

# CONSTRUCTION LAW *primers*

**Tuesday, October 18, 2011**

On the Park Events & Conference Centre  
1095 Leslie Street, Toronto, ON



Full Day  
Conference  
Starting at  
**\$475**<sup>+HST</sup>

## Proactive Strategies For Success in Uncertain Times

CONFERENCE CHAIR:

Andrew Heal,  
*Blaney McMurtry LLP*

FACULTY:

Janet Bobeckho, *Blaney McMurtry LLP*  
Brendan Bowles, *Glaholt LLP*  
Joseph Cosentino, *Goodmans LLP*  
Anna Esposito, *Pallett Valo LLP*  
Paul Sandori, *Revay and Associates Limited*

MEDIA SPONSOR:

**DAILY COMMERCIAL NEWS**  
AND CONSTRUCTION RECORD

Register online at [constructionlawonline.ca](http://constructionlawonline.ca) or call 416-512-3807

# A Critical One-Day Workshop for Stakeholders in Design, Building and Property Management

Strategic planning is necessary when managing risks on a construction project, and in uncertain financial times these risks may require a drastic change in plans. The key to success is identifying the risks quickly and planning to protect your firm from the unexpected; to minimize undesirable outcomes; and to maximize success.

Join your colleagues in examining the critical topics in construction law and learn how to manage today's challenges to reduce the impact on your business in the future. The crucial topics will include provisions in the construction contract, the latest changes to the Construction Lien Act, and risk hedges to protect your firm.

Our panel of recognized experts will share their knowledge and experience to provide you with the necessary tools to master the legal complexities of any project to avoid pitfalls, accomplish your objectives, and increase your profitability.



**Any Questions?**  
**Call 416-512-3807**  
**E-mail: [york@mmart.com](mailto:york@mmart.com)**



**Construction Law Primer eligibility for OAA Core Learning Hours is under review.**

## Must attend event for:

- Architects
- Contractors
- Consultants to the Construction Industry
- Builders/Developers
- Owners
- Construction Lawyers
- In-House Counsel
- Contract Lawyers
- Property Managers
- Facility & Operations Managers
- Engineers
- Subcontractors



**Andrew Heal, Senior Partner, Blaney McMurtry LLP**

Andrew Heal is the Chair of the ACES Group (Architectural/ Construction/ Engineering

Group) at Blaney McMurtry LLP. Andrew has been practicing construction law for over 20 years, and is the Vice-Chair of the Ontario Bar Association Construction Section and regularly speaks at construction industry events, including the Ontario Association of Architects, the Consulting Engineers of Ontario and the Council of Ontario Construction Associations. Andrew regularly acts for owners, municipalities, contractors, subcontractors and lenders involved in the construction pyramid, particularly for construction projects in trouble.



**Brendan Bowles, Partner, Glaholt LLP**

Brendan Bowles is a partner with Glaholt LLP in Toronto. His practice is devoted almost

exclusively to construction litigation. In 2004 he was designated as an Associate in Canadian Surety Bonding by the Surety Association of Canada. He served as Co-Chair of the Ontario Bar Association's Hot Topics in Construction Law Program, Construction Remedies: Beyond the Lien and Hot Topics in Construction Law for the Commercial Solicitor. Currently, he is Co-Editor of Nuts and Bolts, the OBA's Construction Law Section newsletter and a part-time lecturer at Ryerson University, teaching Construction Law in the Faculty of Architectural Science.



**Janet Bobechko, Partner, Blaney McMurtry LLP**

Janet Bobechko is a Certified Specialist in Environmental Law and partner at Blaney McMurtry

LLP. Over the past twenty years, her practice has encompassed all aspects of environmental law with an emphasis on environmental compliance issues arising from an ever broadening web of federal, provincial and municipal regulatory requirements. Her practice involves advising clients in relation to risk management measures for legacy contaminated sites and brownfield redevelopment. Janet is an executive member of the Canadian Bar Association, National Environmental, Energy and Resource Law Section, and Law Society of Upper Canada.



