July 27, 2018

SPECIAL FEATURE

SUBTRADES

Daily Commercial News

by ConstructConnect®

www.dailycommercialnews.com

William Connors, Progress Photography
After a pause early this year, Saskatchewan’s prospects brighter heading into 2019

Despite a steady gradual firming in oil prices over the past two years, the value of total capital spending in Saskatchewan is projected to contract by 2.4% this year following a slightly larger 2.8% decline in 2016. According to Statistics Canada, the fourth consecutive retreat in capital spending intentions is largely due to a -19% drop in mining, quarrying and oil and gas extraction, which now accounts for 37% of the province’s total capital spending, down from 55% in 2013.

Industries planning to boost their capital spending this year include manufacturing (+62%) and transportation and warehousing (+14.6%), public administration (+6%) and education services (+5.5%). This increase in manufacturing capex intentions appears consistent with the year-to-date gains in industrial and commercial building approvals which more than offset a drop in institutional project approvals.

Although the Saskatchewan economy continues to face significant challenges, a number of positives should help to underpin its growth during the remainder of this year and into 2019. First, although the prospects for the province’s agriculture industry are dependent on weather and market-determined crop prices, after a drought-drenched 2017, the most recent Saskatchewan Crop Report notes that the majority of crops are within their normal range of development. Having said this, weakening prices for most of the province’s field crops temper the agricultural sector’s prospects over the near term. Second, following a slow start, the province’s manufacturing sector appears to be moving into a higher gear due to solid gains in ordering product which you have to meet the construction site. Safety is a major concern, notably the proper use of the heaters which must operate around the clock until the cement dries. There are two types of heaters, propane and diesel, and both have pros and cons. “Propane heaters are generally a little more efficient but aren’t very friendly to use. But, they are more economical to rent than diesel ones.”

Operators are required to hold a valid Record of Training certificate and Swito requires all his employees to take training courses which are available through manufacturers or rental firms. Also mandatory is working at heights training.

At any one time the company’s workforce ranges from five to 15 people, although four are long-time employees. Last fall the company branched out into new territories when it secured an agreement to be the exclusive North American dealer for a European stone manufacturer. It takes about six weeks from the time the stone is ordered until it can be delivered on site. "European quality of products are much higher than in North America," says Swito, in explaining why he decided to offer the stone.

* "Real" Gross Domestic Product (GDP) Growth

<table>
<thead>
<tr>
<th>Year</th>
<th>GDP Growth Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>-2%</td>
</tr>
<tr>
<td>2013</td>
<td>-1%</td>
</tr>
<tr>
<td>2014</td>
<td>0%</td>
</tr>
<tr>
<td>2015</td>
<td>1%</td>
</tr>
<tr>
<td>2016</td>
<td>-0.5%</td>
</tr>
<tr>
<td>2017</td>
<td>1.0%</td>
</tr>
<tr>
<td>2018</td>
<td>2.0%</td>
</tr>
</tbody>
</table>

*Source: Statistics Canada*

Economic Snapshot

After a pause early this year, Saskatchewan’s prospects brighter heading into 2019

Despite a steady gradual firming in oil prices over the past two years, the value of total capital spending in Saskatchewan is projected to contract by 2.4% this year following a slightly larger 2.8% decline in 2016. According to Statistics Canada, the fourth consecutive retreat in capital spending intentions is largely due to a -19% drop in mining, quarrying and oil and gas extraction, which now accounts for 37% of the province’s total capital spending, down from 55% in 2013.

Industries planning to boost their capital spending this year include manufacturing (+62%) and transportation and warehousing (+14.6%), public administration (+6%) and education services (+5.5%). This increase in manufacturing capex intentions appears consistent with the year-to-date gains in industrial and commercial building approvals which more than offset a drop in institutional project approvals.

Although the Saskatchewan economy continues to face significant challenges, a number of positives should help to underpin its growth during the remainder of this year and into 2019. First, although the prospects for the province’s agriculture industry are dependent on weather and market-determined crop prices, after a drought-drenched 2017, the most recent Saskatchewan Crop Report notes that the majority of crops are within their normal range of development. Having said this, weakening prices for most of the province’s field crops temper the agricultural sector’s prospects over the near term. Second, following a slow start, the province’s manufacturing sector appears to be moving into a higher gear due to solid gains in ordering product which you have to meet the construction site. Safety is a major concern, notably the proper use of the heaters which must operate around the clock until the cement dries. There are two types of heaters, propane and diesel, and both have pros and cons. “Propane heaters are generally a little more efficient but aren’t very friendly to use. But, they are more economical to rent than diesel ones.”

