



Howard Krupat

Partner

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Howard leads the firm's Canadian Construction Practice. Howard focuses on all aspects of construction and infrastructure law and his practice encompasses all sectors of that industry.

Howard has extensive experience as lead counsel on complex construction disputes involving both major infrastructure projects and private sector projects. He also routinely provides strategic project and contract administration advice with the objective of achieving the early resolution of disputes.

Howard represents a broad range of clients including public and private owners, general contractors, design-build consortia, lenders, subcontractors, suppliers and design professionals. Howard's dispute resolution practice entails the negotiation, mediation, arbitration and litigation of claims relating to all facets of construction law including contract disputes, tendering, delay, professional negligence, surety bonds and construction liens and trusts. Howard also routinely advises clients on the preparation and structuring of construction and project agreements.

Howard's experience spans a wide range of projects, including transit, energy, infrastructure, commercial, condominium developments and manufacturing.

Howard devotes a substantial amount of time to industry and professional associations. Howard served as an appointed member of the Advisory Panel for the Province of Ontario's *Construction Lien Act* Review. Howard is also a Fellow of the Canadian College of Construction Lawyers and the former Chair of the Ontario Bar Association's Construction and Infrastructure Section Executive, on which he served for many years. He is also Chair of the Allied Professions Committee of the Toronto Construction Association. Howard regularly chairs and speaks at industry and client seminars on a variety of construction law issues and has also published many articles in the area. Howard is the Contributing Editor of the *Construction Law Letter*, a bi-monthly national publication of LexisNexis. Howard is recognized by his peers as a leading construction lawyer in a wide variety of publications.

- Construction and Engineering
- Construction, Engineering and Infrastructure Disputes
- Litigation, Arbitration and Investigations
- Public Private Partnerships and PFI

English

LANGUAGES SPOKEN

- English

Admissions

- Ontario, 2001

Recognitions

- *Best Lawyers in Canada* (Construction Law), 2012-2023
- *Lexpert® ALM 500 Directory* (Construction), 2018-2022
- *Chambers Canada* (Construction), 2016-2023
- *The Legal 500 Canada* (Real Estate and Construction), 2022
- *Litigation Star, Benchmark Litigation* (Construction), 2022
- *Global Leader, Who's Who Legal: Construction*, 2022
- *Who's Who Legal Canada* (Construction), 2018-2022
- *Canadian Legal Lexpert® Directory* (Construction & Infrastructure), 2013-2022
- AV® Preeminent Peer Review Rated by Martindale-Hubbell
- *Lexpert Special Edition: Canada's Leading Infrastructure Lawyers*, 2013-2022

Education

- LL.B., University of Western Ontario, 1999
- B.Sc. (Honours), York University, 1996

Memberships

- Chair of the Allied Professions' Committee, Toronto Construction Association
- Inducted as a Fellow of the Canadian College of Construction Lawyers
- Appointed Member, Advisory Panel, *Construction Lien Act* Review, Province of Ontario, 2016-Present
- Chair of Ontario Bar Association, Construction Section Executive, 2014-2015; Executive Member in various positions, 2006-2016
- Member, The Advocates' Society
- Member, The Law Society of Ontario
- Member, Allied Professions Committee, Toronto Construction Association (TCA)

INSIGHTS

Publications

The role of external construction counsel

14 May 2021

A common reaction to hearing that someone is a "construction lawyer" is the assumption that this must be a very narrow and focused role. In this article written for the *Construction Law Letter*, Howard Krupat shows that often the opposite is true, and that the responsibilities of a construction lawyer are as varied as the range of projects within the construction industry and even the lifecycle of a particular project.

- Author, "The Role of External Construction Counsel," *Construction Law Letter*, Volume 37, Number 5, May/June 2021 [Originally published in *Construction Law Letter*, ©LexisNexis Canada Inc., 2021]

- Prompt payment and adjudication have arrived in Ontario, 17 Oct 2019
- Getting ready for Ontario's new *Construction Act*, 2 Apr 2019
- Co-author, "Construction Adjudication: An Overview," *Construction Law Letter*, Volume 36, Number 2, November/December 2019 [shared with permission of Lexis Nexis]
- Author, "Adjudication Under The Ontario Construction Act: Anticipated Challenges Based Upon International Precedent," *Journal of the Canadian College of Construction Lawyers 2019*, Thomson Reuters, May, 2019

