



Daily Commercial News

by ConstructConnect®

FEBRUARY 24, 2021

www.dailycommercialnews.com

VOL. 94 NO. 37 \$5.23 plus HST

Ontario planning major surge in rapid testing on jobsites starting in March

DON WALL
STAFF WRITER

The Ontario government has announced the province's large construction employers will be giving up to 40,000 rapid antigen tests on jobsites each week starting in March.

The program represents an escalation of the pilot testing program EllisDon is currently carrying out on a handful of its sites. The contractor began testing its employees as part of the Ministry of Health's COVID-19 Rapid Antigen Test Pilot in December and announced its acceleration to other large sites on Feb. 8.

Minister of Labour Training and Skills Development Monte McNaughton announced the new testing plan Feb. 18. That day he, Premier Doug Ford, Ontario Chief Prevention Officer Ron Kelusky and others observed rapid testing in action at Menkes' Waterfront Innovation Centre, where EllisDon is the contractor.

"It's a game changer in the construction industry," said McNaughton about the testing in an interview. "The premier and I got to see firsthand the success of the program."

Under the program, workers take the Rapid Antigen Test with an onsite health care worker at the start of a workday, with each worker tested twice a week. Results are received within 15 minutes.

The Ministry of Health website explains frequent screening with rapid antigen tests increases the chances of early identification of cases in otherwise asymptomatic individuals. Antigen testing detects specific proteins from the virus to identify people who need further testing.

Workers testing positive are not allowed to proceed onto the worksite and are reported to public health, sent to get a more conclusive

COVID test at an assessment centre and told to stay home until healthy.

See MCNAUGHTON, Pg. 3



Construction is progressing for the Upper East Village mixed-use development phase one on Eglinton Avenue East in Toronto. The developers are Camrost-Felcorp/Diamond Corp. and the work includes one 21-storey, 283-suite tower and one 18-storey tower with 231 suites and three levels of underground parking. The amenities will include a fitness/yoga centre, indoor pool, party room, rooftop terrace with barbecues, a half-acre park with outdoor gardens and a fire pit lounge. The project was designed by IBI Group and consultants are Odan Detech Group Inc. (civil), Powell & Bonnell (interior) and Janet Rosenberg (landscape).

TraceSCAN wearable tracing app 'a whole new layer of safety,' says Fedeli

DON WALL
STAFF WRITER

Following endorsement by LIUNA and successful testing in pilot projects by the union, the Government of Ontario has thrown its support behind

Facedrive's wearable contact tracing app TraceSCAN.

The app, intended for use where smartphone and laptop use is limited or prohibited such as construction sites, airlines, schools and long-term-care

homes, will be used by many of LIUNA's 130,000 members at construction sites across Canada.

All workers on a site would wear the app in a wristband and the device would register contacts of closer than two metres.

An LED light blinks every two seconds when the user is too close to another worker, meaning TraceSCAN both records contact information and also warns of lack of social distancing.

See WEARABLE, Pg. 3

In Brief

RESCON stresses COVID safety in pre-budget submit

TORONTO

The Residential Construction Council of Ontario (RESCON) is calling on the federal government to take steps to keep the industry and its workers safe during the COVID-19 pandemic and ensure that enough skilled trades are in the pipeline to fill future jobs.

RESCON raised the issues in its pre-budget submission to Minister of Finance Chrystia Freeland. The government closed its budget consultation period Feb. 19.

RESCON said it's important that Canada receive more COVID-19 vaccines and at a faster rate, stated a Feb. 22 release, and that government must continue to maintain PPE supply chains throughout the remainder of the pandemic so that there is an abundant supply for all Canadians, including construction workers. The organization also wants the government to significantly increase the allocation number for Ontario's Immigrant Nominee Program to allow the province flexibility to recruit for specific skilled trades.

In addition, RESCON is urging the government to work with Ontario to provide municipalities with funds so shovel-ready and state-of-good-repair projects can continue, and also improve the review process for the National Building Code to ensure the harmonization process is fair and reflective of jurisdictions with the most construction activity.

