

Daily Commercial News cites WeirFoulds Partners Faren Bogach and Krista Chaytor in Legal Notes article on future claims related to COVID-19 distortions

December 30, 2021

On December 23, 2021, John Bleasby reported on a global review of the construction industry conducted by dispute resolution consultants HKA that suggests a surge of COVID related disputes may be waiting in the wings.

The company's report concluded that COVID has, "compounded underlying industry weaknesses, intensifying the risk of claims and disputes as the industry is rebounding and governments across the world press ahead with ambitious infrastructure and development plans." The main areas of disputes identified are changes in scope, conflicting interpretation of contracts, design failures and subcontractor mismanagement.

Construction Law Partners and hosts of the webinar series Tools For Success, Krista Chaytor and Faren Bogach along with senior contract administrator at Mobilinx and guest speaker on the webinar series, Steven Karst, spoke to some of these issues.

Krista said disputes often arise from the outset when contracted scopes are not clear or contain ambiguities. The resultant delays and requests for time extensions can be a common area of dispute.

Faren emphasized the importance to include project scope detail into the contract. Anything not included would be considered an extra, requiring valuation. The cumulative effect of multiple change orders is also problematic and needs to be addressed contractually, since changes can impact the overall timing of the project.

However, Steven advised against generalities that attempt to capture everything.

"Sometimes developing a scope-split matrix outlining what the subcontractor does, what the general contractor does, and what the owner is responsible for can visually help cut to the chase to determine who is responsible."

Read the full article [here](#).



www.weirfoulds.com

Toronto Office

4100 – 66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

Tel: 416.365.1110
Fax: 416.365.1876

Oakville Office

1320 Cornwall Rd., Suite 201
Oakville, ON L6J 7W5

Tel: 416.365.1110
Fax: 905.829.2035