Construction

In the ever-changing construction industry, a project's success depends on a solid legal foundation. From a project's inception through to completion, strategic, proactive and results-focused legal services are essential.

We are Canada's most specialized construction law group, with comprehensive understanding of the domestic and international construction industry. Our construction lawyers have extensive mediation and arbitration expertise to help clients resolve issues throughout the full cycle of a construction project, including complex, multi-party disputes.

Our national presence means we can provide clients with practical, efficient and consistent advice on construction and infrastructure projects across the country. Recognized for their expertise, ten of our construction lawyers are included as Fellows in the prestigious Canadian College of Construction Lawyers.

Our integrated team of construction lawyers helps clients with:

- drafting RFQs, RFPs, tenders and other procurement documents
- drafting and negotiating construction contracts
- underwriting, bond forms and indemnity agreements
- infrastructure and mega-projects
- public-private partnerships (P3s)
- complex construction disputes
- construction insurance coverage and defence, including professional liability coverage
- procurement/tender disputes
- delay and loss of productivity claims
- deficiency claims
- lien claims
- trust claims
- all types of bond claims
- product liability and construction materials-related claims
- engineering and geotechnical claims
- professional negligence claims
- environmental issues
- highway construction and maintenance disputes
- leaking buildings claims
- fidelity and fraud litigation
- recovery of assets
- construction insolvency
- litigation, arbitration and adjudication for sureties

We also advise on risk management, project delivery and procurement strategy.

Experience

- A design-build contractor in a $150 million complex arbitration regarding the design and construction of an Alberta highway infrastructure project. The arbitration involves numerous design and construction claims, as well as a significant schedule impact claim.
- A large North American contractor, the construction manager for a new Alberta hospital. There have been numerous design changes and budget increases, and both the contractor and owner claim to have terminated the contract. Currently, the claims and counterclaims amount to more than $135 million, with further claims anticipated from a number of subcontractors.
- A large North American construction company in a multi-party dispute coming from the construction of two thickener tanks at the Horizon Oil Sands Project in Fort McMurray. Both parties allege the other is responsible for the failure of supporting walls, which caused damage to the tanks and delayed the project. The parties claim to have incurred losses of $70 million and $20 million, respectively.
- A Canadian EPC contractor, defending against a $1.1 billion arbitration following the successful construction of an industrial facility.
- An international EPC contractor in a highly technical dispute related to the design and construction of a large carbon capture plant. We acted as counsel for the contractor in arbitration, prosecuted claims against the owner, and defended counterclaims, in the total amount of $350 million.
- The Government of Nova Scotia's Department of Transportation and Infrastructure Renewal, with the Halifax Infirmary and Community Outpatient Centre (Bayers Lake) elements of its Queen Elizabeth II New Generation Project.
- Clients in charter party and commercial disputes related to vessel design and construction, supply contracts, supply of necessaries, maritime project management and long-term supply contracts.
- Clients on Transport Canada's rules for drone/unmanned aerial vehicle/remotely piloted aircraft system operations.
- Zurich in the Companies' Creditors Arrangement Act (CCAA) proceedings of Bondfield Construction Company Limited (BCCL) and certain affiliates. Zurich was BCCL's principal surety in its numerous construction and P3 projects. Zurich also acted as DIP Lender to BCCL during the CCAA Proceedings.

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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