"The construction industry represents six per cent of Canada's GDP and it is critical to the post-pandemic recovery of our country," said RESCON president Richard Lyall in a statement. "It is imperative that government take the steps we have outlined to keep workers safe and ensure we have an adequate supply of trades so that we will be able to contribute to Canada's post-pandemic recovery."

DCN-JOC NEWS SERVICES



BUILDING REPORTS • CENTRAL 6-13 • EASTERN 13-17 • WESTERN 17-22 • NORTHERN 22, 25
POST-BID REPORTS 23-25 • PRE-BID REPORTS 26 • CERTIFICATES AND NOTICES 27-28, 30 • MARKETPLACE 29 • ECONOMY AT A GLANCE 2

Upcoming feature March 26, 2021

Mechanical & Electrical Contracting

1.800.465.6475 ext.25534 | salescanada@constructconnect.com | sales close March 12

C259-21

Economy at a Glance

Prepared by Alex Carrick, ConstructConnect® Chief Economist

'Short squeezes' and the citizens of Sherwood Forest (Part 3)

Continued from Economy at a Glance, Vol. 17, Issue 22.

Wagging a finger at trading shenanigans

A gathering of smaller investors in a chat room (r/WallStreetBets) on Reddit spotted that some big hedge funds were shorting the shares of GameStop and some other companies. With a transaction date fast approaching, they banded together and first withheld sales of their shares, then joined the frenzied bidding war that ensued. A lot of demand started chasing too little supply. GameStop's equity price took flight.

The online share trading site, Robinhood, soon became part of the story. It placed temporary halts on the wild trading activity. It may have been acting ethically, to reduce the number of heavy losers that were emerging. Or it may have been trying to dodge a capital problem, based on loans issued on margin that appeared in danger of default, once the share price dropped back down to earth again. Robinhood's CEO has said this wasn't an issue, but that has evoked skepticism.

In any event, in the aftermath of the trading 'halts', there's been an outcry by the gathering of smaller investors that they've been denied their full opportunity to best the big guys — i.e., the establishment as represented by the hedge funds.

The citizens of Sherwood Forest have become upset that they can't keep sticking it to King John. As a further outrage, they believe there are no limits to the advantages flowing in the other direction.



Alex Carrick

To the 'outside world', this is an instance of share trading that's analogous to gambling in a casino. The share price can bear little relationship to its underlying true value.

Many politicians and SEC regulators view negatively the kind of stock market trading that might be described as engaging in shenanigans. They worry about undermining confidence in a system that legitimately provides firms with yardsticks (e.g., share price up or down) to measure management success and the IPO financial means to take on competitors and expand the business. That latter point is where 'construction' enters the picture.

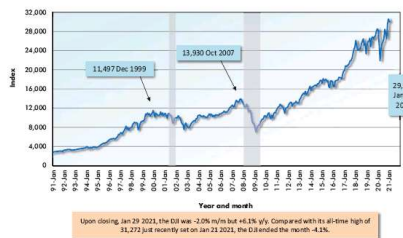
The GameStop saga undoubtedly has more chapters to be written.

For more articles by Alex Carrick on the Canadian and U.S. economies, please visit: www.constructconnect.com/blog.

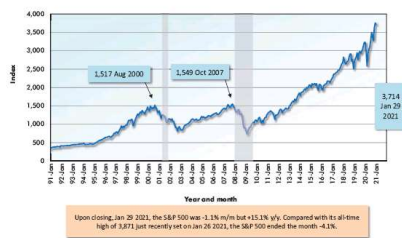


For more economic charts and articles, visit: <https://canada.constructconnect.com/canadata/forecaster>

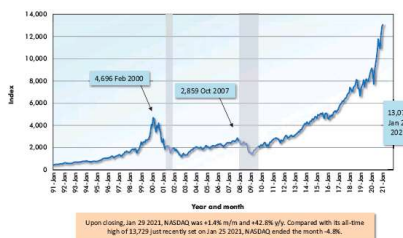
Graph 5: New York Stock Exchange: Dow-Jones Industrials (30)



