

THE OSGOODE CERTIFICATE IN CONSTRUCTION LAW

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.

- Develop a working knowledge of core project delivery models and participants
- Comprehend the unique landscape of construction and infrastructure delivery in Canada, including Indigenous rights, community impacts and partnerships
- Review construction contracts in general use, their key terms and issues
- Improve your ability to navigate recurring procurement, liens and claims problems
- Learn how to successfully navigate key issues in insolvency, health and safety, labour, insurance and surety bonding

PLUS! Don't miss this valuable opportunity to engage in **discussions** with **high-profile decision-makers** who preside over construction disputes.

Register today at:

osgoodepd.ca/constructionlaw

PROGRAM DIRECTORS

Jason Annibale
McMillan LLP

Geza Banfai
McMillan LLP

Howard Krupat
DLA Piper Canada LLP

Tim Mavko
Reynolds Mirth Richards & Farmer LLP

REGISTRATION OPTIONS

October 31, November 1*, 4, 5
and 6*, 2024:

In-Person or Online (Blended)
10:00 a.m. – 5:00 p.m. ET

OR

February 7, 13*, 21, 28 and
March 7*, 2025:

Online (Blended)
10:00 a.m. – 5:00 p.m. ET

LOCATION

1 Dundas Street West, 26th floor,
Toronto, ON

* Afternoon breakouts will not be recorded

Can't make the date?

*Registration includes 120-day unlimited,
online access to the recorded program.*



The Osgoode Certificate in **CONSTRUCTION LAW**

Relevant. Engaging. Practical.

5 Days of Targeted Learning

- Take part in interactive instructional sessions and discussions
- Connect with and learn from legal and industry experts and peers
- Reinforce key concepts during practical activities
- Access downloadable and searchable materials
- Review what you've learned with 120-day online program access

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** Osgoode certificate covers what you need to know from contract formation to dispute resolution, including select topics featuring regional distinctions for Eastern and Western Canada.

You will learn from a truly exceptional faculty of 30 specialists who are fluent in the issues impacting construction in Canada.

With a focus on real-world situations, you will develop a thorough understanding of how to handle the **core legal issues impacting construction projects** today and **emerge better equipped** to manage risk.

You will also benefit from applying what you've learned during **interactive, learn-by-doing activities**. You will reinforce your understanding of project delivery models during a "choose your model" activity and you will develop skills to "save the troubled project" from contractual risk.

Register today at:

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

NEW: Program includes six (6) online primers, which are succinct pre-recorded classes covering core concepts and principles to help lay a foundation for in-class learning and discussion. Primers will be available on demand by October 10, 2024.



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

Giovanni Cautillo
President, Ontario General Contractors Association

Get practical tips, knowledge and strategies including:

- Mechanics of conventional, alternative and collaborative project delivery models and when to use them
- How to navigate key construction contract issues, including entitlement, limitations, risks, liabilities and “follow-the-money” negotiation tactics
- Essential procurement principles, special issues and trends
- How to identify and address recurrent claims issues including delay and impact claims, unanticipated site conditions, scope changes, extras, productivity and limitations
- Sightlines into “green construction,” sustainability and ESG considerations for construction, including important obligations and risk areas to keep top of mind
- What to do about evolving technology, legal developments and industry trends impacting construction
- Decision-makers’ top tips to succeed in dispute resolution – including 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 or infrastructure consultants
- Property or commercial services providers
- Mediators, arbitrators and adjudicators
- Construction, municipal or real estate lawyers and 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



Jason Annibale
McMillan LLP



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McMillan LLP



Howard Krupat
DLA Piper Canada LLP



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Legal Services & Indigenous
Relations, Bennett Group

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Court of King's Bench of Alberta

Associate Justice Charles Wiebe
Ontario Superior Court of Justice

Glenn Ackerley
WeirFoulds LLP

Matt Ainley
Certified Adjudicator, Ontario Dispute
Adjudication for Construction Contracts

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VP for Lean and IPD, Colliers Project Leaders

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Sabri Shawa, FCIARB
Jensen Shawa Solomon Duguid Hawkes LLP

Deanah Shelly
Mathews, Dinsdale & Clark

Lampros Stougiannos
Dentons Canada LLP/SENCRL

Richard Wong
Osler, Hoskin & Harcourt LLP

Agenda

MODULE 1

October 31, 2024
10:00 a.m. – 5:00 p.m. ET
Project Delivery Models

Conventional Project Delivery Models: The “Big Five”

Building on content covered in the primers *Understanding Indigenous Rights, Communities and Stewardship in Construction* and *Overview of Green Construction and Sustainability*, your Program Directors will kick off the program with a practical overview of the evolution of the Canadian construction industry and set the stage for you to maximize your experience in the program.

