

# DAVID I. BRISTOW, Q.C., L.S.M., B.A., LLB, C.Arb.

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David I. Bristow is a member of Team Resolution, a Toronto based Alternative Dispute Resolution group, which provides ADR Services consisting of Mediations, Arbitrations, Early Neutral Evaluation, Mini-Trials, Med-Arb and Private Appeals from Arbitral Awards and Trial Judgments in civil actions.

Mr. Bristow is a former counsel to Fraser Milner Casgrain, a national Canadian law firm, where he headed the Construction Law Group, and is a co-author of the leading text on the subject of construction law in Canada. He was the Founding Chairman of the Ontario Bar Association Construction Law Section and a past Chairman of the Canadian Bar Association Construction Law Section.

Mr. Bristow has a wealth of experience in Commercial Arbitration and Mediation as well as other alternative dispute resolution proceedings, and in civil litigation in all levels of court from trial to the Supreme Court of Canada.

Mr. Bristow was the recipient of the *Ontario Bar Association* Distinguished Service Award in 1996 and named in Euromoney Legal Media Group's 4<sup>th</sup> Edition of its *Guide to the World's Leading Experts in Commercial Arbitration*, was named by *Lexpert* (U.S.A.) as one of the top 500 lawyers in Canada, was named in the publication *Best Lawyers in Canada 2008, 2009* and 2010 and in the *Financial Post*'s list of best lawyers and was cited by the American Arbitration Association as a world-renowned specialist in the field of arbitration and ADR.

He was the recipient in 2002 of the Law Society of Upper Canada Medal (Ontario), and with it the designation LSM and received the Golden Jubilee Medal of Queen Elizabeth II in 2002. In December of that year, he received the Giffin Award by the construction industry for outstanding service to this industry. He was the first lawyer to receive this award.

Mr. Bristow is a prolific author and frequent lecturer in Canada, the United States, Cuba, Barbados and Mexico.

Mr. Bristow is a member of the American Arbitration Association's Panel of Arbitrators, on the Commercial and Construction Panels, is a Mediation and arbitration panel member of the International Chamber of Commerce and is a Mediation and Arbitration Panel Member with the Centre for Public Resources Institute for Dispute Resolution. He is a member of the International Academy of Mediators and is on the editorial boards of the *Construction Law Letter* and the *Construction Law Reports*, and a contributor to the *Daily Commercial News* and many other publications. He is a member of the Swiss Dispute Board Federation, a charter member of the non-profit organization *Mediators Beyond Borders* and a founding member of the *Toronto Commercial Arbitration Society*.

Mr. Bristow was a Fairness Monitor for a new Bridge project in British Columbia for the British Columbia Government.

Mr. Bristow's recent mediation and arbitration activities include the Confederation Bridge from New Brunswick to Prince Edward Island, the Windsor Detroit tunnel, the Halifax International Airport, major highways in Canada, co-generation power plants, stadiums, ocean cargo-loading equipment, internet gambling, diamond vendors, hotels, nickel mines, a nuclear power plant in China and offshore land development, oil drill rigs in Cuba and schools in Grand Cayman.

## **PERSONAL**

- B.A., University of Toronto, Victoria College,
- LL.B., Osgoode Hall Law School,
- Queen's Counsel (Q.C.)
- Chartered Arbitrator (C.Arb.)
- Former Partner, Fraser Milner Casgrain LLP

## **CO-AUTHOR, TEXT**

- Construction, Builders' and Mechanics' Liens in Canada, 7<sup>th</sup> Edition 2005

## **CONTRIBUTING AUTHOR**

- Daily Commercial News
- Arbitration Law Monthly (Lloyd's of London) Canadian Correspondent
- Construction Law Reports
- Canadian Consulting Engineer Magazine
- Dispute Resolution Journal (American Arbitration Association)
- Alternatives (CPR Institute for Dispute Resolution)
- American Arbitration Association Handbook on International Arbitration Practice

