



The Canadian Institute's

14<sup>th</sup> Annual

This conference has taught  
over 2500 lawyers, contractors,  
architects & engineers!



# CONSTRUCTION

## superconference

**Bidding and Tendering • Contracts • Claims • Disputes •  
Health and Safety • Insurance and Bonding**

**November 29 and 30, 2004**

**Optional Post-Conference Workshops – December 1, 2004  
The Sutton Place Hotel, 955 Bay Street, Toronto, Ontario**

**Plus!** Add value to your attendance  
with one or more of the optional  
workshops on **December 1:**

**A** “Advanced Guide to Effectively  
Negotiating, Structuring and Drafting  
the Construction Contract”

**B** “What Every Contractor and Owner  
Needs to Know About Bidding and  
Tendering: The Complete Guide”

**C** “Effectively Filing a Construction  
Lien — While Avoiding the Pitfalls”

Special Luncheon Address by  
**Wendel Clark**, Former NHL Star



**Get the latest and most  
practical information on:**

- Increasing penalties and expanding liability in occupational health and safety
- Dealing with insolvencies when the project goes sour
- Dealing with unfair practices in bidding and tendering
- Effectively managing and avoiding conflicts — from the perspectives of owners, contractors, mediators and counsel
- What companies should be considering as alternatives to standard insurance and bonding

**And much more!**

Official Publication

HEAVY CONSTRUCTION NEWS  
**On-Site**  
CANADA'S CONSTRUCTION MAGAZINE

Sponsored by

**Goodmans** LLP  
Barristers & Solicitors / Toronto / Vancouver / Hong Kong / goodmans.ca

**Register Now: 1-877-927-7936 or 416-927-7936  
www.CanadianInstitute.com**

## IF YOU ARE INVOLVED IN THE CONSTRUCTION INDUSTRY, THIS IS ONE EVENT YOU CANNOT AFFORD TO MISS

Now in its 14<sup>th</sup> successful year, **The Canadian Institute's Construction Superconference** is the event that the construction industry relies on for comprehensive, practical advice on difficult and critical construction law issues.

No matter the size of the project, everyone involved in the construction pyramid — whether owner, project manager, sub-trade, design professional or otherwise — must daily meet critical challenges in this industry. As well as current obligations, you need to stay on top of new challenges.

This annual **Canadian Institute** event is your best source for getting the full picture on these issues and others arising throughout all stages of the construction project. You will receive valuable and practical advice from top industry specialists and lawyers on both perennial problems and critical developments affecting the construction industry, including:

- A revolution in the law of public tendering
- Dealing with insolvency issues if the project goes sour
- Personal liability exposure on the environmental front

- The latest information on claims, disputes, damages and construction liens

**Plus!** If you want to gain hands-on, practical advice, attend one of our Optional Post-Conference workshops on December 1, 2004: "Advanced Guide to Negotiating, Structuring and Drafting the Construction Contract", or, "What Every Contractor and Owner Needs to Know About Bidding and Tendering: The Complete Guide" and "Effectively Filing a Construction Lien — While Avoiding the Pitfalls".

Delegates will also benefit from the comprehensive materials provided specifically for this conference, which will be an invaluable resource long after the conference is over.

Don't miss this opportunity to network with your peers and obtain answers to your critical questions. Spaces go quickly every year, so register now. Call **The Canadian Institute** at **1-877-927-7936**, or in Toronto, **416-927-7936**, fax your registration to **1-877-927-1563**, or **416 927-1563**, or use our online registration service at **www.CanadianInstitute.com**.

**We look forward to seeing you at the conference.**

### DISTINGUISHED FACULTY

#### Co-Chairs

**Donald E. Short**

Partner, Fasken Martineau DuMoulin LLP

**John Margie**

Partner, Glaholt LLP

#### Speakers

**Neil S. Abbott**

Partner  
Gowling Lafleur Henderson LLP

**Glenn W. Ackerley**

Partner, WeirFoulds LLP

**Maurice Audet**

Senior Vice President  
Aon Reed Stenhouse

**Geza R. Banfai**

Partner, Blaney McMurtry LLP

**Cheryl A. Edwards**

Partner, Stringer Brisbin Humphrey,  
Management Lawyers

**Anna M. Esposito**

Partner, Pallett Valo LLP

**Simon J. Fenn**

President  
Fenn & Fenn Insurance Practice Inc.

