application of current design control provisions to elements like reinforcing existing character.

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- The Province should consider the updated information in the OAA’s 2018 independent report on Site Plan Delay Analysis and introduce a Provincial Policy Statement or amendments to the *Planning Act* adopting recommendations from OAA’s independent 2013 Site Plan Approval report.

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With recent debates over carbon taxes, cap and trade and emissions accounting systems, it is time to refocus more of Ontario’s infrastructure priorities toward the Province’s building stock. Ontario needs a Deep Energy Retrofit (DER) program that moves beyond small steps to achieve large reductions in energy use in buildings. Renewable energy sources and mechanical system upgrades alone cannot sufficiently reduce emissions from existing buildings.

Existing buildings account for at least 20% of all emissions in Ontario. Moreover, it has been suggested that as many as 70% of the buildings that exist today will still be here in 2050 and beyond. To this end, a DER program should aim to reduce total energy use of the existing building stock by 80% by 2050, excluding renewable energy contributions. The DER program should be a long-term, stable program that aims to create stability for the industry, enable capacity building and reduce costs through economies of scale. At the same time, it needs to be able to adapt and evolve as new technologies and techniques are discovered.

OAA’s Commitment to Sustainability

The OAA has a longstanding commitment to working with government and other stakeholders to address the issue of sustainability. In the 1990s, the Association established the Committee on the

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Environment (COTE) and more recently established the Sustainable Built Environment Committee (SBEC). SBEC serves in an advisory role to the Association on matters of sustainable design and environmental issues. The committee continues to work to promote an ecologically sensitive, highly efficient, sustainable built environment that supports the Province’s Climate Change Action Plan.

OAA Headquarters

The OAA believes that through environmentally responsible architectural design, we can achieve the energy efficiency targets necessary to tackle climate change. We believe that this is key for future generations and it can be achieved in an economically sustainable way. As such, we’re leading by example. The OAA Headquarters (located at 111 Moatfield Drive in Toronto) is currently undergoing a DER to achieve zero net carbon well ahead of 2030.

The Association has committed to the 2030 Challenge as a general policy. This challenge aims to take the building sector to zero carbon emissions by 2030. Its strategy is to set performance targets for all new buildings **AND** major renovations. As such, using 2003 as a starting point, the 2030 Challenge calls for a 50% reduction in energy use intensity (EUI) by 2010, 60% reduction by 2014,

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70% reduction by 2015, 80% reduction by 2020, 90% reduction by 2025 and the achievement of carbon neutrality by 2030.

To demonstrate the OAA’s commitment to sustainability and to generate confidence in our industry, the OAA Headquarters will achieve a 100% reduction target by the time the refresh project is complete in early 2019.

DER Program by 2020?

A DER program is a massive investment and a huge economic opportunity for the Province of Ontario. As such, it should be carefully researched. The OAA recommends the creation of a task force that includes architects, engineers, building scientists and builders to analyze the successes and failures of past DER projects across Canadian provinces and in other jurisdictions. This task force should be struck as soon as possible with the goal of putting in place a province-wide DER program by 2020.

What Can Be Done?

The OAA urges government to act quickly! With an ambitious Climate Change Action Plan already in place, there is no more opportunity for delay. A DER task force should be struck before 2020 and, following that, a program should be introduced as

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soon as possible with the goal of reducing the total energy use of the existing building stock by 80% to 70% by 2050, excluding renewable energy. Tools that could be used in such a program could include tax credits, low/zero cost loans, subsidies or grants—any/all of which could taper as the market adapts to low/no emissions buildings.

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Originally introduced as Bill 141 in 2014 and subsequently reintroduced as Bill 6 in 2015, the IJPA received Royal Assent on June 4, 2015.

One critical element of this legislation is that it requires design excellence be incorporated into infrastructure planning. As (then) Attorney General Madeleine Meilleur commented, “the province [needs] to make sure that when we build something, even a road or a bridge, that there is some design in it and it’s something that we can be proud of.”

The legislation also contains another critical provision that requires architects to be involved on all major infrastructure projects, including projects that otherwise would not have required an architect. As (then) Minister of Infrastructure Glen Murray commented when introducing the legislation:

“We’re going back to something that is a very Ontario notion: reintroducing architects and designers to save money, improve design and give us infrastructure, bridges and public spaces equal to Paris, London, Chicago or any of the small or large cities around the world.”

As the Minister correctly identified, bringing architects and engineers together helps design major projects that are “visionary” and “long-term” and ultimately “creates value.”

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Unfortunately, bringing this vision into action requires the introduction of regulations for which nearly three years later, the OAA is still waiting.

What Has This Meant for Ontario?