## **EDITORIAL BOARDS**

- Construction Law Letter
- Construction Law Reports

## **COMMITTEES**

- Former member of Attorney General's Advisory Committee on International Commercial Arbitration Centre, Ontario
- Former member and Consultant Attorney General's Advisory Committee on Alternative Resolution of Construction Disputes, Ontario
- Former member of Committee for creation of Alternative Resolution Dispute Centre of the Ontario Court of Justice (General Division)
- Former member Pacific Rim Advisory Council respecting preparation of the International Arbitration/Mediation Handbook

- Member Toronto Construction Association Government Relations Committee

**LECTURER**

- Former Ontario Bar Admission Course Instructor, Creditors' Rights; Guest Lecturer Construction Osgoode Hall Law School; and Guest Lecturer U of T Law School

## **APPOINTMENTS**

- Acted as Chairman of the Contract Dispute Advisory Board (CDAB) of the Federal Government of Canada
- Appointed as Arbitrator by the Ontario Court of Justice (General Division)
- Appointed Special Pre-trial Judge, Ontario Court of Justice (General Division)
- Appointed to American Arbitration Association's Panel of Arbitrators, Commercial and Construction panels
- Member CPR Institute for Dispute Resolution, Mediation and Arbitration Panel Member
- Chartered Arbitrator of the ADR Institute of Canada (C.Arb.)
- Member of the International Academy of Mediators (I.A.M.)
- Former member of the Law Society of Upper Canada's panel of judges on accreditation of applicants as civil litigation specialists
- Panel Member of the International Chamber of Commerce (ICC)
- Panel Member – AMEX Dispute Resolution Committee
- Member of the Canadian Council for Public-Private Partnerships

## **MEMBERSHIP**

- American Arbitration Association
- Canadian Bar Association
- Ontario Bar Association
- International Bar Association
- The Inter-Pacific Bar Association
- American Bar Association
- County of York Law Association
- Former member, The American Nuclear Society
- Phi Delta Phi, Legal Fraternity
- Granite Club
- Cambridge Club
- Briars Golf Club
- Walter Gordon Circle
- Canadian Council of The Americas
- The Canadian Council for Public-Private Partnerships
- Mediators Beyond Borders
- The Canada Green Building Council

## **DIRECTOR**

- MacInnis Undersea Foundation

## **FELLOW**

- Foundation for Legal Research
- Founding Fellow Canadian College of Construction Lawyers. Former member of the Board of Governors of the College.

## **FOUNDING CHAIRMAN**

- Ontario Bar Association, Construction Law Section

## **PAST CHAIRMAN**

- Canadian Bar Association, Construction Law Section

## **INSURANCE AND SURETY**

- Former member Toronto Surety Claims Association

## **DELEGATIONS**

- Federal Department of External Affairs and International Trade, Delegation to East Bloc Countries, September 1992

## **REPRESENTATIVE SPEECHES AND LECTURES**

- Canadian Construction Association
- Royal Bank of Canada
- Canadian Credit Institute
- Canadian Imperial Bank of Commerce
- Insurance Bureau of Canada
- Toronto Construction Association.
- Toronto Dominion Bank
- Touche Ross & Company
- Ontario General Contractors' Association
- Insurance Institute of Ontario
- Ontario Mechanical Contractors' Association
- Ontario Masonry Contractors' Association
- Architects' Association of Northern Ontario
- Bank of Montreal
- Bar Association, Alberta
- Bar Association, British Columbia
- Bar Association, New Brunswick

- Bar Association, Nova Scotia
- Bar Association, Manitoba
- Bar Association, Ontario
- Canadian Bar Association
- Law Society of Upper Canada
- American Association of Cost Engineers & Project Management Institute
- Institute for International Research
- Canadian Masonry Contractors' Association
- Technical University of Nova Scotia
- Construct Canada
- Canadian Hospital Engineering Society
- Northern Ontario Teleconference Network
- Municipal Electric Association
- Consulting Engineers of Ontario
- American Bar Association
- University of the West Indies (Barbados)
- La Union Nacional de Juristas de Cuba (Havana)
- International Academy of Mediators (Cancun)
- Judges Conferences, Havana, Cuba
- Canadian College of Construction Lawyers
- American College of Construction Lawyers
- ADR Institute of Canada

