

# CONSTRUCTION + ENGINEERING



We help clients plan for and manage the many issues that accompany land acquisition, development and construction.

## OUR EXPERTISE

Our clients represent every facet of the construction industry from owners, large land developers and construction companies to architects, engineers and other construction professionals. We advise construction clients on projects ranging from hydroelectric dams, oil and gas projects and pipelines to raw land developments and strata title properties. We help engineers and engineering firms structure their activities and respond to issues and claims arising out of their work. We have extensive experience with builders' liens, tender disputes, contracts, delay and extra claims and insurance and bond claims.

We recognize that in this sector, addressing and resolving legal issues early typically leads to more efficient outcomes and we actively manage our clients' matters with this in mind.

## OUR SERVICES

As our client, we help you manage the risk inherent in any construction project, whether undertaken by you or upon property owned or managed by you. We are experienced in developing contractual options to allocate risk as well as in providing mechanisms for dispute resolution, appropriate insurance coverage and the requisite bonding. Our aim is to provide you with creative solutions to minimize risk and to educate you on how to avoid future problems.

We negotiate structure and draft construction documents, including standard commercial and government forms, design/build agreements, project and construction management agreements, prime, trade and material supply contracts, consultants' agreements, bonding facilities and insurance policies.

## INDUSTRY INVOLVEMENT

Members of our Construction + Engineering Practice authored the *Annotated British Columbia Builders Lien Act*, an important reference tool for British Columbia construction law practitioners.

In addition, we publish three chapters in the *Builders Liens Practice Manual*, as well as regular columns on current construction law issues in *Business in Vancouver*, the *Journal of Commerce*, and *Construction Business* magazine.

## TEAM LEADER



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## TEAM MEMBERS

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- | Scott Harcus
- | Iman Hosseini
- | Melissa Ku
- | Aaron Lee
- | Emily Stock
- | Menka Sull
- | Daniel Thompson

You will also find us actively involved with industry groups such as the Vancouver Regional Construction Association and the British Columbia Construction Association.

We regularly present seminars on typical construction issues to industry associations as well as private companies and public bodies.

## REPRESENTATIVE MATTERS

- Counsel for a forest products company with respect to a program of mill renewals and upgrades
- Counsel for the developer in various landmark hotel and residence projects in Vancouver
- Counsel for the developer of a \$250 million office tower in Vancouver
- Counsel for the developer of a luxury \$60 million residential tower in Vancouver
- Project counsel for health authorities on various design/build contracts for public health facilities
- External counsel advising on procurement policies and processes for numerous municipalities on various public works programs
- Counsel to developers, contractors, and trades in actions with respect to the enforcement of performance and labour and material payment bonds
- Counsel to project engineers in defending claims arising in the context of the design and construction of run of the river projects, hydroelectric dams, water treatment facilities, hospitals, highways, bridges, and other infrastructure projects
- Counsel for a syndicate of gas companies in an action arising from the failure of a gas pipeline crossing the Peace River
- Counsel to developers, contractors, and trades with respect to the defence and enforcement of builders liens
- Counsel to a home warranty provider in claims brought against it by owners of various strata developments
- Counsel to developers, contractors, trades, and engineers in defending and prosecuting deficiency and delay claims
- Counsel for an architect in precedent setting litigation involving the use and subsequent removal of asbestos insulation from a Vancouver office tower
- Counsel for the developer and owner of assisted living facilities in the prosecution of construction deficiency claims
- Counsel for the owner of the largest coal terminal in North America in the prosecution of a \$50 million claim arising from the destruction of a trestle bridge by a bulk freighter
- Counsel for engineers, architects, trades, developers, and contractors in “leaky condo” claims



## OUR LITIGATION WORK

We help you resolve disputes by bringing significant experience and creativity to the table. While litigation is sometimes unavoidable, we focus on structuring appropriate contractual approaches to dispute resolution and helping clients resolve disputes before they reach the courts. We deal regularly with builders' liens disputes, contractual interpretation issues during construction, progress draws and completion issues, delay and extra claims, third party claims for business interruption or damage and insurance and bond claims handling.