Failure to enact these critical regulations has meant an Ontario that continues to ignore design excellence on many of its infrastructure projects. Simply stated, Ontario has built nearly three years' worth of infrastructure that lacks the valuable insight that an architect can bring to the table.

This is three years' worth of infrastructure that has not been built or designed to the highest standards, to achieve the best value, and certainly that does not compete on the world stage.

What Can Be Done?

The OAA continues to push for these regulations. They are required to enact this critical part of the legislation. Be it for the sake of tourism, design excellence, adding value, lowering operating costs or contributing to our economic growth, the government needs to develop the regulations that will bring this legislation into full effect. The OAA will gladly work with government on related regulations that will accomplish this goal.

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What’s Wrong with Procurement?

Some procurement processes remain too opaque.

We need transparency. Many procurement processes also wrongly focus too much on lowest price. Too often, lowest price is assumed to be interchangeable with best value. Lowest price is not necessarily best value. When it comes to professional services, the only way to *effectively obtain architectural services is through a Quality Based Selection (QBS) model.* There have been other fundamental shifts in procurement as client groups seek to transfer as much risk as possible onto third parties. *We need clearer agreements that fairly and correctly apportion risk.*

Quality Based Selection (QBS)

What is QBS?

Sometimes also called qualifications-based selection, QBS is a procurement process that helps to ensure that government (or any client group using this procurement method) secures an architect (or engineer) that is the most innovative, skilled and qualified bidder for the particular project, rather than selecting solely based on the lowest bidder. Whereas lowest price directs an architect to spend their time on figuring out how to complete the job in the cheapest way, focusing on qualifications allows

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an architect to figure out how to deliver the best possible building to their client.

Does Anyone Actually Use QBS?

QBS is not a new concept—it has been the law federally in the United States since 1972 on account of the *Brooks Act* and, since then, almost all U.S. state governments have passed their own mirror legislation. Hundreds of American municipalities also use QBS¹. Even here within Canada, QBS is used by the Province of Saskatchewan, by the Ontario Government’s own agency Metrolinx, by a handful of major municipalities throughout the country, and by a number of organizations, including the YMCA.

In 2006, a guide (“Infraguide”) on *Selecting a Professional Consultant* was prepared jointly by the Federal Government, Federation of Canadian Municipalities and the National Research Council. This guide notes that architectural services cannot be obtained like commodities (e.g. pencils and toilet paper) and that the only effective way to hire architects is by selecting them based on qualifications, not by their price. This has been recognized as a best practice for Canada.

¹ Presentation to Public Services and Procurement Canada (PSPC) by the American Council of Engineering Companies (ACEC), September 18, 2017.

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In September 2017, the Federal Government committed to running a QBS pilot and is currently reviewing its construction pipeline for suitable projects. The OAA and a number of other organizations in the design and construction industry have strongly supported this endeavour.

Won't That Raise Costs?

U.S. research shows that lowest-bid is found to increase overall construction costs through an increased number of change orders and higher project maintenance costs. In addition to this, Infraguide notes that a modest investment of a few percentage points more in design can have an 11-fold increase in lifecycle value. This is because focusing on best value and innovation (as opposed to lowest cost) can deliver project efficiencies, anticipate and address otherwise costly complications, reduce or eliminate change orders, reduce or eliminate cost overruns, reduce long-term operating costs and improve efficiency and productivity.

It is also important to remember that QBS doesn't exclude price—it just removes it from the original scoring. Once the top proponents have been picked, negotiations including price begin. If the parties cannot reach an agreement on price, then the government is free to move on to the next proponent.

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What Can Be Done?

In the short term, the Provincial Government should join the Federal Government in establishing a QBS pilot program for architectural services. The Government of Ontario should additionally commit to, subject to the findings of the pilot project, implementing a full-scale QBS procurement model for architectural services.

The Government of Ontario should also immediately clarify within the Broader Public Service Procurement Directive (BPSPD) that architectural services do not need to be procured on the basis of lowest-price, allowing itself and other public entities² to use the procurement model of their choice (including but not limited to QBS).

Apportioning Risk

The OAA does not oppose an appropriate transfer of risk in instances where the risk can in fact be transferred and where another party might be best-suited to manage that risk. However, in a growing number of instances, architects are being asked to take ownership over factors that are beyond their control, or would actually compromise or

² The BPSPD is a procurement directive that governs the purchase of goods and services by hospitals, school boards, universities, colleges, municipalities, provincial Ministries, etc.

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invalidate their liability insurance that exists to protect the public. In many instances, the OAA now sees contracts with more pages of revisions and supplemental conditions than the original contract itself.

