

ONTARIO'S NEW *CONSTRUCTION ACT*: TRANSITIONING & APPLYING THE MODERNIZATION PROVISIONS

Get in-depth guidance and insight from experts who helped write the new law.

Designed for the construction industry, this **unique** program offers essential information and practical guidance on how to satisfy the *Construction Act's* July 1, 2018 legal reforms, including:

- A Modernization Provisions refresher
- Follow the money – how to satisfy the new rules for trust accounts, holdbacks and surety bonds
- The new liens process – includes a walk-through and review of the impacts on other remedies and areas of law
- Practical considerations for owners, general and major contractors, and subcontractors, trades or suppliers

Marketing Partner



Register today at:

osgoodepd.ca/cns-act2

Program Chairs

Sharon Vogel, FCI Arb
Singleton Urquhart Reynolds
Vogel LLP

Geza Banfai
McMillan LLP

Date and Time

December 7, 2018
9:00 a.m. – 4:00 p.m. EST
In Person or Webcast

Online Replay:
January 25, 2019
9:00 a.m. – 4:00 p.m. EST

Location

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



Ontario's New *Construction Act*: Transitioning & Applying the Modernization Provisions

Part of the new series – Deconstructing Ontario's New *Construction Act*.

This intensive one-day program takes a deep dive into the practical steps that owners, general and major contractors, and subcontractors, trades or suppliers need to take to satisfy the new legal obligations under the Modernization Provisions – which came into law on July 1, 2018.

Join our high-profile expert faculty of construction lawyers and professionals and learn from their playbook to acquire critical skills, information and best practices to manage the changes on every project to comply with the new legislation and to survive this new era of construction law.

Topics Include

- A Modernization Provisions refresher – what changed, what didn't and how to transition
- Walk-through the new liens process and gain strategies to overcome common transition issues
- Follow the money – how to satisfy the new regimes for trust accounts, holdbacks and surety bonds
- Key changes required for construction contracts
- Practical considerations, lessons learned, and best practices for:
 - owners
 - general and major trade contractors
 - subcontractors, trades and suppliers

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 managers
- Contract managers
- Architects
- Engineers
- Business and finance professionals
- Insurance professionals
- Consultants

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Agenda

9:00 a.m.

Modernization Provisions – Refresher + Transitions

Howard Krupat, DLA Piper (Canada) LLP

- Modernization Provisions refresher – what changed, what didn't?
 - Lien periods
 - Holdback release
 - Mandatory release/phased release/annual release
- Transitions – which Act applies?
 - What is the prime contract?
 - When was the prime contract entered into?
 - When does a procurement commence?
- Transition to Prompt Payment and Adjudication in October 1, 2019
- How will the transition work for prompt payment and adjudication?
- What will happen in relation to procurements commenced before October 1, 2019?

10:00 a.m.

Liens Process + Walk-Through

Bruce Reynolds, FCI Arb, Singleton Urquhart Reynolds Vogel LLP

Master Charles Wiebe, Ontario Superior Court of Justice

- What does the lien process look like now
 - In Toronto
 - Across Ontario
- Transition issues in relation to addressing motions – tips, best practices and checklist
- Looking ahead – plans for adjudication
 - How will it affect lien proceedings?
 - How will it affect the use of the lien remedy?

11:00 a.m.

Refreshment Break

11:15 a.m.

Trusts – Follow the Money

Duncan Glaholt, FCI Arb, CI Arb,
Glaholt LLP

Sharon Vogel, FCI Arb, Singleton
Urquhart Reynolds Vogel LLP

- Trust Accounts – what are they and how do they work?
- How do you manage the new bookkeeping rules?
- Issues to watch out for and tips and strategies to avoid conflicts
- What is the effect of the new trust provisions in an insolvency situation?
- Where are things going?

12:00 p.m.

Networking Luncheon

12:30 p.m.

Special Luncheon Keynote Address:
Looking Ahead: Prompt Payment in
Canada - Generals & Trades Going
Forward

Sandra Skivsky, Chair, National Trade
Contractors Coalition of Canada (NTCCC),
and Director of Marketing & Business
Development, Canada Masonry Centre

Clive Thurston, President, Ontario
General Contractors Association (OGCA)

1:15 p.m.

Surety Bonds

Ray Bassett, Vice President & Chief
Underwriting Officer, Surety National
Accounts, Travelers Canada

- Mandatory Performance Bonds and Labour and Material Payment Bonds
 - For what projects?
 - What are the minimums?
 - What are the caps?

- Bond forms
 - How will the new claims handling process work?
 - Key elements of new Performance Bond Forms
 - Key elements of new Labour and Material Payment Bond forms
- Top troubleshooting tips

2:00 p.m.

Changes to Construction Contracts

Geza Banfai, McMillan LLP

Janice Lao, Senior Legal Counsel,
Transaction Legal, Infrastructure Ontario

- How have templates changed to take into account modernization?
- Tips, best practices and checklist to avoid conflicts and to move forward
- How are parties getting ready for October 1, 2019?
 - Payment provisions
 - Dispute resolution provisions
- What's next?

2:30 p.m.

Refreshment Break

2:45 p.m.

360° Expert Perspectives: Modernization Provisions Transitions & Implementation

Chris Bennett, Osler Hoskin & Harcourt
LLP

Dante Capannelli, Legal Counsel, Black
& McDonald Limited

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

Wendy Law, Deputy City Solicitor,
Municipal Law, City of Mississauga

An expert panel will give you candid and targeted perspectives to ensure a smooth transition and implementation on your construction projects.

- 5 months in – owners, GCs, subs/trades, lenders (large to small companies)
- Practical implications and challenges – experts share their insights, tips, strategies and checklists to help you adjust to the procurement, contractual and administrative changes required
- Troubleshooting and best practices to avoid conflict, delay and disputes
- What does the future hold?

4:00 p.m.

Program Concludes

Here's what
participants at our
first Ontario's New
Construction Act
program had to
say:

“Highly qualified presenters who were well-prepared and offered a variety of perspectives.”

“Very good overall. How daunting this will all be for an industry better at building things than at process, and the costs will go up to implement all of this.”

“I was very pleased with the online offering of the program – convenient and did not require any additional travel or accommodations.”

Chairs

Sharon Vogel, FCI Arb
Singleton Urquhart
Reynolds Vogel LLP

Geza Banfai
McMillan LLP

Faculty Includes

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Vice President & Chief
Underwriting Officer,
Surety National Accounts,
Travelers Canada

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Development, Canada
Masonry Centre

Clive Thurston
President, Ontario General
Contractors Association
(OGCA)

Master Charles Wiebe
Ontario Superior Court
of Justice

Registration Details

Fee per Delegate

\$595 plus HST

Special bundle pricing available for the **Deconstructing Ontario's New Construction Act Series**. See website for details.

Fees include attendance, program materials, 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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