

## Professional Liability Insurance

PRODEMUNITY

INSURANCE SOLUTIONS



### WHAT IS IT?

Professional Liability insurance protects your architectural firm against possible claims made against you for projects undertaken, that can even creep up from past years. It's not just insurance, it is a "must-have" ally. In fact, it is so critical, it has been mandated by the OAA for all architects practicing in Ontario with a Certificate of Practice. It is also known as E&O (Errors and Omissions) or even Malpractice insurance.

**On a side note:** This insurance is 'Claims made', meaning that the coverage applies to the year the claim is made not necessarily the year the alleged error, omission or negligent act occurred.

### WHY DO YOU NEED IT?

**For starters, it's essential.**

Professional Liability Insurance is essential for architectural practices. An architectural firm is always affiliated with others such as clients, engineers, building specialists, general contractors or sub-contractors in any given project and if deficiencies are uncovered, one or more parties can easily file a claim against all the other parties. Business is business but then there's claims business. Additionally, the monetary amounts for claims can be substantial and could jeopardize the viability of your firm if you were not covered. Can you imagine all that work, lost to a claim?

If you do receive a claim, rest-assured that we will always be on your side and as your professional liability insurer, will protect and defend your interests. As your trusted ally and an authority on risk, Pro-Demity has over 34 years of experience and expertise in your corner to contest the claim. Pro-Demity is proud to say that no firm has ever gone out of business as result of a claim covered

by their professional liability insurance. (not to boast).

## WHAT DOES IT COVER?

Essentially, your professional liability insurance covers the three key facets to any claim – Damages, defence and supplementary payments. While the vast majority of claims are insurable, like any insurance policy, there are certain limitations or exclusions that should be reviewed so that you are in the know, what's covered and protected and what's not.

- **Damages:** These are the result of a claim that may be handed down by a court, an arbitrator or an amount agreed to through negotiation. Your policy gives you coverage, so these damages are paid, minus the deductible up to the limit of your coverage. Your coverage is for damages that result from an error, omission or negligent act that you may have committed, whether it is proven or not. We are your ally even if mistakes happen.
- **Defence:** The cost and complexity of mounting a defence can be considerable, but we are by your side the whole time. Because of your coverage, Pro-Demnity and designated legal counsel will defend you against any claim in any civil suit or arbitration even if the claim is without merit, fraudulent or false.
- **Supplementary Payments:** When the damages exceed the amount of your coverage, Pro-Demnity still has your back and will still pay a portion of the damages even though it has exceeded the claim limit. While it doesn't cover 100% of the cost, it will significantly mitigate your liability even in a 'worst case' outcome to a settlement.



## HOW DOES IT WORK?

Let's break it down. The basic coverage you have with Pro-Demnity and the deductible are based on your firm's gross revenues, so depending on the size of your firm you will fall into one of three tiers. The premium you are charged is based on the claim limits you qualify for and our valuation (supported by actuarial data and historical precedence) of how much it could cost to defend the claim and what would potentially have to be paid out:

	Total Gross Fees: \$0 to \$499,999	Total Gross Fees: \$500,000 to \$999,999	Total Gross Fees: From \$1,000,000
Claim Limit	\$250,000(1)	\$500,000(2)	\$1,000,000(2)
Project Limit:	\$500,000	\$1,000,000	\$2,000,000
Aggregate Limit:	\$1,000,000	\$2,000,000	\$4,000,000

### ***Applicable Policies:***

Please note that effective April 1, 2024 upon renewal, Policy No. 1 and Policy No. 4 are replaced by one policy: the Professional Liability Insurance policy.

(1) Claim Limit \$250,000

- [Pro-Demnity Policy No. 1](#) (issued up to and including March 31, 2024)
- [Endorsement No. 1 to Pro-Demnity Policy No. 1](#)

(2) Claim Limits \$500,000 and above

- [Pro-Demnity Policy No. 4](#) (issued up to and including March 31, 2024)
- [Endorsement No. 1 to Pro-Demnity Policy No. 4](#)

---

We are here to empower you by educating you. Be sure to understand these definitions:

- **Total Gross Fees:** Revenue declared in your financial statements + fees for services by contractors + reimbursable expenses
- **Claim Limit:** Refers to the maximum amount of coverage for any one claim
- **Project Limit:** Refers to the maximum amount of coverage for any one project assuming there were multiple claims
- **Aggregate Limit:** The total coverage that could be paid per year if you had multiple claims for different projects

## HOW TO PURCHASE PROFESSIONAL LIABILITY INSURANCE?

So your firm has applied for a certificate for practice through the OAA – now what? Simply call Pro-Demnity to get the ball rolling on purchasing professional liability insurance or visit us online and book a time to chat with an allied expert.

## READY TO RENEW?

Here's how:

1. **We do it for you.**

Our auto-renewal is self-triggered, meaning 60 days before insurance expires, Pro-Demnity will reach out to the proper contact to ensure renewal forms are complete. We are on it, so you can focus on design.

2. **New year, new risks.**

Time to revisit your firm's risk practice management strategies, and consider increased limits (which helps architects pursue high value work) and/or spike up insurance as part of your risk management tool kit. We have risk courses that help you reap the rewards of being risk ready and protected.

3. **You've grown, great! Now make sure you protect the new success.**

You are engaging in (i.e. commercial, residential, healthcare, more green projects) Let us know so you can keep growing while we do the protecting and defending.

