

SPECIAL FEATURE

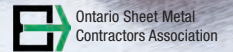
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SMACNA's New CEO

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CROSSFLOW

THE OFFICIAL NEWSLETTER OF THE ONTARIO SHEET METAL CONTRACTORS ASSOCIATION

PROJECT PROFILE

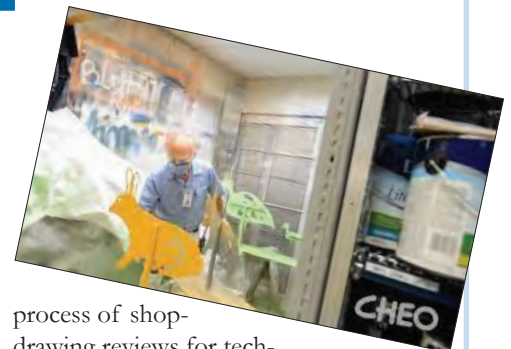


Flying Zebra Spotted in Ottawa Sky

When the tender documents were issued for the replacement of one of two existing air handling units serving the Children's Hospital of Eastern Ottawa (CHEO) Research Institute, the estimating team at SK Sheet Metal Ltd. wasn't sure if it was a bona fide owner request or perhaps a bit of en-

gineering humour. After all it's not everyday that a contractor receives documents specifying that the air handling unit be painted in a zebra pattern. But that is exactly what the owner wanted, and fortunately the equipment manufacturers and their agents really came through.

"All contractors are familiar with the



process of shop-drawing reviews for technical content but we had an added step of having artwork reviews, which defi-

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Crossflow is the official marketing publication of the Ontario Sheet Metal Contractors Association. Circulated four times per year, the e-newsletter is designed to provide association news and program updates, government affairs information, educational opportunities, as well as updates on current industry trends.



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Flying Zebra Spotted in Ottawa Sky

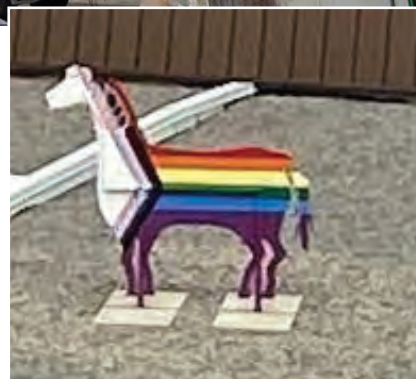
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nitely was a first for me!" said Cathy Godin of SK Sheet Metal Ltd.

The rooftop location of these units is visible from patient areas, and the CHEO had undertaken a project in 2021 to create a rooftop farm. This farm included silhouette ducks, cows, bunnies and even a pride horse. Why wouldn't a zebra patterned air handling unit fit right in?

But the installation of the unit wasn't just a run of the mill project for SK Sheet Metal. Not only did the contractor have to deal with challenging Ottawa winter conditions, a complex lift arrangement – including the filing of flight plans with NavCan – had to be completed due to the crane's proximity to the helicopter landing pad.



With curious onlookers safely behind barricades, the zebra finally took flight on Friday, March 11 to be the newest addition to the rooftop farm. According to one owner representative, the experienced SK Sheet Metal team made the

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Convention Registration Extended to April 30

SPECIAL FEATURE



DassTab Inc.

Conducts TAB Training at OSMTC

The Ontario Sheet Metal Training Centre (OSMTC) has a new group of students training within its walls. But these students aren't the regular sheet metal apprentices occupying the classroom space. Instead, they are testing and balancing (TAB) technicians from OSM member firm, DassTab Inc.

"Over the past year working with the Ontario Sheet Metal Contractors Association, (OSM Executive Director) Darryl Stewart introduced us to the Ontario Sheet Metal Training Centre," said DassTab General Manager, Jordan Sampson. "It shocked us that this facility actually had a TAB lab that they developed a decade ago, yet it had gone largely unused."

According to Sampson, the training centre provided the company with an ideal space to mix its hands-on and theoretical training all in one location.



"Traditionally, we have had to do our theoretical and hands-on training separately," he said. "The theoretical portion was conducted in our office, and then we relied on our senior technicians to train the junior staff on-site for the hands-on aspects."

