

Registration Information

Location

OBA Conference Centre, Suite 200 – 20 Toronto St., Toronto (just north of the King Edward Hotel). Wheelchair access: Through the Counsel Court Building on Adelaide Street East, between Victoria and Toronto Street.

Registration Policy

Registrations must be prepaid. Registrations will be accepted by FAX at (416) 642-0424 and at the Ontario Bar Association address shown on the Registration Form. A credit card number must accompany all faxed registrations. Walk-in registrations will be accommodated only if accompanied by credit card or cheque. Seating and meal preference, if applicable, will be given to prepaid registrants.

Refunds and Cancellations

Course fee is refundable (less \$50.00 plus \$3.00 GST) **if notice is received in writing five business days before the course.** We reserve the right to cancel or reschedule courses, refuse admission, or change speakers, location or content. No refunds will be made if notification is received after October 26, 2007. Please note that a CBA member in the same category may attend in your place. If the delegate is not a CBA member s/he will be required to pay the difference in fee. The OBA GST registration number is R100760495.

Fee Categories

CBA Member - A member in good standing of the Canadian Bar Association

CBA Student Member - CBA Law Student OR Articling and Bar Admission Candidate

Non-Member

CAN'T ATTEND THE PROGRAM?

ORDER THE PUBLICATION

Materials for CLE courses are available either in binder format or electronic format (downloadable).

Registration

Hot Topics in Construction Law

Friday, November 2, 2007 - 9:00 a.m. to 1:00 p.m.

Name: _____ CBA #: _____

Firm: _____

Address: _____

City: _____ Postal Code: _____

Bus. Tel. #: () _____ Fax #: () _____

E-mail: _____

REGISTRATION *Please circle fee category.*

Live Program <i>(includes materials)</i>	CBA Member	CBA Student Member	Non-Member
<input type="checkbox"/> In person	\$195	\$95	\$245

EDUCATIONAL MATERIALS *Available 3-4 weeks post-program.*

Publication	CBA Member	Non-Member
<input type="checkbox"/> Publication (binder)	\$75	\$100
<input type="checkbox"/> Publication (download)		

Sub Total: _____

Add GST (6%): _____

Total: _____

Payment (registrations must be prepaid)

Cheque (payable to Ontario Bar Association) or please charge Visa Mastercard

Credit Card #: _____ Exp. Date: _____

Signature: _____

CONTACT INFORMATION CONSENT

The OBA's programs may be supported by preferred suppliers, sponsors and exhibitors. Subject to the following paragraph, I understand that the provision of contact information on this registration form constitutes my consent to such information being disclosed to the preferred suppliers, sponsors, exhibitors, speakers or attendees of this program. For further information about the CBA's and OBA's treatment of contact information, see Members Privacy Policy at www.cba.org or www.oba.org.

By checking this box , I do not wish my contact information disclosed to the preferred suppliers, sponsors, exhibitors, speakers or attendees of this program.

Phone: 1-800-668-8900 • (416) 869-1047 Have your credit card handy.

Fax: (416) 642-0424 Credit card number MUST accompany faxed registrations.

Internet: www.oba.org/pd

Mail: Ontario Bar Association, 300-20 Toronto St., Toronto, Ontario, M5C 2B8

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OBA PROFESSIONAL DEVELOPMENT

Hot Topics in Construction Law

Friday, November 2, 2007 - 9:00 a.m. to 1:00 p.m.
OBA Conference Centre - 200 - 20 Toronto St., Toronto

Focus: Cutting-edge issues, caselaw and new developments in construction law practice, - from tendering, to lien rights, to practice and procedure at arbitration or trial

Highlights will include:

- Tendering: the latest word from the Supreme Court of Canada
- Lien rights after *Kennedy Electric*
- Criminal and quasi-criminal liability on the construction site
- Understanding and managing construction liens: what you must know about sheltering and limitation periods
- Best practices: discovery, arbitration and trial of construction disputes

Co-Chairs:



Brendan D. Bowles,
Glaholt LLP



Roger J. Gillott,
Osler, Hoskin & Harcourt LLP



ONTARIO
BAR ASSOCIATION
A Branch of the CANADIAN BAR ASSOCIATION

Hot Topics in Construction Law

Friday, November 2, 2007 - 9:00 a.m. to 1:00 p.m.