Graph 6: New York Stock Exchange: Standard and Poor's (500)



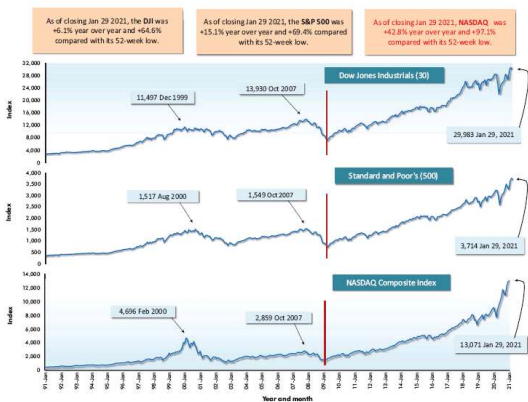
Graph 7: NASDAQ Composite Index



Graph 8: S&P/TSX Composite Index: Toronto Stock Exchange



Graph 9: U.S. Stock Markets – January 29, 2021 Closings



Red vertical lines denote Feb. 2009 major 'troughs' for the indices.

Areas of grey shading denote century's 2 prior recessions ('dot.com' collapse in 2001 & Great Recession 01 08 to 02 09). For Graph 8: Area of grey shading denotes Canada's earlier recession in current century (Q4 2008 to Q2 2009; no 'dot.com' collapse). The charts show month-end closing figures. The latest data point is for January 29, 2021.

Data Sources: New York Stock Exchange (NYSE), Standard and Poor's (S & P), National Association of Securities Dealers Automated Quotations (NASDAQ), Reuters and Yahoo. Charts: ConstructConnect — CanaData.



©2021 CanaData. All rights reserved.

Vol. 17, Issue 23

Daily Commercial News AND CONSTRUCTION RECORD

SERVING THE CONSTRUCTION INDUSTRY SINCE 1927

3760 14th Avenue, 6th Floor, Markham, Ontario L3R 3T7
Phone: (905) 752-5408 • Fax: (905) 752-5450
www.dailycommercialnews.com

Mark Casaletto, President
mark.casaletto@constructconnect.com

Peter Rigakos, Vice President of Sales
peter.rigakos@constructconnect.com
(905) 752-5547

John Richardson, Vice President of Customer Relations Canada
john.richardson@constructconnect.com
(604) 412-2206

Marg Edwards, Vice President of Content
marg.edwards@constructconnect.com

EDITORIAL

Editorial inquiries: editor@dailycommercialnews.com

Vince Versace, National Managing Editor
vince.versace@constructconnect.com
(905) 752-5544

Lindsey Cole, DCN/JOC Editor
lindsey.cole@constructconnect.com

Don Wall, Staff Writer
don.wall@constructconnect.com

Angela Gismondi, Staff Writer
angela.gismondi@constructconnect.com

Maggie Cadeau, Editorial Associate
maggie.cadeau@constructconnect.com

CONSTRUCTION REPORTS BIDDERS' REGISTER INQUIRIES

Toll free: 1-800-387-0213 • Fax: 1-800-794-6913
Phone: (905) 752-5540 • Fax: (905) 752-5431
research.canada@constructconnect.com

ADVERTISING SALES

Robert Elias, Sales Manager - Media, Eastern Canada
robert.elias@constructconnect.com
(905) 752-5526

CERTIFICATES AND NOTICES

Phone: (905) 752-5516 • Fax: (800) 947-7966
dncertificates@constructconnect.com

SUBSCRIPTIONS

For new orders,
(905) 752-5534

For renewals, billing inquiries,
change of address or delivery problems

Daily Commercial News Subscriptions
P.O. Box 795, Toronto, Ontario M4P 0A1
Phone: 1-800-959-0502 • Fax: 1-800-323-4398
customerrelationscanada@constructconnect.com
www.dailycommercialnews.com

GENERAL INQUIRIES

1-800-959-0502

International Standard Serial Number ISSN 2290-6991

Daily Commercial News is published daily Monday to Friday by ConstructConnect

Right of publication in whole or in part of original construction and engineering items appearing in this paper is reserved.

