

NEW!

THE OSGOODE CERTIFICATE IN CONSTRUCTION LAW – NATIONAL EDITION

PROGRAM DIRECTORS

Jason Annibale
Partner, McMillan LLP

Geza Banfai
Counsel, McMillan LLP

Tim Mavko
Partner, Reynolds Mirth Richards
& Farmer LLP

REGISTRATION DETAILS

February 1, 8*, 15, 22 and
March 1*, 2022:

Online, Live
10:00 a.m. – 6:00 p.m. ET

* Afternoon workshop breakouts
will be live only/not recorded.

*Can't make the date?
Registration includes 120-day
unlimited, online access to the
recorded program.*

Register today at:
[osgoodepd.ca/
constructionlaw](http://osgoodepd.ca/constructionlaw)

Can you confidently manage legal risk on construction projects?

Join 30+ industry experts to learn the practical skills and knowledge you need to deal with crucial construction law concepts on your projects. Now offering select regional sessions with key distinctions for Eastern and Western Canada.

- Project delivery models and the key participants
- Construction contracts in general use, their key terms and issues
- Navigating bidding and tendering, delay and impact claims, and dispute resolution
- Insolvency, insurance, bonding, environmental, health and safety, and labour issues
- Managing emerging trends and legal developments impacting construction

PLUS! Don't miss the valuable opportunity to **reinforce key concepts** in **live, interactive workshops** and **discussions** with **high-profile decision-makers** who preside over construction disputes.



The Osgoode Certificate in **CONSTRUCTION LAW – NATIONAL EDITION**

Register today at:

[osgoodepd.ca/
constructionlaw](https://osgoodepd.ca/constructionlaw)

5 Days of Targeted Learning

- Become part of a professional, online community
- Interactive instructional sessions
- Connect with and learn from legal and industry experts and peers
- Learn-by-doing skills workshops

PLUS! You will receive unlimited 120-day online access to instructional sessions.

Construction projects are more complex than ever, and all stakeholders face numerous challenging risks and obligations. A comprehensive understanding of key legal issues and potential exposures in this high-stakes area is essential.

Developed for industry and legal professionals, this **practical, intensive** 5-day certificate covers what you need to know from contract formation to dispute resolution and it now features select sessions offering useful regional distinctions for Eastern and Western Canada. You will get to learn from a truly exceptional faculty of 30+ construction specialists who are fluent in the issues unique to construction in Canada. You will develop a thorough understanding of the **core legal issues impacting construction** projects today and emerge better equipped to manage costly risk.

Relevant. Engaging. Practical.

This program will **focus on real-world situations** and provide ample opportunity for questions and class discussion. In addition to interactive instructional sessions, you will benefit from **small group, learn-by-doing workshops** where you will have an opportunity to apply what you've learned. Your understanding of project delivery models will be reinforced during a "choose your model" workshop, and you will negotiate a construction contract from the perspective of owner or contractor.



*“Excellent content and delivery – very detailed.
All sessions were incredibly informative and engaging.”*

Giovanni Cautillo
President, Ontario General Contractors Association (OGCA)

Get practical tips, knowledge and strategies including:

- Conventional and alternative project delivery models in Canada and when to use them
- Crucial construction contract issues, including entitlement, limitations, risks, liabilities and “follow-the-money” negotiation strategies
- Essential bidding and tendering principles, special issues and emerging trends
- Addressing recurrent claims issues including delay and impact claims, unanticipated site conditions, scope changes, extras, productivity, and limitations
- How to navigate key issues in insolvency, health and safety, labour, insurance and surety bonding
- What to do about technology, key trends and developments impacting construction
- Decision-makers’ top tips to succeed in dispute resolution (including virtual proceedings) – in mediation, arbitration, litigation and adjudication

PLUS! You’ll receive beneficial materials and **practical tools** that will act as **valuable resources** long after the program concludes.

