



Practice Advisory

Practice Advisory brings to members' attention topics that have an impact on either management of the practice or management of the project. In addition to excerpting the new Practice Tip 39.1, *Best Practices for Review of RFP Language and Supplementary Conditions to OAA 600 and Other Client-Architect Contracts*, it shares other information relevant to members. (Time-sensitive news can also be found in the regular *OAA News* e-newsletter.)



Best Practices for Review of RFP Language and Supplementary Conditions to OAA 600 and Other Client-Architect Contracts—Excerpt 2

What You Should Know, What to Look For and What to be Wary Of:

The OAA continues to review RFPs and contracts with the intent of identifying requirements and/or provisions that:

- may be uninsurable;
- require an architect or Licensed Technologist OAA to contract out of their professional obligations as set out in the Architects Act and Regulation 27;
- are a contravention of either piece of legislation; or
- unreasonably increase their obligations beyond those at law.

The following does not constitute legal advice. It is one in a series of excerpts from [Practice Tip 39.1](#) that should assist practices in making a 'go/no go' decision with respect to responding to an RFP or in contract negotiations. Members should familiarize themselves with all of [39.1](#) and refer to it when reviewing RFPs, and bid and contract documents.

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Information on New OAA Contracts

The changes to the *Construction Act*, which came into effect on October 1, 2019 (prompt payment and adjudication) have resulted in new versions of all the [OAA standard contracts](#). The new versions “with Amendments to October 1, 2019” include the changes incorporated into the previous “with July 1, 2018 Amendments,” and are intended for use on projects where the procurement started on October 1, 2019 or later. Revised commentaries and guides are also available on the OAA Website.

The OAA is revising the various Practice Tips, Regulatory Notices, and other documents on the OAA Website for conformity with the *Construction Act*.



Changes to Standards Referenced in the Ontario Building Code

On January 1, 2020, Table 1.3.1.2. of Division B of the Building Code is being updated. (See O.Reg. 88/19, s.4.) This table lists which version of which standard is referenced by which clause in the Ontario Building Code. Practices should review which standards

they are designing to and requiring compliance with in their specifications. This applies particularly to projects submitted for permit after December 31.



Publication of Certificates of Substantial Performance

The *Construction Act* requires Certificates of Substantial Performance (CSPs) to be published in a “daily construction newspaper,” but this includes such publications that are digital-only, as well as print editions such as *Daily Commercial News*. This creates a situation in which subcontractors and suppliers will have to monitor multiple publications in order to preserve their lien rights.

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Comment on Proposed Building Related Changes

Ontario is modernizing services related to the province's building code to help speed up the construction of new housing and building projects. The changes include new and updated tools and resources to help people better understand code requirements, as well as the creation of an administrative authority to:

- deliver new and enhanced services such as digital tools to support municipal e-permitting;
- help municipal governments increase the number of building inspectors;
- introduce continuing professional development for registered building code professionals; and
- assist small, rural and northern municipalities to deliver better building services.

Until November 25, architects are encouraged to share their perspective and comment on these proposed changes through an open consultation period and a survey.

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On November 13, the Ministry of Municipal Affairs and Housing (MAH) issued *Ontario CodeNews* e-bulletin #289, announcing six webinars on the coming amendments to the Ontario Building Code:

- Part 5–Environmental Separation (November 19, 1–2:30 pm);
- Parts 6, 7, 8–Heating, Ventilating, and Air Conditioning, Plumbing, and Sewage Systems (November 21, 1–2:30 pm);
- Part 3–Large and Complex Buildings (November 26, 1–2:30 pm);
- Part 9–Housing and Small Buildings (November 28, 10–11:30 am);
- Part 4–Structural Design (December 3, 1–2:30 pm); and
- Stairs, Guards, and Handrails (December 5, 1–2:30 pm).

While it is our understanding that the sessions are already full, those registering for the wait list for a session will get access to a recorded version of the webinar material.

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The OAA office is located at 111 Moatfield Drive, Toronto, ON M3B 3L6