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PROFESSIONAL LIABILITY IN CANADA

Campion & Dimmer

Release No. 6, August 2026

Professional Liability in Canada is a comprehensive resource for practitioners called upon to deal with professional liability issues. Providing an exhaustive treatment of the cases governing this growing area of law, it contains both general context analysis and chapters dealing with the liability of specific professions such as lawyers, doctors, accountants, engineers, architects, financial advisors and bankers, real estate brokers and agents. This work also includes practical precedents such as claims, defences and other pleadings.

What's New in this Release

This release features comprehensive updates to the case law and commentary in Chapter 6—Professionals in the Construction and Building Industry. It also includes a new subsection under § 6:10 *Construction Act*—Other Changes.

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Highlights

6:10.50 *Building Code Act, Regulations and Municipal By-laws*

The legislative scheme for the building code and its regulations is set out below in more detail in the discussion of liability for municipal building inspections. Design consultants would be expected to be knowledgeable about the building code regime in particular as the code sets out minimum standards for construction amongst other things. These provisions will be relevant to the duties owed by design consultants to their clients and others. For example, there are provisions where certain types of buildings require a certificate at the permitting stage from an engineer or architect that he or she will be responsible for general review to ensure the construction is being carried out in accordance with the plans, specifications, building code and drawings. These certificates are relied upon by municipalities and will often be raised as a defence to claims brought against a municipality. Design professionals need to ensure their contractual arrangements with owners provide for this work if they are providing a certificate to a municipality indicating they are going to do general review and supervision. . . .

6:45 *Negligent Inspection of Construction—Ultimate Limitation Period*

. . . The ultimate limitation period may be particularly relevant in claims related to faulty construction in provinces that have enacted such legislation. It was relied upon by the Ontario Court of Appeal in *Huether v. Corporation Township of McMurrich Monteith*, 2025 ONCA140, 2025 CarswellOnt 2034 (Ont. C.A.), leave to appeal refused 2025 CarswellOnt 19173 (S.C.C.). The Ontario Court of Appeal dismissed the claim against the municipality related to foundation defects to a home that was constructed more than 15 years before the claim was commenced. The court commented on the purpose of the legislation noting that the ultimate limitation period was meant to address the problem of claims brought many decades after the alleged negligent conduct. In this case the Court of Appeal went on to consider the plaintiffs' argument about one of the exceptions to the ultimate limitation period where there are continuous acts or omissions.