



A successful meet-up for TCA

BY TOM VENETIS

TCA members brush up on safety and the *Construction Lien Act* at their annual Members' Day

EACH YEAR, THE TORONTO CONSTRUCTION ASSOCIATION HOLDS ITS ANNUAL MEMBERS' DAY, drawing crowds of industry professionals to its headquarters in Richmond Hill. This year was no different, with more than 250 employees from the association's member companies gathering on May 11 for the association's 22nd annual event.

"This year was extremely successful – in fact, we saw a larger number of attendees than we had anticipated," says Suzana Fernandes, director of corporate development for TCA. "We were very happy to see all of the members come out."

The event provided visitors with an excellent opportunity to learn from industry experts, network with their peers, and feast on a delicious barbecue.

In particular, guests were able to learn more about possible changes expected to be made to Ontario's *Construction Lien Act* – changes that could significantly impact the construction trade across the province. TCA held a special panel discussion dedicated to this topic. "(Everyone) expressed a lot of interest in seeing the industry panel on the *Construction Lien Act*," says Fernandes. "(It's) a very hot topic amongst our members right now as any proposed changes to the act will directly affect them."

DELAYED RELEASE

At the time of Members' Day, the official review outlining proposed changes to the *Construction Lien Act* had not yet been released, which resulted in a few last-minute scheduling

changes. Bruce Reynolds, who authored the review together with co-counsel Sharon Vogel, was to have been on hand to present the keynote address dedicated to its recommendations. Given the delays in the report's release, he was unable to attend.

A partner with Borden Ladner Gervais, Reynolds had been retained by the Ministry of the Attorney General and the Ministry of Economic Development, Employment and Infrastructure to review the act. While he had submitted his report to the government on May 2, unforeseen changes in the government pushed back its release. (At press time, it had still not been released.)

TCA president John Mollenhauer says that while Reynolds could not be there to present the report's recommendations, the assembled panel did an excellent job discussing concerns with the act as it currently stands. "The audience left the room feeling enlightened, with a real understanding of the complexities of the issues and a sense of what to look for when the report is made public," he says.

Comprised of moderator Glenn Ackerley, partner with WeirFoulds LLP; Howard Krupat, partner with DLA Piper; Yonni Fushman, vice-president and general deputy counsel with Aecon Group Inc.; and Gerard Boyle, vice-president of Revay and Associates Ltd., panel members took the time to outline the act's current shortcomings. They also expanded on the changes they would like to see made to it, leaving guests with a deeper understanding of this important piece of legislation.

In particular, panel participants keyed into three important policy areas they hoped were being addressed in Reynolds' report. These included fully reforming and updating the *Lien Act* and addressing issues surrounding prompt payment, as well as putting in place a dispute resolution process, possibly one similar to that which already exists in the United Kingdom.

"The analysts did a great job discussing what the big challenges are for our industry – the relationships with the *Lien Act* report, prompt payment legislation and the notion of real-time dispute resolution mechanism," says Mollenhauer.

SAFETY FIRST

Rounding off the presentations at this year's event was an address by Rob Ellis, president of MySafeWork. Ellis focused on TCA's Safety Month, a new initiative launched this past May that saw the association dedicate the entire month to a number of different safety awareness initiatives. (For more on TCA Safety Month, visit pg. 10.)

Ellis stressed the importance of job safety and how it was incumbent on everyone in the industry to ensure that all workers on a project get home safely. "We all have someone waiting for us at home," he reminded everyone.

Sadly, Ellis spoke from personal experience. He lost his son David, 18 at the time, to a workplace accident. He had only been on the job for two days.

Mollenhauer stressed that Ellis' speech was important for everyone in the industry to hear. "It is about our responsibility to look after one another and to make sure that people who work with us in the construction industry get safely home to their families each day," he explained.

TCA chairman Craig Lesurf, a strong supporter of workplace safety and a central figure in the Workplace Safety Week initiative in Canada, was also present. He stood alongside Mollenhauer to sign TCA into the League of Champions, an initiative led by the Ontario General Contractors Association. The move marks yet another commitment on the part of the association to raise awareness about the importance of safety.

The move was applauded by TCA members, and marked a fitting end to a their 22nd annual Members' Day. **LD**

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