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MANUAL OF CONSTRUCTION LAW

Howard M. Wise

Release No. 8, September 2025

This publication provides a practical step-by-step explanatory approach through every phase of a construction project, from the preparation stages to the completion of the project. A complete set of forms and precedents for use in construction projects is also included.

Release 2025-8 keeps you current with the addition of new case digests and adds valuable case law and commentary to Appendix TC (Table of Concordance—Builders' Lien Acts), Appendix WP (Words and Phrases Judicially Defined).

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Highlights

WORDS AND PHRASES—“CONSENSUS AD IDEM”—British Columbia—“*Consensus ad idem*, or a ‘meeting of the minds,’ is a foundational principle in contract law that states, in order for a contract to be valid, both parties to a contract must have a mutual understanding and agreement on the essential terms.” (*Randhawa v. Khaira* 2025 CarswellBC 882, 2025 BCSC 542, 2025 A.C.W.S 1594 (B.C. S.C.)).

WORDS AND PHRASES—“SECURITY”—British Columbia—“As to the provision in the s. 24 orders [s. 24 of?Builders Lien Act?S.B.C. 1997, c. 45] that the lien bond also stood as security for the lien against the holdback, the judge noted the ordinary legal meaning of ‘security’ as something to which a creditor can resort to aid in recovering an unpaid debt or to use in case of failure in the principal obligation.” (*Kingdom Langley Project Limited Partnership v. WQC Mechanical Ltd.* (2025), CarswellBC 1517, 2025 BCCA 169 (B.C.C.A)).

WORDS AND PHRASES—“STRUCTURE”—Alberta—“A ‘structure’ means a building or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land...” (*Cavendish Farms Corporation v. Lethbridge (City)* (2024), 2024 ABKB 786, 2024 CarswellAlta 3384 (Alta. K.B.)).

APPENDIX TC—TABLE OF CONCORDANCE—BUILDERS’ LIEN ACTS—With this release, this Concordance of Ontario’s *Construction Act* to the related legislation in other Canadian jurisdictions has been updated to reflect amendments to Spring 2025.