Who Should Attend

- Owners and developers
- Builders and construction professionals
- Business, operations or capital projects leaders
- Engineers, consulting engineers and technical specialists
- Architects
- Project managers
- Contract managers and specialists
- Procurement professionals
- Supply chain professionals, buyers and vendors
- Construction industry or infrastructure consultants
- Property or commercial services providers
- Mediators, arbitrators and adjudicators
- Construction, municipal, real estate or procurement lawyers or legal professionals
- In-house counsel
- Anyone involved with construction projects, whether as a sponsor, lender/investor, manager, risk officer, analyst, auditor or other consultant

Drawing on the expertise and experience of an outstanding faculty of senior legal and construction specialists, including:

Program Directors



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McMillan LLP



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McMillan LLP



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Reynolds Mirth Richards &
Farmer LLP

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Program Faculty

Associate Justice Charles Wiebe
Ontario Superior Court of Justice

Keith Burkhardt
Sherrard Kuzz LLP

Chris Burr
Blake, Cassels & Graydon LLP

Chris Campbell
Equity, Diversity & Inclusion Representative,
Carpenters' District Council of Ontario (CDCO)

**Dr. Cyril Chern, BArch, JurisD, RIBA,
AIA, FCIArb, FDBF**
Barrister, Chartered Architect, Chartered
Arbitrator, Adjudicator (UK & international),
Secretary – The Dispute Board Federation
(Geneva)

Philip Cho
WeirFoulds LLP

Ralph Cuervo-Lorens
McMillan LLP

Diarmid de Burgh-Milne
Managing Director and Owner, jcpil Ltd.

John DeCesare
Legal Counsel, Western Canadian Operations,
PCL Constructors Inc.

Stuart Detsky
Vice President, Surety & Warranty Claims,
Trisura Guarantee Insurance Company Annik
Forristal, McMillan LLP

Annik Forristal
McMillan LLP

Simon Foxcroft
Bennett Jones LLP

Joshua Fraese
Rose LLP

Duncan Glaholt, Carb, FCIArb
Glaholt Bowles LLP

Talia Gordner
McMillan LLP

Karen Groulx
Dentons Canada LLP

Helmut Johannsen, PEng, Carb, FCIArb
Principal, Johannsen Law Corp.

John Haythorne
Dentons Canada LLP

Christopher Hirst
Alexander Holburn Beaudin & Lang LLP

Bruce Karn
Director, Legal Services, EllisDon Group of
Companies

Howard Krupat
DLA Piper (Canada) LLP

Ryan Krushelnitzky
Field Law LLP

Andrea Lee
Glaholt Bowles LLP

James Lingwood
McLennan Ross LLP

Jana Mansour
Dentons Canada LLP

Jennifer Miller, QC
Bennett Jones LLP

Rick Moffat
Partner, HKA Global

Patricia Morrison
Borden Ladner Gervais LLP

Sean Parker
McLennan Ross LLP

Maria Ruberto
Pallett Valo LLP

Sabri Shawa, QC, FCIArb
Jensen Shawa Solomon Duguid Hawkes LLP

Brian Soutar
Consultant, Soutar Project Services Ltd.

**Douglas Stollery, QC, Member of the Order
of Canada**
Reynolds Mirth Richards & Farmer LLP

Lampros Stougiannos
Dentons Canada LLP/SENCRL

Joshua Strub
Margie Strub Construction Law

Jeremy Warning
Mathews, Dinsdale & Clark LLP

Bill Woodhead
Borden Ladner Gervais LLP

Agenda

MODULE 1

February 1, 2022

Project Delivery Models

Conventional Project Delivery Models

A detailed and practical analysis of the project delivery and contracting “Big Five” models in common use in Canada. Discussion will include risk profile considerations and other determinants favouring each method in particular circumstances. Includes: Design-Bid-Build, Design-Build, Construction Management and EPC and EPCM models.

