

Couillard Construction: Court grants claim of nearly \$2M against the MTQ

[Read the decision.](#)

Also read [BLG's summary of the decision](#).

A recent decision by the Superior Court of Québec saw general contractor Couillard Construction Limitée paid in full for excavation work that led to water contamination while executing a contract for the Ministère des Transports du Québec (MTQ) on the northward extension of Highway A-5 in Outaouais.

It was found that the MTQ had failed to divulge critical information regarding water contamination risks both during its call for tenders and the execution phase of the project. As such, the MTQ was not allowed to hold back on paying for the excavation work, nor for subsequent work aiming to remedy the situation when the first signs of contamination appeared in 2012, as confirmed at the time to the contractor.

BLG represented Couillard Construction Limitée in this case.

Key takeaways

The MTQ's non-disclosure of the information it possessed identifying water contamination risks constituted a clear breach of its obligation of information and duty to advise. The arguments exposed by the MTQ's expert witnesses were also found purely theoretical and unsupported by factual evidence.

The BLG team comprised [James Wood](#) and [Simon Grégoire](#).

[BLG case comment \(May 2023\)](#).