

February 27, 2012

Toronto Construction Association members to receive discounted rates from ADR Institute of Ontario

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The Toronto Construction Association (TCA) has inked a deal with the ADR Institute of Ontario to offer its members access to experienced mediators and arbitrators at discounted rates.

Retiring TCA chair Glenn Ackerley said the institute is in the process of setting up a roster of personnel interested in participating in the program. Once that list has been established, necessary links will be posted on the TCA's website.

"We are seeking to have those who wish to participate as dispute resolution providers offer a discount to TCA members of 15 per cent off their regular fees," Ackerley said in an interview. "But until the program is up and running, I cannot say what degree of acceptance we will get."

He said the intent is to arrange an increased discount if the arbitrator/mediator is chosen by the parties at the outset of the project on a stand by basis, in case there is a need for such services at some point down the road.

Ackerley, a partner in the law firm of WeirFoulds, said the association believes the program will provide "a great benefit" to its members, given that disputes are a common feature of construction projects.

Savings could easily cover the cost of a year's membership in TCA, he said.

Ackerley said the TCA, which has close to 2,200 corporate members, hopes to use the program to promote "the early and cost-effective" resolution of the "inevitable" disputes that arise on construction projects.

"Despite standard contractual language which typically provides for early and ongoing resolution of claims and disputes, parties often overlook mediation and arbitration and head straight to litigation to deal with all of the outstanding claims after the project is completed," he said.

"Part of that resistance comes, I believe, from not knowing where to turn or who to get on board to deal with disputes. With access to this program and education about the process, parties may adopt a more proactive approach to handling claims, which will benefit everyone involved."