The demand for construction in Ontario continues to be red hot. To sustain this boom, the industry will turn to lawyers who understand not only the *Construction Lien Act* and new developments in the law, but also how to manage construction disputes in a timely, cost-effective manner. Eleven leaders in the field will cover some of the essential “hot topics” that you must understand in order to practise construction law effectively today.

Co-Chairs: **Brendan D. Bowles**, Glaholt LLP

Roger J. Gillott, Osler, Hoskin & Harcourt LLP

9:00 a.m. Introductory Remarks

9:05 a.m. **Tendering: Implications of the Recent Supreme Court of Canada Decision in *Double N Earthmovers***

- Owner obligations in reviewing bids – how far must an owner go?
- The meaning of “substantial compliance” and “informality” after *Double N*
- Bidder complaints of non-compliance in competing bids
- Bid shopping and post-close communication with bidders
- When does Contract A come to an end?
- Duty of fairness
- Implications of the strong dissent for future cases

Rocco Sebastiano, Osler, Hoskin & Harcourt LLP

9:25 a.m. **Preparing Bid Documents: How To Protect Your Client**

- “Contract A” is a contract...or is it?
- Setting ground rules people can actually live by
- How much discretion does a “discretion clause” really give?
- Do limitation or exclusion clauses work?
- Stating the right not to be “fair”: the ultimate protection?
- How far can privilege clauses go, while still being enforceable?

Glenn W. Ackerley, WeirFoulds LLP

9:45 a.m. **Criminal Liability for Breach of Trust**

- Recent amendments to the criminal code
- Criminal breach of trust
- False statutory declarations
- Implications for bidding and tendering

Charles G.T. Wiebe, Glaholt LLP

10:05 a.m. **Understanding the Sheltering Rules under the *Construction Lien Act***

- Overview of sheltering
- Horizontal sheltering
- Vertical sheltering
- Sheltering with respect to the 2-year limitation period
- The “Sheltering statements” under the E-Registration system

M. Janine Kovach, Cassels Brock & Blackwell LLP

10:25 a.m. **The Future of Lien Rights after *Kennedy Electric***

- Drawing the line – building an “improvement” or installing a production line?
- The most recent judicial pronouncements on lienability

Glenn Grenier, Lang Michener LLP

10:45 a.m. Break

11:00 a.m. **The Lien and the Queen: How To Preserve under Section 34(1) (b)**

- How to “give” the claim for lien
- Affidavits of verification
- Evidentiary imperatives
- *John Bianchi Grading Ltd. v. Eastern Construction Company Limited*

Jody K. Becker, McLaughlin & Associates

11:20 a.m. **Current Issues in the Law of Trusts**

- Personal liability – directors and other persons with potential section 13 liability
- Pleading a trust claim
- Priority of trust and lien claims in an insolvency

Janice L. Quigg, Movat Eccleston

11:40 a.m. **Common Pitfalls in Construction Lien Litigation**

- Understanding the limitation periods for preserving and perfecting liens
- Failing to set the action down in time for trial
- Defective claims for lien
- The curative provision

Howard Krupat, Blaney McMurtry LLP

12:00 p.m. **Practicality and Ethics in Conflict? - Counsel’s Role in the Discovery of His/Her Own Client (*Iroquois Falls Power Corp. v. Jacobs Canada Inc.*)**

- What rules govern discussions with your own client before, during and after the discovery?
- What is counsel’s role during the examination? When can counsel interject with more than an undertaking or refusal?
- What should you do to control interference by opposing counsel in the discovery process?
- Is there a remedy for improper conduct?

Kenneth W. Crofoot, Goodmans LLP

12:20 p.m. **Arbitrating Your Construction Dispute in 100 Days**

- The British version
- The American version
- The Australian version
- A proposal for a Canadian version of the 100 days Arbitration

Duncan W. Glaholt, Glaholt LLP

12:40 p.m. **How To Make Your Construction Lien Trial a Success**

- Getting to the first pre-trial conference: the judgment of reference and order for a pre-trial conference with the Master
- Pre-trial procedure: discovery of documents, examinations for discovery, witness statements, producing documents at trial
- Mediation with a construction lien Master before trial
- Trial procedure and practice

Master David H. Sandler, Superior Court of Justice

12:55 p.m. Concluding Remarks

1:00 p.m. Program Concludes

This CLE program has been approved for a LAWPRO CLE Premium Credit. To obtain your \$50 LAWPRO insurance premium reduction, please visit their website: www.lawpro.ca/clecredit