Within these contracts and pages of conditions, we are often finding that architects are being asked to provide warranties or guarantees that no professional can provide and that will invalidate their professional liability insurance. For instance, do doctors guarantee their diagnosis is correct or that you won't have complications from a procedure? Would lawyers guarantee they will win every case? No. Instead, professionals are held to a standard of care/practice defined by the courts. Moreover, they are held accountable when they fail to meet these standards. The same principles apply for architects.

Why Does This Matter?

Professional liability insurance exists to protect and compensate the public if something is ever to go wrong. Not surprisingly, clauses that invalidate liability insurance puts clients and the public at risk.

If an architect signs a condition or contract that invalidates their liability insurance, that architect is engaging in professional misconduct.

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Such misconduct can result in sanctions against the architect and may even result in the loss of their license. The OAA has been proactively warning architects about these problematic conditions and contracts through RFP Alerts when these instances occur, and our members aren't always heeding the warnings, resulting in unfair competition. Those willing to risk professional misconduct continue to compete at an enormous risk, while those who follow the advice of their regulator and insurer do not. Reduced competition is not in the public interest.

What Can Be Done?

Client groups should revise clauses when professional regulators, who exist to protect the public, or their insurers, alert clients that provisions within contracts will invalidate liability insurance. It is in no one's interest to put the public at risk.

Clients should also make earnest efforts to go back to simpler, plain language contracts. Countless pages of cross-referenced revisions and legalese drive up procurement costs and create situations where things can be missed. The OAA has a set of standard contracts that have been developed jointly by architects and clients that could readily be adopted. These documents have been roundly endorsed by the construction industry and the courts as fair and balanced agreements. Indeed, some client groups

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already use these contracts with little to no revision or supplemental conditions.

Finally, clients should consider who can best manage the set of risks associated with a procurement. They should not try to inappropriately transfer risk onto someone who is not best-suited to manage the risk. Client groups, such as the provincial government, should try to get back to a more balanced procurement process.

Improving the P3 Process

What is a P3?

Public-Private Partnerships (P3s), often also referred to as Alternative Financing and Procurement (AFPS), are formal partnerships between private and public sector entities. The main reason that governments claim to deliver large-scale infrastructure projects through P3s is the opportunity to provide improved services for lower lifecycle cost, known as Value for Money (VfM)³. VfM compares lifecycle costs of an infrastructure project delivered through a P3 model and through a traditional procurement model. Proponents of P3s claim many elements of this alternative procurement model, including contracts that support innovation, management of complete

³ Matti Siemiatycki & Naeem Farooqi (2012): Value for Money and Risk in Public-Private Partnerships, Journal of the American Planning Association, 78:3, 286-299.

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lifecycle costs and allocation of project risks so that governments are protected, all help to drive VfM. Despite that, technical evaluations of VfM are not released publicly.

Responding to major infrastructure RFPs takes significant time and effort. The fact that so much work is procured under this model means that architectural firms’ business models need to adapt to suit this model. Architects responding to P3 procurement competitions are increasingly performing work at very high levels and should therefore receive reasonable honoraria for their proposals.

Why Should Architectural Firms Receive Honoraria?

When firms agree to submit a proposal to design major infrastructure projects, typically under a P3 procurement model, significant time, effort and money is spent to respond to the RFP. As each response may ultimately help toward delivering the best final product, compensation is often provided.

The Canadian Design Build Institute (CDBI) Practice Manual succinctly comments that the “Owner derives benefit from this effort and should be prepared to pay a reasonable fee for these professional proposals and services.”

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Don't Architects Receive Honoraria Now?

In some instances, our members report that no honorarium is provided. In others, major client groups do recognize and provide an honorarium, but the amounts are woefully inadequate given the extensive expenditures. On major infrastructure projects projected to cost hundreds of millions or even billions of dollars, pursuit costs for bidders can be in the millions. Meanwhile, honorariums are reported to be in the range of tens of thousands of dollars.

Why does this matter?

Large firms do not necessarily go unaffected as a result of the P3 process. Firms report that they can only put together a limited number of proposals before the costs become so prohibitive that they have to stop bidding on major infrastructure work. Some of our largest firms report that they are no longer responding to P3 RFPs. Reduced competition is bad for the profession, but much worse for the government and the people of Ontario.

What can be done?

The Government of Ontario ultimately has two choices. The simplest is to pay reasonable honoraria as defined by the CDBI guidelines. This will ensure

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that architectural firms are properly compensated for their work.

