

Glenn W. Ackerley



Partner*

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* Partner through a professional corporation

Glenn Ackerley practises construction law, representing clients from across the construction industry, in all aspects of projects and construction-related disputes. Most often Glenn fills the role of a "project lawyer", providing ongoing advice from the start through to completion of a project.

Glenn practises exclusively in the area of construction law. He represents clients from across the construction industry – including public and private owners, developers, contractors, subtrades, suppliers, and consultants – in a variety of construction-related matters.

He is regularly consulted about negotiating and preparing construction and consultant contracts, procurement and tendering issues, and risk avoidance strategies. When disputes arise, Glenn acts for clients from both the ICI and residential sectors in construction lien and trust claims, bond claims, and construction delay and deficiency claims.

Glenn is active in the industry, participating on boards, committees and working groups to support and improve the industry. Glenn sits on the Board of Directors of the Canadian Construction Association, and is the Immediate Past Chairman of the Board of the Toronto Construction Association. He has sat on the Executive of the Construction Section of the Ontario Bar Association for many years, and has participated in the Council of Ontario Construction Associations' Lien Act Subcommittee, and the Ministry of Health/Ontario General Contractors Association Task Force on standard documents.

He developed and taught the Construction Law course at the Department of Architectural Science of Ryerson University for many years. The course covered a whole range of issues, including contract and negligence law, tendering, construction liens, damages and dispute resolution. He has written several published articles and given presentations on legal topics to both industry and legal groups including seminars at the Annual Symposium of the Ontario General Contractors Association and the Admission Course of the Ontario Association of Architects.

Appreciating the important role played by alternative dispute resolution, Glenn has trained and gained experience in both mediation and arbitration, acting as counsel, mediator and arbitrator.

Notable Mandates

Rose Theatre, City of Brampton

Practice Areas

Construction Law

Civil Litigation

Mediation and Arbitration

Called to the Bar

Ontario, 1989

Education

University of Toronto

LL.B. 1987

University of Toronto

B.A. 1984

Acted for the City throughout the construction of a new 1000-seat performing arts centre for the City of Brampton

SAS Headquarters, Toronto

Advised the builder of the landmark green office building in downtown Toronto

Lakeshore Lions Arena, Toronto

Negotiated the design-build contract for the builder of the new practice facility for Maple Leaf Sports and Entertainment

Lakeridge Hospital Redevelopment, Oshawa

Represented the hospital throughout the multi-year expansion and redevelopment of the site including the R. S. McLaughlin Durham Regional Cancer Centre

Science Complex, University of Guelph

Acted for the University on the phased Science Complex project, a major classroom and laboratory facility

Viva Transit Project, Region of York

Negotiated the design-build contract for the construction of the first phase of the Rapid Transit Project

Kingsway Condominiums, Toronto

Represented the developer during the course of construction of this luxury condominium project

Reported Cases

North America Construction (1993) Ltd. v. York (Municipality) (2009), 84 C.L.R. (3d) 89 (O.N.S.C.)

Aecon Construction and Materials Ltd. v. Brampton (City) (2009), 83 C.L.R. (3d) 144 (O.N.S.C.)

Celebrity Flooring Systems Ltd. v. One Shaftesbury Community Assn. (2006), 55 C.L.R. (3d) 184 (O.N.S.C.)

Builder's Supplies Ltd II v. 1489683 Ontario Ltd (2005), 43 C.L.R. (3d) 74 (O.N.S.C.)

Buttcon Limited, et al. v. Toronto Electric Commissioners (2003), 65 O.R. (3d) 601 (S.C.J.)

Aquicon Construction Co. v. Vaughan (City) (2003), 29 C.L.R. (3d) 164 (O.N.S.C.)

Celebrity Flooring Systems Ltd. v. One Shaftesbury Community Assn. (2003), 25 C.L.R. (3) 279 (O.N.S.C.)

Toronto Dominion Bank v. Kopman (2000), 46 O.R. (3d) 773 (O.N.C.J.)