**Roger Gillott**

Osler, Hoskin & Harcourt LLP

**Duncan Glaholt**

Partner, Glaholt LLP

**Carlo Greco**

Partner, Jutras Greco Heard LLP

**Gregory Hersen**

Partner, Torkin Manes Cohen Arbus LLP

**Nancy Howe, CA, IFA, CBV, CIP**

Principal, Kroll Lindquist Avey Co.

**Janine Kovach**

Partner, Cassels Brock & Blackwell LLP

**Marc McAree**

Partner, Willms & Shier Environmental  
Lawyers LLP

**W. Andrew McLaughlin**

Principal, McLaughlin & Associates

**Kenneth W. Movat**

Partner, Movat Eccleston

**Stanley Naftolin, J.D., Q.C.**

Counsel, Goldman Sloan Nash & Haber LLP

**R. Bruce Reynolds**

Partner, Borden Ladner Gervais LLP

**Lori A. Roth**

Partner, Cassels Brock & Blackwell LLP

**Master David H. Sandler**

Master  
Superior Court of Justice

**Paul Sandori**

Senior Consultant  
Revay and Associates Ltd.

**Rocco Sebastiano**

Partner, Osler, Hoskin & Harcourt LLP

**Max Shafir, Q.C.**

Partner, Torkin Manes Cohen Arbus LLP

**Charles W. Skipper**

Partner, Fogler, Rubinoff LLP

**Bruce Stewart, CIH, ROH**

Senior VP, EHS  
Pinchin Environmental Ltd.

**L. Brian Swartz**

Vice President, Legal, Aecon Group Inc.

**Audrey A. Warner**

Partner, Cassels Brock & Blackwell LLP

**Joe Watson**

Director, Corporate Development  
National Operations  
PCL Construction Canada Inc.

**Howard Wise**

Partner, Goodmans LLP

**Register at 1-877-927-7936 or in Toronto 416-927-7936 or [www.CanadianInstitute.com](http://www.CanadianInstitute.com)**

**Monday, November 29, 2004**

**8:00 Registration Opens & Coffee Served** ☕

**9:00 Opening Remarks from the Co-Chairs**

**Donald E. Short**

Partner, Fasken Martineau DuMoulin LLP

**John Margie**

Partner, Glaholt LLP

**9:15 Update on Bidding and Tendering:  
A Revolution in the Law of Public  
Tendering After *Mellco***

**Howard Wise**

Partner, Goodmans LLP

- Effect of the “doctrine of superior knowledge” in public tendering
- Public tendering after *Mellco*: how have the rules changed?
- Effect of the rocketing price of steel:
  - claims for escalation in cost after tender?
  - other implications?
- Duty of fairness/good faith in the tender process
- When is negotiating permitted?
- Online bidding and tendering: the way of the future?
  - pros and cons of the electronic process
  - specific issues to watch out for
- Reverse auctions: good or bad?
- What are acceptable grounds for rejecting a compliant low bid?
- When can a contractor revoke a bid made in error?
- What are the ramifications of re-tendering?
- When can a contractor choose a subcontractor other than the one in the bid?
- Unfair practices, non-compliance and post-tender addendums: the risks and solutions
- Update on the bid depository: is it working?
- Overview of trends in Ontario: what's working and what's not

**10:00 RFP's: Do You Have a Contract?**

**Rocco Sebastiano**

Partner, Osler, Hoskin & Harcourt LLP

- What are the differences between the Request for Proposal (RFP) process and bidding and tendering?
- The “duty of fairness” in an RFP
- Strategies for putting together an RFP: tips, traps and techniques
- The pros and cons of the RFP process
- How to deal with material increase cost issues
- Is an RFP only an invitation to tender?

