



Ontario Association of Architects

February 20, 2020

Hon. Steve Clark, Minister of Municipal Affairs and Housing  
Ministry of Municipal Affairs and Housing  
17<sup>th</sup> Floor, 777 Bay Street  
Toronto, Ontario M7A 2J3

[sent via email]

Dear Minister,

As you may be aware, the Ontario Association of Architects (OAA) and Professional Engineers Ontario (PEO) began consulting with each other in 2016 regarding professional coordination and the implementation of Elliot Lake Inquiry Recommendation 1.27:

*For the construction of any buildings requiring the services of more than one professional consultant, either a professional engineer or an architect should be designated by the owner or the owner's agent as the prime consultant to perform the roles and responsibilities of that position, as defined by one or the other or both of the Professional Engineers of Ontario and the Ontario Association of Architects.*

Following our consultations with PEO, the OAA is prepared to make a number of recommendations to your Ministry that are designed to be easily implemented yet highly effective at meeting the Commission's recommendation and in protecting the public interest.

As highlighted by the Elliot Lake Inquiry, changes must be made to the *Building Code Act* and *Ontario Building Code* so that a chief building official can require the identification of a prime consultant before a permit will be issued. It is also recommended that a definition of prime consultant be introduced into the *Building Code Act*. No other legislative or regulatory changes are required as the remainder of our proposal utilizes existing provisions and authorities within both the *Architects Act*, RSO 1990, c. A.26 and *Professional Engineers Act*, RSO 1990, c. P.28, to govern how this work will be conducted.

Both pieces of legislation already contain an explicit provision that "[a]n architect or a professional engineer may act as prime consultant for the construction, enlargement or alteration of a building." Architects are already trained to serve as prime consultants and, indeed, already do this through the course of their professional work. Architects are also regulated in their performance as prime consultant through OAA Practice Tip (PT) 27, a mandatory continuing education program, mandatory liability insurance, and all other protections afforded to the public via the *Architects Act*.

It has been nearly eight years since the tragedy at Elliot Lake and the people of Ontario deserve a response. The urgency of action was again repeated by the recent Ministry of Municipal Affairs and Housing consultation on *Transforming and Modernizing the Delivery of Ontario's Building Code Services*.

The government has an opportunity to show strong leadership in addressing an outstanding recommendation from the Elliot Lake Inquiry. The OAA would appreciate the opportunity to work with you and any partner Ministries to enact this simple and effective solution.

Sincerely,

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

Kathleen Kurtin  
OAA, FRAIC  
President

**Attachment:** Proposal – Professional Coordination for Design and Construction Projects





Ontario Association of Architects

# PROFESSIONAL COORDINATION FOR DESIGN & CONSTRUCTION PROJECTS

## 1. Background

The Honourable Paul R. Bélanger, Commissioner of the Elliot Lake Commission of Inquiry, provided in his Report a recommendation to the Province of Ontario that there should be an Architect (OAA) or a Professional Engineer (P.Eng) identified as the prime consultant on every construction project.

More specifically, Recommendation No. 1.27 in the Commissioner's final report, released on October 15, 2014, states:

*"For the construction of any buildings requiring the services of more than one professional consultant, either a Professional Engineer or an Architect should be designated by the owner or the owner's agent as the prime consultant to perform the roles and responsibilities of that position, as defined by one or the other or both of the Professional Engineers of Ontario (PEO) and the Ontario Association of Architects (OAA)."*

In accordance with the above recommendation, this document identifies the professionals who must provide the professional coordination on construction projects, as defined by the OAA. The scope of this document does not extend to buildings that are exempt from professional design and general review requirements as described in the Ontario Building Code.

## 2. Who Must Provide Professional Coordination

The Prime Consultant has the responsibility of providing professional coordination. As such, professional coordination is provided through a certificate of practice issued by the OAA, or in the case of engineers, a certificate of authorization issued by the PEO.

The prime consultant must be a member of the design team, and:

- an Architect; or
- Licensed Technologist OAA practising in accordance with the terms conditions and limitations of their licence; or
- Professional Engineer, who practises within civil, mechanical, structural, and electrical engineering fields; or
- an engineering technologist class of limited licence holder practising in accordance with the limitations on their licence, which include civil, mechanical, electrical, and structural,

who is the holder of a licence or certificate issued under the *Architects Act* or the *Professional Engineers Act*.

### 3. Responsibilities of the Prime Consultant providing Professional Coordination

The prime consultant will be:

- a. the point of contact for all authorities having jurisdiction;
- b. the point of contact for the owner;
- c. the point of contact for all the other professionals of record;
- d. the point of contact for all the other members of the project team;
- e. the point of contact for the constructor; and
- f. responsible for all coordination on the project in accordance with their professional obligations and contract with the client.

### 4. Implementation

Modify the *Building Code Act*:

- Amend Section 1(1) to include a definition of prime consultant.
- Amend Section 8(2) to clarify that a building permit will not be issued unless a prime consultant has been identified.

Modify to the *Ontario Building Code*:

- Amend Section 1.2 to require a prime consultant be retained and responsible for the design and general review of every building in accordance with Table 1.2.2.1 for General Review as set out in the Ontario Building Code as of January 1, 2020.