Operators are required to hold a valid Record of Training certificate and Swito requires all his employees to take training courses which are available through manufacturers or rental firms. Also mandatory is working at heights training.

At any one time the company’s workforce ranges from five to 15 people, although four are long-time employees. Last fall the company branched out into new territories when it secured an agreement to be the exclusive North American dealer for a European stone manufacturer. It takes about six weeks from the time the stone is ordered until it can be delivered on site. "European quality of products are much higher than in North America," says Swito, in explaining why he decided to offer the stone.
CARBIDE TIPPED THICK METAL BLADES FOR THE HIGHEST PERFORMANCE IN CUTTING CAST IRON & STAINLESS STEEL AND DEMOLITION CARBIDE TIPPED BLADES FOR HIGHEST PERFORMANCE IN NAIL EMBEDDED WOOD.

www.lenoxtools.com

*vs. standard LENOX Bi-Metal reciprocating saw blades cutting cast iron and stainless steel.
Iconoplast conserves the past as it carves its way into the future

Dan O'Reilly
Correspondent

Its studio in an industrial building in Toronto maybe small, but Iconoplast Designs has a large, impressive resume and very deep roots.

Now a fourth-generation family business, it is one of the few plaster conservation businesses still existing.

Founded by third generation master plasterer and a plaster conservator Jean-Francois Furieri, its long list of projects includes the Pantages Theatre, One King West and the Royal Ontario Museum—all in Toronto—and several in other parts of Canada and the United States.

And that’s only a small sampling. At one time it operated from a 5,000-square-foot facility and had two full-time crews for the production component of its business.

“More restoration is now being done in Toronto,” says Furieri in explaining why he relocated the business to its present location in the city’s east end.

As described by Furieri his trade is a very old one, although in the case of Iconoplast, one “infused with modern technologies and an intimate hands-on approach.”

Its five main areas of expertise include restoration, preservation, conservation, plaster repair, and custom fabrication. Examples of the latter can range from ceiling mouldings for new home builders to one-of-a-kind pieces such as a wall frieze for fashion/fragrance designer Christian Dior’s Miami and New York stores, a copy of an address nameplate for a building on a street named after French author Victor Hugo. It would have been used as the prototype for a final version fabricated from either bronze or stone, says Furieri.

Many of the business archives were lost when the family home in what was then French North Africa was destroyed by fire. Fortunately the cast was in a studio that was not part of the house and was part of the plaster family archives and family library which Furieri brought to Canada after founding Iconoplast in 1987.

Not unlike many young people whose fathers and grandfathers were in the same profession or trade before them, Furieri considered different career options including martial arts and was even short-listed to compete as a judo contestant in the 1980 Summer Olympics in Moscow.

Love and a sense of adventure changed those plans. His girlfriend and now wife, who he met in high school, wanted to return to Toronto where she was born.

In 1979 the couple immigrated to Canada and the following year he started working as a production manager for a plaster production company.

As he recalls it, the 1980s was “a period of transition,” because that was when the emphasis on building conservation and restoration in Toronto and throughout Canada was emerging. He still laments the fate of many of the city’s older houses where the old-style plaster was ripped out and replaced with drywall during renovations.

“Plaster walls provide better acoustics,” says Furieri.

Certainly in his case the 1980s was marked by series of seminal events. A year after starting Iconoplast he obtained his first “big break” when he was hired to construct 28 large capitals — the topmost members of columns — in Montreal’s new Cinéma Égyptien which closed in 2001.

Although the project didn’t generate much publicity outside of Quebec, he subsequently received the award to restore the Pantages Theatre (now the Mirvish Theatre) in Toronto.

Capping the two-year-long undertaking, which included restoring the main lobby and nymphen on the main stage, was the 1989 opening of the Phantom of the Opera.

In the ensuing years a constant thread of projects followed including a recent one of national importance. Early in the new year Furieri, his daughter Magali and their assistant Jen Weber completed a five-month-long restoration in the House of Commons’ West Block — actually one component of an multi-phase overall rehabilitation of the block.

“We restored 12 capitals, the whole frieze on the stair lobby on the outside wall of the PMO (Prime Minister’s Office), and the whole cornice and friezes in the inside of the PMO, the wall ornamentations and the coats of arms.”

“They were in very bad shape. We had to redo and carve the ornaments to their original intended design by hand. It took hundreds of hours and a lot of patience,” says Magali.