**10:45 Networking Refreshment Break** 

**11:00 Hot Topics in Construction Law:  
Electronic Issues, Insolvency, Forensic  
Accounting and More**

**Trust Obligations**

**Stanley Naftolin, J.D., Q.C.**

Counsel, Goldman Sloan Nash & Haber LLP

- Personal liability for breach of trust: are you at risk?
- Trust claims: a legal update
- Obligations of owners, contractors and subcontractors: the dos and don'ts
- Personal liability of officers, directors and persons in control
- What are the remedies for a breach?
- When trust provisions may apply to a federal project
- When will a breach of trust survive a bankruptcy?
- Update on case law developments

**What Happens When the Project Goes Sour?  
Dealing With Insolvencies**

**Neil S. Abbott**

Partner, Gowling Lafleur Henderson LLP

- CCAA priorities and the CRA
- Interplay between insolvency legislation and the *Construction Lien Act*
- Priorities among lien claimants, creditors, mortgagees and government
- Effective use of lien trustees
- What is new under s.78 of the *Construction Lien Act*?

**Quantum Meruit: Working Without a Contract**

**Charles W. Skipper**

Partner, Fogler, Rubinoff LLP

- How does a contractor get compensated when there is no contract?
- What happens when owners and contractors don't agree on price?
- When can a contractor enforce payment without a contract?
- Can a contractor get overhead and profit on his costs without a contract?
- Extras and change orders: OK, I've done it — now, how much?
- Assessing damages in quantum meruit claims

**Dealing With Unusual Lien Situations**

**Roger Gillott**

Osler, Hoskin & Harcourt LLP

- Electronic registration of liens after *Petroff*: status of affidavits, the “owner” and more
- Electronic registration: practical tips and cautions
- What lessons on professional liability can be learned from the *Pineau* case?
- Damages for improper registration of construction liens
- What are contractors' rights against public property?
- Tenants and liens after *Williams & Prior*: do they mix?

**How a Forensic Accountant Can Help Your Case**

**Nancy Howe, CA, IFA, CBV, CIP**

Principal, Kroll Lindquist Avey Co.

- What is the role of forensic accounting in breach of trust?
- What a forensic accountant reviews in calculating a delay claim
- How a forensic accountant can calculate the loss incurred beyond that directly relating to the Project itself

**12:45 Luncheon for Delegates and Speakers**

**Luncheon Address**

**Wendel Clark, Former NHL Star**

## 2:15 **Personal Liability on the Environmental Front: Are You Exposed?**

**Marc McAree**

Partner

Willms & Shier Environmental Lawyers LLP

**Bruce Stewart, CIH, ROH**

Senior VP, EHS

Pinchin Environmental Ltd.

- When are you personally liable for environmental problems?
- What are your statutory obligations to report and remediate?
- What happens if you avoid your duties?
- Critical strategies for protecting against potential liability
- Identifying responsibilities of owners, developers, constructors, consultants and contractors
- What are the responsibilities?
- Who do they belong to?
- Due diligence for contractors
- Water and air environmental issues: what is changing and why?
- Overlap between federal and provincial regulations and requirements
- Successful strategies for dealing with jurisdictional differences
- Update on Canadian Construction Association's Toxic Mould Taskforce and the impact on environmental compliance considerations

## 3:00 **Networking Refreshment Break**

## 3:15 **Legislation Roundup**

### Ontario's New Building Code Act

**Audrey A. Warner**

Partner, Cassels Brock & Blackwell LLP

- What new potential liability issues face professionals and municipalities?
- What are the new risk areas and how can you manage exposure?
- Will the insurance industry provide affordable adequate coverage?

### New Civil Procedure Rule 25.03(4)

- What documents must you produce when you serve a pleading in a construction case? all the drawings, tender documents, schedules?
- What kind of paper trail must you now maintain?
- What triggers an obligation to serve a copy of a document?
- Will it result in a rash of motions?
- What are the other implications?