However, this led to what Sampson described as "gaps" in the junior tech's training, since they were only learning particular strategies from the senior technician they were working with at the time.

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TRIBUTE

Joan Altmann Remembered



It is with great sadness that the Ontario Sheet Metal Contractors Association announces the passing of Joan Altmann.

Joan was a beloved staff member of the Toronto and Ontario Sheet Metal Contractors Association from February 1992 to December 2016. During her tenure, she was the executive assistant to three executive directors.

Joan took great pride in her work and it showed. She was impressively organized, dependable, engaged, and always willing to adapt new technologies to better serve our members. Her true professionalism was only outshone by her kindness and gentle soul.

Joan will be fondly remembered by everyone whose life she touched.

WELCOME New Members

The Ontario Sheet Metal Contractors Association (OSM) welcomes the following new member:

Climate Works Plumbing, Cooling & Heating

Richmond, ON

<https://www.climateworks.ca/>

Message from the Executive Director



Let me cut to the chase and address what you all want to know about... A collective bargaining update. I've had calls from people both inside and outside of our trade saying that they've heard this or heard that. You know the old saying, 'if you haven't heard a rumour by coffee break, start one.'

I write this in the latter part of March, and I am pleased to say that meetings between OSM and the Ontario Sheet Metal Workers Conference have been constructive thus far. After a strike, it takes baby steps to regain trust and openness, but we have – and continue to take – positive strides in this regard. When we first met regarding the bargaining last October, we agreed on a few principles. The first was we needed to start the bargaining process months in advance. That included addressing sheeting-decking, test and balance, and the local appendices early in the process. We also agreed to sign-off on accepted items along the way as opposed to letting these rest in our respective back-pockets to either be re-tabled for re-negotiation or altogether withdrawn. Leaving such loose ends to be settled near to or after the expiration of the current collective agreement serves no one's interest. Frankly, the cat and mouse game resulting from not signing-off along the way, only attributes to a breakdown of trust.

The collective agreement breaks into 11 local appendices, doubled again by sheeting and decking, and then a body of the agreement. That's a lot of housekeeping when things are straight forward, never mind when there are changes to be drafted and approved. I'm pleased that many local matters have been accepted, both locally and provincially. Long-standing veterans of the Labour Relations Councils have commented that this has never occurred in their many years of participation.

Another agreed principle was to not facilitate misinformation through social media. I detest social media and especially when it's used as a forum for the feeble-minded to spew venom. I have much better things to do during bargaining than address lies such as a posting about one party walking away from the table when, in fact, the bargaining for that day had concluded as planned. Both parties agree we want to keep our respective members accurately informed as to when the parties are meeting. Ideally these will be via joint statements. Currently, we booked two meeting dates in March and seven more in April for OSM and the Conference to conduct bargaining. A summation of the collective bargaining process will follow in my next installment.

Manpower is a topic I have beaten to death. But, like top 20 radio, if you play a tune often enough, you will hear it in your sleep. This issue has been discussed at the local and provincial levels during bargaining. It's a problem we must work at remedying collaboratively. Commonly the union points to the number of employers that do not employ a full complement of apprentices. They are correct, and you may have heard OSM – namely myself – point that out repeatedly over the last few years. Still, we need to fill the manpower gap not only through apprenticeships, but through adopting innovative ideas. That requires everyone pulling an oar in the same direction.

There is no greater deficit in available manpower than in Toronto. The Chair of

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Flying Zebra Spotted in Ottawa Sky

entire process “look easy, peasy.”

CHEO has joined many owners in the Ottawa region to embrace a contract structure that allows the discipline with the most significant scope of work to tender as the prime contractor. This, of course, after completion of a thorough pre-qualification process intended to demonstrate the bidder's ability to coordinate multiple sub-trades and manage general conditions, while saving money for the end-user.

The CHEO Research Institute air handling unit replacement is SK Sheet Metal Ltd.'s fourth significant project with the hospital in as many years.