You will then engage in a detailed and practical analysis of the conventional 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.

Public-Private Partnerships (P3) and Progressive Design-Build Models

Gain essential guidance on P3s and the evolving forms of alternative and progressive design-build arrangements used in Canada, including details of various transaction structures and the different risks, opportunities and strategic principles that distinguish each one from traditional delivery models.

Integrated Project Delivery (IPD) and Alliance Contracts

Faculty will review the core features, compensation structures, roles and duties of key participants in these ‘collaborative’ models including the common issues, misperceptions and differences, risk considerations and other determinants favouring each method in particular circumstances.

MODULE 2

November 1*, 2024
10:00 a.m. – 5:00 p.m. ET
Navigating the Construction Contract and Project Delivery Mini-Workshop

Practical Guide to Navigating the Construction Contract

Building on foundations reviewed in the *Key Terms in Construction Contracts* primer, 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. This extended session includes drafting tips, sample clauses and best practices, and what to do if the contract seems to be against you.

Lean Construction

Faculty will review the Lean construction method, its origins and adoption in the industry, key principles, challenges, how it differs from other methods, and the types of projects where it can be applied.

Interactive Mini-Workshop: Project Delivery Models*

This day will conclude with an engaging “choose your model,” small group activity where you will take part in working through the considerations that must be evaluated and balanced in choosing the right project delivery model for your contract. Expert facilitators will provide real-time guidance and personalized feedback to enhance your experience, and lead a group debrief and discussion, and share their tips on “avoiding project delivery killers.”

*Note: breakout portions will not be recorded (live attendance not required).

“This program should be a prerequisite for all Project Managers.”

Lloyd Tozer, PEng
Project Manager

MODULE 3

November 4, 2024
10:00 a.m. – 5:00 p.m. ET
Advanced Procurement, Liens and Claims

Advanced Issues in Procurement

Building on concepts in the *Bidding and Tendering Foundations* primer, you will delve into a detailed discussion of key developments, issues and emerging risks and challenges involving the procurement/bidding and tendering system. You’ll review important legal cases and get practical strategies and tips for dealing with more complex elements under the tender process such as the evolution of the duty of fairness, privilege and discretion clauses, the correction of tender errors, conflicts, judicial review, and evolving rights and obligations.

Expert Panel: Key Construction Liens and Prompt Payment Developments

Building on the *Overview of Construction Liens* and *Overview of Prompt Payment and Adjudication Regimes* primers, a panel of national experts will take you through important case law updates and other developments driving where things are at. You’ll review best practices for navigating pressing risks and emerging challenges, as well as practical information and risk management strategies for dealing with priority issues and complex challenges such as set-offs, correcting errors, trust claims, public land/works and intersections with other remedies/regimes.

Construction Claims: Legal Issues and Technical Issues

In a two-part series focused on demystifying construction claims, you will gain a practical overview of legal issues contributing to common claims and challenges, including extras, entitlement, change of scope and notice. You’ll also learn important legal risk management and mitigation strategies when claims are unavoidable, along with considerations for key participants. You will next examine the technical side of claims, including common issues behind productivity, delay and impact claims, and with quantifying the loss, critical path analysis, disruption and limitations. You will gain expert tips and strategies for dealing with disruption, methods of delay analysis, claims mitigation and calculating damages.

MODULE 4

November 5, 2024
10:00 a.m. – 5:00 p.m. ET

Top 5 Elements You Need to Know in Key Areas of Law Impacting Construction

Construction Insurance

Learn about specialized insurance relevant to the construction process, including key principles and the different products available, risk assessment considerations, gaps and policy issues, common pitfalls and litigated exclusion, and insurance for differing project methods.

Surety Bonding

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

Insolvency and Restructuring

Gain sightlines into the law, risk and key principles involving project insolvency, bankruptcy and restructuring. Learn practical strategies to deal with key risks, including: construction trusts, dealing with an insolvent party, containing risks and navigating dispute resolution proceedings.

CONCURRENT REGIONAL SESSIONS

The following topics will be presented in a series of concurrent regional sessions covering core concepts and principles and highlighting some important considerations for projects in Eastern or Western Canada. You will be able to attend the live regional session of your choice and you will also receive access to all of the regional sessions in the recorded program archive.

Environmental Law

Impacting all project stages, you will learn about key environmental legal issues and tips for dealing with them, including Records of Site Condition, contamination, vapour intrusion, excess soil management, navigating regulatory involvement, and impacts on other project risk areas.

