



Construction Law

DLA Piper's Construction Law practice in Canada comprises a national team of corporate/commercial, litigation and insurance law lawyers highly experienced in both national and international matters.

We are familiar with all sectors of the construction and engineering industry, including energy, infrastructure and development. We advise on all manner of procurement methods, from commercial developments to major international, domestic, civil and process engineering and energy projects. The corporate/commercial component of our practice provides strategic and legal advice during the negotiation, development, financing, insuring, construction, and warranty phases of projects, from large real-estate projects to high-speed communications infrastructure projects. We routinely handle national and international mega-projects including public-private partnerships.

Our litigation lawyers have appeared before all levels of the Canadian courts and in alternative dispute resolution forums. Some of our senior litigation lawyers have acted as mediators, arbitrators and judges in connection with construction disputes, particularly. We work intimately with our DLA Piper colleagues globally, assisting clients wherever in the world business takes them.

Our group's experience in Canada covers:

Construction Disputes

We have successfully represented owners, contractors, design builders, consultants, lenders, sureties and suppliers to the construction industry in many significant cases, including delay and impact claims, change-order disputes, changed-site conditions allegations and force-majeure events, insurance and bonding claims, inspection and supervision claims, defective workmanship issues, the collection of contract accounts and matters of contractual interpretation.

Design and Engineering Issues

Our experience includes engineers' and architects' common law and contractual obligations from the design, inspection and supervision services. We have handled hundreds of large-scale design and engineering cases including heavy industrial equipment failures, highway design and construction, concrete failures ranging from industrial floors to open mine grout curtains, bridge design and construction, transmission line and power system design and construction, and pressure vessel failures, to name only a few. We have extensive experience in dealing with the world's leading experts in building and machine design and failure analysis.

Leaking Condominiums and Deficient Buildings

RELATED SERVICES

- Litigation, Arbitration and Investigations
- Public Private Partnerships and PFI
- Real Estate

Our construction litigation team has acted for a broad range of private and institutional owners, developers, tenants, lenders and contractors in a host of leaking condominium claims and other matters involving building deficiencies generally. Our trial lawyers have appeared before all levels of the courts and in alternative dispute resolution forums, including mediations and arbitrations. Our lawyers have extensive experience dealing with insurers, government agencies, lending institutions and bonding and insurance companies.

Tender Advice and Disputes

We regularly act for owners and successful and unsuccessful bidders in tender disputes. We counsel numerous institutional clients with respect to the legal requirements of tender offer and acceptance, and routinely provide advice as to how to avoid pitfalls in these complicated areas. We also work extensively with our clients to develop custom or standard form contracts and tender packages.

Liens

We have represented thousands of clients over the years in lien claims involving real property, mining tenures, and petroleum leases. We advise claimants, general contractors, subcontractors, owners and lenders on all aspects of liens from registration phase through the enforcement of the same.

INSIGHTS

Publications

Proposed changes to B.C.'s soil relocation regulations — New testing and notification obligations

9 February 2021

The Government of British Columbia is in the process of overhauling the legal regime regulating soil relocation in the province, with the stated objective of improving the soil relocation process, enhancing waste soil management, and limiting the amount of soil that ends up in landfills. These proposed changes, which we are told will come before cabinet for approval by the end of 2021, are likely to impact the construction industry, property developers, environmental consultants, operators of soil management sites, and those who intend to remediate their properties.

Alberta revamps builders' lien regime

15 December 2020

In response to lengthening payment periods and an increasing number of disputes between owners and contractors, as well as to coordinate with revised acts in other provinces, Alberta has proposed significant changes to the *Builders' Lien Act*.

Construction lien deadlines to be exempt from suspension of Ontario limitation periods

10 APR 2020

Many participants in the Ontario construction industry will breathe a big sigh of relief as the result of an announcement released on April 9, 2020 by the Ontario Attorney General.

Prompt payment and adjudication have arrived in Ontario

17 OCT 2019

The second phase of Ontario's *Construction Act* reform has finally taken effect - as of October 1, 2019. Ontario construction contracts that meet the applicable transition test will now be governed by the new prompt payment and adjudication regime in the province. In addition, the Authorized Nominating Authority ("ANA") responsible for administering and overseeing the adjudication of construction disputes has now been established under the name, "Ontario Dispute Adjudication for Construction Contracts" or "ODACC".

This bulletin is an updated and supplemented version of a summary we published in April 2019, which takes into account these most recent developments. Please also look out for a further update on similar proposals and legislation across the country, which will be posted shortly.

Dramatic change ahead for the Ontario construction industry

5 SEP 2017

It is widely anticipated that the second reading of Bill 142, also known as the *Act to amend the Construction Lien Act*, will take place this fall. If implemented, Bill 142 will represent the most significant legislative reform seen in the Ontario construction industry since 1983, when the existing *Construction Lien Act* came into force.

Events

Previous

2019 Construction Adjudication Symposium Significant Change — Time for Alignment

29 MAY 2019

Ontario's New *Construction Act*: Adapting to the New Prompt Payment & Adjudication Regimes

29 APR 2019

NEWS

DLA Piper (Canada) LLP welcomes Partner Jerritt R. Pawlyk

4 January 2021

DLA Piper (Canada) LLP is pleased to announce that Jerritt R. Pawlyk has joined the firm as a Partner in the Edmonton office. Jerritt has a restructuring and insolvency practice and is an experienced advocate and advisor for clients across many industries, in particular the real estate and real estate finance sector.

DLA Piper (Canada) LLP increases rankings in the 2020 *Canadian Legal Lexpert Directory*

24 APR 2020

DLA Piper (Canada) LLP is pleased to announce that we have significantly increased the number of lawyers ranked as leading practitioners in the 2020 edition of the Canadian Legal Lexpert Directory.

DLA Piper (Canada) LLP recognized by *Chambers Canada* 2020

20 Sep 2019

DLA Piper (Canada) LLP is pleased to be recognized as an industry leader in the 2020 edition of *Chambers Canada*.

DLA Piper (Canada) LLP welcomes new associate Emma Cosgrave

24 JUN 2019

DLA Piper (Canada) LLP welcomes Emma Cosgrave to the firm's Toronto office as an associate in the Litigation, Arbitration and Investigations Group.

DLA Piper (Canada) LLP ranked in 2019 *Canadian Legal Lexpert Directory*

3 MAY 2019

DLA Piper (Canada) LLP is pleased to announce that thirty-eight of the firm's lawyers have been recognized as leading practitioners in the 2019 edition of the *Canadian Legal Lexpert Directory*.