North York (City) Official Plan Amendments 269, 277 and 280 (No. 2) (Re) (1988), 22 O.M.B.R. 63

Publications

"Facts or Fiction? Dispelling the Myths about the Bundling of Construction Projects", *Vancouver Island Construction Association*, July 2013 (with Stephen Bauld)

"Helping Clients Get the Most from the Procurement Process", *The Canadian Legal Lexpert® Directory 2013*, July 2013

"Helping Clients Get the Most from the Procurement Process", *The 2013 Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada*, January 2013

"Quiz: Procurement and Mining", *Canadian Lawyer InHouse Magazine*, June 2011

"Reflections on the Evolution of Fairness in Public Procurement", *Journal of the Canadian College of Construction Lawyers 2010 (Toronto: Carswell)*, December 2010

"Lienholders Defeat Owner's Complex Attempt to Preserve Priority", *Construction Law Letter*, July 2009

"Major Shift in Law Relating to Bidding and Tendering", *WeirFoulds LLP Government Update - Summer 2008*, June 2008

"Requests for Proposal", *WeirFoulds LLP*, June 2004

Case comment on "Parkland Plumbing & Heating Ltd. v. Minaki Lodge Resort 2002 Inc.", *Canadian College of Construction Lawyers, Legal Update*, July 2009

"Is the Bell Tolling for Contract A?", *Construction Law Update*, February 2008

"Legal Notes: Standardized Procurement", *Summit Magazine*, October 2007

"Bids, Lies and Outrage: Knowing when to let go", *Builders' Digest*, Summer 2007

"A Fine Line: RFP or tender - a judge decides", *Summit Magazine*, October 2006

Case Comment: *Tercon Contractors Ltd. v. British Columbia (Ministry of Transportation and Highways), Nuts & Bolts (OBA Construction Law Section Newsletter)*, May 2006

Case Comment: *Aiken Bros. Hardware Limited v. Sargeant et al.*, *Construction Law Update*, March 2006

"Structural Construction Ltd. v. Westcola Holdings Inc.: The Contractor's Perspective", *Construction Law Update Bulletin*, December 2004

"Pay Contractors First...Or Else", *Canadian Property Management Magazine*, May 2004

"Construction Liens Enter the Electronic Age", *Toronto Construction News*, November 2003

"Requests for Proposals – the Legal Rules Revisited", *Construction Law Letter*, September/October 2003

"The Latest on 'Fairness' in the RFP Process", *People on the Move - Allied Activity Corner, Inside Corner (Newsletter of the Toronto Construction Association)*, December 2002

"Rules of the Game in the Proposal Call Process", (Case Comment: *Mellco Developments Ltd. v. Portage La Prairie (City)*), *Construction Law Update News Bulletin*, November 2002

"Supreme Court of Canada Rules on Contractor/Subcontractor Relationships", (Case Comment: *Naylor Group Inc. v. Ellis-Don Construction Ltd.*), *Toronto Construction News*, October 2001

"Breach of Trust: Defending the Indefensible", *Canadian Property Management Magazine*, September 2000

"It Ain't Over 'til It's Over", (Case Comment: *Woodmere (Credit Valley) Limited v. Sarceovich, Nuts & Bolts - OBA Construction Law Section Newsletter*), October 1999

"Supreme Court Defines Owners Entitlement to Use the Privilege Clause", (Case Comment: *MJB Enterprises Ltd. v. Defence Construction (1951) Limited*), *Toronto Construction News*, June 1999

Speaking Engagements

Speaker, "Rules for Tendering and RFPs: Fair Process and Where Lawyers Can Go Wrong", *Planning and Building on Professionalism: Dos and Don'ts for the Municipal Law Specialist*, Ontario Bar Association, December 6, 2012

Panellist, "Is Canada Ready for e-Procurement in the Construction Industry?", *Construct Canada 2012*, November 29, 2012

Speaker, "Tendering Dos and Don'ts: How to Avoid Falling in the Pit", *WeirFoulds Municipal Law Continuing Professional Development Seminar*, October 18, 2012

Facilitator, "Landmark II and the Marshall Case", *Construction Roundtable*, Ontario Bar Association, October 4, 2012

Speaker, "Minimizing Damages: Risk Management Lessons Learned From Construction Claims", 8th Minimizing Construction Risk, May 17, 2012

Speaker, "Setting Right Terms and Conditions to Police Contract Performance", 7th Managing and Measuring Contract Performance Conference, March 28, 2012

Speaker, "What Wasn't in Bill 68: Additional Amendments Proposed by the Council for Ontario Construction Associations", *Practice Gems: Construction Lien Essentials*, Law Society of Upper Canada, January 18, 2012

Co-Chair and Speaker, "Developing Your Practical Strategy to Address Critical Skilled Labour Challenges", *The Canadian Institute, 21st Annual Construction Superconference*, December 7, 2011

Speaker, "Is the Modified CCDC 2 Lump-Sum Contract Out of Control? A Roundtable Discussion with All the Stakeholders", *Construct Canada 2011*, December 1, 2011

Speaker, "The Rules of the Game: Structuring the Contract for Maximum Performance", *Construct Canada 2011*, November 30, 2011