### Occupational Health and Safety: New Criminal Liabilities and Increased Enforcement Initiatives for the Construction Industry

**Cheryl A. Edwards**

Partner

Stringer Brisbin Humphrey, Management Lawyers

- Bill C-45: how amendments to the Criminal Code of Canada impact the construction industry across Canada
- New Criminal Code responsibilities to workers and the public

- new mechanisms to convict broadly defined "organizations" including corporations under the Criminal Code for individual or organizational behaviour showing wanton or reckless disregard for safety
- New criminal penalties
- how parallel OH&S and criminal investigations and prosecutions may occur for serious workplace accidents
- proactive measures required to face new Criminal Code responsibilities and risks
- New Ministry of Labour Action Groups, increased use of on-the-spot summonses and increased inspection resources focused on construction in Ontario

### Ontario's New Limitations Act

**John Margie**

Partner, Glaholt LLP

- How will it impact the pursuit of claims?
- Strategies to protect and preserve your rights

### Update on Use of the Freedom of Information Act

- What information are you entitled to?
- Can you get bid documents? Will it result in bid shopping?
- What can be kept confidential?
- Strategies for getting information from the government

## 5:00 **Co-Chairs' Closing Remarks Conference Adjourns**

**Tuesday, November 30, 2004**

## 8:15 **Coffee Served**

## 8:45 **Opening Remarks from the Co-Chairs**

## 9:00 **Delay Claims and Change Orders: Problems and Solutions**

**W. Andrew McLaughlin**

Principal, McLaughlin & Associates

**Paul Sandori**

Senior Consultant, Revay and Associates Ltd.

- Using "as-built" data in delay analysis: the latest trend?
- How to develop and respond to claims
- Proceeding in the absence of a signed change order: what are the risks?
- Strategies for requesting and proceeding with changes: valuations and payment
- Practical tips for dealing with clauses disclaiming responsibility for delay
- Update on what the industry is claiming and accepting
- How to recognise and safeguard against unfair practices and improper claims in delay claims and change orders
- Dealing with concurrent and parallel delay
- Mitigation of loss: what should you be doing?
- Dealing with tighter scheduling requirements:
  - timelines for submitting delay claims and change orders
- Tips for dealing with potential inflated costs in change orders
- Damage claims for head office overhead and direct and indirect costs
- Practical insights into preparing and defending delay claims

**10:00 Assumption of Risk:  
Who is On the Hook for What?**

---

**Janine Kovach**  
Partner  
Cassels Brock & Blackwell LLP

- Who is in charge of what on the project? Identifying areas of responsibility
- For multiple contractors on one site: who is responsible for what?
- What are the roles and responsibilities of the design professional? Of the owners? Of the contractor?
- Tips for allocation of risk in standard form contracts for different project delivery systems

**10:45 Networking Refreshment Break** 

**11:00 Current State of the Insurance Market:  
Strategies for Coverage in Difficult Times**

---

**Simon J. Fenn**  
President  
Fenn & Fenn Insurance Practice Inc.

**Maurice Audet**  
Senior Vice President  
Aon Reed Stenhouse

- Present state of the insurance market: how to get the coverage you need
- Who's responsible for what? What type of coverage is required and what is available?
  - for Owners
  - for General contractors
  - for Subcontractors
- Critical advice for dealing with denial of coverage post award of contract on basis of:
  - no property damage, no accident or occurrence
  - impaired property exclusion, sisterhood exclusion
  - concurrent causation
- Practical risk management strategies for effectively dealing with challenges including:
  - what are the options?
  - what are the legal issues?
  - what policies and programs ensure coverage?