Daily Commercial News is not responsible for loss or damage to unsolicited manuscripts, photographs or drawings.

Member, Canadian Business Press
Indexed in Canadian Business Periodicals Index.

Accessibility for Ontarians with Disabilities Act (AODA)

ConstructConnect benefits from the many contributions made by people with disabilities. We are committed to providing accessible customer service because we all benefit when everyone has access to places, people and experiences. For accessibility details, please see our AODA document (PDF) online:
<https://canada.constructconnect.com/app/uploads/2017/11/accessible.pdf>.



McNaughton planning for between 35,000 and 40,000 tests per week

Continued from Pg. 1

"If we catch someone before they bring it onto the site, that's a good thing," commented Carmine Tiano, director for occupational health services for the Provincial Building and Construction Trades Council of Ontario. "We put mechanisms in place, we're catching the disease before it comes through the door."

McNaughton put the number of rapid tests planned by various large contractors at 35,000 to 40,000 every week starting in March.

"But today, what was fascinating, we got to see firsthand the tests. Earlier, before I got there, there was actually a construction worker that tested positive for COVID-19. So these tests give a result within 15 minutes. And this worker was sent to an assessment centre to have a test and also was sent home in isolation."

"It really speaks to and shows the importance of rapid tests. I mean, this construction site today had 250 workers on it. The one worker that tested positive was sent home and prevented COVID from being transmitted to other workers on the site."

EllisDon has had several COVID episodes with multiple positive tests at Toronto sites including the Eglinton Cross-town project and The Well multi-use site in December and January as well as cases surfacing at the Michael Garron hospital site.

McNaughton had praise for the contractor's efforts.

"EllisDon has gone above and beyond," he said, noting the rapid testing itself was a safe process with masks and distancing. "They had the pre-screening of workers, temperature checks, and the questionnaire that every worker had to fill out. Plus they had an onsite rapid-test booth set up. It was a showpiece of how rapid testing can work successfully in construction."

Kelusky's office has been involved in the rapid testing pilot project and is assisting

with the larger rollout of rapid testing in March.

"We've made it very clear to the industry and it has certainly been acknowledged and again with the trades and general contractors, that even if we get widespread rapid testing in construction, we don't let our guard down with respect to masking and physical distancing. All that still has to take place until somebody stands up and says, everyone's vaccinated and it's all over," he said. "So this level of vigilance has got to carry on until that time."



Ontario Minister of Labour Monte McNaughton (far left) and Premier Doug Ford (second left) visited an EllisDon jobsite Feb. 18 to observe rapid antigen testing in operation.

Wearable contact tracing tech to add safety for workers without access to other tools

Continued from Pg. 1

The official endorsement by LIUNA (Labourers' International Union of North America) was announced in January. On Feb. 18, Ontario Minister of Economic Development, Job Creation and Trade Vic Fedeli announced the province would support the Ontario-based technology firm with \$2.5 million intended to accelerate TraceSCAN's further development.

"This is really meant as a whole new layer of safety and protection in those places where you've got people working in close proximity, who don't have access to the COVID app or they can't have a cellphone on the site," said Fedeli, referring to the national contact tracing app endorsed by the federal and provincial governments last year.

"I think the pilot projects, with Air Canada and LIUNA and the Waywasecappo First Nation, I think those pilots went very well and really proved the concept that you can have that close proximity tracing. So we decided to invest the \$2.5 million through our Ontario Together Fund.

"That's all about accelerating this program so that we can get these wearables out there, 150,000 of them, into the marketplace."

Acknowledging the funding, Facedrive chair and CEO Sayan Navaratnam commented in a statement, "The Ontario Together Fund will be instrumental in helping us grow production volumes, invest in top talent, create jobs and ultimately establish TraceSCAN as a global leader and household name for contact tracing."

