

## Daily Commercial News recaps the second half of “Tools for Success: Season 4”

December 5, 2022

The fourth season of [Tools for Success](#), a popular series of seminars held by the WeirFoulds Construction Law Practice Group every spring and fall, recently wrapped up after a successful program of four webcast sessions. Following [their coverage of the first two sessions](#), *Daily Commercial News* has also recapped the third and fourth seminars, speaking to WeirFoulds Partners and Tools for Success hosts Krista Chaytor and Jeff Scorgie to gain deeper insights into the sessions' key takeaways.

### [“WeirFoulds webinar outlines list of now mandatory changes in Construction Act”](#)

In “The Construction Act and Contracts”, featuring guest speaker and legal counsel Quin Gilbert-Walters of Pomerleau, attendees learned about mandatory provisions of the *Construction Act* that cannot be contracted out, such as construction liens.

“It really doesn’t matter what deal you make with your subcontractors, if you are a contractor or if you are an owner with a contractor,” Krista said. “Any deal at all in the construction context you make that’s intended to change the rights that the parties have under the *Construction Act* is void.

“It’s not just the lien that you can’t contract out of, it’s the nuts and bolts of how liens work as well. For example, you can’t have an agreement that says you won’t lien the project.”

### [“Webinar walks owners and contractors through risks associated with project sites”](#)

Topics such as how to navigate risks, including early occupancy, neighbouring projects and health and safety concerns were covered during “Managing Risks Associated with a Project Site” the fourth and final installment in the season, during which Krista and Jeff were joined by Jayne McLean, Director of Project Delivery at BDA Inc.

With respect to the problems neighbouring or overlapping projects on a site may pose, Jeff commented on the importance of the project owner making the effort to ensure a separation of time or space between its projects.

“That’s really important from the occupational health and safety perspective, because if the owner can achieve a separation in time, having the projects run at different times...then they are lowering their risk of potentially being found to be the constructor under the *Occupational Health and Safety Act*.”

“When it comes to separation of space, you are looking at things like separate access, separate egress, separate entrances, separate check-in points and ideally some sort of physical barrier or signage.”

To learn more about the Construction Law Practice Group, please visit their page [here](#).

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