

ONTARIO'S NEW CONSTRUCTION ACT: THE PRACTICAL GUIDE TO IMPLEMENTING THE SWEEPING CHANGES

Get essential insight and advice from key industry players and experts who helped write the new law!

Designed for the construction industry, this timely program will cover the critical issues, including:

- The key reforms and how to manage them in practice
- How to use the new prompt payment regime most effectively
- Tips to manage claims in the new adjudication system and what to watch out for
- Practical considerations for owners, general/major contractors, and trades, suppliers and labour
- Practical perspectives from owners, intermediate payers and ultimate payees

Register today at:

osgoodepd.ca/construction-act



Program Chairs

Sharon C. Vogel
FCIArb, Singleton Urquhart
Reynolds Vogel LLP

Geza R. Banfai
McMillan LLP

Date and Time

April 30, 2018
8:30 a.m. – 5:15 p.m. EDT
In-Person or Webcast

Online Replay: June 4, 2018

Location

Osgoode Professional Development
1 Dundas St. West, 26th Floor
Toronto, ON

Ontario's New Construction Act: The Practical Guide to Implementing the Sweeping Changes

This unique and information-packed, full-day program will focus on the practical steps that owners, general and major trade contractors, subcontractors and suppliers need to take to satisfy their new obligations.

Join our high-profile expert faculty of construction lawyers and professionals to learn critical skills, information and best practices to manage the changes on every project to comply with the new legislation and the underlying objectives: timely payment of accounts, dispute avoidance, and cost-effective claims management.

- The new law – what are the reforms and how to manage the changes
- Essential changes to liens and the lien remedy, and the implications across industries
- What are the rules of the new prompt payment regime? Is it a revolution? What are the steps to take to satisfy the new obligations?
- The adjudication system – an in-depth review of the new fast-track process, including how to make the process work for you
- Practical considerations and implications for:
 - owners
 - general contractors and major trade contractors
 - trade contractors, suppliers and labour

Who Should Attend?

- Construction and in-house lawyers
- Litigation and real estate lawyers
- Municipal, government and procurement professionals
- Owners and developers
- Builders and construction professionals
- Project and contract managers
- Architects
- Engineers
- Business and finance professionals
- Insurance professionals
- Consultants

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Agenda

8:00 am

Registration and Continental Breakfast

8:30 am

Welcome and Introduction from the Program Chairs

Sharon C. Vogel, FCIArb, Singleton Urquhart Reynolds Vogel LLP

Geza R. Banfai, McMillan LLP

8:35 am

The *Construction Lien Act Reforms*

Howard Krupat, DLA Piper (Canada) LLP

- The new extended lien period
- "Written notice of lien"
- Minor errors, irregularities
- Trust fund accounting obligations
- Annual/phased holdback releases
- Letters of credit and bonds to secure holdback
- Landlords and tenant improvements: the new rules
- Liens on condominiums
- Liens on AFP/P3 projects

9:30 am

Refreshment Break

9:45 am

The Prompt Payment Regime

Glenn W. Ackerley, WeirFoulds LLP

- The "proper invoice"
- Revisions to "proper invoices"
- Timing of invoices
- Obligations and timing of payments
- Certification of payment
- Notices of non-payment – availability, timing, content
- Set off rights
- Deferral regarding timing of payments
- Interest on late payments

11:00 am

Adjudication: Fast-Track Interim Binding Resolution of Payment Disputes

Sharon C. Vogel, FCIArb, Singleton Urquhart Reynolds Vogel LLP

Geza R. Banfai, McMillan LLP

- The Authorized Nominating Authority
- Appointing an adjudicator
- What claims can be adjudicated?
- The adjudication process – notices, filing requirements, time limits
- Consolidated adjudications
- Powers of the adjudicator
- The “interim binding” nature of an adjudicator’s determination
- Enforcement of adjudicator’s determination
- Judicial review of adjudicator’s determination
- Adjudication and AFP/P3 projects

12:15 pm

Networking Luncheon

12:45 pm

Special Luncheon Address: The Prompt Payment Revolution

Bruce Reynolds, FCIArb, Singleton Urquhart Reynolds Vogel LLP

- A global movement
- Adjudication – the essential supportive element
- Re-engineering payment culture

1:15 pm

Practical Considerations: The Owner’s Perspective

Glenn Clarke, Controller of Plant, Simcoe Muskoka Catholic District School Board

Eric Tilley, Senior Vice President, Legal Services, Infrastructure Ontario

Jerry Paglia, Director, Procurement Office, The Regional Municipality of York

- The implications to the owner generally
- Contractual changes necessary
- Determining what constitutes a “proper invoice”
- Internal approval of payments - meeting the challenge of the shortened timeline
- Adjudication: practical considerations necessary to meet the challenges
- Changes in AFP/P3 procurement, administration

2:30 pm

Refreshment Break

2:45 pm

Practical Considerations: The Intermediate Payer’s Perspective

Matt Ainley, Principal, Matt Ainley Inc.

Yonni Fushman, EVP & Chief Legal Officer, Aecon Group Inc.

Paul Raboud, Chair, Ontario General Contractors Association

- The implications to the intermediate payer generally
- Contractual changes necessary
- Ensuring compliance with the requirements for a “proper invoice”
- Practical changes necessary to cope with prompt payment
- Adjudication: practical considerations in meeting the timelines, ensuring a good determination
- Adjudication: managing the “ham in the sandwich” problem

4:00 pm

Practical Considerations: The Ultimate Payee’s Perspective

Howard Wise, Goodmans LLP

Matthew Alter, Cassels Brock & Blackwell LLP

- The implications to the trade, supplier and worker
- How to take advantage of annual/phased holdback release, use of alternative holdback security
- Changes in practice necessary to obtain the benefit of prompt payment rights

- Liening vs adjudicating – strategic considerations in deciding upon the remedy
- Adjudication: considerations involved in deciding to initiate the process
- Best practices to avoid having to resort to the new remedies

5:15 pm

Program Concludes

Here’s what participants of past Osgoode PD Construction Law programs had to say:

“Presenters were experts in the area of construction law, many were counsel on leading cases [and] their knowledge was invaluable. I had confidence in the materials, as they were presented by knowledgeable faculty – real leaders in the areas.”

Brittanee Laverdure, RVP, Aboriginal Trusts, Wealth Management, RBC

“All speakers were well educated in the field and communicated to the diverse audience very well.”

Patrick Bahen, Robert B. Somerville Co. Limited

“I would say that this seminar expanded my skill set and knowledge base and made me a better, more informed lawyer.”

Wade Sarasin, Siskinds LLP

Chairs

Sharon C. Vogel, FCIArb
Singleton Urquhart Reynolds
Vogel LLP

Geza R. Banfai
McMillan LLP

Faculty Includes

Glenn W. Ackerley
WeirFoulds LLP

Matt Ainley
Principal, Matt Ainley Inc.

Matthew Alter
Cassels Brock &
Blackwell LLP

Glenn Clarke
Controller of Plant,
Simcoe Muskoka Catholic
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Jerry Paglia
Director, Procurement
Office, The Regional
Municipality of York

Paul Raboud
Chair, Ontario General
Contractors Association

Bruce Reynolds, FCIArb
Singleton Urquhart Reynolds
Vogel LLP

Eric Tilley
Senior Vice President,
Legal Services,
Infrastructure Ontario

Howard Wise
Goodmans LLP

Registration Details

Fee per Delegate

\$595 plus HST

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit www.osgoodepd.ca/group-discounts for details. Please inquire about financial assistance.

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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LSO (ON): 8h 15m (7h Substantive, 1h 15m Professionalism)



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