

CONSTRUCTION LAW**CONSTRUCTION IN AN
UNCERTAIN ECONOMY:
SOME LEGAL ASPECTS**

The growth in our economy over the last 10 years has dulled the reflexes needed for smooth business operations during sluggish economic times. Familiarity with the legal concepts applicable to the construction industry and to situations of insolvency is, especially in such times, a must for understanding the issues at stake and avoiding potential pitfalls.

This fourth De Grandpré Chait Construction Law Conference will highlight some of the pitfalls and offer some solutions to problems arising during periods of economic slowdown.

We will also provide an overview of the changes in the new stipulated price subcontract (CCA 1) recently published by the Canadian Construction Association, and relate this discussion to what was said at last year's conference on CCDC 2.

Finally, we will review some important decisions rendered in the field of construction law since last year's conference.

DATE

Tuesday, March 31, 2009, from 8 a.m. to 1 p.m.

Continental breakfast at 7:45 a.m. and light lunch between noon and 1 p.m.

LOCATION

Salon International of the Mount-Royal Centre, 2200 Mansfield Street, 3rd floor, Montréal

TO REGISTER

R.S.V.P before March 20, 2009

Since our conferences, which are offered free of charge, are very well attended and since seating is limited, we invite you to register today by contacting Yolande Girard at (514) 878-3223, extension 3335, or by e-mail at ygirard@degrandpre.com

Please inform us in advance if after registering you are unable to attend.

WHO SHOULD ATTEND

This presentation is intended for:

- Presidents, officers and managers of construction firms
- Project managers and job site managers
- Administrative staff responsible for job site claims
- General contractors
- Specialized contractors and suppliers of materials
- Bankers and financial institutions
- Business in-house counsel
- Real estate owners and developers

PROGRAM

8:00 a.m. Arrival of participants
Distribution of documents

8:15 a.m. Word of welcome from Yves Poirier,
Head of our Construction Law Group

**I. THE STIPULATED PRICE SUBCONTRACT
(CCA 1): CORE PRINCIPLES**

8:20 a.m. The stipulated price subcontract
(ACC 1 2008): Particular characteristics
and principal changes

LES B. ERDLE

At the end of 2008, the Canadian Construction Association published a new version of their standard stipulated price subcontract (CCA 1). This document, which follows up on the major changes brought about by the adoption of the standard stipulated price contract which was discussed at De Grandpré Chait's last conference in April 2008 (CCDC 2), makes certain changes with which all contractors and subcontractors should become familiar.

Mr. Les B. Erdle will provide an overview of the particular characteristics of this contract and point out the principal changes brought about by the 2008 version.

**II. CONSTRUCTION DURING A RECESSION:
SOME LEGAL PROBLEMS AND POSSIBLE
SOLUTIONS**

8:40 a.m. The bankruptcy of the subcontractor and its impact on co-contracting parties and on the owner: the Daltech Architectural Inc. case.

Preliminary remarks on the Association de la construction du Québec's involvement in this case by **Mr. Pierre Hamel** of the ACQ.

On December 18, 2008, the Court of Appeal rendered this important judgment in relation to the rights of the co-contracting parties and of the owner upon the bankruptcy of a subcontractor. **Mr. Yves Poirier**, who represented the ACQ in this case, will describe the facts which gave rise to the dispute and review the reasons given by the Court of Appeal for upholding the judgment in first instance. Mr. Poirier will also discuss the impact of this decision on the construction industry.

9:30 a.m. Construction bonds during a recession

Surety bonds can play a significant role for those in the construction industry, especially during an economic slowdown. In this two-phased presentation, two representatives from **Travelers Guarantee Company of Canada** will review the eligibility criteria for surety bonds and explain the role such bonds can play during difficult times.

Mr. Luc Gauvin, Vice-President, Contract & Commercial Surety and **Mr. Benoît Bisailon**, Assistant Vice-President, Claims will provide an overview of the eligibility criteria for surety bonds and will present examples of situations where bonding helped firms deal with difficult situations.

10:30 a.m. Coffee break

10:45 a.m. The legal hypothec: Security to keep in mind in the event of insolvency

GUY GILAIN

Mr. Guy Gilain, co-author of a recent work on the construction legal hypothec, will review the general principles applicable to construction legal hypothecs, with particular emphasis on the role this type of security can play in the event of insolvency.

III. RECENT JUDGMENTS AFFECTING THE CONSTRUCTION INDUSTRY

11:15 a.m. Important judgments rendered in 2008-2009

JASMIN LEFEBVRE

Since the De Grandpré Chait conference in April 2008, many judgments have been rendered in the field of construction law. Mr. Jasmin Lefebvre will provide an overview of some of the most important decisions and will discuss their potential impact on contractors and on the management of their affairs.

12:15 p.m. Buffet

You are invited to share your comments with the speakers as well as with the other members of our Construction Law Group.

Since there will be assigned seating at lunch, it is important that when you register you indicate if you will be staying for lunch.



Speeches will be delivered in French.
Documentation and presentations will be in both languages.