In workplaces that use TraceSCAN, if anyone on the premises reports COVID-19 positive, human resources or health and safety officials can log in to an online reporting dashboard and determine who

they have been in contact with and their risk level, then send an exposure notification.

Facedrive worked with researchers at the University of Waterloo and Microsoft in developing the app, which is Bluetooth enabled.

"We just saw really good adoption of the technology," said Fedeli. "It was a proof of concept, we knew it worked. They had great partners in the University of Waterloo, Microsoft and LIUNA of course."

"At the end of the day, it's also going to create 68 new jobs, it's Ontario made. This is an opportunity now to advance. They're looking at other projects more advanced than this one as well. So this is exactly what we're trying to do is to support innovation in Ontario."

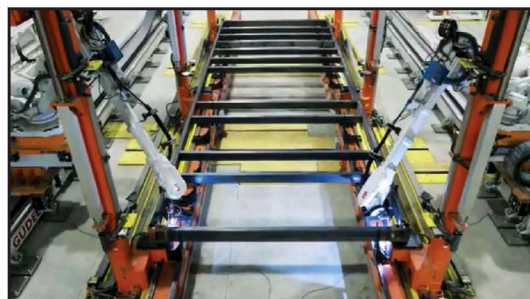
The same day Fedeli announced the funding for Facedrive, his cabinet colleague Monte McNaughton, minister of labour, training and skills development, was visiting an EllisDon site in Toronto where rapid antigen testing was being demonstrated.

"My door is always open to new and innovative solutions to help keep workers safe during COVID-19," said McNaughton. "Contact tracing technologies have the potential to protect essential workers until the province receives a sufficient number of vaccines."

LIUNA director of communications Victoria Mancinelli noted that prohibition of cellphones, and thus access to the federal COVID-alert app, on construction sites is often listed in collective bargaining as a safety measure.

She noted LIUNA has been working with Facedrive since last spring and engaged in the pilot project out of its LIUNA Local 183 Vaughan Campus, a controlled setting.

Mancinelli said the use of TraceSCAN by LIUNA members is voluntary.



BRAVE CONTROL SOLUTIONS

Pictured is a Brave Control Solutions 3D automated weld fixture.

Brave Control Solutions brings construction automation to light with its 'digital factory'

RON STANG
CORRESPONDENT

Brent McPhail likes to use the Ford F-150 analogy.

As a lover of the truck that he also drives, the owner of Brave Control Solutions uses the vehicle to illustrate the vast differences between designing automation to build the truck and automation to build structures for the construction industry.

In the case of the truck, the auto manufacturer will send him the functional specs to build a machine.

"It's a very refined scope," he says.

After all, the robots and fixtures will be designed to do the same task over and over.

But with construction, projects can be entirely unique. The customer may want to build a hotel, a store, a hospital.

"If it was an F-150 we would teach those robots one time and then run that program a million times," says McPhail. "But with construction we may only have to run this variance eight times and then another new variance is going to come in, and another one."

What Brave Controls has done, and as a result has won the ABB Value Provider Solution Award from Sweden-based robotic company ABB Group, is come up with CAD to Path software specifically for the construction industry so that the manufacture of unique assemblies — a chassis for hotel rooms, mass timber floors, panel walls, plumbing — can be adjusted depending on the constructor's different architectural and engineering requirements.

"My customers demand originality, uniqueness, having their own footprint," McPhail explains. "A building and a car are not the same. That's the fundamental challenge."

Brave Control Solutions is made up of the first parts of McPhail's two children's names, Bryson and Avery. But it's also an unabashed reference to the pride he and his team have in taking on the challenges others in the industry won't.

"I get a lot of joy out of them, but I also think they're very valuable," he says.

For example, as a longtime supplier to the auto industry, Brave would take contracts and build machines for a "highly efficient industry and make it .0001 per cent more efficient."

That creates a better product and ultimately more company and shareholder value. Now the 35-person firm is doing the same with construction, an industry that is lagging when it comes to automated assembly.