# CONTRACTS, CLAIMS & CONSTRUCTION LIENS

## ❖ 8:00 A.M. *Registration & Coffee*

## ❖ 9:00 A.M. *Welcome & Opening Remarks*

Andrew Heal, *Blaney McMurtry LLP*

## ❖ 9:15 A.M. – 10:30 A.M. **Contract Provisions: The Key to Managing Risk**

- Limitation periods – know your time limits
- Notice of claims
- Claims and dispute provisions
- Warranties and time extensions
- Essential provisions in the new CCDC contracts

Joseph Cosentino, *Partner, Goodmans LLP*

## ❖ 10:30 A.M. – 10:45 A.M. *Refreshment Break*

## ❖ 10:45 A.M. – 12 NOON **Managing Risk for Opportunities in Current Markets**

- New risks in today's environmental regulatory regime landscape
- Opportunities and challenges in wind and green energy
- Risk management measures for legacy contaminated sites and brownfield development
- Compliance issues relating to environmental law and infill development

Janet Bobeckho, *Senior Partner,  
Blaney McMurtry LLP*

## ❖ 12 NOON *Networking Lunch*

## ❖ 1:00 P.M. – 2:00 P.M. **Delays, Disputes, and Other Avoidable Problems**

Case studies of delays, claims, and other disputes that could have been avoided including these familiar situations:

- Not good: Fearless designs and fearless contractors
- A better option: Anticipate problems and be prepared
- Recipe for trouble: Clashing egos and clashing boilerplates
- Be aware: Figures don't lie. Or do they?

Paul Sandori, *Senior Consultant,  
Revay and Associates Limited*

## ❖ 2:00 P.M. – 2:15 P.M. *Refreshment Break*

## ❖ 2:15 P.M. – 3:00 P.M. **Hedging Risk: Construction Bonds, Insurance, and Indemnities**

### **Bonds:**

- Legal implications for contractors/owners
- Bid Bonds/Consent of Surety
- Performance/Labour & Material Payment Bonds
- Acts that Discharge the Surety
- Construction Lien Bonds

### **Insurance:**

- Common Insurance requirements of a contract: Avoiding gaps
- Key issues in enforcing insurance rights and requirements
- Insurance overview: What does it do and how does it work?
- Construction insurance: What's covered? What isn't?
- Common Exclusions to Coverage

Brendan Bowles, *Partner, Glaholt LLP*

Andrew Heal, *Senior Partner,  
Blaney McMurtry LLP*

## ❖ 3:00 P.M. – 4:00 P.M. **The Lien Remedy**

- Entitlement to Lien
- Types of Lien
- Proper Preservation of Lien
- Errors: curable or not?
- Written Notice of Lien
- Right to Information (s39)
- Priorities
- Bankruptcy and Liens

Anna Esposito, *Partner, Pallett Valo LLP*

## ❖ 4:00 P.M. *Conference Adjourns*

### **RIBO Continuing Education Credits**

**Construction Law Primer eligibility for  
RIBO Accreditation is under review.**



**Joseph Cosentino, Partner,  
Goodmans LLP**

Joe Cosentino is a partner at Goodmans. His practice focuses on litigation with an emphasis

on construction law, energy disputes and commercial litigation. Joe's construction law practice involves negotiating major contracts, lien litigation and resolving disputes for owners, general contractors, subcontractors, material suppliers and lenders. His practice also involves a broad range of commercial litigation matters, including bankruptcy/insolvency litigation and disputes involving the electricity industry. He has worked with owners in updating their Canadian Construction Documents Committee (CCDC) contract documents and in arbitration proceedings between developers and contractors.



**Anna Esposito, Partner,  
Pallett Valo LLP**

Anna Esposito heads up the firm's Construction Practice and is also a member of

the Commercial Litigation Practice. She acts for all the parties in the construction pyramid, including general contractors, subcontractors, material suppliers, owners, developers, sureties, mortgagees and trustees in bankruptcy. Anna's recognitions include the Special Designation Certified by the Law Society of Upper Canada as a Specialist in Construction Law; Fellow, Canadian College of Construction Lawyers; and as a leading practitioner in the area of Construction Law by The Canadian Legal LEXPERT Directory.