The fourth generation of her family to embrace the craft, she resumed training and working with her father after graduating from a four-year historic restoration program at the School of Willowbank Arts in Niagara-on-the-Lake.

“My passion is plaster. I grew up with plaster,” she says.

Asked what has been their most challenging or satisfying assignment, Furieri replies: “It’s always the next one — it’s true. Once a project is done you don’t think of the problem.”

At one time it operated from a 5,000-square-foot facility and had two full-time crews for the production component of its business.

“More restoration is now being done in Toronto,” says Furieri in explaining why he relocated the business to its present location in the city’s east end.

As described by Furieri his trade is a very old one, although in the case of Iconoplast, one “infused with modern technologies and an intimate hands-on approach.”

Its five main areas of expertise include restoration, preservation, conservation, plaster repair, and custom fabrication. Examples of the latter can range from ceiling mouldings for new home builders to one-of-a-kind pieces such as a wall frieze for fashion/fragrance designer Christian Dior’s Miami and New York stores, a copy of an address nameplate for a building on a street named after French author Victor Hugo. It would have been used as the prototype for a final version fabricated from either bronze or stone, says Furieri.

Many of the business archives were lost when the family home in what was then French North Africa was destroyed by fire. Fortunately the cast was in a studio that was not part of the house and was part of the plaster family archives and family library which Furieri brought to Canada after founding Iconoplast in 1987.

Not unlike many young people whose fathers and grandfathers were in the same profession or trade before them, Furieri considered different career options including martial arts and was even short-listed to compete as a judo contestant in the 1980 Summer Olympics in Moscow.

Love and a sense of adventure changed those plans. His girlfriend and now wife, who he met in high school, wanted to return to Toronto where she was born.

In 1979 the couple immigrated to Canada and the following year he started working as a production manager for a plaster production company.

As he recalls it, the 1980s was “a period of transition,” because that was when the emphasis on building conservation and restoration in Toronto and throughout Canada was emerging. He still laments the fate of many of the city’s older houses where the old-style plaster was ripped out and replaced with drywall during renovations.

“Plaster walls provide better acoustics,” says Furieri.

Certainly in his case the 1980s was marked by series of seminal events. A year after starting Iconoplast he obtained his first “big break” when he was hired to construct 28 large capitals — the topmost members of columns — in Montreal’s new Cinéma Égyptien which closed in 2001.

Although the project didn’t generate much publicity outside of Quebec, he subsequently received the award to restore the Pantages Theatre (now the Mirvish Theatre) in Toronto.

Capping the two-year-long undertaking, which included restoring the main lobby and nymphen on the main stage, was the 1989 opening of the Phantom of the Opera.

In the ensuing years a constant thread of projects followed including a recent one of national importance. Early in the new year Furieri, his daughter Magali and their assistant Jen Weber completed a five-month-long restoration in the House of Commons’ West Block — actually one component of an multi-phase overall rehabilitation of the block.

“We restored 12 capitals, the whole frieze on the stair lobby on the outside wall of the PMO (Prime Minister’s Office), and the whole cornice and friezes in the inside of the PMO, the wall ornamentations and the coats of arms.”

“They were in very bad shape. We had to redo and carve the ornaments to their original intended design by hand. It took hundreds of hours and a lot of patience,” says Magali.

The fourth generation of her family to embrace the craft, she resumed training and working with her father after graduating from a four-year historic restoration program at the School of Willowbank Arts in Niagara-on-the-Lake.

“My passion is plaster. I grew up with plaster,” she says.

Asked what has been their most challenging or satisfying assignment, Furieri replies: “It’s always the next one — it’s true. Once a project is done you don’t think of the problem.”
The Choice of Professional Tradesmen Since 1924

www.irwin.com
When it comes to getting paid, read the contract closely

IAN HARVEY
CORRESPONDENT

When it comes to carrying out extra work subtrades are well advised to carefully check the wording of their contractual agreements or they could end up working for free.

Construction lawyer Robert Kennaley says it’s one of the most commonly misunderstood factors in the relationship between general contractors and subtrades. Being asked to add to the scope of the work agreed to isn’t uncommon but sub-trades need to check the terms of their contract before doing anything, he says.

He says the case that comes top of mind in Ontario is Jessco Structural Limited v. Gottardo Construction Limited, 2016 ONSC 2189 involving a concrete forming sub working on two projects for the general contractor, Gottardo.

The contracts between Jessco and Gottardo were valued at $1.4 million and $140,000 each. Over the course of the project, the site superintendent directed work outside the scope of agreement be performed. Jessco duly did the work but when they invoiced, Gottardo balked.

