Construction Remedies: Beyond the Lien

Thursday, May 29, 2008 - 9:00 a.m. to 1:00 p.m.
OBA Conference Centre - 200 - 20 Toronto St., Toronto

Focus: Comprehensive review of construction remedies beyond the lien.

Highlights will include:
- How to get paid: Trusts, Equitable Remedies, Bonds and Claims against Mortgagees
- Alternative Claims: The Repair and Storage Lien Act and the Personal Property Security Act
- Projects in Trouble: Court-Appointed Trustees, Dealing with Insolvencies and with Fraud
- The latest on Delay Claims and Bidding and Tendering
- The Owner’s Perspective
- LawPRO’s Perspective

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

Registration Information

Location
OBA Conference Centre, Suite 200 – 20 Toronto St., Toronto (just north of the King Edward Hotel). Wheelchair access via 33 Victoria Street (between Adelaide and King 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 $2.50 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 at any time. No refunds will be made if notification is received after May 22, 2008. 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?
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Materials for CLE courses are available either in binder format or electronic format (downloadable).
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.

9:05 a.m. Construction Trusts
• Officers and Director’s liability, survival in a bankruptcy
  Jeffrey A. Armel, Goldman, Sloan, Nash & Haber LLP

9:20 a.m. Equitable Remedies
• Quantum meruit and unjust enrichment
  Michael V. MacKay, Barrister & Solicitor

9:35 a.m. Surety Bonds
• Payment bonds, performance bonds, bid bonds
  Gregory D. Hersen, Torkin Manes Cohen Arbus LLP

9:50 a.m. Extraordinary Remedy
• Court appointed Trustee pursuant to Section 68 of the Construction Lien Act
  Dante A. Capannelli, Capannelli Law Professional Corporation

10:05 a.m. Liens for Chattels and Articles
• The Repair and Storage Liens Act
  Glenn Grenier, Lang Michener LLP

10:20 a.m. A Novel Alternative
• Section 34 of the Personal Property Security Act
  Andrew J. Heal, Blaney McMurtry LLP

10:35 a.m. Break

10:50 a.m. Claims Against Mortgages
• Section 78 of the Construction Lien Act, the mortgagee as owner
  Charles G.T. Wiebe, Glaholt LLP

11:05 a.m. Pursuing the Insolvent Construction Company
• Acting for a Lien claimant or a trust claimant in bankruptcy and CCAA proceedings
  Howard Krupat, Blaney McMurtry LLP

11:20 a.m. Delay Claims
• Advancing a claim for the impact of delayed construction work
  Anna M. Esposito, Pallet Valo LLP - Mississauga

11:35 a.m. Bidding and Tendering
• Remedies in Tenders and RFPs
  Roger J. Gillott, Osler, Hoskin & Harcourt LLP

11:50 a.m. Fraud Claims
• Dealing with fraud and the construction industry
  David B. Debenham, Lang Michener LLP - Ottawa

12:10 p.m. The Owner’s Perspective
• Claims for latent defects discovered years later.
  Kenneth W. Crofoot, Goodmans LLP

12:30 p.m. The Repair
• What happens when the lien is gone? LAWPRO’s perspective.
  Pauline R. Sheps, LAWPRO

12:50 p.m. Questions and Concluding Remarks

1:00 p.m. Program Concludes