Alternately, the government can try to procure work in ways that are less onerous and less costly for proponents to bid on. As opposed to bundling multiple procurements or creating large contracts in the hundreds of millions or billions of dollars, the government can break up contracts into smaller components reducing pursuit costs and creating more opportunity for mid-sized firms to participate. For example, a public transit system could procure different architects for each station, integrating local context and creating unique identities for different communities all tied together by an overall master plan.

On a bigger level, the OAA has been recommending that the Government of Ontario and its agencies, such as Infrastructure Ontario (IO), must be more transparent when it comes to P3s. In particular, the OAA believes that the final design proposal, as well as the design submissions (in whole or in part), should be made public. Additionally, the government should ensure that each design firm is compensated with a reasonable honorarium for the time and effort that they each expended while developing their proposals.

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The 2014 Provincial Budget contained an important and aptly named item: *Strengthening Building Safety*. As explained at the time, “*the Building Code Act, 1992*, does not require the involvement of professional engineers and architects in the design of certain types of buildings. As a result, there is a risk that non-qualified people may attempt to design large and complex buildings, putting public safety at risk.” The Government committed to introduce amendments that would “clarify that only qualified designers and design professionals can design certain types of buildings in Ontario.”

Amendments were subsequently made which have improved the process, but they did not go far enough. In the opinion of the OAA, the public remains at risk.

Why Does This Matter?

Prior to 2006, the Ontario Building Code contained a professional design requirements table that clearly delineated when an architect and/or engineer is required for the design of a building, as well as the types of facilities the public can design.

While the professional design requirements are still included in both the *Architects Act* and the *Professional Engineers Act*, a court case in 2006 stripped this table out of the Ontario Building Code

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based on a technicality, making these requirements more difficult to find. As a result, building officials have lost this important tool in their toolbox and some buildings continue to be designed by unqualified professionals. While the OAA has been requesting this as far back as 2007, the OAA joined forces with the Ontario Building Officials Association (OBOA), Large Municipalities Chief Building Officials group (LMCBO), and the Association of Registered Interior Designers of Ontario (ARIDO) to make a collective call to the Government of Ontario to request that the table be reinstated into the Ontario Building Code to assist building officials in their important work of protecting public safety.

So Why Hasn't Government Acted?

While the professional design requirements table is a document that was jointly authored and distributed by the Professional Engineers of Ontario (PEO) and OAA, PEO has opposed reintroducing it to the Ontario Building Code, arguing that only their organization has the right to determine when an engineer is or isn't required for the design of a project. This has effectively taken away a front-line protection from the public whereby building officials could refuse a permit application if it were not prepared by the appropriately qualified design professional according to the parameters set by the OAA and PEO.

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What Can Be Done?

The government can commit to strengthen building safety by listening to the majority of the industry and restoring the professional design requirements table to the Ontario Building Code.

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Architecture Policy

What Does This Refer To?

The OAA’s counterpart in Quebec—the Ordre des Architectes du Québec (OAQ)—has been actively working to secure a policy on architecture within the Province of Quebec. This work is commendable and, in the simplest terms, seeks to raise the standard of architecture throughout the province. More specifically, a policy on architecture can help raise awareness about the importance of the built environment, promote design excellence and also address other key issues such as sustainable development, housing affordability and economic growth. Other regulators and architectural associations, including the OAA, have been following these developments closely and have been participating in conversations at the national level.

What Can Be Done?

At this time, a prospective policy on architecture is still being established. While that conversation is ongoing, the OAA would be glad to start working with the Ontario Government to establish such a policy.

The OAA hopes that policy work done at the national level becomes inspirational for discussions

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with the Provincial Government to explore the implementation of a similar policy in Ontario.

Architectural Recognition

What is Architectural Recognition?

Architectural recognition can take a number of forms and its function is to recognize the specific architect behind a particular building. In 2016, the City of Toronto introduced an architectural recognition requirement for all buildings that are 1,000 square metres or more. It was recognized that architectural tourism is an important element of tourists’ interest in the history and culture of the places they visit. Since then, Hamilton City Council has committed to exploring architectural recognition, and individual councilors in Ottawa have similarly expressed an interest.

Why Does This Matter?

Architectural tourism is significant to Ontario’s economy. In 2007, Ontario’s Ministry of Tourism released a study on travel activities and motivations, and found that 39% of visitors cited “...strolling around a city to observe its buildings and architecture” as an activity during overnight trips. The Ontario Arts Council found that arts and culture tourists “...contributed \$3.7 billion towards

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the province’s gross domestic product (GDP).”

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What Can Be Done?

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The Government of Ontario should take steps to ensure that architectural recognition is nurtured and able to flourish. A provincial requirement for architectural recognition would support this goal.

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Why Does Heritage Architecture Matter?

