



Member Advisory: UPDATE: Infrastructure Canada Documents Regarding Construction Schedule and Substantial Completion

March 21, 2011

On January 26, 2011, the AIBC issued a member advisory regarding the request made by Infrastructure Canada that architects complete various documents including the “Statement Concerning the Construction Schedule” and “Solemn Declaration of Substantial Completion”. However, these documents were not professionally supportable.

After consultation with the AIBC and our colleagues in other provinces, Infrastructure Canada has subsequently agreed that, as of March 18, 2011, architects will not be required to sign these documents, and the information required can be provided via other documents that are supportable and customarily provided by architects.

Specifically, architects can meet Infrastructure Canada’s requirements by issuing to them the following:

- Certificate of Substantial Performance or Statement of Contract Deemed Completed (‘Certificate of Completion’ under the *BC Builders Lien Act*)
- Certificate for Payment(s)
- Final General Review Report
- A cover letter (see suggested text below)

Note: the “solemn declaration” mentioned in the suggested cover letter text is one made by the proponent (i.e. the architect’s client) and not the architect.

The AIBC appreciates the cooperation of Infrastructure Canada in developing this constructive solution, as well as the assistance of the many individuals and firms who contacted the AIBC regarding this matter.

Maura Gatensby MAIBC
Director of Professional Services

Cover Letter text (suggested by Infrastructure Canada):

(on company letterhead)

(Date)

TO: (Client Name and Address)

RE: (Project Name)

Dear Sir (or Madam):

In order to assist you in the construction close-out for (name of project), I am providing copies of the following certificates and reports that will enable you to complete and sign the solemn declaration form which is part of your agreement under the Infrastructure Stimulus Fund:

- *Certificate of Substantial Performance or Statement of Contract Deemed Completed, showing the date on which the construction contract was certified in accordance with the Construction Lien Act (AIBC note: for B.C. projects, use the Builders Lien Act);*
- *Certificate for Payment(s) dated _____, indicating the monetary status of the construction contract; and*
- *Final General Review Report dated _____, stating that the project has been constructed in general conformity with the permit application documents and any amendments thereto, and subject to any noted outstanding deficiencies and/or uncompleted work.*

The enclosed documentation can be forwarded with your solemn declaration to the government.

Should you have any further questions, please feel free to contact the writer.

Yours truly,

(Signature)

(Name, title)