## **PRO BONO COMMUNITY INVOLVEMENT**

- Active for many years in fundraising for Ridley College, St. Catherine's, Ontario
- Participated for some years in organization of Ridley College rowing activity in international competition
- Active for some years in promotional and fundraising activity for the Lake Simcoe Arts Foundation (Red Barn), and was past fundraising co-chairman
- Presently World Wildlife Fund Advisory Board Member for Cuba
- He is a member of the Board of Directors of the MacInnis Undersea Foundation; assisted with many of Dr. MacInnis' expeditions, including the discovery and the dive on the Breadalbane in the Canadian Arctic, the setting up of sub-igloo, an underwater observation station at Tobermory, Ontario, and Dr. MacInnis' relations with the Russian Shirshof Oceanographic Institute whose submarines dived on the Titanic, and assisted in the motion picture "Titanic"
- Presently a member of the international association of Mediators Beyond Borders, a pro bono organization, and a member of the Zimbabwe committee
- Presently a member of the International Academy of Mediators Committee to Bring Mediation to Russia
- Law school's Moot Court Judge, France, Canada and U.S.A.

## **OUTSIDE ACTIVITIES**

- Mr. Bristow was an experienced balloonist both in North America and Europe. He participated in a North American championship in Barrie, Ontario in 1985.
- He is an accomplished scuba diver and underwater photographer

## **LIST OF SPEECHES AND PUBLISHED ARTICLES SINCE 1978**

<b>FORUM</b>	<b>TOPIC</b>
Ontario Bar Association	The Mysteries of Mechanics Liens
Construction Specifications Canada	Law and How it Applies to the Design Professional
Nova Scotia Bar Association	The Liability of the Landlord under the Mechanics’ Lien Act
Oyez	Construction Lien Act “Problems in Practice”
Oyez	Managing the Risks of Construction Credit Bonds and the Law of Bonding – Recent Developments
Essex Law Association	Parts VI, VII and VIII of the <i>Construction Lien Act</i> .
Law Society of Upper Canada	Legal Opinions in Commercial Transactions.
Legal Education Society of Alberta	Who is entitled to file a Builder’s Lien?
American Association of Cost Engineers	Cost Engineering and Project Management.
Thermal Insulation Association of Canada	Presentations-Liens
The Centre for Professional Education	Statutory Holdback
Halifax Judges Association	Contributory Fault in Construction Contracts, The Construction Lien Act
The Centre for Professional Education	Termination

<b>FORUM</b>	<b>TOPIC</b>
Ontario Bar Association	Construction Law Contracts Real and Perceived Problems in Practice – Apportioned Fault in Breach of Construction Contracts
Toronto Construction Association	The Lien Process – Trust Funds.
Insight Educational Services	Claims by Owners against Contractors
Young Lawyers Division	Establishing the Breach of Trust Claim
Ministry of Transportation	The Ministry of Transportation and Communications Creditors Payment Act
Ontario Bar Association	Claims by Owners Against Contractors
Hamilton Construction Association	The Mortgagees’ Position and the Trust Section
Adjusters Canada	Payment Bond Limitation Periods
Construct Canada ‘88 Canadian Bar Association Montreal	Alternatives in Dispute Resolution Alternatives in Dispute Resolution
1988 International Public Works Congress	Alternatives in Dispute Resolution
Daily Commercial News	Claimant should notify surety on time
Daily Commercial News	Outcome of Legal Dispute Eagerly Awaited (Good News for Low Tenderers)
Technical University Nova Scotia	Impact Costs in Construction Claims and Chairman — Overview of Program Outline
Construct Canada ’89 Convention Centre	Bad Clauses I have known
Insight Educational Services	Lowest Tender Not Necessarily Accepted
Ontario Bar Association	Breach of Trust Claims
Alberta Bar Association	The New Alberta Construction Lien Act
Ellis-Don Ltd.	Construction Law Review