“The contract clearly said that any extra work was to be in writing and approved by head office,”
Robert Kennaley
Construction Lawyer

The matter ended up in court with Jessco claiming $228,916 was unpaid from the two contracts plus $32,330 for the extra work. Gottardo counterclaimed for $62,000 alleging deficiencies.

In June 2015 a judge ruled that because the contract or extra work to be in writing, the work Jessco did at the direction of the site superintendent did not have to be paid for.

“It seems the site superintendent asked for all this work but didn’t tell head office so that when they got the invoice they were shocked and surprised,” says Kennaley. “They refused to pay it.”

Jessco appealed that decision to the Superior Court of Justice where a panel split 2-1 in upholding the lower court decision in 2016.

The court found that poor soil condition in 2008 at the two job sites led to the site super asking Jessco to provide additional labour to another subtrade on site to speed up form work.

The site super also asked Jessco’s workers to help his own crew keeping the site clear of snow and ice. Work orders were duly drawn up, detailing the extra duties and the site super signed off, court heard, but the problem began when those orders were submitted for payment.

“The contract clearly said that any extra work was to be in writing and approved by head office,” Kennaley says.

“It wasn’t and while it might seem that they were following the site super’s direction, the premise in law is that there was nothing to indicate either party had abandoned their rights as stated in the original contract.

“In the absence of that waiver the original contract stood.”

Citing an earlier decision Technicore Underground Inc. v. Toronto (City), 2012 ONCA 597 (CanLII) the court ruled the original decision should stand noting “the decision is consistent with the law of waiver. There must be an unequivocal and conscious decision to abandon the right to rely on [the contract].”

One of the three judges on the appeal panel disagreed, however, noting there was a “pattern of behaviour” by Gottardo on the two sites which had the effect of varying the terms of the contract.

As such, Madam Justice Janet Wilson wrote, “in law Gottardo by its conduct waived the terms of the contract.”

The prevailing judges, however, cited Howard Wise’s The Manual of Construction Law, loose-leaf (Toronto: Carswell, 1994).

“You have to read it closely because these clauses aren’t uncommon but they’re not in the standing form contracts,” Robert Kennaley
Construction Lawyer

“You have to read it closely because the ordinary law of contract does not find any place for extras, and unless the contract itself provides for it, a claim for any additional work must depend upon a new contract, either express or implied. An express contract may be either in writing or oral, but an experienced contractor will always endeavour to have the order in writing because the onus is upon him to prove it by a preponderance of evidence.”

“There is a lesson to be learned,” says Kennaley noting the first question a lawyer will ask when approached for advice in these issues, is “what does the contract say?”

The best way to avoid trouble is to simply follow the contract, he says. If asked to perform extra work, consult the contract and if it stipulates any additional work must be approved in writing in advance, then to follow that requirement.

“There has to be evidence that the parties are waiving their rights under the contract or they just have to continue to follow the contract,” he says.

“You have to read it closely because these clauses aren’t uncommon but they’re not in the standing form contracts. You really have to dot your ‘I’s’ and cross your ‘T’s.’

Managing the success of your construction business can be challenging in today’s evolving marketplace.

When you partner with Aviva for your surety needs, you can count on us to provide you with:

• Expert advice and consultation for your specific project
• Our commitment to help you meet your business goals
• A stable partnership focused on the long-term

With more than 100 years of expertise behind us, you can trust Aviva as your valued business partner.

Contact your broker to learn more.

A partner you can trust

avivacanada.com

Insurance – Home | Auto | Leisure & Lifestyle | Business | Surety

Aviva and the Aviva logo are trademarks used under license by the licensor.
GET MORE DONE™ with 100+ PRODUCTS in the DEWALT 20V MAX® line. All tools come with upgraded features, superior ergonomics and use Lithium-Ion batteries. For extreme performance, step up to the XR® series and get advanced electronics, extended runtime and faster application speeds.
The long-predicted exodus of baby boomers from the construction trades is well underway and there’s an ever growing demand for skilled workers to fill their boots.

According to the Pre-Apprenticeship Training Institute (a CLC Union, Merit Ontario, Ontario Electrical League and Progressive Contractors Association training organization with campuses in Toronto and Cambridge, Ont.) there are five key areas where apprentices are needed: construction and maintenance electrician, HVAC mechanic, plumber, carpenter, construction office manager.

