

## When Teraview Meets Construction Law and Other Nuts and Bolts



Live Webcast



3.0 Substantive Hours  
1.0 Professionalism Hour

**Date:** Friday, April 26, 2013 | 9:00 am to 1:00 pm

**Location:** Twenty Toronto Street Conferences and Events  
(OBA Conference Centre)  
20 Toronto Street, 2nd Floor, Toronto

**Program Chairs:** **David Debenham**, McMillan LLP - Ottawa  
**Sandra Astolfo**, Torkin Manes LLP

**Note:** New members may apply any program that contains a minimum of **0.5 Professionalism Hours** toward the annual CPD requirement.

Although the *Construction Lien Act* (Ontario) only contains 88 sections, keeping abreast of current cases, court procedures and Land Registry Office practices can be a full time job. Save valuable billable time by attending this program which will bring you up to date quickly and will give you the practical tools you need to navigate this complex piece of legislation. You will leave this program with suggestions on how to modify your pleadings, strategies for avoiding claims and hidden traps within the legislation and underlying case law, updates for your practice and procedures to reflect current legal and procedural trends and much more.

Register now to hear from this distinguished panel of experienced construction lawyers. We look forward to seeing you there!

8:30 am Registration and Coffee

9:00 am Welcome from the Program Chair

9:10 am **How Criminal Law Restraint and Forfeiture Orders Can Affect Construction Liens**

- The nature and statutory authority for these orders
- The impact of these orders on the rights of lien claimants and lien actions,
- Current practices of federal prosecutors

**Ted Rotenberg**, Burstein & Greenglass LLP

9:25 am **How to Update Your Pleadings in Light of Recent Caselaw**

- How should you revise your Breach of Trust Pleadings post-Belmont *Concrete Finishing v Marshall*?
- What thresholds must you meet when advancing breach of trust claims against individuals?
- *Landmark II Inc. v 1535709 Ontario Ltd.*: New strategies for pleading breach of contract and Quantum Meruit in lien actions
- Maintaining a lien claimant's right to an election between alternative remedies to ensure you obtain the best recovery

**Joe Cosentino**, Goodmans LLP

9:50 am **Not Just Deadlines: Common Errors and Traps to Avoid in Lien Retainers**

- How to ensure compliance with client identification and verification requirements
- Conflict of interest and other searches you should perform upon retainer and throughout a lien action
- Adequate support and training – even as a sole practitioner, work that you can and should delegate, and work that you must do yourself
- How to deal effectively with the “last minute lien”:  
Minimizing your risk of negligence claims

**Brendan Bowles**, Glaholt LLP

10:20 am Networking Break

10:40 am **Sheltering “Under My Umbrella”: A Case Comment on *Deslaurier v Le Groupe Brigil***

- What to do when your lien is expired
- Clarifying the rules around sheltering
- Under what circumstances can one lien shelter other

- When must a lien claimant obtain an independent trial date?
- If the lien claim is an action in which the other liens may be enforced, when will or won't the other liens be deemed to have expired?

**Karen Groulx**, Fraser Milner Casgrain LLP

11:10 am **Keeping You and LawPro at Arm's Length**

- Measures to ensure you meet the 3 limitation periods associated with lien claims – implementing tickler systems
- Tricks and traps and trust claims
- Complex construction issues, and how to deal with them
- Understanding and managing joint retainers when you are hired by more than one lien claimant/trust beneficiary?

**David Debenham**, McMillan LLP - Ottawa

11:40 am **Just When You Think You Had it All Figured Out: Lien Practice Across Ontario**

Attend this session to gain a complete understanding of the different motion procedures in Toronto, Barrie, Bracebridge and London. Learn the variations in regional practices for posting security and vacating motions, return of security motions, pretrial procedures and more

**Marcia Oliver**, Advocates LLP - London

12:10 pm **A New Twist on E-Reg: Problems with Vacating/Discharging/Releasing Claims for Lien/Liens**

- Discharge of Construction Lien: what language is required by *LRO Bulletin No. 2011-03*?
- Can the “Application to Amend” still be used to vacate liens, or is the “Discharge of Construction Lien” required?
- Variations in practice, from LRO to LRO
- When the pooling of the costs portion of the security with other liens that remain on title is a possibility

**Roger Gillott**, Osler, Hoskin & Harcourt LLP

12:55 pm Question Period and Concluding Remarks

1:00 pm Program Concludes

**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/pd](http://www.oba.org/pd)

Questions? [pd@oba.org](mailto:pd@oba.org)