The sheet metal contractor has also been involved with the hospital's addition of a second CT scan suite which required dedicated air handling equipment for both ventilation and cooling of magnetic resonating equipment; an interior fit-up of clinical space including VAV terminal units, perimeter hydronic heating and controls in the Ophthalmology Clinic; and installation of a dedicated VRF cooling in the Virology and New-born Screening labs, for service to the existing laboratory environment to complement fume hood / make-up air and radiant heat systems.

“Although the project presented multiple challenges, we were so thrilled to bring smiles to children's faces when the ‘zebra’ unit flew into place,” Godin said. “The imaginations of the CHEO team seems to have no limits and we'll watch closely for our next opportunity at the CHEO campus.”

DassTab Inc.

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Conducts TAB Training at OSMTC



With a goal of providing a broad spectrum of training to all of its team, the OSMTC allowed DassTab to combine the training and provide it all in “one location, at one time.”

Developed by DassTab, the training sessions begin with a textbook theoretical discussion followed by hands-on applications. Considering the OSMTC has a full air handling unit set-up with duct work, an exhaust fan, a fume hood and various other TAB tools, DassTab technicians have a unique opportunity to actually see how things operate. This provides the “broad spectrum” training that the company strives for.

Since the HVAC industry is always changing, DassTab’s training is not established with a “cookie-cutter” approach.

“There are always new control strategies and new types of equipment so it keeps us on our toes,” Sampson said. “We don’t just rely on theories that were developed years ago. Although the theories are still relevant, keeping up-to-date with the changing technologies is essential.”

With that in mind, DassTab brings in new equipment, new measurement tools, new components from the field and actually has them on a bench so the technicians can learn best practices, and develop the proper strategies to evaluate performance. And this training isn’t just limited to the junior technicians. According to Sampson, DassTab senior tech-

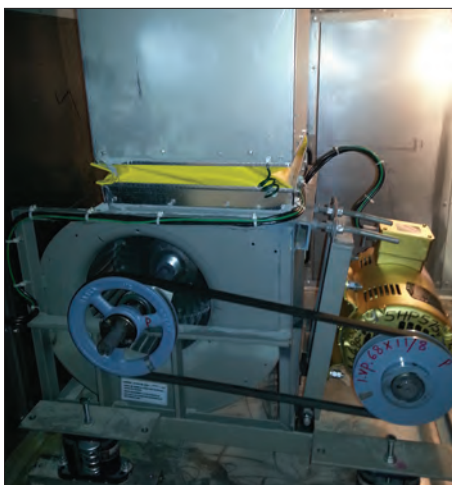
nicians are also obligated to attend the training so they, too, can remain up-to-date with all the current technologies and performance strategies.

DassTab conducted the first of its monthly training sessions in January of this year to a group of 12 technicians. However, since the training has been so well-received, the company is looking to expand that to bi-monthly sessions to allow its junior technicians additional time to develop a higher level of industry knowledge.

“It is a very comfortable thing knowing we now have a facility that can actually cater to all of the training that is required to properly develop a technician,” Sampson said. “Scott Wood and the OSMTC have been so supportive and helpful in fulfilling our requirements. Based on how things have gone this far, we are really looking forward to what the future has in store.”

In addition to potentially opening training up to TAB technicians from other firms, there has also been discussion about having DassTab trainers participate as “guest instructors” within the OSM Sheet Metal Apprenticeship program.

“Testing and balancing technicians are part of the process, and we work hand-in-hand with sheet metal workers everyday on the job-site,” Sampson said. “Understanding each other’s goals and limitations are essential in creating harmony on the job site, as well as in delivering a high-quality product.”



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Message from the Executive Director

our Labour Relations Council, Jim Warner, and I tried wrapping our heads around how big the problem actually is. We bantered a few thoughts between us based on our industry experience. Our thoughts turned to what is the typical ratio of plumbers/fitters to sheet metal workers on a commercial or institutional project. We know this can vary by project – and even throughout a project – but we settled on a range of 60:40 to 67:33 per cent.