However, the prognosis in recruiting apprentices isn’t rosy with Statistics Canada reporting 417,300 people were registered for apprenticeship programs in Canada in 2016, down from 455,900 in 2015. Of these, 337,450 were previously registered in an apprenticeship program before 2016.

The Ontario College of Trades says since it opened its doors in April 2013 their top trades are the same, with the exception of sheet metal worker being their fifth since they don’t certify construction management.

However, for every entrant in HVAC or sheet metal, two enter into plumbing, three as carpenters and four as electricians.

Every skilled trade and industry associations and organizations are prioritizing recruitment to stream people into specific training programs, either through the colleges and other training centres or through a unions own training centre.

“The subtrade most in demand program we did 20 years ago about massive retirements in specific demographics?” says Cristina Selva, executive director, Carpenters Local 27 Training Centre. “It’s happening.”

She says of Local 27’s 7,000 or so members, about 40 per cent are apprentices and that’s up from 17 per cent from just a couple of years ago.

“Alot of the schools are handing out apprenticeship cards these days,” she says. “There are going to be continuing retirements over the next few years. There’s no pool of candidates waiting, it’s just constant recruitment.”

Her colleague, Paul Daly, vice-president of Local 27, says the push is to convince young people that becoming a carpenter is a career path that goes beyond swinging a hammer for the rest of their working life.

“I look at the people I came through with and they don’t certify construction management. I look at the people I came through with and they’ve got replacements coming but look at other data in other jurisdictions, such as RECON, we just can’t wait for the system to respond.”

“We’re doing the research ourselves,” he says. “There are two elements. There’s a four-year degree program in construction management, there’s a three years diploma program. With the three year program they can apply for a bursary and then go into our special high-rise or low-rise program where they are guaranteed a paid placement for four months, which can lead to full time employment and there’s a 95 per cent success rate.”

Kevin Baker, dean and principal of Durham College’s Whitby campus says interest in trades education is booming.

“We offer 12 different trades and the demand has increase significantly to the point we filled all the programs last year for the first time,” he says. “There’s about 800 students across the board. We had a small intake in January and again, that was also filled.”

The subtrade most in demand program is elevating devices since they are the only ones where you don’t need a college degree, the program says, but there’s also demand for millwright training and welding is also creeping up.

“IT’s starting to change but still not enough. More women are going into automotive, for example, but it’s still small.”

The college is also working with groups such as OPG which has a big footprint in Durham and the Weston Foundation to encourage more women to look at the skilled trades as are organizations like OCCOT.

One of the barriers, he says, is mobility within the trades.

“Their is a knowledge gap, and we don’t know why women are not coming into the trades. “And that may be one of the big issues. Really, there’s a knowledge gap, and we don’t know why women are not coming into this sector.”

Another reason may be that most trades require math and science skills out of high school and that’s traditionally been an area women shy away from.

“Those women who are strong in STEM subjects tend to get snapped up by engineering schools, so we’re competing against them in a way, “ he says.

In the long-predicted exodus of baby boomers from the construction trades is well underway and there’s an ever growing demand for skilled workers to fill their boots. However, for every entrant in HVAC or sheet metal, two enter into plumbing, three as carpenters and four as electricians. However, the prognosis in recruiting apprentices isn’t rosy with Statistics Canada reporting 417,300 people were registered for apprenticeship programs in Canada in 2016, down from 455,900 in 2015. Of these, 337,450 were previously registered in an apprenticeship program before 2016.

The Ontario College of Trades says since it opened its doors in April 2013 their top trades are the same, with the exception of sheet metal worker being their fifth since they don’t certify construction management. However, for every entrant in HVAC or sheet metal, two enter into plumbing, three as carpenters and four as electricians. However, the prognosis in recruiting apprentices isn’t rosy with Statistics Canada reporting 417,300 people were registered for apprenticeship programs in Canada in 2016, down from 455,900 in 2015. Of these, 337,450 were previously registered in an apprenticeship program before 2016.

The Ontario College of Trades says since it opened its doors in April 2013 their top trades are the same, with the exception of sheet metal worker being their fifth since they don’t certify construction management. However, for every entrant in HVAC or sheet metal, two enter into plumbing, three as carpenters and four as electricians. However, the prognosis in recruiting apprentices isn’t rosy with Statistics Canada reporting 417,300 people were registered for apprenticeship programs in Canada in 2016, down from 455,900 in 2015. Of these, 337,450 were previously registered in an apprenticeship program before 2016.

The Ontario College of Trades says since it opened its doors in April 2013 their top trades are the same, with the exception of sheet metal worker being their fifth since they don’t certify construction management.