**Paul Sandori, Senior Consultant,  
Revay and Associates Limited**

After twenty years of experience as engineer and architect in private practice, Paul Sandori joined

National Research Council in 1989. He acted as Construction Technology Advisor for NRC's Institute for Research in Construction, and co-authored the Commentary on Part 5 Wind, Water and Vapour Protection of the National Building Code (1994). He is the Founding Co-Publisher and still the Editor of the Construction Law Letter, and has co-authored a book on the law of bidding and tendering, published by LexisNexis. From 1992, he has been a Senior Consultant with Revay and Associates Limited where he has provided project management and dispute resolution services on many projects.

# REGISTRATION FORM

**CONSTRUCTION  
LAW *primers***

**PLEASE TYPE OR PRINT LEGIBLY.**

For additional registrations from the same organization, please photocopy this form.  
Register by Friday, October 14, 2011 to receive written confirmation.

Given name \_\_\_\_\_

Surname \_\_\_\_\_

Title \_\_\_\_\_

Email \_\_\_\_\_

Company name \_\_\_\_\_

Full mailing address \_\_\_\_\_

City/Town \_\_\_\_\_ Province \_\_\_\_\_ Postal Code \_\_\_\_\_

Business Telephone \_\_\_\_\_ Facsimile \_\_\_\_\_

## REGISTRATION INFORMATION

### Advance Sales Only

There will be no sales at the door.

### Deadline to Register:

Friday, October 14, 2011

### How to Register:

#### 1) REGISTER ONLINE:

constructionlawonline.ca

#### 2) FAX:

Send the completed registration form with payment to 416-512-1077.

#### 3) MAIL:

Send the completed registration form with payment to:

#### Construction Law Primer – Toronto

c/o MMPI Canada  
10 Alcorn Ave., Suite 100  
Toronto, ON M4V 3A9

### Registration Fee:

**Up to September 30<sup>th</sup>, 2011:**

❖ \$475 + \$61.75 HST (13%) = \$536.75

**After September 30<sup>th</sup>, 2011:**

❖ \$525 + \$68.25 HST (13%) = \$593.25

### Registration Includes:

*Coffee, morning refreshments,  
lunch, afternoon refreshments  
& handouts.*

### Refunds & Substitutions:

Refunds will be provided for cancellations prior to Oct. 14, 2011. A fee of \$75.00 will be applied for the processing fee of each refund. We regret that refunds cannot be offered after that date. However, delegate substitutions are permitted up to and including the day of the event.

### Any Questions?

Call: 416-512-3807

E-mail: york@mmart.com

### Educational Credits

Construction Law Primer eligibility for OAA Core Learning Hours and RIBO Accreditation is under review.

## PASS IT ON!

If this brochure has been inadvertently sent to the wrong person, please pass it along to an interested associate.

Please check the most appropriate description of your responsibilities or organization:

- 00 Accountant
- 02 Developer / Owner
- 11 Financial Services
- 13 Construction Lawyer
- 15 Architect
- 16 Engineer
- 17 Contractor
- 17 Estimator
- 17 Project Manager
- 17 Trade Contractor
- 20 Government Official
- 36 Supplier
- 21 Other (please specify) \_\_\_\_\_

## REGISTER AT CONSTRUCTIONLAWONLINE.CA

### Payment Information:

#### Construction Law Primer: Toronto

Tuesday, October 18, 2011  
On the Park Events & Conference Centre  
1095 Leslie Street, Toronto, ON

	UP TO SEPT 30 <sup>th</sup>	AFTER SEPT 30 <sup>th</sup>
Full Day:	\$475.00	\$525.00
plus HST (#871719241RT0001)	61.75	68.25
<b>Total</b>	<b>\$536.75</b>	<b>\$593.25</b>

### PLEASE CIRCLE THE APPROPRIATE PAYMENT AMOUNT

Cheque enclosed     Visa     Mastercard     Amex  
(made payable to "MMPI Canada")

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Send 4 people from the same organization and receive the 5th registration for the same conference FREE.

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CANADA**

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