Events

SPEAKING ENGAGEMENTS

- Co-Chair, "Managing Risk in Construction Contracts & Projects – Eastern Canada Edition", The Canadian Institute, February 24-25, 2022
- Program Director and Speaker, "Alternative Project Delivery Models: Integrated Project Delivery (IPD) & Alliance Agreements"; "Construction Liens"; The *Osgoode Certificate in Construction Law*, October 1-15, 2021
- Panelist, "Disputes," Construction Dispute Symposium 2021, Royal Institution of Chartered Surveyors (RICS), July 6, 2021
- Panelist, "Managing the COVID-19 Related Claims Process", Toronto Construction Association's Annual Members' Day, May 5-6, 2021
- Speaker, "Deconstructing Construction Law Reforms Across Canada: Lessons Learned from the Ontario Experience", 13th Annual National Symposium on Managing Risk in Construction Contracts & Projects, February 25-26, 2021
- Program Director and Speaker, The *Osgoode Certificate in Construction Law*, October 16, 2020
- Moderator, "Anticipating "Shovel-Ready" Construction Projects in an Economic Recovery", Osgoode Professional Development, May 26, 2020
- Speaker, "Managing Financial Uncertainty in Construction Projects During Extraordinary Times", Osgoode Professional Development, May 19, 2020
- Speaker, "Legal, jurisdictional and procedural issues likely to challenge adjudicators in year 1," Construction Adjudication Section Meeting, ADR Institute of Ontario, March 3, 2020
- Speaker, "Construction Law Update: Legal Aspects of Construction Innovations," The Building Show, December 4, 2019
- Program Director and Speaker, The *Osgoode Certificate in Construction Law*, Nov 11-15, 2019
- Speaker, 2019 Construction Adjudication Symposium Significant Change — Time for Alignment Royal Institution of Chartered Surveyors (RICS), May 29, 2019
- Speaker, "The New Prompt Payment Regime," Ontario's New *Construction Act*: Adapting to the New Prompt Payment & Adjudication Regimes, Apr 29, 2019
- Speaker, "Exploring the New Era of Construction Law," Ontario Bar Association, Feb 8, 2019
- Speaker, "2019 OWWA Construction Seminar — Constructing a Better Future" Ontario Water Works Association, Feb 7, 2019
- Speaker, "4th Annual Managing Risk in Construction Contracts and Projects," The Canadian Institute, Feb 5-6, 2019
- Speaker, "Ontario's New *Construction Act*: Transitioning & Applying the Modernization Provisions", *Osgoode Professional Development*, Dec 7, 2018
- Program Director and Moderator, "Prompt Payment & Adjudication in Canada" and "Construction Project Perspectives 360°", The *Osgoode Certificate in Construction Law*, Oct 29 - Nov 2, 2018
- Speaker, "Arbitration of Disputes in P3 Projects," CBA Construction and Infrastructure Law Conference, Oct 12, 2018
- Panelist, "Global Advisory on Capital Projects - How to Help Your Clients Mitigate Risk for a Competitive Advantage", the 8th International Society of Construction Law Conference - *Construction Law: Local Issues - Global Perspectives*, Chicago, Sep 26, 2018
- Speaker, "Ontario's New Construction Act: Managing the Change", Osgoode Hall Law School Professional Development, Apr 30, 2018
- Speaker, "*Construction Lien Act* Updates", Ontario Water Works Association Construction Seminar, Feb 8, 2018
- Speaker, "Effective Risk Management in Public-Private Partnerships", 3rd Annual Managing Risk in Construction Contracts and

Projects, The Canadian Institute, Feb 6, 2018

- Program Director and Speaker, "Project Delivery and the Construction Contract", The *Osgoode Certificate in Construction Law*, Nov 27- Dec 1, 2017
- Speaker, "Bill 142, *An Act to Amend the Construction Lien Act*", Superconférence sur la construction, The Canadian Institute, Nov 2017
- Moderator, "A Comparative Discussion of Dispute Resolution in Canada and the USA in 2017 and Recent Trends", 2017 International Institute for Conflict Prevention & Resolution Canada Regional Meeting, Sep 2017
- Speaker, "*Construction Lien Act Reform: The Proposed System for Mandatory Adjudication of Disputes*", Practice Gems: Construction Lien Essentials 2017, Law Society of Upper Canada, Mar 2017
- Program Director and Speaker, The *Osgoode Certificate in Construction Law*, presenter on "Project Delivery and the Construction Contract", Nov 21-25, 2016
- Panelist, "Industry Forum: Expert Review of Ontario Construction Lien Act," Toronto Construction Association 22nd Members' Day, May 2016
- Speaker, "IONA and Related Case Law Update - Builders' Lien Act Trust Challenges," CBA Construction and Infrastructure Law Conference - Building Canada in Today's Economy, Canadian Bar Association, Apr 2016
- Speaker, "How to Maintain Civility in Construction Law Cases to the Benefit of Your Client and Yourself", Practice Gems: Construction Lien Essentials 2016, Law Society of Upper Canada, Mar 2016
- Speaker, "Good Faith in Construction: Where We Are Post Bhasin," Ontario Bar Association's Institute, Feb 2016
- Speaker, "Construction Lien and Trust Rights in Insolvency," 10th Construction Claims Course, Federated Press, Dec 2015
- Speaker, Construction Law Update: Panel on the Lien Act, Procurement and ADR, Construct Canada, Dec 2015
- Presenter, Mediation and Arbitration of Canadian Construction Disputes, Canadian Bar Association, Sep 2015
- Speaker, "Deconstructing Your Contract: Common Sources of Disputes in Construction Contracts," Informa Canada - Strategies for Legal Preparedness, May 2015
- Speaker, "Calculating Your Costs: How to Avoid Needless Issues and Liens with Your Consultants and Contractors," Informa Canada - 2014 Construction Law Conference, May 2014
- Panelist, "Construction: A Wide Playing Field for Lawyers," IBA's Asia Pacific Regional Forum, International Construction Projects Committee and Young Lawyers' Committee, Oct 2013

NEWS

MEDIA MENTIONS

- Quoted "Experts offer tips for filing COVID-related claims on construction projects," *Daily Commercial News*, May 10, 2021
- Quoted, "Panel highlights reasons to keep an eye on Ontario's prompt payment lessons ," *Daily Commercial News*, March 3, 2021
- Quoted, "Adjudication, virtual dispute resolution in overdrive," *Lexpert Special Edition: Infrastructure*, September 3, 2020
- Quoted, "Osgoode panellists highlight shovel-ready contract issues," *Daily Commercial News*, June 4, 2020
- Quoted, "Construction lien reform: Changes to the prompt payment and adjudication regimes is afoot across Canada," *Canadian Lawyer*, June, 2019
- Featured in Lexpert Special Edition - Canada's Leading Infrastructure Lawyers, September, 2015.
- Quoted, "Insolvency lawyers relieved at ruling on Construction Lien Act," *Law Times*, March, 2015.
- Quoted, "Review of Construction Lien Act a delicate matter," *Law Times*, March, 2015.