<b>FORUM</b>	<b>TOPIC</b>
The Canadian Institute	Damages Arising from the Bidding Process
Law Society of Upper Canada	Maximizing Damages in Commercial Litigation: The Expert Witness When to Hire, Where to Find, How to Benefit from the Expert's Services before and at the Trial
Construction Law Letter	Damages Arising from the Bidding Process
Insight Educational Services	Damages Arising from the Bidding Process
Insight Educational Services	Getting Value by Using Experts
The Canadian Institute	Breach of Trust Claims
Ontario Bar Association	Recent Developments in Construction Lien Litigation
Construct Canada '91	Alternative Methods of Dispute Resolution
Insight Educational Services	Work Under Protest
Insight Educational Services	Tips from the Experts
Ontario Bar Association	Recovering Damages in Commercial Tort Litigation "Liability for Pure Economic Loss: Through the Looking Glass"
The Canadian Institute	Breach of Trust Claims
Construction Law Letter	Damages Arising from the Bidding Process
Canadian Hospital Engineering Society	Damages Arising from the Bidding Process
Insight Educational Services	Maximizing Damages in Commercial Litigation: The Expert Witness, When to Hire, Where to Find, How to Benefit from the Expert's Services Before and At Trial
Canadian Bar Association Annual Convention	Damages Arising from the Bidding Process
Northern Ontario Teleconference Network	Damages Arising from the Bidding Process
University of Toronto Faculty of David I. Bristow, Q.C.	Alternative Methods of Dispute Resolution

<b>FORUM</b>	<b>TOPIC</b>
Law	
Municipal Electric Association	Damages Arising from the Bidding Process
Ontario Sewer and Watermain Contractors Association Quarterly	Contractors Liability for Errors in Tendering
Canadian Bar Association Institute	Duties and Liabilities of Owners and Payers Under the Construction Lien Act
Canadian Bar Association	Alternative Dispute Resolution in Action in Canada
Educational Program Innovations Centre	Damages Arising from the Bidding Process
Insight Educational Services	The New CCDC 2: Facilitating Dispute Resolution of Construction Project
Educational Technologies Company	Alternative Methods of Dispute Resolution
The Canadian Institute	Drafting the Contract to maximize Protection and Minimize Exposure
Educational Technologies Institute	Challenging Government Contract Awards
Consulting Engineers of Ontario	Alternative Methods of Dispute Resolution
Municipal Electric Association	Damages Arising from the Bidding Process
Association des constructeurs de routes et grands travaux McMaster Meighen	Damages Arising from the Bidding Process The New CCDC-2
Canada Post Corp	Alternative Methods of Dispute Resolution
Construction Law Breakfast Seminar	Alternative Methods of Dispute Resolution
Educational Program Innovations Centre / U of T Continuing Engineering Education Program	“Damages Arising from the Bidding Process”
N.A.W.I.C. National Association of Women in Construction	“Resolution of Construction Claims; Litigation v. Arbitration”
Insight Information Inc. 7 <sup>th</sup> Annual Construction Claims Course	“Resolution of Construction Claims; Litigation v. Arbitration”

FORUM	TOPIC
Construction Law Letter	“The New CCDC 2: Facilitating Dispute Resolution Journal of Construction Projects”
The Arbitration and Dispute Resolution Law Journal	“An Advocate’s perspective on Mediation at the Toronto ADR Centre”
Ontario Bar Association Operation Update 1995	“Recent Developments in Construction Litigation – 1995”
American Bar Association / Canadian Bar Association Forum on the Construction	“Alternative Dispute Resolution: The Sticks and Stones of the North American Free Trade Industry Agreement”
The Advocates’ Society	How to Win-Win in a Win World “Alternative Methods of Dispute Resolution”
Ontario Bar Association Continuing Legal Education	Panel Discussion “And Promises to Keep – New Paths in Contract Law
Ontario Sewer and Watermain Construction Association	“Ask a Lawyer: The Law of Bidding & Tendering in Construction Projects”
The Canadian Institute 5 <sup>th</sup> Annual Superconference	“Drafting the Contract to maximize Protection and Minimize Exposure Construction”
Construction Control PM Spring Fest	“Project Structuring and Standard Form Contracts”
American Bar Association Forum on The Construction Industry Dallas, May 1996	“Canadian Innovations in Project Financing”
Canadian Bar Association The National Construction Law Round Table 1996	“Damages Arising from the Bidding Process”
Home Improvement Retailing Magazine August 1996	“Construction Without Interruption”
Law Society of Upper Canada November 1996	“Quandaries and Pitfalls in Construction Liens and Construction Law — Trust Quandaries”
CCH Canadian Limited Newsletter – ADR Forum Issue Number 12 February 1997	Construction Without Interruption: Differences From or Supplements to the Original Contract

