

LETTER OF UNDERTAKING TO THE CHIEF BUILDING OFFICIAL

Standard Form as approved by OBOA, APEO and OAA

WHEREAS Sentence 1.2.1.1.(1), Division C, of Ontario Regulation 350/06, made under the authority of the *Building Code Act, 1992* requires the building design in Table 1.2.1.1., Division C, to be designed by an architect or professional engineer or both;

AND WHEREAS Subsection 1.2.2., Division C, of the said Regulation provides that, where a building has been designed by an architect or professional engineer or both in accordance with Sentence 1.2.1.1.(1), Division C, an architect or professional engineer or both shall be responsible for the general review of the construction of the building in accordance with the performance standards of the Ontario Association of Architects or the Association of Professional Engineers of Ontario, as applicable;

THEREFORE, the owner, being the person who intends to construct or have a building constructed, hereby warrants that architects/professional engineers are retained for the general review of the construction of the building as required by Subsection 1.2.2., Division C, of the said Regulation, and that

The architect who is retained to undertake the general review of the construction of the building is to do so in accordance with the Performance Standards of the Ontario Association of Architects, prescribed by Section 50 of the Revised Regulations of Ontario 1990, Regulation 27; to wit the architect, with respect to the matters that are governed by the building code, shall,

- I) make periodic visits to the site to determine whether the work is in general conformity with the design documents that were prepared by a member or holder,
- II) inform the client and contractor, in writing, as to the progress and quality of the work and as to any part of the work that the members or holder has observed during the visits to the site not be in conformity with the design documents,
- III) review all changes to the design documents to determine whether the changes conform to the building code,
- IV) review and comment on shop drawings and samples for general conformity with the design concept of work, and
- V) if the member or holder is specifically engaged to co-ordinate the general review of the professional engineers and reports of the inspection and testing companies, co-ordinate the general review of the professional engineers and the reports of the inspection and testing companies that pertain directly to the work being reviewed and arrange for the distribution of such reports to the client and the contractor, or
- VI) if the member or holder is not engaged to perform any or all of the services listed in subparagraph (V), co-operate with the professional engineer responsible for the co-ordination of the general review in order to assist the professional engineer in the carrying out of the functions described in that subparagraph.

Note: "design document" means a design or other document which formed the basis for the issuance of a building permit and includes all changes thereto that were authorized by the Chief Building Official as defined in the *Building Code Act*.

The engineer who is retained to undertake the general review of the construction of the building is to do so in accordance with the Performance Standards of the Association of Professional Engineers of Ontario prescribed by Section 78 of Revised Regulations of Ontario, 1990, Regulation 941; to wit professional engineers, with respect to matters that are governed by the building code, shall,

- I) make periodic visits to the site to determine, on a rational sampling basis, whether the work is in general conformity with the plans and specifications for the building,
- II) record deficiencies found during site visits and provide the client, the contractor and the owner with written reports of the deficiencies and the actions that must be taken to rectify the deficiencies,
- III) review the reports of independent inspection and testing companies called for in the plans and specifications and which pertain directly to the work being reviewed,
- IV) interpret plans and specifications when requested to do so by the client, contractor or owner, and
- V) review shop drawings and samples submitted by the contractor for consistency with the intent of the plans and specifications.

Note: "plans and specifications" means a plan or other document which formed the basis for the issuance of a building permit and includes all changes thereto that were authorized by the Chief Building Official as defined in the *Building Code Act*.

The owner, being the person who intends to construct or have a building constructed, agrees to have each of the retained Architect(s) and Professional Engineer(s) complete, properly authorize and return to the Chief Building Official, the General Review Commitment Certificate(s) prior and as a condition precedent to permit issuance and hereby authorizes the retained Architect(s) and Professional Engineer(s) to forward directly to the Chief Building Official, forthwith upon their completion, all written reports arising out of the general review undertaken, pursuant to Subsection 1.2.2., Division C, of the said Regulation by the retained Architect(s) and/or Professional Engineer(s).

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| PERMIT APPLICATION NO. | PROJECT DESCRIPTION |
| LOCATION | |
| FULL NAME OF OWNER | PHONE NUMBER |
| ADDRESS | POSTAL CODE |
| SIGNATURE OF OWNER OR PERSON AUTHORIZED BY SAID OWNER TO COMMIT THE OWNER AND TO ACT AS HIS AGENT IN THIS MATTER | DATE |
| IF THE NAME OF THE SIGNEE IS DIFFERENT FROM THE OWNER, PLEASE PRINT SIGNEE'S NAME HERE | PHONE NUMBER |

IMPORTANT: Where any retained architect or professional engineer ceases to provide the general review of the building during construction as required herein, another architect/professional engineer shall be retained immediately so that the general review as described above will continue uninterrupted, and the registered owner shall forthwith, in writing, advise of such termination and submit the name of the new architect/professional engineer to the Chief Building Official.

Every person who furnishes false information in any permit application under the *Building Code Act* or in any statement required to be furnished under this Act or a by-law passed pursuant to this Act, or pursuant to the Ontario Building Code, is on conviction, liable to a fine.