Speaker, "Bidding and Tendering: The Basic Principles" Certificate in Construction Law, *Osgoode Hall Law School Professional Development CLE*, November 22, 2011

Speaker, "Broader Public Sector Procurement Directive: The 25 Do's and Don'ts" Ontario Bar Association, October 27, 2011

Speaker, "Prejudice Without Prejudice: *Aecon Buildings v. Brampton*"
Canadian College of Construction Lawyers (CCCL) Conference, June 4, 2011

Speaker, "Minimizing Damages: Risk Management Lessons Learned from Construction Claims", Federated Press, May 30, 2011

Moderator, "The Planning of the Pan/Parapan American Games and the Related Effect on Infrastructure Development", MMPI Canada, *Land & Development Conference*, May 5, 2011

Speaker, "Update on the New CCDC Construction Management Contracts", MMPI Canada, *Construction Law Update*, April 14, 2011

Speaker and Panellist, "Bidding Update: Non-compliance, Exclusion Clauses and the New Public Sector Bidding Rules", Ontario General Contractors Association (OGCA), *7th Construction Symposium 2011*, Collingwood, March 31-April 2, 2011

Speaker, "Best Practices in Drafting to Minimize Public Construction Procurement Challenges and Disputes", Infonex, *Public Construction Procurement*, November 16-17, 2010

Speaker, "Expediting a Project Closing: Inspecting, Dealing with and Litigating Deficiencies", The Canadian Institute, *20th Annual Construction Superconference*, November 15, 2010

Speaker and Faculty Member, Ontario General Contractors Association, *Canadian Construction Documents Committee Seminar on New Construction Management Documents*, November 3, 2010

Speaker, MMPI, *Construction Law Primer*, October 27, 2010

Speaker, York University, *GS Law 6410 3.0 Construction Law Course*, September 29, 2010

Speaker, "The Latest Developments in the Law of Procurement: Current Trends and Best Practices", OAA, *IIDEX/NeoCon Canada*, September 24, 2010

Speaker, Tercon – Ottawa, CI, June 14, 2010

Participant, "Reflections on the Evolution of Fairness in Public Procurement", Canadian College of Construction Lawyers, *2010 Annual Meeting of the Canadian College of Construction Lawyers*, May 25–30, 2010

Speaker, Federated Press, *4th Minimizing Construction Risk Course*, May 17–18, 2010

Speaker, "Construction Lien Act", Ontario Association of Architects, *OAA 2010 Admission Course*, May 7, 2010

Speaker, "Best Practices in Drafting to Minimize Public Construction Procurement Challenges and Disputes", Infonex, *Procurement Conference*, Ottawa, April 27, 2010

Speaker, "Clarifying Differences Between RFPs and RFTs: Examining the Risks Involved in Misusing RFPs", The Canadian Institute, *7th Annual Public Procurement Conference*, January 21, 2010

Speaker, "Bidding & Tendering: What You Need to Know", Construct Canada, December 2009

Speaker, "Bidding & Tendering: What the Courts Are Saying, and What You Need to Hear", *Construction Law Primers*, October 2009

Speaker and Facilitator, "Liens, Mortgages and Insolvency", The Law Society of Upper Canada, *Advanced Roundtable in Construction Law*, September 2009

Speaker, "When Your RFP is Someone Else's Bid: How to Avoid Making A Costly Mistake", The Canadian Institute, *Managing Risk at the Pre-Tender Stages of Your Construction Project*, September 2009

"Let's Sue the @#%\$!" – How to Make the Court System Work for You!", Ontario General Contractors Association, *Construction Symposium 2009*, April 2009

Speaker, "The Kennedy Electric Case: It's the Construction Lien Act, Stupid!", 2009 OBA Annual Institute, *Hot Topics in Construction Law*, February 2009

Co-Chair, Osgoode Professional Development, *The Intensive Course in Construction Law*, and Speaker, "Bidding and Tendering: Strategies for Minimizing and Eliminating Risk", January 2009

Speaker, "Tender Law: The Year in Review", The Canadian Institute, *6th Annual Legal & Business Guide to Public Procurement*, January 2009

Speaker, "Prevenient Arrangements: When Do They Apply in Lien Situations?", The Law Society of Upper Canada, *Construction Lien Essentials*, January 2009

Speaker, "Procurement Issues", The Ontario Bar Association, *Hot Topics in Construction Law for the Commercial Solicitor*, November 2008

Speaker, "What's New in the Law of Tendering?", and "The New CCDC 2 – 2008: Key Changes, Key Clauses", *Construction Law Update*, October 2008

Speaker and Facilitator, "The New CCDC 2 – 2008", The Law Society of Upper Canada, *Advanced Roundtable in Construction Law*, September 2008