<b>FORUM</b>	<b>TOPIC</b>
AMIO (Arbitration and Mediation Institute of Ontario) March 1996	ADR Panel
Ontario Bar Association Continuing Legal Education	Limitation Periods and Construction Law
Construction Law Letter	Comment on Twin City Mechanical v Bradsil
Canadian Bar Association The National Magazine	Is the Good Conscience Genie out of the Bottle?
The Canadian Institute 6 <sup>th</sup> Annual Construction Superconference 1997	“Drafting the Contract to Maximize Protection and Minimize Exposure”
Pacific Business & Law Institute, Vancouver	The New Builders’ Lien Act
Law Society of Upper Canada	“New Developments in Trust Law, Constructive Trusts & Directors’ Personal Liability”
Construct Canada ‘97	Recent Developments in Bidding and The Law: Owner’s Liability to Contractors and Subcontractors
Insight Information Inc. April 1998	Choose Your Tools Using Alternative Dispute Resolution Provisions in the New CCA14 to your Client’s Benefit
Ontario Bar Association April 1998	Limitation Periods and Construction Law
Canadian Bar Association Halifax, May 1998	Update Mechanics Liens: Liability for Breach of Trust in Ontario
Congress Interaction ’98 Conference	Choose Your Tools — Using Alternative Dispute Resolution Provision in the New CCAI 4 to Your Client’s Benefit
Canadian Institute 7th Annual Construction Superconference	Drafting the Contract to Maximize Protection and Minimize Exposure
American Bar Association 1998 Annual Meeting, Toronto	Recent Developments in the Law of Attorney Client Conflict
Fraser & Beatty Litigation Associate Training Session	Mediation

<b>FORUM</b>	<b>TOPIC</b>
Fraser & Beattv Litigation Student Lecture	Litigation overview
Revay and Associates Muskoka Sands Hotel Building Magazine	Controlling Construction Risk Agreeing to Agree (by Glen Simpson)
Ontario Bar Association	The New CCDC2: Facilitating Dispute Resolution of Construction Projects
Infonex Construct Law Canada	Special Contract and Risk Issues Associated with Public Contracts: How Can Lawyers Help?
Insight Information – 8 <sup>th</sup> Annual Course The Construction Claim	Alternative Dispute Resolution
Fraser Milner – Litigation Seminar	Conflict Motions Chinese Walls, Cones of Silence
Canadian Institute 8 <sup>th</sup> Annual Construction Superconference	Risk Allocation in Contract
Canadian Consulting Engineer Magazine	Mandatory Mediation
Canadian College of Construction Lawyers	Recent Developments in the Law of Attorney Client Conflict
University of the West Indies Commercial Law Workshop	Alternative Dispute Resolution
Law Society of Upper Canada	Theory of the Case Strategy and Tactics
Construction Law Reports Vol. 47, Part 2, November 1999	Case Comment: Gillies Lumber v. Kubassek Holdings
Construction Law Reports Vol. 47, Part 2. December 1999	Recent Developments in the Law of Attorney Client Conflict
Construction Law Reports Vol. 49, Part 2, April 2000	Theory of the Case: Strategy and Tactics
Lorman Education Services	An Overview of Three Commonly Used Construction Contracts: Stipulated Price Contract, Construction

