



Construction Liens in Ontario

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Jeffrey A. Armel

Goldman Sloan Nash & Haber LLP

Joseph Cosentino

Goodmans LLP

Robert J. Kennaley

McLaughlin & Associates

Jennifer Leitch

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This seminar is designed for project managers, presidents and vice presidents, contractors, subcontractors, owners, developers, suppliers, architects, engineers, lenders, accountants and other construction professionals.

HAMILTON, ON

JUNE 26, 2008

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Critical Issues on the Agenda

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- 8:30 AM – 9:00 AM **Registration**
- 9:00 AM – 10:00 AM **Overview of Liens and What to Do When the Project Appears to Be in Trouble**
— Jeffrey A. Armel
- The Lowdown on Liens
 - The Critical Time Lines Under the Construction Lien Act
 - Registration Defects
 - Liens and Insolvency Issues
- 10:00 AM – 10:15 AM **Break**
- 10:15 AM – 11:30 AM **Tendering**
— Joseph Cosentino
- 11:30 AM – 12:30 PM **Lien Priorities: Mortgages, Unions, Judgments and Secured Creditors**
— Neil S. Abbott
- 12:30 PM – 12:45 PM **Questions and Answers**
— Neil S. Abbott, Jeffrey A. Armel and Joseph Cosentino
- 12:45 PM – 1:45 PM **Lunch (On Your Own)**
- 1:45 PM – 2:45 PM **The Construction Trust: Understanding Your Rights and Obligations Under the Trust Provisions of the Construction Lien Act**
— Robert J. Kennaley
- 2:45 PM – 3:00 PM **Break**
- 3:00 PM – 4:00 PM **The Process of a Lien Trial From Registration of the Lien Through the End of the Trial Incorporating the Relevant Provisions of the Lien Act**
— Jennifer Leitch
- 4:00 PM – 4:30 PM **Questions and Answers**
— Neil S. Abbott, Jeffrey A. Armel, Joseph Cosentino,
Robert J. Kennaley and Jennifer Leitch

Lorman Education Services reserves the right to modify the agenda and the faculty when circumstances are beyond our control.

Previous attendee comment from another Lorman seminar:

“There are many, many points I can use as GC and subcontractor.”

— Craig Lommer, Contract Manager
Garrett Sign Studio

Registration

Construction Liens Hamilton, ON - June 26, 2008



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Residential Landlord and Tenant Law – Assignment and Subletting; Landlord and Tenant Board Matters and the Enforcement of Orders; Common Landlord Claims Initiated Through Small Claims Court; Enforcing a Board Order – Amounts Owning; Residential Tenancies Act.

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What to Do When Construction Projects Go Bad – Preventing Lien Disaster – Understanding the Construction Lien Act; Performance, and Labour and Material Payment Bonds – Avoiding the Pitfalls of the Surety's Defenses to a Bond Claim; Lien Claims and Trust Provisions; The Latest Word; A History of Building Fires and Lessons Learned.

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Real Estate Development From Beginning to End – Site Selection and Due Diligence; Purchase and Sale Agreements; Managing Environmental Risks in Real Estate Transactions; Tax Increment Financing; Getting Your Approvals – Ontario's Planning Regime Overview, Processes, Appeals and Recent Changes; Planning for Growth in the Greater Golden Horseshoe.

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Our Distinguished Faculty

Neil S. Abbott is a partner in the Financial Services Department in Gowling Lafleur Henderson LLP's Toronto office. He is the national chair of Gowling's Construction Law Practice Group and is the leading practitioner of construction law in the Toronto office. Mr. Abbott focuses on negotiating and drafting construction contracts, tenders and bidding, enforcement and prosecution of liens, including trial of actions across the province. He provides construction management advice that includes termination of contracts and retention of completion contractors. Mr. Abbott has litigated claims on labour and material payment bonds, performance bonds and bid bonds. He has assumed construction liens in the course of receiverships and regularly provides advice to lenders on the priority between lien claimants and mortgagees. Mr. Abbott is an executive member of the Construction Law Section of the Ontario Bar Association. He is a frequent lecturer at Osgoode Hall Law School and an avid speaker and presenter. In 2006 Mr. Abbott was ranked as one of the best construction lawyers in Canada by *The Best Lawyers in Canada, 2006*. Mr. Abbott received his law degree from Osgoode Hall Law School. He is also a graduate of Huron College at The University of Western Ontario and Upper Canada College.