**11:50 The Latest Challenges in Bonding:  
Dealing With The Fall-out From the  
Whitby Landmark Case**

---

**Duncan Glaholt**  
Partner  
Glaholt LLP

- Impact of the *Whitby Landmark* case: what is covered under the surety bond?
- The issue of "notice" and what it means for you now
- What bonding companies are looking for
- Strategies to safeguard against lack of sufficient capacity
- The latest word on bonding alternatives:
  - contractor default insurance
  - letters of credit
  - "going bare"
- Practical strategies on how to minimize risk and manage the surety bond process
- Surety bonds, bid bonds, performance bonds, and labour and material payment bonds: allocation of risks

**12:45 Luncheon for Delegates and Speakers**

**Luncheon Address**

**Joe Watson, Director, Corporate Development  
National Operations  
PCL Construction Canada Inc.**

**"How to Successfully Deliver a Mega  
Project: A Case Study of Construction  
of Canada's Largest Casino"**

**2:00 Construction Mediation Roundtable:  
What's Working and What Isn't**

---

**Mediator's Perspective**

**Donald E. Short**  
Partner, Fasken Martineau DuMoulin LLP

**Counsel's Perspective**

**Kenneth W. Movat**  
Partner, Movat Eccleston

**Client's Perspective**

**L. Brian Swartz**  
Vice President, Legal, Aecon Group Inc.

- Onsite ADR: How is it working?
- Online ADR: The way of the future?
- How to avoid conflicts and stay out of court
- How to resolve disputes without the intervention of third parties
- When is litigation preferable to ADR?
- Update on the different ADR processes:
  - pros and cons of alternative methods
  - mandatory adjudication: will it work?
  - who can initiate each process and when?
- How to protect your interests in settlement negotiations
- How to manage the litigation process in a cost-effective manner

**3:15 Networking Refreshment Break** 

**3:30 Construction Arbitration: Potential  
Problems with Standard Contract Clauses**

---

**R. Bruce Reynolds**  
Partner, Borden Ladner Gervais LLP

- Inclusion of necessary parties: who are they?
- What are the appealability thresholds?
- What is the breadth of jurisdiction of arbitration?
- What are the choice of law, venue, and procedural protocols?

**4:15 Construction Lien Trials:  
Lessons Learned Over 20 Years**

---

**Master David H. Sandler**  
Master, Superior Court of Justice

*Master David Sandler, an experienced Construction Lien Master in the Toronto Construction Lien Court, will share his views from the bench. This is an opportunity to pick up practice tips for conducting a lien trial and learning what traps to avoid.*

**5:00 Co-Chairs' Closing Remarks  
Conference Concludes**

**A**

## Advanced Guide to Effectively Negotiating, Structuring and Drafting the Construction Contract

**Geza R. Banfai, Partner, Blaney McMurtry LLP (Toronto)**

**Lori A. Roth, Partner, Cassels Brock & Blackwell LLP (Toronto)**

**Carlo Greco, Partner, Jutras Greco Heard LLP (Oakville)**

*For multi-million-dollar developments involving multiple parties or small projects, the contract is a fundamental component in the construction pyramid. The way a contract is negotiated, structured and drafted has an enormous impact on the project from start to finish, and can mean the difference between success and disaster.*

*This interactive workshop will provide up-to-date, practical information on what should be included in the contract, how to deal with amendments, and how to ensure the contract is properly executed and returned. You will also benefit from the invaluable in-depth discussion on contract negotiating, drafting and structuring through reviewing contracts with our experts.*

### Topics will include:

- Key pre-contractual considerations
- Practical strategies when entering into contract negotiations
- Examination of standard CCDC and CCA contract forms
  - what has changed and what has stayed the same?
  - key clause analysis
- Insight into governmental standard forms and their interaction with CCDC and CCA forms
- Tips on working effectively with standard forms:
  - recognizing their limitations
  - understanding when to modify and when to simply avoid
- Critical elements of a construction contract:
  - what are they?
  - how to draft
  - making sure clauses are airtight
- Appropriate use and effect of supplementary conditions
- Limitations and exclusions of liability: how do they work?
- Liquidated damages and penalty clauses: are they enforceable?
- “Pay if Paid” and “Pay When Paid” clauses
  - what is the difference between them?
  - what is the effect of each?
- Dos and don'ts of drafting construction contracts
- How to read a draft contract:
  - what are the red flags to watch out for?
  - how to negotiate amendments
- What are the requirements for properly executing a contract?
- Checklist for monitoring the contractual process
- Effectively handling breach of contract

9:00 a.m. - 12:30 p.m.

