



# Construction Bonds

**Todd Kathol (He/Him)**  
400 - 444 7 AVE SW  
Calgary, AB T2P 0X8  
T 403-260-8581  
F 403-264-7084  
[tkathol@fieldlaw.com](mailto:tkathol@fieldlaw.com)

**Dan Carroll**  
2500 - 10175 101 ST NW  
Edmonton, AB T5J 0H3  
T 780-423-7614  
F 780-428-9329  
[dcarroll@fieldlaw.com](mailto:dcarroll@fieldlaw.com)

## Overview

Field Law has extensive experience in dealing with construction bonds which allows us to provide timely, practical and cost-effective advice to clients in this area. We have knowledge and experience with standard form bonds commonly used in the industry as well as specialty bonds. Field Law has been legal counsel in some of the leading cases involving performance bonds and labour and material payment bonds.

Our team of surety lawyers shares its in-depth experience by instructing in the field, conducting seminars and writing articles on bonding issues. We also keep our clients well informed by providing regular updates on changes, developments and practices within the industry.

Field Law assists owners, contractors, subcontractors and suppliers, and bonding companies in pursuing and defending claims on performance bonds, labour and material payment bonds, bid bonds and lien bonds, and in assisting clients in related matters, including:

- Preparing and revising standard forms of indemnity agreements and other bonding documents
- Obtaining additional or alternate security from principals and indemnitors
- Assisting in investigations of potential or actual defaults on bonded contracts
- Negotiating and preparing security and other arrangements for financing to complete bonded projects
- Assisting in arrangements for completion of bonded contracts, including preparation of contract take-over and completion contracts
- Securing and recovering contract funds and other security held by the surety from project owners and third parties
- Settling, arbitrating or litigating disputed claims and disputes with third parties over priority to contract funds
- Recovering from indemnitors under indemnity agreements or other security

In addition to construction bonds, Field Law has acted for sureties with respect to Fidelity Bonds, which protect parties from various theft-related exposures and third party fraud. We have experience in prosecuting subrogated recovery actions against employees for multi-million dollar frauds, including the complex and critical steps of obtaining Mareva Injunctions (to freeze assets), Norwich Orders (for pre-action production of documents) and Anton Pillar Orders (civil search and seizure).

Field Law is an Affiliate Member of the [Surety Association of Canada](#).

## Experience

Park Avenue Flooring Inc v EllisDon Construction Services Inc, 2019 ABQB 73

## Industries

Construction  
Real Estate

## Services

Construction  
Construction Liens  
Delay Claim Litigation  
Deficiency Claim Litigation  
Surety

MGN Constructors Inc v AXA Pacific Insurance Company, 2018 ABQB 631

## People

Dan Carroll, KC, LLM  
Counsel  
Edmonton  
[dcarroll@fieldlaw.com](mailto:dcarroll@fieldlaw.com)

Todd Kathol (He/Him)  
Partner  
Calgary  
[tkathol@fieldlaw.com](mailto:tkathol@fieldlaw.com)

Jill Bishop (She/Her)  
Partner  
Calgary  
[jbishop@fieldlaw.com](mailto:jbishop@fieldlaw.com)

Anthony Burden (He/Him),  
Practice Group Leader  
Partner  
Calgary  
[aburden@fieldlaw.com](mailto:aburden@fieldlaw.com)

Julie Shepherd  
Lawyer  
Calgary  
[jshepherd@fieldlaw.com](mailto:jshepherd@fieldlaw.com)

## News + Views + Events

July 2023 - 6 min read

[Lien Bonds Are as Good as Cash](#)

## Notable Work

Some examples of Field Law's notable work in this area include:

- Acting for a principal in responding to Labour and Material Payment Bond claims and in dealing with a surety on a municipal works construction project
- Acting for a claimant on a claim against a Labour and Material Payment Bond for a municipal instrumentation construction project
- Prosecuting numerous claims against indemnitors for recovery under Indemnity Agreements
- Secured an early, favourable settlement for a subcontractor for whom we registered a construction lien and made a concurrent claim against a L and M bond in respect of a large project involving multiple other lien claimants with claims totaling more than \$12M, thereby avoiding the cost and time that would have been involved had our client participated in the overall litigation