Jeffrey A. Armel is a partner with Goldman Sloan Nash & Haber LLP in Toronto. Mr. Armel's practice area focuses on litigation with an emphasis on construction law. His construction law practice involves interpreting major contracts, lien litigation, breach of trust actions and resolving disputes for owners, general contractors, subcontractors and material suppliers. Mr. Armel is a frequent seminar speaker and panelist at legal education seminars and has contributed articles to several publications. He earned his B.A. degree, with honours, from York University and his LL.B. degree from Osgoode Hall Law School. Mr. Armel is a member of the executive of the Construction Law Section of the Ontario Bar Association, the Toronto Construction Association and the Law Society of Upper Canada.

Joseph Cosentino is a partner with Goodmans LLP in their Toronto office. Mr. Cosentino focuses on litigation with an emphasis on construction law and energy disputes. His construction law practice involves negotiating major contracts, lien litigation and resolving disputes for owners, general contractors, subcontractors, material suppliers and lenders.

Mr. Cosentino's practice also involves a broad range of commercial litigation matters. He has handled a variety of claims and disputes in connection with municipal utilities. He is a frequent speaker and contributor to a number of industry trade conferences and publications. Mr. Cosentino is also the editor of the *Goodmans' Construction Law Update* newsletter and has written a number of articles. He earned his B.A. (honours in political science and history) and M.A. (history) degrees from the University of Toronto and his LL.B. degree from Osgoode Hall Law School. Mr. Cosentino is a member of the Toronto Construction Association, the Canadian Bar Association of Ontario and the Advocates Society.

Robert J. Kennaley is a lawyer with McLaughlin & Associates in Toronto. With a background in construction, he brings practical experience with contract negotiations, project management and contract administration to his practice. Mr. Kennaley has acted for clients at all levels of the construction industry. His day-to-day practice involves negotiations; contract drafting; construction lien and trust claims; claims against owners, consultants and insurers; tendering issues; building code violations; claims against performance, and labour and material payment bonds; Workplace Safety and Insurance Act claims; and Occupational Health and Safety Act charges. Mr. Kennaley writes and speaks frequently in the area of construction law, is a member of the Construction Law Section of the Canadian Bar Association, the Advocates Society and the Metropolitan Toronto Lawyers Association, and is the legal representative to the Judicial/Advisory Committee of the Construction Bid Depository of Ontario.

Jennifer Leitch is a lawyer with Goodmans LLP. Ms. Leitch focuses on commercial litigation with an emphasis on construction law. Her practice involves acting for owners, general contractors, subcontractors, materials suppliers and lenders in construction disputes. Ms. Leitch is regularly consulted on contract issues, lien matters and claims involving design professionals. She served on the board of directors of Justice for Children and Youth, a Toronto legal clinic, from 1999 to 2005. Ms. Leitch earned her B.A. and LL.B. degrees from Dalhousie University. She is a member of the Canadian Bar Association of Ontario and the Advocates Society.

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Seminar Highlights

Exercise your lien rights and be prepared for any legal battles on the horizon – Don't be caught off guard!

Construction liens and bonds are two of the murkiest areas of the law for owners, contractors, subcontractors and suppliers. Handling construction payment disputes in Ontario can be a turbulent process, but armed with the necessary legal knowledge, you can successfully manage even the most complex and costly situation. Attend this seminar and gain the practical insight you need to deal with any challenges that come your way, including the process of a lien trial from registration of the lien through the end of the trial. Don't wait – register today to make sure you stay on the cutting edge of your field.

Benefits for You

- Know what to do when the project appears to be in trouble
- Understand the complexities of the Construction Lien Act
- Get a handle on lien priorities
- Learn about your rights and obligations under the trust provisions of the Lien Act
- Navigate the process of a lien trial from registration through the end of the trial

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Construction Liens



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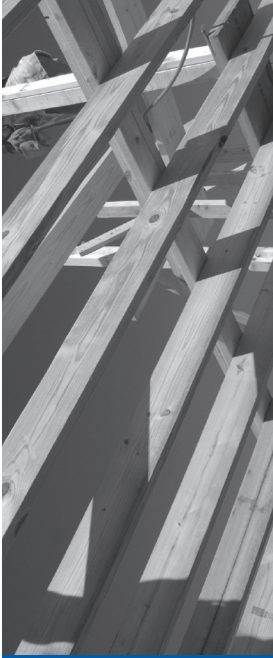
The attendee will be able to:

- discuss what to do when the project appears to be in trouble
- identify lien priorities
- review the process of a lien trial

By attending this course, you may earn 10.0 continuing education credits through the Certified General Accountants of Ontario.

This course may qualify for 6.0 hours toward the CPD requirement through the Institute of Chartered Accountants of Ontario.

This seminar may qualify for 6.0 CPLD credits through the Certified Management Accountants of Ontario.



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