

Key Update on the New Construction Act

Joint OBA and CBA Construction and Infrastructure Law



In-Person



Webcast



Date: Thursday, April 19, 2018 | 9:00 am to 1:00pm

Location: 20 Toronto Street 2nd Floor, Toronto, ON

Program Chairs: **Catherine DiMarco**, Heal and Co. LLP
Courtney Kachur, Rose LLP
Andrew O'Brien, Travelers Canada

Substantive Hours: This program is eligible for up to **4h 00m** in all Canadian jurisdictions.

This program is presented jointly with the CBA Construction and Infrastructure Law Section

The legal framework of the construction industry has undergone one of the most significant changes in the past 40 years. These changes are a result of broad stakeholder consultation within the construction industry and a comprehensive report in April 2016, entitled "Striking the Balance: Expert Review of Ontario's Construction Lien Act". This report resulted in *Bill 142 – An Act to Amend the Construction Lien Act* which passed into law in December 2017.

Join us as our highly experienced faculty navigate and analyze how *Bill 142* became the new *Construction Act*. To act in the best interests of your clients, you will need to know how the changes to the *Act* and the new Regulations will affect your practice.

Register now for this valuable and essential program.

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8:30 am Registration and Coffee

9:00 am Opening Remarks by Chairs

9:05 am **Overview of the Changes**

Sharon Vogel, Singleton Reynolds LLP

Marcia Oliver, Advocates LLP

- Highlight the "big three" changes from the *CLA* to the new *Construction Act*
- Review the significant differences in the legislation from October to December
- Discuss when the provisions will come into effect

9:35 am **New Prompt Payment Regime**

Sandra Astolfo, WeirFoulds LLP

Glenn Grenier, McMillan LLP

Chris Moran, EllisDon

- Overview of the new prompt payment provisions
- Examine the timelines of various levels such as owner, general contractor and sub-contractor with respect to payment, notice, claims and holdback release
- What constitutes a "proper invoice" and how may it change the processes of the various levels
- Notices of Non-payment

10:30 am Networking Break

10:45 am **New Adjudication Regime**

Karen B. Groulx, Dentons Canada LLP

Stephen Morrison, Arbitrator

Michael O'Shea, Gowlings LLP (UK)

- Explore adjudication under the new *Construction Act*
- Who is the Authorized Nominating Authority, and what do they do?
- How does the lien process interact/clash with the adjudication regime?
- Discuss the UK perspective and its successes and failures 20 years on

11:25 pm **Overview of the New Regulations**

Andrea Lee, Glaholt LLP

Maria Ruberto, Pallett Valo LLP

Ray Bassett, Travelers Canada

- Examine the new Regulations
- How will these regulations affect the industry?
- Bonding as it relates to new forms, public projects and P3s

12:15 pm **Impact of the New Construction Act**

Ted Betts, Gowling WLG

Andrew Heal, Heal & Co LLP

Howard Krupat, DLA Piper

- What is the impact of the new *Act* already, and what can we expect?
- Has the new *Act* created any new issues or problems?
- Understand what you should expect for both you and your client under the new legal regime

12:45 pm Q&A | Closing Remarks

1:00 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org