

## **Construction Law Section Report 2013-14**

The Executive of the Manitoba Construction Law Section operates on a rotating system for officers and the succession of the same took place in the spring of 2013. As a result of the Vice-Chair, Nicole Hamilton, being away for an extended period of time, the Section left the position of Chair held by Tom Turner and the position of Vice-Chair held by Nicole Hamilton in place. Accordingly, the activities of the Section were rather limited in the course of the 2013 and 2014 timeframe as described.

The Section Meeting which took place in June 2013 left matters in place and while the Section was not active in terms of scheduling of Section Meetings, attempts were made to have meetings scheduled, including an attempt to have a "field trip", with the group attending at the new Investors Group Field in terms of review of a major construction project in the City of Winnipeg. Unfortunately, as is public knowledge, construction issues and other related issues affecting that project resulted in the proposed "field trip" not being able to take place.

The Chair, as part of their duties over the course of the year, participated in conference calls with the Executive of the National Construction Section chaired by Mr. Matt Hayes and the ongoing matters with, as well, Mr. Jon Woolley of Thompson Dorfman Sweatman LLP, being a member of the National Executive at Large, to participate in respect of national issues and the proposed Continuing Legal Education Meeting to be held in September 2014 in the Toronto area. In fact, the detail has been established for the meeting, which is to take place in Toronto on September 19 and 20, 2014 entitled "Building for the Future", and details of the same can be found at the National Construction Law Section of the Canadian Bar Association website.

The Section has, as well, attempted to schedule its Annual Meeting in the course of the month of June 2014, concurrently with a presentation to be made on a relatively recent Decision of Chief Justice Joyal of the Court of Queen's Bench in the *A&B Mechanical Ltd. v. Canotech Consultants Ltd.*, et al case dealing with the Manitoba perspective of so-called "pay when paid" clauses as between general contractors and sub-contractors. That Decision, while the subject of an Appeal by the Defendant Canotech Consultants Ltd., is relevant to the construction industry as it provides guidance on the requirements of any limitation attempted to be put into place by general contractors in their obligations to pay sub-contractors. That meeting/seminar has been proposed for the latter part of June, 2014.

As noted in the prior Section Report for the 2012 - 2013 year, Ms. Hamilton's absence from the practice of law while on maternity leave resulted in a "status quo" of the Executive, and, as a result, Ms. Hamilton will assume the role of Chair of the Section with the June, 2014 meeting for the ensuing year and a Vice-Chair will be appointed as well as seeking a Secretary for the Section.

Respectfully submitted,  
Thomas Turner, Chair