	Management, and Design-Build
Canadian Bar Association	Liening the Unusual Project
Canadian College of Construction Lawyers	The Gathering Storm of Arbitrators' and Mediators' Liability
Canadian Bar Association	Good Faith in Negotiations
Ontario Bar Association	Recent Developments in Construction Law
Law Society of Upper Canada	The Art of Proving Damages for Breach of Tender
OBA 2001 Institute of Continuing Legal Education	The Preparation for the Mediation of a Complex Multi-Party Construction Dispute
OBA 2001 Institute of Continuing Legal Education	Punitive Damages
Manitoba Bar Association Construction Law Section	Risk Allocation in Contract
Canadian Institute – 10 <sup>th</sup> Annual Superconference	Risk Allocation in Contract
Osgoode Hall Law School of York University – Professional Development Program – CLE	Panel Chair – The Essential Curriculum in Construction Law: After Construction...but Before the Dust Settles: The First Line of Response
Canadian College of Construction Lawyers – 2001 Annual Conference	The Preparation for the Mediation of a Complex Multi-Party Construction Dispute
Alternatives to the High Cost of Litigation – CPR Institute for Dispute Resolution Vol. 19 No.5	The Preparation for the Mediation of a Complex Multi-Party Construction Dispute
Ontario Formworkers Association International Arbitration Law Review Vol. 4, Issue 5	Seminar on the <i>Construction Lien Act</i> The Gathering Storm of Arbitrators' and Mediators' Liability
Canadian Institute Construction Superconference	Who is Entitled to Make a Lien Claim
Dispute Resolution Journal	When One Court Infringes on Another
Construction Law Letter Vol. 18, No. 6	Illegal Contract with Unlicensed Contractor is Legally Enforceable

International Conference on Arbitration and Mediation, Havana, Cuba	Alternative Dispute Resolution
ADR Institute of Canada The Essential ADR Seminar	The Preparation for the Mediation of a Complex Multi-Party Construction Dispute
York Communications Construction Law Update Construction Liens: The Next Generation	Who is Entitled to Make a Lien Claim
George Brown College	Various Topics
Law Society of Upper Canada	Strategies for the Effective Selection and Evaluation of Your Mediator
Butterworths Publishing Company	Settling out of Court: Construction Liens and ADR
Construction Institute/George Brown College ADR Chambers	Good Faith Speech on Arbitration to Chinese Judges and Lawyers
CCCL/ACCL Annual Meeting in Miami	Ethics Problems in a Fish Bowl
Rotman Lectures	Mediation
George Brown College	Graduation Lecture
York Communications	Law Update
Canadian Bar Association (Halifax)	Experts Evidence
Toronto Construction Association	Mediation and Arbitration
Terrazzo Tile and Marble Association of Canada	Alternative Dispute Resolution
International Academy of Mediators (Cancun)	Preparing for Mediation
U.S./Canada Law Conference 2005	International Arbitration
George Brown College 2005	Graduation Lecture
Canadian College of Construction Lawyers	International Arbitration

Construction Summit 2005	Avoiding and Resolving Disputes
Construction Institute 2005	Mediation
Law Society of Upper Canada 2005	Mediation and Arbitration
York Communications – Toronto November 2, 2005	Textbook 7 <sup>th</sup> Addition Lectures
York Communications – Vancouver November 11, 2005	Textbook 7 <sup>th</sup> Addition Lectures
York Communications – Calgary November 9, 2005	Textbook 7 <sup>th</sup> Addition Lectures
Toronto Construction Institute November 14, 2005	Construction Ethics
Canadian Institute Vancouver January 31, 2006	Public Procurements – Fairness Monitor
George Brown Graduations April 12, 2006	Speech
Canadian Bar Association – Whistler, B.C. – May 13, 2006	National Construction Law Conference
Canadian College of Construction Lawyers Conference –June 2-4, 2006, Fox Harbour	ADR Methods
Construction Institute/Toronto Construction Association – June 5, 2006	Ethics
Construction Law Letter – September 2006	Hot Tubbing
Construction Canada – September 2006	Architect’s Duty of Care
Ontario General Contractors Association – September 2006	What’s There To Lien On?
Insurance Institute of Canada – September 2006	Mediation As the Most Common Form of ADR
Insurance Institute of Canada (CIP David I. Bristow, Q.C.	Mock Mediation

Society) – October 2006

International Institute for Conflict  
Prevention and Resolution –  
November. 2006

How an Investigator Resolved the Vasa Warship  
Disaster

IAM Conference, San Antonio,  
November – 2006

The Future Mediator

ICC Conference, New York –  
November 2006

Current Issues in ICC Arbitration: What You Need to  
Enhance Your International Practice

The Canadian Institute Public  
Procurement Conference, Ottawa –  
January 2007

Fairness Monitors

University of Toronto – February  
2007

Faculty of Law Upper Year Moot

George Brown College, Toronto –  
April 2007

Graduation Speech

OGCA Symposium, Collingwood –  
April 2007

Construction Litigation

IAM Conference, Philadelphia –  
May 2007

Future of Mediation

The GTA Construction Report –  
May 2007

Should the Holdback be Reduced to 5 % ?

