



Practice Advisory

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



CBHCC
Canadian Board for Harmonized
Construction Codes

CCHCC
Comité canadien de l'harmonisation
des codes de construction

Public Review: Proposed Changes to the 2020 National Model Codes – Participate Now

Share Your Feedback by December 18

As advised in the Ministry of Municipal Affairs and Housing (MMAH)'s [CodeNews 345](#), the [Canadian Board for Harmonized Construction Codes \(CBHCC\)](#) is inviting the public to take part in the Fall 2023 public review of proposed changes to the 2020 editions of the National Model Codes. The deadline is **December 18**.

The proposed changes encompass a wide variety of topics, including alterations to existing buildings, protection of encapsulated mass timber, greenhouse gas emissions, envelope airtightness and thermal bridging, HVAC equipment efficiency, and windows and doors. To learn more about the proposed changes, and how to comment, visit the [CBHCC website](#).

Since future changes to the Ontario codes will come through the National Model Codes, members are encouraged to bookmark the [CBHCC](#) landing page and learn more about Canada's National Model Codes and how they are developed, submit code change requests, become familiar with the code review process, and find information about upcoming board and committee meetings.

To read the OAA's previous submissions to CBHCC, visit the OAA's [Government Relations portal](#).



Ask a Practice Advisor: Are Non-Competition Clauses Enforceable?

Every so often, the [OAA Practice Hotline](#) is asked about non-competition clauses. The two most common scenarios are when an employee leaves to start their own practice, and when a partner leaves a practice to start their own or join another practice. Questions from the Practice Advisor include "What does your employment/partnership agreement state?" and "What does your lawyer advise?"

Due to recent changes in applicable law, practices should review, in consultation with an employment lawyer, their use of non-competition clauses to determine if they are still legal, and if they will be effective in achieving the desired outcome. [Visit the OAA Website](#) to read more.



Next Edition of the OBC Expected in Early 2024

The OAA met with [Ministry of Municipal Affairs and Housing \(MMAH\)](#) staff to inquire about timelines regarding the introduction of the next edition of the Ontario Building Code that

will replace the current 2012 Edition. While plans are still being finalized, MMAH staff confirmed the introduction of the new Code is expected in early 2024. MMAH staff also acknowledged industry concern about having adequate time to prepare for the new Code's launch and are seeking to develop a transition plan to ensure those interfacing with it have time to familiarize themselves before it becomes mandatory.

The biggest overhaul since its original introduction in 1975, the 2024 edition of the Ontario Building Code is anticipated to contain approximately 2,400 changes. MMAH plans to provide ongoing education and training during this transition to ensure a smooth implementation of the new Code for the industry.

The OAA will keep members updated as information is received.



As the impacts of the COVID-19 pandemic on the design and construction industry have demonstrated, unpredictable material and labour cost increases can cause significant hardships on consultants and contractors in fulfilling their obligations to their clients through fixed price contracts. [Visit the OAA Website](#) to see how the inclusion of a price escalation clause may help manage expectations for the project team and help mitigate unnecessary conflicts, delays, and claims by setting expectations in advance.

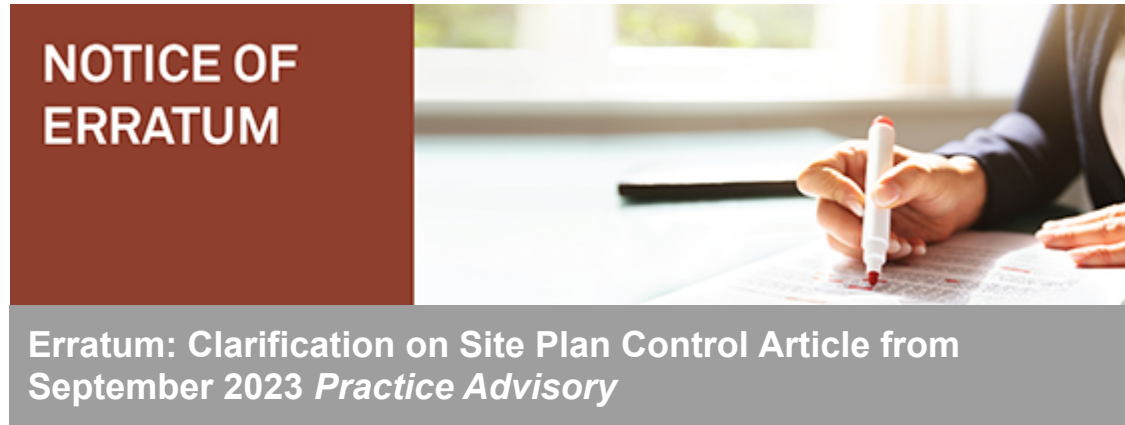


The Ministry of the Environment, Conservation, and Parks is [proposing amendments](#) to come into effect on **January 1, 2024** for *Ontario Regulation 406/19 On-site and Excess Soil Management* and the Rules for Soil Management and Excess Soil Quality Standards. Its goal is to encourage greater reuse of low-risk excess soils as part of a circular economy and to prevent usable soil from being disposed of in landfill.

The public consultation regarding these proposed amendments closes at 11:59 pm on **December 1**, and comments can be submitted via the Government of Ontario's [website](#).

Members working on construction projects that involve excavated soil should be familiar with the requirements as well as understand the project team's roles and responsibilities under the *Environmental Protection Act*. Members should also review the regulation to confirm their project specifications make appropriate references to the regulation's requirements, processes, and timings.

For previous OAA Items on this topic, refer to [Issue 15](#), [Issue 16](#), and [Issue 23](#) of the *Practice Advisory* e-newsletter.



There was a typo in an article in the last *Practice Advisory* e-newsletter, "Site Plan Control: New Regulation Under the *Planning Act*," shared on September 15, 2023.

Members are encouraged to review the regulation in its entirety and consult with legal counsel as appropriate. To read the corrected article on the OAA Website, [click here](#).

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