Labour Law

Review essential topics, tips and strategies to deal with unionization, bargaining rights and raids, considerations for owners, GCs and subs, common jobsite workplace issues and pitfalls, including getting bound; strikes, lockouts and picketing; employer associations; grievances and arbitration.

Health and Safety

Examine key health and safety principles and liabilities in construction and get key risk management tips, including responding to accidents and investigations; due diligence; distinguishing supervisory responsibility and avoiding or mitigating claims.

MODULE 5

November 6*, 2024
10:00 a.m. – 5:00 p.m. ET

Dispute Resolution, Key Trends and Negotiation Workshop

How to Succeed in Dispute Resolution

What does “failure” or “success” look like in dispute resolution? Review the essentials of mediation, arbitration, litigation and adjudication and 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 this rare opportunity to hear from high-profile decision-makers who preside over construction disputes, including perspectives from a Judge, a Mediator, an Arbitrator and an Adjudicator. Discussion will include practical elements to enhance your dispute resolution efforts with distinctions based on the type of proceeding and their tips and “pet peeves” to help you remain on the “good side” of the decision-maker.

Interactive Negotiation Workshop: “Saving the Troubled Project”*

During this innovative small-group activity, working as owner or contractor, you'll review some common contractual risk allocations and collaborate to determine approaches to move forward in the interests of the project.

Expert facilitators will provide real-time guidance and feedback to enhance your experience and lead a group debrief and discussion, sharing alternative approaches, tips and strategies.

**Note: breakout portions will not be recorded (live attendance not required).*

Law, Technology and Construction

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 using them and strategies to address the use of technology within your project agreements.

FINAL ONLINE EXAM:

Distributed after module five (5), the multiple-choice exam requires online completion and a passing grade of 80% due by December 4, 2024.

ONLINE PRIMERS

Available on October 10, 2024

The program now features six succinct, on demand classes (each approx. 1 hour, recorded in 2024) covering foundational concepts and principles to help establish a knowledge foundation before attending class. *It is strongly recommended to view all primers prior to attending the program.*

To obtain your certificate, all six (6) primers must be viewed:

- Understanding Indigenous Rights, Communities and Stewardship in Construction
- Key Terms in Construction Contracts
- Bidding and Tendering Foundations
- Overview of Construction Liens
- Overview of Prompt Payment and Adjudication Regimes
- Overview of Green Construction and Sustainability

Registration Details

Fee per Delegate: **\$4,495 + TAX**

Newly Licensed*: **\$2,247.50 + TAX**

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

Fee includes program registration, electronic program materials and 120-day unlimited online access to program archive. Group discounts are available. Visit www.osgoodepd.ca/group-discounts for details.

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 prior to the start date of the program. 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 start of the program. If a cancellation request is made with less than 21 days notice, a \$250 administrative fee will apply per person. Within 7 days of the program start date, no refund is available. Payment is required to receive access to the program.

For Further Program-Related Information, Please Contact:

Alexandra Karacsony, Program Lawyer at AKaracsony@osgoode.yorku.ca

CERTIFICATE REQUIREMENTS

You will receive a certificate upon successful completion of the **Osgoode Certificate in Construction Law**. Participants must view all primers, attend all program modules (whether live and/or by program archive) and **pass the final online exam, all by December 4, 2024**, to receive a certificate.

Register today at:

osgoodepd.ca/constructionlaw

Email: osgoodepd@osgoode.yorku.ca

Phone: 416 597 9724

Mail: 1 Dundas Street West, 26th Floor, Toronto, ON, M5G 1Z3



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

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.



Eligible CPD Hours

ON (LSO): 37h 15m CPD (32h Substantive; 3h 45m Professionalism; 1h 30m EDI).

AB: For Alberta lawyers, consider including this activity as a CPD learning activity in your annual Continuing Professional Development Plan.

BC: 25.5 CPD hours (3 hours professionalism).

NS: For Nova Scotian lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Nova Scotia Barristers' Society.

CCA: This program is approved for 10 credits toward the Gold Seal Certification education requirement.

LawPRO: This program is approved for LawPRO Risk Management Credit.

"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

"Law plus on the ground expertise makes for a great educational opportunity. Oversight by seasoned industry practitioners together with the varied experience of the course attendees from all over Canada made for a terrific program."

Leanne Rapley

Principal & Lawyer, Rapley & Co

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

Anthony Idigbe

President, Penuka Consulting Inc.

"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)

"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.