With that in mind, I set-off to pull together statistics from MCA Toronto and TSM on their respective manhours in 2021. The MCA Toronto manhours were 4.567 million and TSM was 2.661 million. So, I hope you like math problem questions because now you get to follow the bouncing ball. MCA Toronto hours are only attributed to ICI plumbers and fitters – no residential, be it low- or high-rise. These are stand-alone hours for the purpose of our math problem.

TSM manhours include HVAC, sheeting-decking and architectural sheet metal. We know that LU30 has nominally 1000 sheet metal journeypersons, 500 apprentices and 500 sheeting-decking classifications. Since I’m not calculating to the accuracy level required to land a spacecraft on Mars, I will attribute 75 per cent of TSM manhours to HVAC for the purpose of our math problem. In turn, TSM has 1.996 million manhours attributed to HVAC.

Stay with me now, it’s not time to nod-off yet. So, if we consider a range of 60:40 to 67:33 per cent based on MCA Toronto manhours then this means TSM HVAC manhours should be 3.045 to 2.284 million manhours for HVAC. Still awake? I’m getting to the exciting part. That translates to a need of 2288 to 1716 sheet metal workers

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Wally McIntosh Scholarship Applications Now Available

The Ontario Sheet Metal Contractors Association is currently accepting applications for the 2022 Wally McIntosh Scholarship Award. Applications are available at the [OSM web site](https://www.osmca.org).

OSM is now offering four, \$2500 scholarships to children of OSM member firm employees who are graduating from high school, and entering college or university studies.

Additionally, a \$1000 award is presented to the sheet metal apprentice who obtains the highest average mark for basic, intermediate and advanced day school while attending the Ontario Sheet Metal Workers Training Centre.

This year, the winner of the 2022 Wally McIntosh Apprentice Award is **Sawyer Smyth**. Smyth is a LU30 member and employed with TSS Air Systems, which is owned by his father Peter. Smyth's average mark for all his day school programs is 96.3 per cent.

For more information, please contact the association office at (905) 886-9627 or email dramirez@osmca.org.

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Message from the Executive Director

as opposed to the 1500 that currently exist. That is a staggering deficit in existing manpower. And, I'm only speaking to HVAC. We can be certain there is a need for more sheeter-deckers and architectural sheet metal workers too. I haven't even touched on market growth. I'll bet that will keep you awake because I know it does me.

— Darryl Stewart
OSM Executive Director

STANDARD PRACTICE

The New CCA 1-2021 Stipulated Price Subcontract

By **JEFF SCORGIE**, Partner,
Construction Practice Group, WeirFoulds LLP

In December 2021 the Canadian Construction Association (CCA) released an updated version of its widely used standard form stipulated price subcontract – the CCA 1-2021: Stipulated Price Subcontract. The updated subcontract contains several changes from its predecessor – the CCA 1-2008. Notably, the new CCA 1-2021 has been modified to align more closely with the new CCDC 2-2020 stipulated price prime contract.

If your organization uses the CCA 1 subcontract, it will want to consider migrating to the new subcontractor form and updating your supplementary conditions accordingly.

PAYMENT TERMS

Similar to the CCDC 2-2020, the payment terms in the new CCA 1-2021 now clarify that the contractor's payment obligations are subject to "Payment Legislation." This would include the prompt payment rules under Ontario's *Construction Act* and similar prompt payment legislation that may be introduced in other provinces.

In the event of the owner's non-payment to the contractor, the contractor is still required to take certain steps including enforcing its lien rights to recover all amounts unpaid to the subcontractor and providing written notice of those steps to the owner. However, unlike the CCA 1-2008, the contractor is no longer required to stop performing work.

READY-FOR-TAKEOVER

The new CCDC 2-2020 introduced "Ready for Takeover" as the key contractual milestone in the contract and the new CCA 1-2021 has followed suite. The one-year warranty period under the CCA 1-2021 subcontract will now start running from Ready-for-Takeover for example.

If the prime contract documents do not contemplate Ready-for-Takeover (as would be the case if the owner and



contractor are using an older CCDC contract form such as the CDC 5B-2010 construction management contract), the references to Ready-for-Takeover in the CCA 1-2021 are deemed to refer to "Substantial Performance of the Work."