Co-Chair, The Canadian Institute, *Managing Risk at the Pre-Tender Stages of Your Construction Project*, September 2008

Speaker, "Recent Case Law Affecting Public Procurement", The Canadian Institute, *4th Annual Litigation Against the Crown Conference*, June 2008

Lecturer, "The Construction Lien Act: Latest Developments in Liens and Trusts", The Construction Institute (Toronto Construction Association), June 2008

Speaker, "Recent Developments in Bidding and Tendering", Ontario General Contractors Association, *Annual Symposium and Trade Show*, April 2008

Co-Chair, Osgoode Professional Development, *The Intensive Course in Construction Law*, and Speaker, "Bidding and Tendering: Strategies for Minimizing and Eliminating Risk", January 2008

Speaker, "The Latest on Standard Form Contracts and How to Modify Them", Construct Canada, *Construction Law Review*, November 2007

Speaker, "Examining the Practical Implications of New Case Law and Regulations", The Canadian Institute, *17th Annual Construction Superconference*, November 2007

Speaker, "Preparing Bid Documents: How to Protect Your Client", Ontario Bar Association, *Hot Topics in Construction Law*, November 2007

Speaker, "Bidding & Tendering: Foreseeing Issues before They Arise", *Construction Law Update*, October 2007

Lecturer, "The Construction Lien Act: Latest Developments in Liens and Trusts", The Construction Institute (Toronto Construction Association), April 2007

Speaker, "Construction Tendering vs. M & S Procurement: Latest Lessons to be Learned", Ontario University Purchasing Management Association, *Professional Development Day*, March 2007

Speaker, "What's New with the Construction Lien Act?", presentation to the Ontario Institute of the Purchasing Management Association of Canada, November 2006

Speaker, "Successfully Navigating the Bidding and Tendering Minefield", The Canadian Institute, *16th Annual Construction Superconference*, November 2006

Speaker, "Pre-tender Planning: Foreseeing Problems Before They Arise ", *Construction Law Primer: The Battles Before, Around and After the Contract*, *One Day Conference on Bidding & Tendering and Contracts*, October 2006

Speaker, "Overcoming the Challenges of Resolving Bidding and Tendering Disputes", The Canadian Institute, *Litigating and Resolving Construction Disputes*, September 2006

Speaker, "Legal Aspects of Avoiding Delay Claims", Crossey Engineering Ltd. Seminar, *How to Avoid and Tackle Delay Claims*, May 2006

Speaker, "New Frontiers in the Law of Bidding and Tendering", Ontario General Contractors Association, *Construction Symposium*, April 2006

Speaker, "Recent Developments in Tendering Law", The Canadian Institute, *Legal & Business Guide to Public Procurement for Purchasers, Vendors and their Legal Advisors*, January 2006

Speaker, "Development in Bidding and Tendering", The Canadian Institute, *Legal & Business Guide to Public Procurement for Purchasers, Vendors and their Legal Advisors*, January and June 2005 and January 2006

Speaker, "The Bidding and Tendering War: How to Survive It and How to Keep the Project From Falling Off the Rails Before It Starts", The Canadian Institute, *15th Annual Construction Superconference*, November 2005

Lecturer, "*The Construction Lien Act: Latest Developments in Liens and Trusts*", The Construction Institute (Toronto Construction Association), November 2005

Speaker, "The Problem of Non-Compliant Bids", Ontario Bar Association, *Red Hot Construction Law*, October 2005

Speaker, "Bidding and Tendering: Minimizing Risk", Ontario General Contractors Association, *Annual Symposium and Trade Show*, April 2005

Speaker, "Project Delivery Methods: Is Construction Management Now the Preferred Option?", Construct Canada 2004, *Project Delivery & Smart Business Practices*, December 2004

Speaker, "What Every Contractor and Owner Needs to Know About Bidding and Tendering: The Complete Guide", Canadian Institute, *14th Annual Construction Superconference*, December 2004

Lecturer, "Latest Developments in Construction Liens and Trusts", The Construction Institute (Toronto Construction Association), November 2004

Chair, "Construction Law: Latest Developments in Health and Safety Liability", Ontario Bar Association, October 2004

Speaker, "When is a Bid Not a Bid?", LexisNexis, *Construction Bidding and Tendering Seminar*, June 2004

Speaker, "Understanding the Lien Act", Ontario General Contractors Association, *Symposium and Trade Show*, April 2004

"Trust Claims and Other Effective Recovery Techniques", Construct Canada 2003, *Minimizing Risks and Maximizing Rewards: Construction Law Issues for Architects, Engineers and Contractors*, December 2003