Alternative Project Delivery Models: Public-Private Partnerships (P3s)

Essential guidance on P3 arrangements as used in Canada, including explanations of various transaction structures and the different risks and opportunities that distinguish P3s from traditional delivery models.

Alternative Project Delivery Models: Integrated Project Delivery (IPD) and Alliance Agreements

What is the problem which collaborative agreements are trying to solve? This session examines the features, compensation structures, roles and duties of key participants, common issues and misperceptions and the differences, risk profile considerations and other determinants favouring each method in particular circumstances.

MODULE 2

February 8*, 2022

Construction Contracts

Key Terms and Practical Guide to Navigating the Construction Contract

Examine the most significant risk transfer and legal points in construction contracts, including indemnities, liability caps, schedule delay, warranties and force majeure provisions, as well as additional considerations and complications in subcontracts, including recent landmark legal decisions. You will learn about navigating your construction contract as a “rule book”, including key directional points and pivots with expert insights, practical advice and risk management tools to avoid unexpected risk transfer, disputes and claims. Sessions include drafting tips, sample clauses and best practices.

Expert Demonstration: Negotiating Key Terms in Design Contracts

Observe legal and industry specialists in a live negotiation demonstration of key design contract terms, highlighting crucial negotiation strategies and best practices. Faculty will break-down the key components and critical factors to consider including contractor concerns, designer concerns, how to secure pre-agreements and key contractual issues to watch out for. You will emerge from this session better equipped to negotiate design contracts more effectively.

Live, Interactive Mini-Workshop: Project Delivery Models*

This day will conclude with an interactive “choose your model”, small group workshop where you will apply lessons learned to typical scenarios. You will have the opportunity to demonstrate the considerations that must be evaluated and balanced in choosing the right project delivery model for your contract and get feedback from acknowledged leaders.

**Note: workshop breakouts will be live only/not recorded (live attendance not required).*

MODULE 3

February 15, 2022

Bidding, Tendering, Liens and Claims

Bidding and Tendering

Learn the basic principles governing bidding and tendering law in Canada, including the evolution of the Contract A/Contract B paradigm and the principle of compliance in this ever-evolving area of law. Discussion includes a review of the formative legal authorities such as Ron Engineering, Martel and MJB. You’ll also review more advanced problems, developments and emerging trends, including the treatment of privilege and discretion clauses after Tercon, judicial review as a remedy, the issues surrounding the correction of tender errors and numerous practical tips and strategies.

Concurrent Regional Sessions**

Construction Liens, Builders Liens**

These sessions will cover the nature and mechanics of a lien, entitlement, preservation and perfection of the liens and the holdback system, how liens impact a project, and distinguish liens

from other types of remedies. Focused by region, you’ll gain practical legal information, tips and risk management considerations for dealing with liens including priority issues, set-offs, correcting errors, trust claims issues and liens involving public land or works. Sessions will address the intersection of liens with the construction adjudication process.

- Eastern Region (common-law)
- Western Region

***Note: you will be able to attend the live concurrent regional session of your choice and you will also receive access to all of the regional sessions in the program archive.*

Construction Claims: Extras, Entitlement, Changes of Scope – Legal Issues, Notice and Risks

Gain a practical understanding of legal issues underlying common construction claims and issues, including extras, entitlement, change of scope and the law of notice. Faculty will offer best practices, tips and legal risk management and mitigation strategies when claims are unavoidable, including the roles, duties and considerations for key participants.

Construction Claims: Productivity, Delay and Impact Claims – Technical Issues, Risks and Quantifying the Loss

Learn about the technical issues behind productivity, delay and impact claims, quantifying the loss, critical path analysis, disruption, causes of lost productivity and limitations issues. Faculty will provide expert insights, tips and strategies to deal with disruption, methods of delay analysis, claims mitigation, and calculating damages and potential damages.

