

Distribution of Plans Examiner’s Notices

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Background

The applicant for a Permit to Demolish or Construct is normally the primary contact for all correspondence or inquiries by the building department. Some building departments or other authorities will only forward communications and permit set mark-ups to the permit applicant. Having the owner or project manager as the permit applicant, rather than the certificate of practice (CoP) holder (as recommended in Practice Tip PT.08), must rely on whoever received the communications and permit set comments from the building department to forward the information to the CoP holder in a timely manner. Otherwise the CoP holder will be unaware of the comments and changes to the documents required by the building departments or other authorities.

Suggested Approach

Architectural services contracts should address how the distribution of plans examiner’s comments will occur. It is suggested that the CoP holder request such notices also be copied to them, or to the “coordinator of the work of all architects and professional engineers,” where the coordinator is other than the CoP holder.

Where the building department or other authority having jurisdiction will not forward the plans examiner’s notices, comments, or other correspondence relating to the permit application to the holder, it is recommended that the holder send to the client a letter based on the following wording at the time the permit application is submitted if it is not already addressed in the contract.

“Please be advised that notices, comments, and notifications relating to the rezoning, site plan agreement, building permit, or other application will be sent by the municipality/authority having jurisdiction to the applicant. Since we are not the applicant in this case, it is important that you forward, or require the coordinator of the work of all architects and professional engineers to forward, in a timely manner, all such communications to us so that we may take any necessary action and respond appropriately, in order to avoid unnecessary delays to the project.”

To put the onus on the client to forward such communications to the holder, consider inserting wording into non-standard contracts or using OAA 600-2021 or OAA 800-2021 standard contracts that now include appropriate wording in GC02 and GC05 respectively.

Suggested examples of wording which may be added to a non-standard contract:

It is the responsibility of the *Client/Owner*, upon receipt of notices, comments, or notifications relating to the rezoning, site plan agreement, building permit, or other similar applications from the municipality or other authority having jurisdiction to forward or require the coordinator of the work of all consultants to forward, in a timely manner, all such communications to the CoP holder so that any necessary response may be prepared, or other appropriate action taken. Failure to do so may result in delays to the project and in additional consultant fees.

or

It is the responsibility of the *Client/Owner* to provide the CoP holder with a copy of all approved zoning amendments, site plan agreements, and building permit document sets, including all annotations, amendments, and conditions, in a timely manner, upon receipt of same from the authorities having jurisdiction.

Note: The wording of the preceding examples should be edited to suit the particular application. When needed for clarity, replace the words “CoP holder” in these examples with “Architect” or “Licensed Technologist” as appropriate.

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