

# Ontario Association of Architects

## 2017 Admission Course

### Legal Aspects: Contract Law, Professional Liability and Architects Contracts

#### Presenters

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#### PART I – Contract Law and Professional Liability

This session will demystify the law and the basics of what architects need to know about common law, the judicial process and professional liability.

##### The Ontario Courts System

- A brief overview of the courts system and the judicial process
- Alternative Dispute Resolution: mediation and arbitration

##### Law of Contracts

- What is a contract and the basic elements of contract law;
- Legal ramifications of contract law;
- Advantages of written contracts;
- Disadvantages of oral contracts;
- Case studies.

##### Law of Negligence

- Differentiating between contract and tort law;
- Duty of care;
- Standard of Care;
- Liability to persons outside of contract;
- Case studies.

##### Professional Liability and ProDemnity Insurance Company

- The basics of professional liability insurance;
- Requirements for liability insurance under the Architects Act;
- Types of claims;
- How to give notice of a claim;
- The anatomy of a lawsuit;
- Risk Management - how to avoid claims and lawsuits;
- Case Studies.

## **PART II - Architects Contracts**

Regardless of the type or size of project, architects should prepare and execute written contracts, with clients, consultants and employees. This session looks at standard types of contracts for architectural projects and other types of agreements. Topics will include:

- Architects Contracts. Types of contracts architects use and why – including Client/Architect and Consultant/Architect contracts;
- The agreement process, documentation and execution of contracts;
- Issues of executing contracts with corporations, building committees and boards
- Establishing personal goals for processes of contract negotiations on such matters as fees, retainers, partial services
- Various forms of standard and hybrid contracts including:
  - ❖ OAA Standard Forms of Contract:
    - ✓ Standard Form of Contract for Architect's Services – OAA 600 - 2013, OAA 601 – 2013;
    - ✓ Supplementary Conditions for Architect's Services for Design-Build Projects (PT.25);
    - ✓ Standard Short Form of Contract for Architect's Services – OAA 800 - 2011;
    - ✓ Standard Contract between Architect and Consultant – OAA 900 – 2014.
  - ❖ RAIC Canadian Standard Forms of Contract:
    - ✓ Document Six, 2006
    - ✓ Document Seven, 2008 (Abbreviated Version)
    - ✓ Document Eight, 2007
    - ✓ Document Nine, 2007
  - ❖ Owners' "standard" contracts
  - ❖ Supplementary Conditions to standard association contracts

### **Reference Materials:**

- Standard Form of Contract for Architect's Services – OAA 600 – 2013, OAA 601 – 2013 and Supplementary Conditions for Architect's Services for Design-Build Projects (PT.25);
- Instructions and commentary for Standard Form of Contract for Architect's Services – OAA 600 – 2013 & OAA 601 – 2013;
- Standard Short Form of Contract for Architect's Services – OAA 800 - 2011;
- Standard Contract between Architect and Consultant – OAA 900 – 2014.
- Guide to OAA 900 – 2014;
- RAIC Canadian Standard Form of Contract for Architectural Services – RAIC Document Six, 2006
- Guide to RAIC Document Six, 2006
- RAIC Canadian Standard Form of Contract Between Client and Architect – Abbreviated Version - Document Seven, 2008
- Guide to RAIC Document Seven
- Canadian Standard Form of Agreement between Architect and Consultant, Document Nine, 2007
- Guide to RAIC Document Nine
- OAA Practice Tips:
  - PT.5, PT. 12, PT. 15 PT. 21, PT. 22, PT. 25, PT. 26, PT. 27, PT. 29, PT. 30, PT 31, PT 32.

### **Supplementary Reference Materials:**

- \*The Architects Act R.S.O 1990, Chapter A. 26 as amended
- \*Ontario Regulation 27 as amended
- Canadian Handbook of Practice:
  - ✓ Chapter 2.1.9 - Risk Management and Professional Liability
  - ✓ Chapter 2.1.7 - Human Resources
  - ✓ Chapter 2.2 - Standard Forms for the Management of the Practice
- RAIC - A Guide to Determining Appropriate Fees for the Service of an Architect, 2009

\*These can be accessed from Publications Ontario on the Web at: [www.e-laws.gov.on.ca/](http://www.e-laws.gov.on.ca/)

### **Course Rules of Conduct**

You are welcome to use your laptop, ipad or phone to take notes and review the provided materials. Please do not use your electronic device for activities that may distract your neighbour(s).

### **Grading**

You may take any number of lectures at any time over the course of your internship but you must complete them all before you can apply for licence. Once you have registered for a session, your attendance is mandatory. To complete the Admission Course, you must attend every session in full. You will have to re-attend at your own cost if you arrive late or leave early.

### **Evaluations**

Evaluation links will be emailed to each attendee for comments and feedback.