While the OAA recognizes that not every building can (or should) be saved, Ontario must give greater consideration to protecting the province’s unique architecture before it is gone. Architecture is significant to our province’s arts and culture industry, and a predominant factor driving tourism. It is also significant in recording our culture and our history.

Over the past year, the OAA has been compelled to join a number of conversations regarding important historical buildings in the province. In these instances, the OAA pushed for adaptive reuse as the preferred option.

Another issue relates to what we call “demolition by neglect” and post-disaster response, both of which tend to have the same outcome: building officials condemn a building and hit it with a wrecking ball. In communities such as Goderich, Hamilton, Kitchener and Ottawa, architects with demonstrable experience in heritage contested that various buildings could (and should) be saved.

Whether or not that was true, the deciding factor generally appeared to be a lack of political will and a lack of appreciation for the architectural and cultural significance of these structures in our

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communities. Our first response should not always be to condemn buildings that have been compromised. Again, if we don't value our built heritage, there will ultimately be very little of it left.

What Can Be Done?

In the United States, the Federal Emergency Management Agency (FEMA) has made it a practice to integrate architects into their post-disaster response teams. These architects bring unique insights and expertise into assessing compromised structures and the need or value in preserving them. Ontario must better incorporate architects into decision-making processes around saving or demolishing historically significant buildings.

Raising cultural awareness about the value of buildings with a community is important, especially in instances where there is time to assess the building's value. This is especially true in non-emergency settings. Architects can play a key role in understanding a building's history and its role in the community; they can also suggest ways to integrate historical building fabric into new uses. This is important for cultural as well as pragmatic reasons. Saving buildings reduces waste from demolition and helps take action of climate change by recognizing the embodied energy present in existing buildings.

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What is Schedule G?

Schedule G is a schedule attached to regulations associated with the *Condominium Act*. The form was designed for new condominiums and did not take into account conversions of previously constructed buildings.

Why Does This Matter?

Through Schedule G, architects are required to certify that aspects of the building(s) were constructed in accordance with the regulations under the *Condominium Act* and in general conformity with the construction documents.

On previously constructed buildings, unless the architect associated with the conversion was also the architect during the building’s original design and construction, the architect cannot possibly certify critical aspects that relate to the original construction.

What Can Be Done?

The OAA has been asking the government since 2008 to make small but critical revisions to Schedule G. In the last few years, the Ministry of Government and Consumer Services has committed to engaging the OAA during the *Condominium Act* Review.

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While we understand this this review is ongoing, 10 years is a long time to wait. It's time to commit to implementing the necessary reforms to Schedule G.

APPENDIX: Hosting a Candidates Forum

Appropriate Content

Careful Planning

Moderation

SUCCESSFUL CANDIDATES FORUM

Event Promotion

Multi - Party Representation

Convenient Location, Date, Time

The provincial election presents opportunities to plan all-candidates' meetings or forums where our members and other participants can hear from representatives from each party (and possibly independents) on a variety of issues. Local Architectural Societies may choose to host one of these meetings within your catchment area or partner with other groups or associations to host a meeting. This sheet is provided with the approval of the OAA's Policy Advocacy and Coordination Team (PACT) to offer some possible tips on hosting such a meeting.

Plan, Book and Invite Early

The most important thing to consider in hosting a forum is the time and location. The sooner you are able to confirm these two aspects, the sooner you can invite candidates and promote the event.

Candidates' participation is easier to secure if you contact early with any helpful event details, and follow up often.

At a forum, speakers answer questions directly from audience members, panelists or a moderator, but for the most part do not directly engage with each other. Speakers are usually at the front of the room. There are other formats for candidates' meetings, including full debates. It's important to decide on a format early in your plans.

When choosing a site, you may be able to secure free or low-cost local facilities, such as school auditoriums, civic centres or theatres. Other possibilities include hotels and studios. A smaller room fills easier and can be more comfortable for participants. The site should be neutral. Consider your seating plan and any technical requirements. Depending on the anticipated attendance, you may not need much beyond seating, podiums and a microphone/sound system. In addition to seating, your venue can often supply a microphone and sound system. Consider classroom or theatre seating for the audience, a place for a moderator and either a front-table or podiums for candidates.

Theme

Since we are interested in finding out as much as we can about the candidates' views and positions, setting a theme will help focus questions. Depending on the number of candidates attending, ask no more than three to five questions. You may want to consider providing them in advance, as this tends to lead to better answers. At all times, the host/moderator should remain neutral, manage time and adhere to a prepared and circulated agenda. There may be local issues you may wish to cover.

Allow for some social time after the forum for audience and candidates to mingle. Consider offering light refreshments. Most important, enjoy your event.