

CLAIMS IDENTIFICATION



If you find yourself thinking your architectural practice might be facing a claim and need some suggestions on how to navigate the situation, contact us for complimentary, confidential guidance.

We will listen and discuss with you any potential steps to take to mitigate the situation you're facing and guide you through the claim identification process.

This valuable Risk Service is managed by licensed architects in Ontario so you're getting seasoned assistance from an architect familiar with practice risks as well as professional liability insurance. Moreover, this service is included with your professional liability insurance policy for an unlimited number of calls throughout the duration of your policy for as long as you're a Pro-Demnity client.

There is no impact to your premiums should you have to report a claim or for reporting claims in general, after utilizing this service. If anything, you will gain some peace of mind after talking over your situation with someone who will understand and help you work through it.

HOW TO RECOGNIZE A POTENTIAL CLAIM

A "Claim" is defined in the Pro-Demnity Professional Liability Insurance Policy as follows:

1. A written or oral demand for money or services; or
2. *A written or oral allegation of breach in the rendering or failure to render professional services;*
or
3. *A written or oral allegation of an error, omission or negligent act in the performance of professional services; or*
- 4. A circumstance, dispute or controversy which a reasonable person might expect, or should foresee, could subsequently give rise to a CLAIM.**

Category 4 in the definition of a Claim involves “many shades of grey” requiring assessment and judgement by the architect who is considering whether or not to report the circumstances as a Claim.

Here are a few situations and circumstances to help architects recognize the signs of a potential claim:

- Your client stops paying you.
- You seek payment from a delinquent client.
- You become aware of an error, omission, or allegation that could reasonably lead to a claim against you.
- You’ve received a demand for restitution.
- You or your practice become aware of a dispute, potential claim, lawsuit or legal proceeding for a project for which you provided architectural services.
- Negative media attention for problems on your project.

- A troubled project where the contractor is alleging extra costs being incurred are due to your (poor) “design decisions” or “lack of coordination” in the construction contract documents.
- A contractor is alleging that your actions (or inactions) have caused a delay in the work.
- An owner / client is complaining about the number and monetary amount of change orders required on the project.
- An owner who complains that you knew (or ought to have known) that there was no contingency to cover issues arising during the construction of the project.
- An owner, client or client’s representative suggesting that it is up to you to “contribute” or pay for an issue since it is the architect’s mistake.
- An owner or client insisting that you (or your consultant) should contribute or pay because it was your consultant’s mistake.
- You learn someone slipped and fell or was badly injured in a building you designed, or you receive a request for your drawings and specifications from a lawyer or insurance company representing the owner or a third party who was injured.

Should an architect find oneself in any one of these (or other similar) scenarios, be sure to [Report the Claim](#) to us, and, if you’d like to talk the situation over with Pro-Demnity, contact the Risk Services team.

Disclaimer:

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