

RESPECTED INDIVIDUALS DOING EXCELLENT WORK TOGETHER

JARVIS G. SHERIDAN



As Managing Partner, Jarvis Sheridan provides day-to-day guidance to his fellow lawyers and staff at O'Connor MacLeod Hanna LLP, and has been an integral part of the

growth and success of Halton Region's largest law firm. He does this while maintaining a respected practice in Business and Income Tax law. Since articling at the firm more than three decades ago, Jarvis has played an ever-increasing role in guiding it to the enviable position it enjoys today.

Developing a group that "plays well together" has been a priority for Jarvis from the beginning. Friendly, open, nurturing relationships prevail at the firm with many starting their career here and remaining for years. It's just as Jarvis wanted it – highly respected professionals doing excellent work together – and having fun at the same time. It's a culture that is very important to everyone at the firm.

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THE BENEFITS OF TITLE INSURANCE WHEN PURCHASING YOUR HOME

JAMES MCASKILL



When you buy a home, one of your lawyer's responsibilities is to ensure you obtain "good title" to that property. This means that you are the registered owner of your home subject only to certain liens and encumbrances such as

your mortgage, municipal agreements with developers, easements for utilities, etc. It also means that your home is not subject to any work orders or deficiency notices from local agencies such as the municipal building department, fire department, electrical safety authority, etc.

In order to ensure you have good title, a lawyer must not only search title to the property to see if there are any unauthorized encumbrances, but also write to all federal, provincial, regional, local municipal or other governments, departments, boards, agencies or other authorities having or claiming jurisdiction over the property to make sure the property is in compliance with all laws, orders and regulations. The cost of performing these searches on behalf of the purchaser

is hundreds of dollars, not counting any additional fees your lawyer may charge for doing them.

A title insurance policy reduces the number of searches your lawyer must do in order to provide you with an opinion that you have obtained "good title" to your home, thus giving you the protection you require and saving you money on closing costs.

In addition, title insurance offers coverage for the following common issues:

- » Lack of an up-to-date survey – protects you against not being able to sell or finance your home as a result of defects an up-to-date survey would have disclosed.
- » Fraud and forgery – protects against fraudulently registered mortgages and covers your legal costs and expenses while proving a fraud has been committed.
- » Municipal coverage – covers you for such issues as: improvements made without a permit that result in a loss, outstanding work orders, taxes owed by previous owners, your property failing to meet local zoning requirements, unregistered easements, compliance with subdivision/development agreements, and many more.

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RESPECTED INDIVIDUALS DOING EXCELLENT WORK TOGETHER

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Building sound relationships inside and outside of the firm has been a keystone of OMH since its inception. Many clients have been with the firm for more than thirty years and that tradition is sure to continue. The range of practice areas, combined with the breadth of talent, ensures that OMH clients will always be able to access the expertise and experience they require – without having to drive into the city or having to pay the big city price.

Jarvis Sheridan's natural leadership skills go well beyond the confines of OMH – he's also a true leader in the community having provided volunteer direction and support to a vast array of groups and organizations. He is as proud of those accomplishments as he is of the success of OMH.

Family, a successful career and community involvement can consume a great deal of time. But, Jarvis continues to stay on top of his game working out at the 'Y', paddling and racing an outrigger canoe and cycling. He's also an unapologetic folk musician who's always ready to lead the chorus.

THE BENEFITS OF TITLE INSURANCE

CONTINUED FROM COVER

A title insurance policy is a one-time premium that covers you as long as you own your home. So when it comes time to purchase your first or next home, ask your lawyer about the benefits of title insurance. After all, a home is often the biggest purchase most people will ever make, so it makes sense to do all you can to protect that investment.



A CONSTRUCTION LIEN PRIMER

CAROLYN M. MCCARNEY



PERSONS ENTITLED TO A LIEN

The *Construction Lien Act*, R.S.O. 1990, c. C.30 (the "Act") governs the rights of a party in Ontario that has supplied services or materials to improve land. In short, the *Act* sets out strict deadlines that must be followed should such a party wish to assert a lien claim against any land to which services and materials were supplied. In the interpretation, being section 1(1), to the *Act*:

- (i) "improvement" means, in respect of any land, (a) any alteration, addition or repair to the land, (b) any construction, erection or installation on the land, including the installation of industrial, mechanical, electrical or other equipment on the land or on any building, structure or works on the land that is essential to the normal or intended use of the land, building, structure or works, or (c) the complete or partial demolition or removal of any building, structure or works on the land;
- (ii) "materials" means any moveable property that (a) becomes or is intended to become, part of the improvement, or that is used directly in the making of the improvement, or that is used to facilitate directly the making of the improvement, and (b) includes equipment rented without an operator for use in the making of the improvement; and
- (iii) "supply of services" means any work done or service performed upon or in respect of an improvement, and includes (a) the rental of equipment with an operator, and (b) where the making of the planned improvement is not commenced, the supply of a design, plan, drawing, or specification that in itself enhances the value of the owner's interest in the land.

Parties entitled to a lien therefore normally include contractors, subcontractors, labourers, suppliers of materials, lessors of equipment, engineers, and architects.

