



Construction Law

Lang Michener has a team of lawyers who have dedicated their practices to excellence in construction law. We can assist in any stage of the construction process, from the acquisition of the land or property, planning the development or construction, financing, tendering, design-build, contracting and advising throughout the construction process to dealing with disputes and addressing defects long after the trades have left the site.

For our clients who are contractors, subcontractors, suppliers, owner/developers or design professionals, our sound legal advice, based on a thorough understanding of the construction industry, its processes and the applicable law, is an essential element of their success. Lang Michener provides practical business and legal advice in all areas of construction, including negotiation, arbitration, litigation and contract structuring.

How We Can Help

Owners, bonding companies, contractors, sub-trades, material suppliers, architects and engineers often require timely, expert advice at different stages in a construction project. Our Construction Law Group is often called upon to:

- Assist owners, contractors or professionals in drafting suitable construction agreements;
- Address bid disputes;
- Advise owners, consultants and contractors regarding matters arising during construction projects, including contract and specification interpretation, progress draws, holdbacks, issues concerning certification of substantial completion and proper publication of notice of same, contract default and termination and the like;
- Register, perfect or defend construction lien claims;
- Act with respect to claims for extras, claims for delay, acceleration claims, trust claims and bonding claims;
- Prosecute or defend actions involving architects' and engineers' negligence;
- Prosecute or defend claims arising out of defective or incomplete work; and
- Conduct environmental due diligence.

Most importantly, our goal is to be available, responsive and able to provide an answer to the construction related question that compels our clients to pick up the phone, or send the e-mail, seeking our advice.

Our Experience Speaks for Itself

Our recent work includes:

- Acting for Her Majesty the Queen in Right of the Attorney General of Canada with respect to four separate construction delay claims in excess of C\$ 30 million arising from the renovations to the Library of Canada, Parliament Hill;
- Representing a mine owner in resolving multiple lien claims and contract claims in relation to construction of a mill and related facilities in amounts exceeding C\$ 50 million;
- Defending an Ontario municipality against a C\$ 50 million claim arising out of an RFP to build a multipurpose facility;

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- Acting for a Canadian-based, international structural steel fabricator with respect to a series of claims arising from the construction of Terminal 3 at Pearson International Airport as well as the Canadian Opera House;
- Acting for an international furniture manufacturer and retailer with respect to the acquisition and construction of retail box stores across the country;
- Acting for an international engineering firm with respect to a multimillion dollar claim arising from the repair of the Rainbow Bridge owned by the Niagara Falls Bridge Commission;
- Acting for the owner of several gold mines in Timmins, Ontario and Fort Nixon, Alaska, with respect to construction claims in excess of C\$ 18 million;
- Representing an international food manufacturer with respect to a number of claims relating to the construction of its North American plant;
- Negotiating the terms of a land acquisition and design-build contract for a C\$ 15 million factory;
- Acting for the owner with respect to the erection of a new bio-oil plant and ensuing litigation with the erection contractor;
- Acting for an international, schedule "A" bank with respect to allegations of breach of the trust provisions of the *Construction Lien Act* in relation to the accounts of an international construction company covering 52 projects across North America;
- Representing a national insurance company with respect to a claim arising from the failure of the building cladding system following the construction of its 12 storey head office;
- Negotiating the terms of various construction contracts for a national telecommunications firm with respect to one of its backup communications facilities as well as with respect to office space;
- Acting for an international industrial tank supplier with respect to claims relating to the supply and installation of outdoor water storage tanks at a power plant;
- Representing the owner of a 38,000 square foot mansion with respect to the termination of the general contractor and defending the resulting 23 lien claims filed, with an aggregate value of C\$ 5.7 million;
- Acting on a number of occasions for different parties with respect to plant expansions at the GM Plant in Oshawa, the Ford Plant in Oakville and the Chrysler Plant in Brampton;
- Representing a national surety bonding company in the defence of a claim by an owner under a performance bond, where the grounds of defence involved material variation of the underlying construction contract, and insufficient holdbacks being retained by the owner; and
- Representing developers, owners and general contractors in various "leaky condo" claims.

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About Lang Michener

Lang Michener is a leader in Canada's legal profession and has been for more than 80 years. Our international firm, with offices in Toronto, Vancouver, Ottawa and Hong Kong, has over 200 dynamic professionals who provide effective, innovative solutions to Canadian and international clients.

For more information, please visit our website at langmichener.ca.