4. **The Annual Renewal form is just a click away. *[Simply download here.](#)***

## FAQS

### Professional Liability Insurance for new Certificate of Practice holders

[Do I need to get my insurance first through Pro-Demnity before I can get my Certificate of Practice?](#)

No. You will be required to submit your application and application fee for annual practice at the same time as you are applying for your Certificate of Practice. Once received, we will hold onto your submission until further notice from the Registrar regarding the approval of your Certificate of Practice.

[When does my insurance coverage start?](#)

Coverage commences the date your Certificate of Practice is approved by the OAA Registrar.

[Who do I submit the application to?](#)

Please email a copy of your completed application and Canada's Anti-Spam Legislation (CASL) Consent Form to: [mail@prodemnity.com](mailto:mail@prodemnity.com)

### How can I pay for the application?

The one-time application fee is \$270.00 including PST. You may make an online payment through your bank or credit union. Please refer to the instructions outlined in your New Business Application package.

### What if I don't know how the first year is going to go? How do I project my anticipated fees?

Please be advised that the premium for the first year of coverage is based on anticipated total gross fees declared for your new practice for the next 12 months. We do recommend that new holders take advantage of \$250,000 claim limit by declaring anticipated fees of \$50,000 or less. If you are anticipating total gross fees of \$50,000 or less for your first year, you can take advantage of our minimum premium.

### On the application, it asks for "Name of Holder" and under Question 1, "Applicant: Name of Holder of Certificate of Practice". Do I put my name?

Please indicate your (future) company name or the name you anticipate to show as the name of your Certificate of Practice.

### I just sent in my application for professional liability insurance. When do I pay my premium?

Once your Certificate of Practice is approved by the OAA Registrar, Pro-Demnity will be directly notified by the OAA Registrar. Please allow 10 business days for processing your professional liability insurance documents. Once your application has been processed your documents which include an invoice will be provided to you. It is at this time you will have to worry about payment for premium.

## **Renewal of Professional Liability Insurance**

### Who should I send my completed renewal application to and is there an alternative option other than mail?

We accept electronic copies of your renewal application. You do not need to mail a hard copy to our office. Your renewal application can be sent to us either via Email to [mail@prodemnity.com](mailto:mail@prodemnity.com), or

via fax at 416-449-6412.

### What must I do prior to the expiry date of my professional liability insurance coverage?

Prior to the expiry date of your professional liability insurance coverage, it is VERY IMPORTANT that you either:

- a) submit the completed renewal Application to Pro-Demnity, or
- b) advise the OAA Registrar in writing that you will no longer provide architectural services to the public and do not wish to renew your annual practice insurance. In this circumstance, please:
  - surrender your certificate of practice and seal to the OAA Registrar;
  - contact Pro-Demnity regarding your eligibility for the Retirement From Practice Coverage;
  - if applicable, contact your insurance broker regarding your excess insurance arrangements; and
  - if a partnership or corporation (other than a sole practitioner), review the dissolution or termination agreement to ensure that it addresses such aspects as continuing professional liability coverage arrangements, payment of deductibles, premiums, retention of project files and claims handling. Other issues should be discussed with the appropriate advisors.

It's important that you follow a) or b) above, otherwise, you will be in contravention of the requirements of the *Architects Act* and its Regulations, and the OAA Registrar will be required to administer the provisions applicable. Please note that insurance for the next twelve months from the expiration date will only be provided once Pro-Demnity is in receipt of your signed, dated and **fully completed application and any attached addendums or questionnaires**. Should circumstances cause a delay in the submission of the renewal Application, please advise us as soon as possible.

### When should I be submitting my renewal application?

In accordance with the *Architects Act*, you are required to submit the renewal application to Pro-Demnity prior to the expiry date of your current policy.

### I have submitted my completed renewal application to Pro-Demnity. When will I get my invoice?

Once your application has been processed, we will send you your documents which include an

invoice. It is at this time you will have to worry about payment for premium.

I have received my renewal invoice, when is it due and how do I pay my premium?

The Fixed Premium is payable within fifteen (15) days of the date of your Invoice. Please refer to the **Payment Options** available to you.

The OAA has granted me a leave of absence. Do I still need to renew my policy and complete a renewal application?

Please note that if you are not surrendering your Certificate of Practice, you are required to submit the renewal application to Pro-Demnity prior to the expiry date of your current policy. Please note the annual premium will be charged. There is no provision for suspension of the insurance coverage due to a leave of absence and all holders of Certificates of Practice are required to maintain the mandatory Professional Liability Insurance.

- **Policy Wordings, Technical Requirements Schedule, Endorsements and Extensions**

---

### **Disclaimer:**

The contents of this PDF are derived from a website and offer information for general purposes only. The material presented does not establish, report or create the standard of care for Ontario architects. The information is by necessity generalized and an abridged account of the matters described. It should in no way be construed as legal or insurance advice and should not be relied on as such. Readers are cautioned to refer specific questions to their own lawyer or professional advisors. Efforts have been made to assure accuracy of any referenced material at time of publication; however, no reliance may be placed on such references. Readers must carry out their



own due diligence. Professional Liability Insurance provides valuable coverages and benefits however does not cover everything. Please refer to the Policy wordings for specific coverages, benefits, exclusions and limitations. This PDF should not be reproduced in whole or in part in any form or by any means without written permission of Pro-Demnity Insurance Company. Please contact [mail@prodemnity.com](mailto:mail@prodemnity.com).