MODULE 4

February 22, 2022

Top 5 Things in Key Areas of Law Impacting Construction

Insolvency and Restructuring

Gain clear sightlines into the legal risks involving project insolvency, bankruptcy and restructuring. You will get an expert overview of governing laws and principles, along with practical guidance and strategies to help you deal with key risks on construction projects, including: collision of bankruptcy and construction trusts, managing a contract with an insolvent party, getting the project built while containing risks, unique features

of dispute resolution proceedings, and practical implications when dealing with an insolvent party to a contract.

Construction Insurance

Learn about specialized insurance relevant to the construction process, including cross-country principles and a review and comparison of the differing types of insurance available, risk assessment considerations, gaps and excess policy issues, common pitfalls and litigated exclusions, and the proper choice of insurance in differing project delivery scenarios.

Surety Bonding

Faculty will cover the essential role of the surety in the construction process, including: the underlying principles and cross-country elements, the key parties, the types of bonds typically used, the legal and practical aspects of asserting claims and defences under bonds, and crucial risk management tips in problematic situations.

Concurrent Regional Sessions**

Environmental Law**

Whether in an urban centre, next to a body of water, or in a rural setting, environmental issues impact the planning and execution of projects. You will learn about the key environmental law issues that impact construction and expert tips for dealing with them, including: planning and timing for Records of Site Condition, finding contamination, vapour intrusion, excess soil management, avoiding or managing regulatory involvement, and the intersection with other key project risk areas.

- Eastern Region (common-law)
- Western Region

Construction Labour Law**

Nothing affects the day-to-day execution of construction projects more than labour law. Expert faculty will provide an overview of essential construction labour law topics in Canada and offer you practical tips and strategies to deal with unionization, bargaining rights and raids, considerations for owners, generals and subcontractors, and common workplace issues and pitfalls on the jobsite, including: getting bound (law of certification, union raids and voluntary recognition); strikes, lockouts and picketing; accredited and designated employer associations; grievances and arbitration; and jurisdictional disputes.

- Eastern Region (common-law)

- Western Region

Occupational Health and Safety**

Faculty will provide you with a practical overview of core principles and liabilities in the construction process under occupational health and safety legislation, and highlight legal risk management strategies in key areas including: constructor liability; appropriate responses to accidents and investigations; due diligence; distinguishing supervisory responsibility; and some vital risk management tips and practical realities to avoid or mitigate claims.

- Eastern Region (common-law)
- Western Region

***Note: you will be able to attend the live concurrent regional session of your choice and you will also receive access to all of the regional sessions in the program archive.*

MODULE 5

March 1*, 2022

Dispute Resolution, Key Trends and Negotiation Workshop

How to Succeed in Dispute Resolution

What does “failure” or “success” look like in dispute resolution? Projects and the disputes related to them are increasingly complex. This session will cover the practical essentials of mediation, arbitration, litigation, the emergence of adjudication, as well as the mechanics of settling a case. Limitations and evidentiary issues will be discussed, including “lessons learned” and tips to avoid common pitfalls.

The Decision-Makers’ Speak! View from the Bench

Don’t miss the rare opportunity to hear from high-profile decision-makers who preside over various construction disputes, including perspectives from a Master, a Mediator, an Arbitrator and an Adjudicator. This distinguished panel will discuss practical elements to enhance your dispute resolution efforts with distinctions based on the type of proceeding (including virtual), and things they wish they knew on the “other side”, their top tips and “pet peeves” to help you remain on the “good side” of the decision-maker.

Building a Better Construction Industry: Advancing Equity, Diversity and Inclusion (EDI)

Gain a practical understanding of the core EDI legal concepts and risks, and get expert insights and top tips you need to help build a better construction industry. Faculty will review the industry’s record/history on diversity, key updates and trends in law, regulation, culture and business practices, and share their top tips and best practices to optimize human resources on every project.

