



Construction Law

Risk management is a critical requirement throughout the life of a construction project. Every participant in the construction pyramid must assess their risks, reduce them where possible, and act promptly to enforce or defend their interests if disputes occur. They need a law firm that can work with them through the entire process from start to finish, not just when things have gone wrong.

While most construction lawyers tend to concentrate on either front-end commercial matters or litigation, the Construction Law Group at Torkin Manes represents clients throughout the lifecycle of a construction project. We provide skilled negotiation of finances and risk allocation, contract and other document drafting, negotiation, mediation or arbitration where possible if disputes arise, and swift, effective litigation when nothing else will protect our client's interests.

We regularly act for the full spectrum of construction industry participants, including public and private sector owners, general contractors, construction managers, design/builders, counties, municipal corporations, municipalities, sureties, transportation authorities, subcontractors, suppliers, financial institutions, architects, engineers, and other design professionals. We also regularly act for public sector owners of healthcare facilities, community housing developments, universities, colleges, churches, and community groups.

On the commercial side, our Group's expertise includes national and Ontario-specific standard form and single-use RFP and bid package and contract drafting for various project delivery methods. These include stipulated price, cost plus, construction management, facilities management, design-build, bid compliance analysis and fairness analysis, project delivery method consultation and contract negotiation. We are experienced in drafting standard form Canadian Construction Documents Committee (CCDC) design-build stipulated price and consultant contracts currently in use across Canada.

We have specialized expertise in the appropriate use of, and making claims against, various forms of contract security, including letters of credit and surety bonds, such as Bid Bonds, Performance Bonds, Labour and Material Payment Bonds, Financial Security Bonds and Holdback Release Bonds.

We regularly advise on all types of financing arrangements, including structuring of loan transactions, loan and security requirements, inter-creditor arrangements, priority issues, regulatory compliance, environmental concerns, and the preparation of loan agreements, commitment letters and requisite security documentation.

Our construction litigation experience includes pursuing and defending all types of construction claims and defences, including breach of contract, claims for lien, delay claims, breach of trust claims, performance and labour and material payment bond claims, negotiating and settling disputes through ADR and arbitration, and appearing at trial and appellate levels of court.

Three of the lawyers in our Group have been certified by The Law Society of Upper Canada as Specialists in Construction Law and our senior lawyers are ranked in Lexpert and Martindale Hubbell for their

expertise in Construction Law. When needed, we can call on other specialty areas of the firm, including Corporate Finance, Employment & Labour and Commercial Real Estate, to provide seamless legal service for our clients.

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