"The joke I always make is, 'Hey, is your last innovation a nail gun?'" McPhail says. "Or a fourth-generation construction guy will say, 'You know, if

my great great grandfather came back today he'd fit right in. You're still putting pipe together the same way. Good job guys? No, that's a bad job."

One of Brave's most recent contracts has been to design a precision automated fabrication machine for Kitchener, Ont's Z Modular, a division of Zekelman Industries, to build the steel chassis for rooms, assembled modularly, for a new student residence at Windsor's St. Clair College.

Typically, Brave's engineers will start with an architectural drawing of the building sub-components in a CAD format. This drawing is then used to identify the relevant parametric data required to automatically instruct robots, fixtures or tooling, to adjust to the specific offsite construction manufacturer's needs. In this "digital factory" the smart fixtures will move up and down or sideways to adjust to the proper dimensions. Likewise, robots are directed to perform their functions to execute the tasks required for assembly and fastening.

"So, if it's steel, we're assembling the tubes and welding. If it's wood, we're assembling the wood and nailing or gluing. If it's windows, we're assembling and then gluing and caulking and screwing. If plumbing, we're soldering or compression fitting," McPhail says. "There's always two steps, assembly and fastening."

McPhail sees potential for the system not just in traditional construction but increasingly with wood.

He has a Vancouver client building 12 storey apartment buildings made entirely of wood. Accordingly, the robots carry different tasks.

"We have replaced the welders with nail guns," he says. "Those material handlers are using magnets, so we have replaced them with vacuum grippers to hold the wood."

But isn't automation replacing human labour?

McPhail says there are tasks more than fitting for automation.

"Many pieces in construction are big and heavy, so that by its very nature lends itself to automation, to robots instead of humans."

For example, manufacturing a 3D volumetric chassis like at Z Modular.

"Just the time to set that up in a jig, for the fitters to fit that altogether, it takes a tremendous amount of time," he says.

Another reason is simply because of the skills shortage.

Says McPhail, "Get humans to do what humans are best at, robots what robots are best at and you can save efficiency, increase productivity, make it safer — the opportunity for automation is unlimited."

Legal Notes

A tale of two project conflicts: a non-starter and one running overtime

Construction disputes usually develop during the course of a project. Two recent provincial appeals court rulings demonstrate, however, that even conflicts at the outer edges of the time schedule can carry significant contractual risks.

First, a ruling by the Supreme Court of British Columbia clarifies the risks and obligations for contracted parties before work actually begins.

In 2019, Shelley Morris Business Services Ltd. contracted Syncor Solutions Limited to provide renovation services on two leased office spaces. Syncor conducted preliminary site visits and initiated design work. They also ordered materials such as plumbing components, millwork and kitchen cabinetry which were held by various subtrades until the expected start date in 2020.

However, work never did commence. Initially, there were delays due to COVID-19. Then in July 2020, Shelley Morris cancelled the project entirely, blaming business uncertainties. When no agreement was reached regarding payment of Syncor's final invoices, Syncor registered two builder liens under the province's Builders' Lien Act (BLA) against the properties.



Legal Notes
John Bleasby

Shelley Morris counter-argued that since no "improvement" had actually taken place, Syncor's liens were frivolous. The Supreme Court of British Columbia agreed.

In their analysis, Jamieson Virgin, Preet Saini and Jeremy Rankin of McMillan LLP explained the court determined the definition of "improvement" should not be expanded to include work performed in the absence of physical alteration to the premises. However, the court did allow that Syncor's contractual claims against Shelley Morris remained intact.

Under the BLA, an "improvement" is defined as "anything made, constructed, erected, built, altered, repaired or added to, in, on or under land, and attached to it or intended to become a part of it, and also includes any clearing, excavating, digging, drilling, tunnelling, filling, grading or ditching of, in, on or under land."

This includes, "work, labour or services, skilled or unskilled, on an improvement."

What is to be learned from this case?

