



Construction

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Overview

Construction is fraught with risk, but the successful management of that risk can lead to great returns. Whether you are an owner, a design professional, general contractor, subcontractor, material supplier, insurer or surety; involved in commercial or residential, industrial, institutional or oil and gas, the construction industry is complex, and Field Law's experienced lawyers can assist you.

We represent a variety of clients ranging in size from single-owner businesses to major institutions and international EPC contractors. Our clients include owners, design professionals, general contractors, subcontractors, material suppliers, insurers, and sureties. At Field Law, our team focuses on helping you manage risk from the inception of a project through to completion. We have the experience and practicality to assist you with your needs, whatever they may be.

We are detail-oriented and have an in-depth understanding of the construction process. We work across a variety of construction-related trades and industries, including excavation, mechanical, electrical, oil and gas pipelines, civil and road works, electricity transmission, and infrastructure.

At Field Law, construction law is about identifying, managing, and overcoming risk to get the job done. Design, workmanship, materials, schedule, cost, payment, delay, acceleration, weather, liens, labour, unforeseen conditions, extras, and cash flow -- all present risk for each of the participants in a construction project. We emphasize risk management from the beginning - tender and award, contractual risk allocation, and insurance/surety arrangements all furnish opportunities to allocate risk and protect the project and its participants from the unforeseen.

Of course, disputes and issues arise, and construction litigation is complex, document-intensive, and expensive. We recognize that every situation is different and what works for one client may not be the solution for another. We look to identify our client's needs and tailor a strategy and solution that will obtain the most timely and cost-effective result. We are practical problem solvers who appreciate that every dollar spent subtracts directly from the bottom line and that the risk/reward level for construction litigation demands a hard-nosed, proactive response.

Field Law's services relating to construction include:

- [Construction Liens](#)
- *Public Works Act* claims
- Contract dispute resolution
- Delay and productivity claims
- Productivity impact litigation

Industries

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[Insurance](#)
[Mining + Natural Resources](#)

Services

[Construction Bonds](#)
[Construction Liens](#)
[Alternative Dispute Resolution](#)

- Deficiency claim litigation
- Wrongful Termination
- Construction contract drafting
- Construction contract litigation
- Warranty claim litigation
- Surety
- [Construction bonds](#)
- Labour and material payment bonds
- Performance bonds
- OHS Training and Defence

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Experience

Pacific Atlantic Pipeline Construction Ltd v Coastal Gaslink Pipeline Ltd, 2023 ABKB 736

Canadian Pressure Testing Technologies Ltd v EllisDon Industrial Inc, 2022 ABKB 649

Factors Western Inc v DCR Inc, 2021 ABCA 433

PME Inc v Enerkem Alberta Biofuels LP (Enerkem Alberta Biofuels GP Inc), 2021 ABQB 889

Bear Creek Contracting Ltd. v. Pretium Exploration Inc., 2020 BCSC 1523

Gradziel v Town of Coalhurst, 2020 ABQB

Ross v. Bragg, 2020 BCSC 337

Western Potash Corporation v. Amarillo Gold Corporation, 2020 BCSC 17

LaPrairie Works Inc v Ledcor Alberta Limited, 2019 ABQB 701

Amble Ventures (Alberta) Ltd v D.B.K. Engineering Ltd, 2019 ABQB 287

Golden Triangle Construction Management Inc v Nuwest Interior Systems Inc, 2019 ABQB 292

LaPrairie Works Inc v Ledcor Alberta Limited, 2019 ABQB 189

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

RPC Limited Partnership v SNC-Lavalin ATP Inc, 2018 ABQB 656

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

Tamaya Wynd Estates Inc. et al v. Condominium Corporation No 0727774, 2018 ABQB 466

Stephen v MacLean, 2018 ABQB 53

Direct Horizontal Drilling Inc v North American Pipeline Inc, 2017 ABQB 653

Condominium Plan No 7920829 v. Academy Contractors Inc., 2017 ABQB 583

Owners: Condominium Plan No. 0625385 v Oxford Grande Ltd., 2017 ABQB 316

Keyland Development Corporation v Rocky View (Municipal District No 44), 2016 ABQB 735

HVC Canada Ltd v. EllisDon Construction Services Inc., 2016 ABQB 602
HVC Canada Ltd. v. EllisDon Construction Services Inc., 2016 ABQB 105
Cranbrook (City) v. Gabriel Construction (Alberta) Ltd., 2014 BCSC 2280
Keyland Development Corporation v Cochrane (Town), 2014 ABQB 458
Online Constructors Ltd. v. Speers Construction Inc., 2011 ABQB 43
Stonetile (Canada) Ltd. v. Castcon Ltd., 2010 ABQB 392

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[Lien Claimants: Hurry Up + Set Your Matter Down for Trial](#)

Notable Work

- Secured a favourable settlement on behalf of a construction company by pursuing a delay and impact claim in a strategically fast-paced arbitration in which we alleged that the client's inability to perform its work as originally bid was caused by failures and delays by other parties
- Obtained summary judgment on behalf of a pipeline project contractor that was forced to register builders' liens against the owner despite clear evidence that the work was performed per the contract's terms; judgment affirmed on appeal
- Secured an early, favourable settlement for a subcontractor who registered a builders' lien on a large project involving multiple other lien claimants with claims totalling more than \$12M, thereby avoiding the cost and time that would have been involved had our client participated in the overall litigation
- Secured a settlement for a subcontractor who registered a builders' lien for non-payment of its invoices, thereby avoiding involvement in what would have been a protracted litigation with uncertain ability to collect on any judgment we would have received
- Obtained an emergency pre-judgment attachment order for a subcontractor client who performed work on and supplied materials to a project, but had not received any payment, and the prime contractor had been terminated
- Secured a favourable settlement for a client on a complex delay claim involving wrongful termination and a counterclaim for damages against our client
- Provided legal advice as part of a team to an owner involved in a multi-million dollar procurement matter
- Represented a major international EPC contractor involved in disputes with oil sands producers and other EPC contractors over payment, delays, costs, and changes for various turnaround, construction and fabrication contracts
- Represented a US engineering, fabrication, construction and maintenance contractor involved in a dispute with an oil sands producer over payment and delays

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