



REPORT TO

## GOVERNANCE AND POLICY COMMITTEE

### RESCINDMENT OF RELEASE OF HOLDBACKS F.M.04

*So the Lord gave Solomon wisdom, as he promised him. There was peace between Hiram and Solomon; and the two of them made a treaty. – 1 King 5:12*

Created, Draft	First Tabling	Review
October 22, 2020	November 10, 2020	<a href="#">Click here to enter a date.</a>

D. Friesen, Superintendent, Capital Development, Asset Management and Renewal  
C. Fernandes, Superintendent of Education, Area 4 and Policy Development

### RECOMMENDATION REPORT

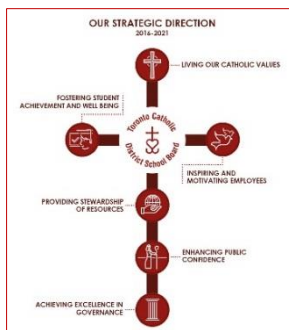
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*At Toronto Catholic we transform the world through witness, faith, innovation and action.*

**Mission:**

*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.*

*We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*



Dr. Brendan Browne  
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Associate Director of Facilities,  
Business and Community  
Development, and  
Chief Financial Officer

## **A. EXECUTIVE SUMMARY**

This report reviews and recommends the rescindment of the policy on Release of Holdbacks F.M.04 as the policy is superseded by the Ontario Construction Act.

*The cumulative staff time required to prepare this report was 2 hours*

## **B. PURPOSE**

1. This recommends the rescindment of the Release of Holdback Policy (F.M.04) because the release of holdback and certification is governed by Parts IV and V of the Construction Act, R.S.O 1990, c. C. 30.

## **C. BACKGROUND**

1. The Release of Holdback Policy (F.M.04) was first approved in September 1971 to advise architects working for the TCDSB of the regulations regarding payment of holdbacks to subcontractors. This policy was last updated in November 1986.
2. The process for release of holdback is now governed by Construction Act, R.S.O. 1990. The Act and its amendments supersede any policy or process that the TCDSB might have in place regarding release of holdback.
3. The TCDSB now makes use of standardized contract templates issued by the Ontario Association of Architects (OAA Document 600) and the Canadian Construction Documents Committee (CCDC 2) that define the role and obligations, per the Construction Act, of the TCDSB, the consultants and the general contractors with respect to the release of holdback.

## **D. EVIDENCE/RESEARCH/ANALYSIS**

1. This policy is being recommended for rescindment in consultation with the Capital Development, Asset Management & Renewal Department and Legal Services.

## **E. IMPLEMENTATION**

1. The Release of Holdback Policy will be removed from the Policy Register.
2. Release of holdback to contractors will be governed by provincial legislation set out in the Construction Act.

## **F. COMMITTEE RECOMMENDATION**

The Governance and Policy Committee recommends that the Release of Holdback Policy F.M.04 (Appendix A) be rescinded.