Speaker, "What's New in Construction Law", Ontario Bar Association, *Operation Update 2003*, October 2003

Speaker, "Procurement Polices: One Size Does Not Fit All", The Canadian Institute, *Creating Enforceable Municipal By-Laws*, October 2003

Speaker, "Tips to the Owner in Negotiating Construction Contracts and Architectural Agreements", International Council of Shopping Centers Law Conference, March 2003

Co-Chair, "Building Code Reform: Bill 124 – It's Real, It's Big, It's Here!", Ontario Bar Association, Construction Law Section, January 2003

"Proposal Call Process", Lorman conference – *Public Construction Projects in Ontario: From Project Structuring To Implementation*, November 2002

Chair, "Getting out of the Trenches: Using ADR in Construction", ADR Institute of Canada, *Essential ADR Seminar*, October 2002

"The New Civil Works Contract CCDC 18-2001", Law Society of Upper Canada, *The Six-Minute Construction Lawyer*, May 2002

"Preserving, Protecting and Enforcing Liens on the Difficult Project", Canadian Institute, *Construction Liens*, March 2002

"And the Winner is . . . Fairness and the Privilege Clause in Awarding Contracts", Canadian Institute, *Bidding and Tendering*, March 2002

"Do You Know What You Don't Know?", ADR Institute of Ontario, Construction Section, February 2002

Chair, OBA Continuing Legal Education, *Construction Law 101 and Construction Law 301*, December 2001

"A Matter of Trust", Construct Canada 2001, *Construction Law and Risk Management Update*, November 2001

Guest Lecturer, "Procurement and Partnering", Schulich School of Business, York University, *Project Management Course*, November 2001

"Timing is Everything", OBA Continuing Legal Education, *The Fundamentals of Construction Liens: What You Must Know*, November 2001

"Hot Lien Calls", CBAO Annual Institute, *Hot Calls in Construction Law*, February 2001

"You Can't Take It With You – Trust Obligations under the Construction Lien Act", Construct Canada 2000, *2001: Construction Law Odyssey*, November 2000

"What's It All About? – A Walk Through the Construction Lien Act", EPIC Education Program Innovations Centre, *Construction Law Course*, May 2000

"Care to Dance? - The Obligations of Owners and Contractors in the Bidding Process", The Toronto and Area Road Builders Association, February 2000

". . . When *is* it over? – Demystifying the Timing of Lien Rights", The Toronto and Area Road Builders Association, February 2000

"Preparing for and Conducting Trials on Large Construction Claims", CBAO Annual Institute, *Construction Law: Towards 2001*, January 2000

"When Is A Project Complete?", Construct Canada 1999, *Important Legal Issues As We Enter A New Century*, December 1999

"Managing Floor Repair Projects: Construction Law Issues", EPIC Education Program Innovations Centre, *Managing Floor Repair Projects*, November 1999

Awards & Recognition

Recognized for Construction Law in Canada in the *2014 Chambers Global – The World's Leading Lawyers for Business*

Recognized as a leading practitioner in the *2014 Lexpert®/American Lawyer Guide*

Fellow of the Canadian College of Construction Lawyers

Recognized as a leading practitioner in the *2012 Lexpert/American Lawyer 500*

Recognized as a leading construction law practitioner in the *Canadian Legal Lexpert Directory*

Recognized as a leading construction law practitioner in *Best Lawyers in Canada*

Identified in the *International Who's Who* of Public Procurement Lawyers

Identified in the *Chambers Global* guide for public procurement for Canada

Professional Activities

Member, Board of Directors – Canadian Construction Association

Immediate Past Chairman of the Board – Toronto Construction Association

Arbitrator, Builder Arbitration Forum, Tarion Warranty Corporation

Member, Council of Ontario Construction Associations – Construction Lien Act Subcommittee

Instructor, Admission Course, Ontario Association of Architects

Past Member, Construction Advisory Council (Ontario)

Past Instructor, Construction Law, Department of Architectural Science, Ryerson University

Past Instructor, Construction Law Course, Ontario Road Builders Association/Ontario Sewer and Water Main Construction Association

Past Instructor, Construction Institute, Toronto Construction Association / George Brown College

Affiliations

Member of the Construction Section, ADR Institute of Ontario

The Advocates' Society

Toronto Lawyers Association

Past Member at Large of the Executive of the Construction Law Section – Ontario Bar Association

Member of the Ontario General Contractors Association/Ministry of Health and Long Term Care Task Force

Former Member, Building Committee, Darling (formerly Rose Cherry's) Home for Kids