Virgin, Saini and Rankin suggest since contractors and subs cannot register liens after the fact for pre-construction work on projects that never begin, they should be

vigilant about seeking prompt payment for any pre-construction services as soon as they are undertaken.

They also point out, "A contractual claim is typically unsecured, unlike a builders' lien which provides a security interest in the project and project lands."

Therefore, caution should be exercised when ordering or preparing custom materials or supplies prior to project commencement.

Other steps that could be considered would be to initiate some assembly work, either off-site prior to commencement or onsite concurrent with any pre-construction services conducted.

At the other end of the time frame is a decision from the Ontario Court of Appeal concerning a contract between Grasshopper Solar Corporation and the Ontario Power Authority (OPA) under the Feed-in-Tariff (FIT) contract for a project that ran beyond the agreed "time of the essence" clause.

Almost three years into the FIT contract, Ontario's Independent Electricity System Operator (IESO) — OPA's successor — sent a letter to Grasshopper Corp. reminding them of the need to complete their operation by the milestone date in its contract. The IESO letter also provided notice that failure to achieve operation by this date would constitute a default, allowing IESO to exercise its termination rights.

Grasshopper went to court seeking a determination of its contractual rights, relying on a bulletin issued previously by the OPA which, in fact, had been later revoked by the IESO. It stated the OPA would not act upon its termination rights if a supplier could not achieve commercial operations by the contractually mandated milestone date.

The court ruled in favour of the IESO.

This decision prompts Christopher Petrucci, Julia Schatz and Mikayla Hill of Bennett Jones LLP to comment that the dispute "highlights the danger associated with assuming that the other party is not going to assert a contractual right, even in circumstances where the other party may have expressly advised as such...particularly if that assumption was integral to the decision to contract with the counter-party."

John Bleasby is a Coldwater, Ont.-based freelance writer. Send comments and Legal Notes column ideas to editor@dailycommercialnews.com.

Residential Townhouse Development Opportunity 135 Mandrake Street, Ajax, Ontario

BDO Canada Limited, in its capacity as Court-appointed Receiver, is inviting offers for the purchase of the development and lands located at the above address.

PROPERTY ATTRIBUTES:

- Close proximity to the Ajax Go Station, retail services and Highway 401
- Site area of approx. 1.05 acres (53,217 sq. ft.)
- Zoned to permit the construction of 42 residential townhouses



DEADLINE FOR THE SUBMISSION OF OFFERS IS 5PM EST ON MARCH 26, 2021.

For additional information visit bdo.ca/en-ca/extranets/10268054canadacorp/

CONTACT INFORMATION:

Michael Litwack
705-797-3988 or mlitwack@bdo.ca



OCC calls for removal of construction sector restrictions in the GTA

TORONTO — The Ontario Construction Consortium (OCC) is calling on the provincial government to immediately suspend restrictions that have slowed the construction industry.

In early January Ontario Premier Doug Ford declared a second state of emergency and issued a stay-at-home order that went into effect on Jan. 14. The order brought with it additional restrictions to the construction industry, shutting down many projects that weren't tied to infrastructure or health care and deemed essential.

Construction began resuming in the ICI sector as early as Feb. 10 in three regions in eastern Ontario and most of the rest of the province on Feb. 16 as 30 public health regions transitioned from the province-wide lockdown into the colour-coded COVID-19 Response Framework. But the lockdown continues

in the Greater Toronto Area. OCC executive director Phil Gillies said in a release it's time to lift all restrictions on construction in the GTA.

"Enough is enough," Gillies said. "Construction contractors have gone to great expense providing personal protective equipment to employees and providing sanitary washroom facilities on worksites."

He added, "The construction industry contributed eight per cent of Canada's GDP and employed more than 1.2 million people in 2019. It is essential that the government do everything it can to support this vital segment of the economy. That begins with allowing all construction to resume immediately, especially in the GTA, Canada's largest market."

Follow @DCN_Canada on Twitter for more construction industry news and updates.

DCN-JOC NEWS SERVICES