**B**

## What Every Contractor and Owner Needs to Know About Bidding and Tendering: The Complete Guide

**Glenn W. Ackerley, Partner, WeirFoulds LLP (Toronto)**

**Roger Gillott, Osler, Hoskin & Harcourt LLP (Toronto)**

*Bidding and tendering is an integral and complex part of the construction industry. What are the hidden dangers? How can they be overcome? And how can you ensure that you minimize your risk in bidding and tendering situations?*

*This interactive workshop, taught by two highly-experienced construction lawyers, will provide you with vital, practical information about the ins and outs of bidding and tendering. Get the most up-to-date information on common and not-so-common problems — and how to solve them. Key areas to be covered are:*

- How tendering is different from typical construction contract situations
- Legal obligations of owners who call for tenders and contractors who submit bids
- Boilerplates and customization: avoiding typical problems when making a standard form fit your project
- Legal implications of making a mistake in your bid
- Can you avoid your bid if you make a mistake?
- Ensuring the most accurate price
- How bid depository schemes can help reduce initial problems
- Potential obligations of owners to subcontractors where a bid depository scheme is used
- Selecting the appropriate procurement strategy: sole source, requests for proposals, tendering and hybrids
- Advanced notice, invited and pre-qualified tenders: strategies for narrowing the field without increasing liability
  - using pre-qualification as a means of narrowing the field of bidders
  - advanced notice of potential tenders/requests for proposal: ensuring that no liability is created by advertising possible projects
- Awarding the contract: good faith and privilege clauses
  - what exactly do these clauses enable owners to do?
  - structuring the form for maximum flexibility without running afoul of the bidders
- Trouble-shooting the tendering process
- How to avoid potential risks in electronic bidding and tendering

9:00 a.m. - 12:00 p.m.

**Goodmans**<sup>LLP</sup>

Barristers & Solicitors / Toronto / Vancouver / Hong Kong / [goodmans.ca](http://goodmans.ca)

**Goodmans LLP** is a business law firm providing counsel to leading national and international companies and institutions. With over 190 lawyers and offices in Toronto, Vancouver and Hong Kong, Goodmans offers clients in-depth expertise, intelligent solutions, responsiveness, energy, talent and determination to get the deal done. [www.goodmans.ca](http://www.goodmans.ca)



## Effectively Filing a Construction Lien — While Avoiding the Pitfalls

**Max Shafir, Q.C., Partner, Torkin Manes Cohen Arbus LLP (Toronto)**

**Gregory Hersen, Partner, Torkin Manes Cohen Arbus LLP (Toronto)**

**Anna M. Esposito, Partner, Pallett Valo LLP (Mississauga)**

*Drafting, preserving and perfecting a construction lien can be tricky. Mistakes can be costly. This small group, with an interactive forum, led by leading lien experts, will provide you with effective legal strategies you need to protect your interests. Key areas to be covered are:*

- Legislation and litigation: defining who is entitled to make a lien claim
  - definitions under the legislation:
    - who's in and who's out
  - rights and responsibilities of owners under the legislation
  - where do indirect and less direct service providers stand?
  - what losses can be claimed?
- How to preserve, protect and enforce the lien claim on the difficult project
  - getting the necessary information to file the lien
  - whether you should make a lien claim on public projects
    - time limits for preservation and perfection of the lien claim
    - starting the lien action
- Protections available under the lien legislation
- Alternatives and counterparts to lien claims: strategies for getting paid on the problematic construction project
- How to deal with an invalid lien claim: what steps to take
- Priority concerns: how do claims in lien, trust and contract stand up against each other?
- Clearing title: what conditions have to be met before a court will remove a lien?
- Liens in the information age: what you need to know for electronic registration

2:00 p.m. – 5:00 p.m.

