



# NAVIGATING CHANGES IN THE CONSTRUCTION SPHERE

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2026 MIABC Risk Management Conference

April 9, 2026

*Presented by:*

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# Overview

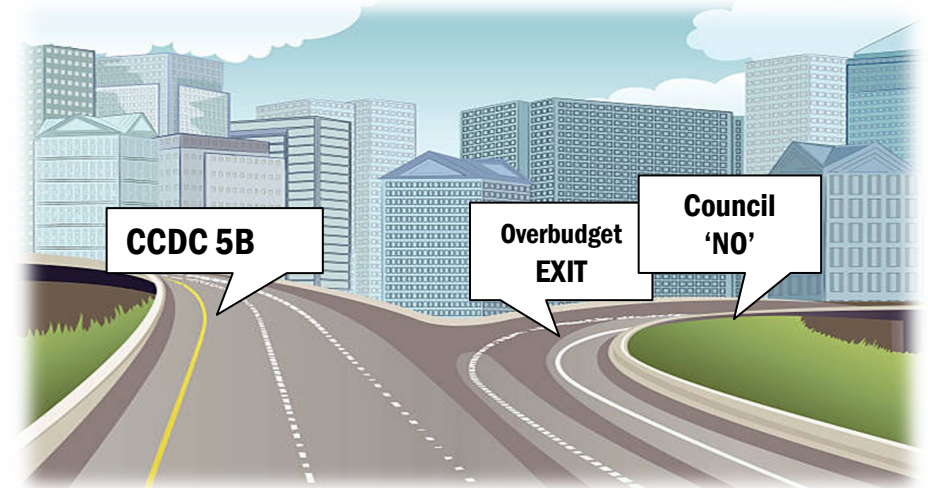
1. Updates to standard form agreements
2. Inspired use of construction management contracts
3. Interruption of Performance Bond claims
4. Pronouncement on Worksite OH&S liability in Ontario case
5. Recently tabled legislation to modernize construction payment regime & dispute options in BC – *Prompt Payment Legislation*

# 1. Updates to Standard Form Agreements

- CCDC 5A Construction Management for Services (2010 → 2025)
- CCDC 5B Construction Management for Services and Construction (2010 → 2025)
- CCDC 30 Integrated Project Delivery (2019 → 2025)
- MMCD Client-Consultant Agreement (1996 → 2024)

## 2. Inspired Use of CM Contracts

- Uptake in use of Construction Management contracts amongst LG owners
  - Possible response to more complicated projects, design uncertainty, and tighter timelines
  - Consider pros/cons of using CM Contract (services only) + Stipulated Price Contract
- versus*
- Consider pros/cons of using CM Contract (services & construction)

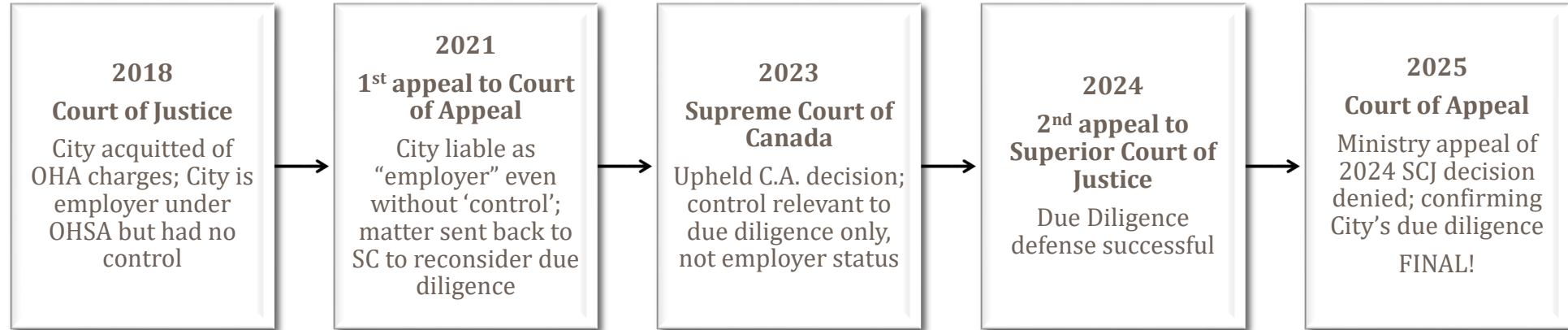


# 3. Interruption of Performance Bond Claims

- Pursuant to order in insolvency of Earth Boring Co. Limited under *Companies' Creditors Arrangement Act*
- (Temporary) stay of claims against Performance Bonds
- Labour and Payment Bonds not impacted
- Potential disruption to accessing bond as remedy

# 4. Pronouncement on Worksite OH&S

- *R. v. Greater Sudbury (City)*, 2015 fatal incident caused by City’s hired contractor (“prime contractor”) on water main project
- Ministry charged City and Contractor under OHS Act



- Take Away – factors demonstrating due diligence as employer on construction project

# 5. Prompt Payment Legislation in BC

*Construction Prompt Payment Act* – became law November 27, 2025 but not yet in force

## **Key Components:**

- Owners must comply with strict payment timelines (same for Contractors)
- Requirement for “Proper Invoices” must be satisfied
- Establishes an Interim Adjudication process to fast-track construction disputes
- Eliminates *Shimco liens* under *Builders Lien Act*
- Holdback release period shortened from 55 to 46 days



*Thank you!*