It is important to remember that while Ready-for-Takeover replaces Substantial Performance of the Work as the key contractual milestone, Substantial Performance of the Work is still relevant for purposes of provincial statutory lien rights and release of holdback.

EARLY OCCUPANCY BY THE OWNER

The CCA 1-2021 adds a new section related to the owner's rights to occupy a part or entirety of the work. This new section resembles the new early occupancy section added to the new CCDC 2-2020. Most significantly:

- The contractor must consult the subcontractor and obtain its agreement before making any agreement with the owner for early occupancy.
- The subcontractor will stop being liable for care of the part of its work that is being used.
- The subcontractor's warranty period for the part of its work that is being used will start to run.

ADJUDICATION

The CCA 1-2021 states that nothing under the subcontract is deemed to affect the rights of parties to resolve any dispute by adjudication (which will be relevant for provinces that contemplate statutory adjudication such as Ontario).

PRIME CONTRACT FLOW DOWN

Like its predecessor, the CCA 1-2021

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INTRODUCTION

Meet Aaron Hilger SMACNA's New CEO

Aaron Hilger became SMACNA's new CEO on January 1, 2022, following the retirement of Vincent Sandusky, who held the position since 2008.

Serving as executive director of SMACNA and SMACNA New York State, Hilger brings more than two decades of leadership experience to SMACNA. He also brings something else – a Canadian connection.

"I've always enjoyed Canada," Hilger says. "I have learned so much from my Canadian counterparts, and I'm really excited to engage with our Canadian SMACNA members moving forward."

Having grown up in Lockport, New York, Toronto was a regular destination for the Hilger family as it was only a two hour drive away from his family home. As a young child, Hilger recalls trips to the Metro Toronto Zoo, the Science Centre, Royal Ontario Museum and the Art Gallery of Ontario. Additionally, his grandfather along with four brothers, owned a fishing camp on Captain Allan Strait, (Georgian Bay) in northern Ontario.

"My grandfather and his brothers purchased the camp from a gold prospector in 1954," he said. "At the time it was a little, one-room shack with no running water, insulation or anything else. The first time I ever went there, I was about four-years-old. Because there wasn't much up there, we used to go to Parry Sound to find a bigger boat to get us in."

In addition to marina's being built closer to the property, over the years, the family also built onto the cabin, adding a bathroom and two bedrooms. The little shack was quickly transformed into an



oasis for Hilger and his family.

"The camp was such a great place," he reflects. "Just fishing and being able to spend quality time with my father, grandfather and the rest of my entire family was pretty awesome. That's usually something you don't get as a child, particularly when your relatives are in their 70s or 80s."

The Hilger family sold the fishing camp in the late 90s as "we just didn't have the critical mass to maintain it and use it, particularly with my schedule and my sister's schedule."

Even though the cabin was no longer in his possession, his fondness of Canada was something that never faded away. After college, Hilger and his wife, Nikki, resided in Washington, DC, but re-located to Buffalo, NY, in order to run the family construction business.

"We would often spend time in Toronto – at the art gallery and the museum," he said. "In February 2020, Nikki and I decided to spend the weekend in

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TECHNICAL NOTES



SMACNA Grease Duct Construction Reinforcement Standards

The first edition of the SMACNA Grease Duct Construction Enforcement standard was published on February 1, 2022. It was written as an aide to designers of grease duct to easily choose stiffeners as reinforcement.

Rectangular grease duct is commonly constructed of 16 ga. carbon steel (including hot-rolled steel, cold-rolled steel, galvanized steel and aluminized steel). Typical ranges of static pressure class required are 2.5-inch (6.35 cm) wg. to 10-inch (25.4 cm) wg. positive or negative static pressure. Eleven-inch (27.94 cm) wg. is also included for zero- to 12-inch (zero- to 30.48-cm) widths.

At the request of its members, SMACNA saw a need to create gauge/reinforcement tables to make the selection process of grease ducts for reinforcement less tedious. The new manual has gauge/reinforcement requirements for grease duct for operating temperatures up to 500 degrees Fahrenheit (260 degrees Celsius) (galvanized steel is not recommended over 400 degrees Fahrenheit [204.4 degrees Celsius]) and maximum static pressures capacity of 2.5-inch wg., three-inch wg., four-inch wg., six-inch wg., eight-inch wg. and 10-inch wg., positive and negative pressures. The tables include an allowance of 5.2-lbs/ft² (which is equivalent to one-inch wg.) for duct wrap and other loads.