*Whether you are an owner, general contractor or subcontractor, in either the public or private sector, or need a comprehensive refresher, you will leave these workshops armed with the skills needed in this highly competitive market.*

### **Your Workshop Leaders:**

**Geza Banfai** is a partner with Blaney McMurtry and founding chair of the firm's highly respected and active Architectural/Construction/Engineering Services (ACES) Group. Geza concentrates his practice on construction law. He is certified by the Law Society of Upper Canada as a Specialist in Construction Law, and is a Fellow of the Canadian College of Construction Lawyers.

**Lori Roth**, a partner with Cassels Brock & Blackwell LLP, is recognized as a leading practitioner in construction law. She is included in the 2003 Lexpert list of Best Lawyers in Canada. She is co-author of Kirsh and Roth: *The Annotated Construction Contract (CCDC 2-1994)* and has been certified by the Law Society of Upper Canada as a Specialist in Construction Law. She is a fellow of the Canadian College of Construction Lawyers.

**Carlo Greco** is a founding partner of Jutras Greco Heard LLP, a boutique law firm focussed on "front-end" services for construction and commercial projects; i.e. project structuring, risk allocation, contracts, and claims analysis and avoidance. Carlo has been certified by the Law Society of Upper Canada as a Specialist in Construction Law and is also registered as a Professional Engineer in Ontario.

**Glenn Ackerley** is a partner with WeirFoulds LLP and practices primarily construction law. He has represented owners, developers, contractors, subtrades, suppliers, and consultants. Glenn teaches Construction Law at the Department of Architectural Science and Landscape Architecture of Ryerson University. He is Vice-Chair of the construction section of the ADR Institute of Ontario and is on the Board of Directors of the Toronto Construction Association.

**Roger Gillott** is an associate in the Construction and Infrastructure Group at Osler Hoskin & Harcourt LLP and represents clients from all areas of the construction process, including owners, mortgage lenders, engineers, architects, contractors, and sureties in construction litigation, arbitration and dispute resolution. He also serves on the Council of Ontario Construction Associations Committee making recommendations to the Attorney General on amendments to the Construction Lien Act.

**Max Shafir** acts for major construction suppliers, lending institutions and owners protecting their rights in connection with construction disputes. Mr. Shafir is certified by the Law Society of Upper Canada as a specialist in the area of construction law. He has lectured on Law and the Construction Industry and has appeared as counsel in all levels of Provincial trial and appellate courts. He is a Fellow of the Canadian College of Construction Lawyers.

**Greg Hersen** is a partner in the Torkin Manes Cohen Arbus LLP Construction Law Group and is certified by the Law Society as a Specialist in Construction Law. He practices exclusively in the areas of construction law and corporate commercial litigation on behalf of general contractors, sureties, owners, subcontractors, suppliers, financial institutions and design professionals. His practice includes construction claims, defences and surety bond work at trial, A.D.R. and appellate levels. He is Secretary of the OBA Construction Law Section and is a member of the Toronto Construction Association's Allied Professions & Owners Division Committee.

**Anna Esposito** is a partner in Pallett Valo LLP and the head of the Construction Law Group. She has acted for all the parties in the construction pyramid, including, general contractors, subcontractors, material suppliers, owners, developers, sureties, mortgagees and trustees in bankruptcy. She has been certified by the Law Society of Upper Canada as a Specialist in Construction Law and is recognized as a leading practitioner in the area of Construction Law by The Canadian Legal LEXPERT Directory. She is a member of the Law Society of Upper Canada Construction Law Specialty Certification Committee.

### **SPONSORSHIP OPPORTUNITIES**

Maximize your company's visibility in front of key decision-makers in *your* target market! For more information, contact Business Development Executive **Rubina Manji** at **416-927-0718 ext. 302**, toll-free **1-877-927-0718 ext. 302** or by email at **r.manji@CanadianInstitute.com**

The Canadian Institute's

14th Annual

# CONSTRUCTION superconference

This conference has taught  
over 2500 lawyers, contractors,  
architects & engineers!

