



Theron Davis

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Theron has expertise in construction law. His practice focuses primarily on drafting and negotiating construction contracts and advising on risk management.

Theron regularly helps owners, contractors and consultants execute and deliver a wide variety of projects including large infrastructure, commercial and educational facilities, and residential and mixed-use development projects.

In addition to working regularly with standard form contracts and supplementary conditions, Theron has experience drafting and negotiating bespoke suites of contracts for a variety of innovative project delivery models including, among others, early contractor involvement and progressive design build. Theron assists from concept, through procurement, and to execution and completion serving as a trusted resource in evaluating risk and opportunities.

Theron also has experience with contractual disputes, energy-related litigation and builders' liens. Theron has appeared before various levels of court, tribunals and administrative bodies in Alberta and Nova Scotia and presented at numerous conferences on construction law related topics. Along with his colleague, Bill Woodhead, Theron teaches an upper year course at the University of Calgary Faculty of Law on contract drafting.

Experience

- Represented a Not-For-Profit owner in the preparation and negotiation of a suite of custom contracts for the execution of a major renovation project with an estimated total cost upward of \$43 million.
- Prepared a set of custom supplementary conditions for an Alberta municipality to utilize on various capital projects, including alignment with the requirements of the *Prompt Payment and Construction Lien Act* (Alberta).
- Represented a surety in bringing a successful application to dismiss a \$2 million claim for long delay (*Lloydminster (City) v Alberta Asphalt Enterprises*, 2022 ABQB 55).
- Represented a contractor in a multi-party arbitration arising out of the construction of a large hospital in Alberta, with claims and cross-claims involving the public owner and a number of subcontractors.
- Represents various owners and contractors on several Canadian contractual interpretation issues and COVID-19 related advice in respect to major infrastructure projects.
- Advised various stakeholders on changes in construction lien and prompt payment legislation in various jurisdictions.

Insights & Events

- Author, "The City of Calgary takes on the housing crisis", BLG Article, September 2023
- Author, "Belt and suspenders never looked so good: Registering construction liens against condominium properties", BLG Article, May 2023
- Co-Author, "[Trust the process](#)," On-Site Magazine, March 2023
- Author, "Cash is King: Builders' Lien Security and Statutory Trusts under Alberta's Prompt Payment and Construction Lien Act", BLG Article, February 2023
- Author, "Milestone Payments and Proper Invoices under the Prompt Payment and Construction Lien Act", BLG Article, October 2022
- Author, "Draft it like it is: "Pay no later than" or "pay when paid" clauses", BLG Article, October 2022
- Author, "Alberta Builders' Lien Act proposed amendments significantly rewritten", BLG Article, November 2020
- Author, "Alberta's Prompt Payment and Construction Lien Act passes second reading", BLG Article, November 2020
- Author, "Alberta legislators introduce new Prompt Payment and Construction Lien Act", BLG Article, October 2020
- Co-Author, "I hope they notice me: Enforceability of notice provisions in Alberta," *On-Site*, August 20, 2020.
- Author, "Keep Your Friends Close: CCDC 30 and Integrated Project Delivery", BLG Article, July 2019
- Co-presenter, "Under Construction: A Close Examination of Recent Construction Law Developments and their Impact on the Oil and Gas Industry," Canadian Energy Law Foundation — Jasper Research Seminar, June 14, 2019
- Author, "Timing is Everything: When to Make a Claim During an Ongoing Construction Project", BLG Article, May 2019
- Author, "Finding The Right Tool For The Job — Resolving Construction Disputes With Mediation Or Arbitration", BLG Article, April 2019
- Co-Author, "Alberta Builders' Lien Act gets some judicial attention," *The Lawyer's Daily*, March 27, 2019.
- Author, "Lien Fund or Lean Fund: Setting-Off Against Part B under the Alberta Builders' Lien Act", BLG Article, February 2019
- Author, "It's not you, it's me: Termination for Convenience Clauses", BLG Article, February 2019

Beyond our Walls

Professional Involvement

- Member, Canadian Bar Association
- Member, Law Society of Alberta
- Member, Nova Scotia Barristers' Society
- Member, The Advocates' Society
- Member, The Women's Legal Education and Action Fund
- Instructor, Contract Drafting Course, University of Calgary, Faculty of Law, Current

Community Involvement

- Participant, Extra Life Charity Gaming Marathon, 2019
- Volunteer, BLG Reads to Kids
- Volunteer, Civil Claims Duty Counsel (CCDC) project
- Organizer, Extra Life Charity Gaming Marathon, 2018
- Volunteer, Ronald McDonald House, 2017-2018

Bar Admission & Education

- Alberta, 2018
- Nova Scotia, 2018
- JD, Dalhousie University, 2017
- MA, University of Calgary, 2011
- BA (first-class Hons.), St. Francis Xavier University, 2009

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