

Here's the Drill: The New Owner-Architect Contract Released by the Ontario Association of Architects: the OAA 600-2021

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As part of its new suite of 2021 contract documents, the Ontario Association of Architects (OAA) has released an updated version of its widely used standard form contract for architectural services. The new "OAA 600-2021" replaces the predecessor version of the contract, the Document 600-2013.

Architects and owners should take note of the changes that have been made to the new contract, some of which include:

- The relocation of the list of basic and additional services from the body of the agreement to separate Schedules. The OAA provides default templates for the Schedules (including in editable MS Word form), which can be used as-is, modified, or replaced entirely with customized Schedules.
- The addition of a section describing what documents comprise the "Contract" and how those documents rank in priority in the event of a conflict between them.
- Changes to make the contract more consistent with new CCDC 2-2020, including references to "Ready-for-Takeover" (the new contractual milestone that was introduced in the CCDC 2-2020).
- A distinction between "Additional Services" and "Extra Services".
- The addition of a force majeure clause.
- The addition of an obligation on the Architect to remove liens registered by its subconsultants.
- The addition of a confidentiality obligation.
- Changes to indemnification and limits of liability clauses including a stipulation that the parties' obligation to indemnify each other is restricted to direct losses and excludes liability for indirect, consequential, punitive or exemplary damages.
- The addition of a waiver of claims under the contract after a certain period of time.
- Changes to how intellectual property rights are managed including a more robust licence provided to the Client, reference to the Architect's background IP, and an optional waiver of moral rights.

The OAA will keep the older Document 600-2013 contract available on its website for a limited period of time.

Parties that use the older contract should therefore consider switching to the new version for their future projects. Public and private owners that had supplementary conditions prepared for the older contract should consider having their supplementary conditions updated to align with the new OAA 600-2021.

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