SMACNA members can access a free digital copy of the new standard from the [SMACNA website](#).

IHSA Seeking Representatives to Join Committee

The Infrastructure Health & Safety Association is seeking management representatives to join its Sheet Metal Trade Labour-Management committee. The committee provides valuable input to the association in order to improve health and safety in the workplace.

If you are interested in participating or require additional information, please contact:

Ray Hopkins

IHSA Coordinator, Research and Stakeholder & Public Relations
rhopkins@ihsa.ca
(905) 490-0140

Ontario Sheet Metal Contractors CONVENTION 2022

Rhodes Greece
September 18-24, 2022
Plan to join us!

Registration Extended to April 30



The Ontario Sheet Metal Contractors Association (OSM) reminds members that the numerous business and human resource materials offered by TwoGreysuits (TGS) are readily available at their fingertips.

OSM can easily log-on at the OSM website at osmca.twogreysuits.com.

Meet Aaron Hilger SMACNA's New CEO

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Toronto. We stayed at the Intercontinental Hotel and we visited the Royal Ontario Museum. We loved it so much, we became members. Then COVID hit and the universe shut-down, and we haven't been able to visit since."

As SMACNA CEO, Hilger said he is looking forward to making a return to Canada and exploring what SMACNA can provide for its Canadian membership.

"We have a few chapters in Canada – some have been really active, while others not so much," he said. "It's on us to be upfront about why SMACNA contractors should be engaged. Canadians have really used our technical departments well, and they've also used our educational programs. I'm excited to be working with executives, like Darryl Stewart, to determine what that value proposition will look like."

Prior to the pandemic, SMACNA regularly had its staff come to Ontario to conduct in-person technical sessions, and Hilger hopes to see a return to this in the near future. SMACNA's first return to Canada will come this July when the

association hosts its national board meeting in Banff, AB.

"I have a new focus on how we really engage with our Canadian members," Hilger said. "Toronto is a great market and it's an exciting place to be. I'm looking forward to building a dynamic association that is really engaged with our members on both sides of the border."

Although he has a clear goal for SMACNA moving forward, potentially the most difficult thing about being the association's new CEO is not being able to spend quality time with his wife and 17-year-old triplets, Sophie, Emma and Alexander.

"I'm not with my family as much as I used to be," Hilger said. "Right now, I'm commuting back and forth from DC. We're three months into this and so far it's working out pretty well. We've developed a routine."

When he does make it home, Hilger says he makes the most of the time he has, which right now includes "the crazy phase of figuring out where my children will be going to college."

The New CCA 1– 2021 Stipulated Price Subcontract

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gives the parties the option of selecting whether the prime contract or the subcontract will take precedence in the event of a conflict between the two. If the parties elect to have the prime contract take precedence, they now also have the option of listing certain subcontract provisions that would nevertheless not be subordinate to the prime contract.

DIVISION 01

When the CCDC 2-2020 was published, the CCDC also published its CCDC Master Specification for Division 01 – General Requirements. Certain items in the general conditions of the previous CCDC 2-2008 are not present in the CCDC 2-2020 and are instead addressed in CCDC's new Division 01 form, such as terms related to cutting, remedial work and clean-up. These clauses are similarly

absent from the new CCA 1-2021. However, as with the CCDC 2-2020 it is important to remember that the use of the CCDC Division 01 document is not assumed in the CCA 1-2021 form and the parties will need to expressly list it as a contract document if it is being used.

INDEMNIFICATION

The new CCA 1-2021 adds a noteworthy limitation on the parties' obligation to indemnify each other under the subcontract. Now, the obligation to indemnify a party for losses it suffered is restricted to "direct loss and damage," and excludes indirect, consequential, punitive and exemplary damages. This significantly alters the parties' indemnification obligations under the subcontract, and both contractors and subcontractors will want to consider this change carefully.