



Ontario Association of Architects



## Publishing Certificates of Substantial Performance (CSPs)

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This document is issued jointly by the Ontario Association of Architects (OAA) and the Ontario General Contractors Association (OGCA) and provides information relative to best practice regarding the publication of Certificates of Substantial Performance (CSPs).

The *Construction Act* has changed the definition of a daily industry paper in which substantial performance may be published. The Act specifically refers to the fact that they may be published in a construction trade newspaper as per the regulations.

Under the regulations Section 9, a construction trade newspaper means a daily newspaper, and the most important part here for us is either "published or electronic". Currently, to our knowledge, there are three companies advertising the ability to publish CSPs. This raises some questions.

Most importantly, it should be noted that neither of our associations is advocating any one publication as being the sole publisher that should be used, and neither association is in a position to verify that any publisher meets the requirements to be considered a construction trade newspaper, nor does the government maintain a list of acceptable publishers.

The expanding number of publications in which CSPs can now be published makes it more difficult for those searching for the CSP publication in order to anticipate the release of their holdback, or be prepared to start an action. If this information is not readily available to those involved in the project, it could be disruptive and have ramifications for the owner and others.

It is our opinion that this can be easily resolved by taking some simple steps when issuing a tender or when contractors issue their purchase orders or contracts to subtrades.

The key is communication. Therefore, we are recommending to OAA members that when preparing bid documents, the general contractors be required to identify which publisher will be used, or when general contractors are issuing their purchase orders or contracts to subtrades, that they identify where they will be publishing their CSPs. This should be included in writing in these documents.

This simple step will ensure clear communication and avoid potential problems down the road between all parties involved in the procurement, consultation, and building process.

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