Law, Technology and the Construction Industry

Learn about key technology influencing the engineering and construction industry, why it matters and what you need to watch out for. Session includes a summary of key technologies, the legal considerations and impacts arising from the use of these technologies, and practical guidance to address technology use within your project agreements.

Live, Interactive Workshop: Negotiating a Construction Contract*

Contracts are not simply a reflection of legal principles – they reflect a business deal and the risk allocation that each party is prepared to accept. During this innovative small-group workshop, you will negotiate the key terms of a construction contract in real-time, working through a variety of issues that commonly emerge, from various types of delays to construction disputes. Plus! Expert facilitators will provide real-time guidance and personalized feedback to enhance your learning experience, and lead an interactive debrief with model answers, share a valuable contract negotiation tool, and impart best practices and risk management tips.

**Note: workshop breakouts will be live only/not recorded (live attendance not required).*

PROGRAM CONCLUDES

FINAL ONLINE EXAM:

Will be distributed after Module 5 and requires online completion and a passing grade of 80% due by April 11, 2022.

Registration Details

Fee per Delegate: \$4,495 plus tax

Newly Licensed*: 50% off regular rate plus tax

**This fee applies to newly licensed professionals within the past 2 years*

Fees include online attendance, electronic materials, technical support and 120-day online access to recorded program. Group discounts, special rates and financial assistance are available. For details, visit <https://osgoodepd.ca/professional-development/fees-policies/>.

Financial Assistance

This program is eligible for OSAP funding. Federal and provincial job grants may be available. You may also apply for financial assistance with OsgoodePD.

To learn more, visit: www.osgoodepd.ca/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 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

For Further Program-Related Information, Please Contact:

Alexandra Karacsony, Program Lawyer at 1-647-999-8796 or email akaracsony@osgoode.yorku.ca

Certificate of Program Completion

You will receive a certificate upon successful completion of the **Osgoode Certificate in Construction Law**. Participants must attend all program modules (whether live and/or by program archive) and **pass the final online exam** to receive a certificate.

4 Convenient Ways to Register



Mail



Online



Fax



Call

Register today at:

osgoodepd.ca/constructionlaw



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

ON (LSO): 36h 15m CPD (31h Substantive; 4h 15m Professionalism; 1h EDI).



AB: this program is eligible for CPD credit with the Law Society of Alberta.

NS: this program is eligible for CPD hours with the Law Society of Nova Scotia.



BC: this program is approved for 25.5 CPD hours (a minimum of 3 hours will involve aspects of professional responsibility and ethics, client care and relations and/or practice management) CPD credit with the Law Society of British Columbia.

CCA: this program has been accredited by the CCA for 5.0 credits toward Gold Seal Certification's education requirement.

This program is approved for LawPRO Risk Management Credit.



OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact cpd@osgoode.yorku.ca.

"The instructors' passion for the law, for contracting, and for the industry is clear. I'd certainly recommend this course to [my] staff."

Cory Knutson

General Manager, Trotter & Morton

"Outstanding content and discussion [and] opportunity to hear the perspectives of others, a great way to interact with people on a different level."

Sandra McLaughlin

Assistant Director, British Columbia Institute of Technology (BCIT)

"This program should be a prerequisite for all Project Managers."

Lloyd Tozer, PEng

Project Manager

"Excellent overall. The calibre of presenters was outstanding and good delivery of the material – very knowledgeable and passionate, which made the learning experience more engaging."

James Zelinski

Chief Administrative Officer, Pitt Meadows Plumbing & Mechanical Contractors Ltd.

"Faculty were all very knowledgeable and presentations were clear and easy to follow."

Anthony Idigbe

President, Punuka Consulting Inc.

"Presenters were experts in their area(s) 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."

Brittane Laverdure

RVP, Aboriginal Trusts, Royal Trusts & Wealth Management

"Overall, this is an excellent course for a consulting engineer."

Desmond Lau

Principal, MCW Consultants Ltd

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