ADR Institute of Ontario  
Construction Section – June 2007

Panel Discussion on Payment Certification

Speech – February 2008

Zimbabwe, Mon Amour

Construction Law Reports – March  
2008

Blockwall Masonry Ltd. v. Arcaio Design: Case  
Comment

CCCL Conference, Mt. Tremblant,  
Quebec – May/June 2008

The Arbitrator of the Future – A Light Approach and  
Advocacy – Past, Present and Future

Construction Law Reports – June  
2008

Book Review

Construction Law Reports 68 CLR  
(3d) page 155

Book Review of the Construction Hypothec

Construction Law Letter	Limitation Periods to start a Construction Action – The discoverability doctrine
Construction Canada May 2009 Vol. 51 No. 3	The Breach of Trust Remedy
Ontario Bar Association, Vol. 17 No. 3 June 2009	Mediation Confidentiality and Pitts v. Francis
ADR Institute of Canada, Gatineau, Quebec – October 2009	Alternatives to the Alternatives
American Arbitration Association Handbook – Chapter 23	Negotiating in Good Faith
American Arbitration Association –	Handbook on International Arbitration and ADR and Book on International Arbitration and ADR – Contributor
Canadian Construction Canada	New Rules of Practice – 2010
CPR (Alternatives)	Attacking the Mediation Fortress of Confidentiality
Toronto Construction Association Legislative Committee	The Proposed Commercial Mediation Act Ontario, Bill 168

## **LIST OF ARTICLES CONTRIBUTED TO DAILY COMMERCIAL NEWS**

### **TITLE**

#### **1975**

1. Unjust Enrichment
2. Blackmail
3. Substantial Completion
4. Owner's Reliance on Contractor's Special Skills and Knowledge
5. Amendments to The Mechanic's Lien Act
6. Mechanic's Liens on Roads, Streets and Government Property
7. Proper On-Site Scheduling Re Delay Claims

8. Immoral or Illegal Contracts
9. Owners Beware! Conditional Sales
10. Roof and Other Contracting: The Legal Risks. Who Pays the Piper.
11. Penalty Clauses and Liquidated Damages
12. Paying Twice After Breaking Labour Contracts with Unions
13. Mechanics' Lien Trust Fund – Another Dilemma for the Owner
14. The Construction Contract – Insurance – What to Obtain and When to Obtain it
15. Supreme Court Awards Interest on Debt Owing to Contractors at Bank Rate
16. Costly Design Errors
17. Architects Right to Lien
18. Criminal Prosecutions Under The Mechanics' Lien Act

## **1976**

1. "Sale Leasebacks Caught By The Mechanics' Lien Act
2. "Strike" A Startling Definition

## **1977**

1. An Afternoon on San Salvador
2. Court Takes Hard Line of Free Advice
3. The House That Courts Built
4. Courts Give New Relief for Mental Distress
5. Strict Duty for Design Professionals

## **1978**

1. Archaic Interest Laws Overhauled
2. The Design Professional: A Target for Restitution?
3. The Contract – Is it Reasonable?
4. Victory But Defeat

5. Withdrawing Bids in Error

**1980**

1. Don't Recommend

**1981**

1. Added Liability for Breaches of The Construction Safety Act

2. Illegal Contracts

**1982**

1. New Builders Lien Act

2. Copyright in Construction Plans

**1984**

1. Subtrade Puts Contractor Over the Barrel

**1985**

1. The Tribulations of the Residential Architect

2. When is a Contract Abandoned?

3. Mental Distress in Construction

**1986**

1. Bad News for Bonding Companies

2. A Signal from Michigan

**1988**

1. Notice Under Labour and Material Bonds

2. Good News for Low Tenderers

**2005**

1. Confidentiality in Mediation

2. Who is entitled to a valid claim for lien

3. Corporate Charter Lapses

4. Criminal Interest Rates
5. Cyber Liable
6. Expert Witnesses