

Construction Remedies, Beyond the Lien

Thursday, May 29, 2008 9:00 am to 1:00 pm

Construction lawyers typically represent parties at all levels of the construction pyramid. A construction lawyer must therefore be familiar with the broad range of remedies available when construction work goes badly and the parties are fighting over money. Most practitioners are aware of the construction lien remedy, but the deadlines to exercise these rights are unforgiving and can easily be lost through inadvertence, or if your client comes to see you for advice when it is already too late to register a lien. In some cases, what seems like “construction work” to a layperson may not fall under the *Construction Lien Act* at all, for example if the work was performed in respect of industrial process machinery. Fortunately, in such situations all is not lost. There are many other powerful remedies at your disposal to collect a debt owing for services, labour or materials, or to assert a claim for delayed and deficient work. Attend this conference so that you know how to pursue the appropriate remedies on behalf of your clients with construction problems.

Co-Chairs: **Brendan D. Bowles**, Glaholt LLP
Glenn Grenier, Lang Michener LLP

Remedies:

Introduction: 9:00 am to 9:05 am

1. Construction Trusts: 9:05 am to 9:20 am

Officers and Director’s Liability, Survival in a Bankruptcy

Proposed Speaker: Jeffrey A. Armel, Goldman, Sloan, Nash & Haber LLP

2. Equitable Remedies: 9:20 am to 9:35 am

Quantum meruit and unjust enrichment

Proposed Speaker: Michael V. MacKay, Barrister & Solicitor

3. Surety Bonds: 9:35 am to 9:50 am

Payment Bonds, Performance Bonds, Bid Bonds

Proposed Speaker: Gregory D. Hersen, Torkin Manes Cohen Arbus LLP

4. Extraordinary Remedy: 9:50 am to 10:05 am

Court Appointed Trustee pursuant to Section 68 of the *Construction Lien Act*

Proposed Speaker: Dante A. Capannelli, Capannelli Law Professional Corporation

5. Liens for Chattels and Articles: 10:05 am to 10:20 am

The Repair and Storage Liens Act

Proposed Speaker: Glenn Grenier, Lang Michener LLP

6. A Novel Alternative: 10:20 am to 10:35 am

Section 34 of the *Personal Property Security Act*

Proposed Speaker: Andrew J. Heal, Blaney McMurtry LLP

Break: 10:35 am to 10:50 am

7. Claims Against Mortgagees: 10:50 am to 11:05 am

Section 78 of the *Construction Lien Act*, the Mortgagee as Owner

Proposed Speaker: Charles G.T. Wiebe, Glaholt LLP

8. Pursuing the Insolvent Construction Company: 11:05 am to 11:20 am

Acting for a Lien Claimant or a Trust Claimant in Bankruptcy and CCAA proceedings

Proposed Speaker: Howard Krupat, Blaney McMurtry LLP

9. Delay Claims: 11:20 am to 11:35 am

Advancing a Claim for the Impact of Delayed Construction Work

Proposed Speaker: Anna M. Esposito, Pallet Valo LLP

10. Bidding and Tendering: 11:35 am to 11:50 am

Remedies in Tenders and RFPs

Proposed Speaker: Roger J. Gillott, Osler Hoskin & Harcourt LLP

11. Fraud Claims: 11:50 am to 12:10 pm

Dealing with Fraud on the Construction Site

Proposed Speaker: David B. Debenham, Lang Michener LLP

12. The Owner's Perspective: 12:10 pm to 12:30 pm

Claims for Latent Defects Discovered Years Later.

Proposed Speaker: Kenneth W. Crofoot, Goodmans LLP

13. The Repair: 12:30 pm to 12:50 pm

What Happens When the Lien is Gone? LawPro's Perspective.

Proposed Speaker: Pauline R. Sheps, LawPro

Questions and Concluding Remarks: 12:50 pm to 1:00 pm