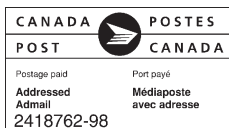
**Bidding and Tendering • Contracts • Claims • Disputes • Health and Safety • Insurance and Bonding**

**November 29 and 30, 2004**

**Optional Post-Conference Workshops – December 1, 2004 — The Sutton Place Hotel, Toronto, Ontario**

## REGISTRATION FORM

**PRIORITY SERVICE CODE:**



**The Canadian Institute**  
1329 Bay St., 3rd Floor  
Toronto, Ontario, M5R 2C4



**ATTENTION MAILROOM:** If undeliverable to addressee,  
please forward to: Project Manager / Legal Counsel

**CONFERENCE CODE: 273A05-TOR**

**YES!** Please register the following delegate(s) for the **CONSTRUCTION SUPERCONFERENCE**

### Fee Per Delegate

- Conference only \$1599 + \$111.93 (7%) GST = \$1710.93
- Conference & One Workshop  A  B or  C = \$2099 + \$146.93 (7%) GST = \$2245.93
- Conference & Two Workshops  A and C or  B and C = \$2599 + \$181.93 (7%) GST = \$2780.93

I cannot attend but would like information regarding conference materials

*\* Volume discounts available to individuals employed by the same organization.  
Not to be combined with any other offer. Not to be combined with any other offer.*

### PAYMENT

Please charge my  VISA  MasterCard  AMEX

Number \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Expiry \_\_\_\_\_ / \_\_\_\_\_

Signature \_\_\_\_\_

Please send me an invoice

I have enclosed my cheque for \$ \_\_\_\_\_ including GST  
made payable to **The Canadian Institute** (GST No. R106361728) PBN# 106361728PG0001

NAME \_\_\_\_\_ POSITION \_\_\_\_\_

ORGANIZATION \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ PROVINCE \_\_\_\_\_ POSTAL CODE \_\_\_\_\_

TELEPHONE (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ FAX (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

EMAIL \_\_\_\_\_

TYPE OF BUSINESS \_\_\_\_\_ NO. OF EMPLOYEES \_\_\_\_\_

APPROVING MANAGER \_\_\_\_\_ POSITION \_\_\_\_\_

Register 3  
at the same  
time and  
get the  
4th Free!

## 5 Easy Ways to Register

**PHONE** 1-877-927-7936  
or 416-927-7936

**FAX** 1-877-927-1563  
or 416-927-1563

**ONLINE**  
www.CanadianInstitute.com

**MAIL** The Canadian Institute  
1329 Bay Street  
Toronto, ON M5R 2C4

**EMAIL**  
CustomerCare  
@CanadianInstitute.com

## Administrative Details

**VENUE:** The Sutton Place Hotel

**ADDRESS:** 955 Bay St, Toronto

**TEL.:** 416- 924-9221

## Hotel Reservations

For information on hotel room availability and reservations, please contact The Sutton Place Hotel at 416-924-9221. When making your reservation, please ask for "The Canadian Institute's Corporate Rate".

## Program Materials

Conference participants will receive a comprehensive set of conference materials prepared by the speakers. These materials are intended to provide the participants with an excellent reference source after the conference.

## Cancellation and Refund Policy

Substitution of participants is permissible without prior notification. If you are unable to find a substitute, please notify **The Canadian Institute** in writing no later than 10 days prior to the conference date and a credit voucher will be issued to you for the full amount paid, redeemable against any other **Canadian Institute** conference. If you prefer, you may request a refund of fees paid less a 15% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the conference date. **The Canadian Institute** reserves the right to cancel any conference it deems necessary and will, in such event, make a full refund of any registration fee, but will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by **The Canadian Institute** for changes in program date, content, speakers or venue.

## VOLUME DISCOUNT

Any firm or company registering three people at the same time will be entitled to a fourth registration free of charge.

**PAYMENT MUST BE RECEIVED PRIOR TO THE CONFERENCE**