PRESERVING A CONSTRUCTION LIEN

The first step to a party asserting a lien claim under the *Act* involves 'preserving' the lien. Specifically, preserving a lien is achieved by the registration of a Claim for Lien within forty-five days after the earliest of either the last day of substantial work by a party on land, or, if the term of the contract continues, publication/posting of a certificate of substantial performance of a contract in the publically accessible Daily Commercial News. The applicable commencement date for the preservation period is outlined in section 31 of the *Act*. While the commencement date for preservation of a lien may vary as outlined above, the resultant deadline is strictly enforced. If a party's lien is not preserved within the forty- five day period, it will expire and any lien claim will be lost.

OMH IN THE COMMUNITY

PERFECTING A CONSTRUCTION LIEN

Once a party has preserved a lien claim, the next enforcement steps that must be taken are the commencement of an action in the Ontario Superior Court of Justice followed by, typically, registration of a Certificate of Action against the title of the relevant land. The combination of these measures is called 'perfecting' a lien. To perfect a lien, an action must be commenced, and the Certificate of Action registered, within forty-five days of a lien having been preserved, in accordance with section 36(2) of the *Act*. Put another way, an action must be commenced within ninety days of either the last day of substantial work by a party on land, or publication/posting of a certificate of substantial performance of a contract.

DISCHARGING AND VACATING A LIEN

Assuming the preservation and/or perfection of a lien had the desired effect of compelling payment for work completed, discharge of a lien may occur in accordance with section 41 of the *Act*. Particularly, section 41 stipulates that a preserved or perfected lien can be discharged by a release registered, in the form prescribed by the regulations to the *Act*, on title, or by withdrawal in writing to the party to whom written notice of a registered lien was given.

Alternately, if an Owner of a property, or any other implicated party, wishes to dispute a lien preserved or perfected, application may be made to the Ontario Superior Court of Justice, without notice to any party who registered a lien, to obtain an order vacating registration by posting security in lieu of registration. In accordance with section 44(1) of the *Act*, the security posted to vacate a lien must be equal to the full amount claimed as owing in the associated Claim for Lien, and, as security for costs, the lesser of \$50,000.00 or twenty-five percent of the amount claimed as owing in the Claim for Lien. It is important to note that the posting of security in exchange for removal of a registration of lien does not constitute an admission of liability or validity of a lien claim by an Owner.

O'Connor MacLeod Hanna LLP is proud to be the recipient of the United Way 2013 Spirit Award for Community Leadership Giving Campaign. This award recognizes organizations and teams that have demonstrated commitment to the community. In addition to the funds raised by our firm and in the spirit of giving back to our communities, our lawyers sit on boards and committees for the United Ways of Oakville, Milton and Burlington, as well as various other community organizations throughout the Region of Halton. OMH is proud to have 9 community leaders who individually donated over \$1,000 to the Halton United Ways, confirming our commitment to the United Way and the agencies it supports.

TORONTO STAR

LAW FIRM LEADS THE WAY IN BACKING UNITED WAY OAKVILLE

Lawyers cast aside robes and legal documents to bake cookies and carve jack-o'-lanterns in a fundraising campaign that involved nearly all staff.

LESLIE FERENC | Fri Dec 20 2013

They live and breathe jurisprudence, assisting those in the community who require legal help.

But reaching out to their less-fortunate neighbours is just as important for staff at the law firm of O'Connor, MacLeod, Hanna LLP, where support for United Way of Oakville has been part of the culture for more than 30 years. Managing partner Jarvis Sheridan became a donor when he first joined the firm years ago, and his commitment hasn't wavered since then.

This year, 92 per cent of staff at Halton Region's biggest law firm took part in the payroll donation campaign, digging deep to back up their dedication to the community. Several employees hiked their contributions this year, bumping them into the leadership group for giving \$1,000 or more. As a bonus, their contributions were matched by the Sprott Foundation.

And as they have every year, staff sweetened the pot by organizing fundraising events – setting aside robes and legal texts to make cookies and cupcakes, tarts and other treats for a boardroom bake sale.

There were bingo games at lunch and a fancy-dress party where staff donned costumes and carved Halloween jack-o'-lanterns to celebrate the end of a successful fall fundraising campaign.

Joan LaPointe has organizing United Way events down to a fine art. It's a labour of love for the office administrator because she knows how much it helps needy people in the community.

Sheridan says working together builds and strengthens the community. "It's our responsibility to be involved in the community and help," he said, adding that almost all of the firm's lawyers sit on community committees, boards and foundations, providing their expertise as needed.

Though Oakville and other Halton municipalities are often thought of as particularly prosperous, they face similar challenges to their larger neighbours. Poverty, youth at risk, mental health issues and disabilities are a reality in Halton, too.

Sheridan notes that some residents may not be affected directly by work funded through the United Way of Oakville and its agencies, "but we all know someone who is."

Improving the lives of others "is one of the reasons why we choose to support United Way of Oakville," said Sheridan, adding that those who can should give back. "They (UWO) have a rigorous research approach to their work, so we can feel confident that our donation is going to the current and emerging needs in our community. Our lawyers and staff are enthusiastic and proud to engage with United Way of Oakville, making our community an even better place to live and work."

He urged companies who have not yet joined the ranks of supporters to do their part.



O'Connor MacLeod Hanna LLP recently hosted a well-attended Oakville Chamber of Commerce **"Business After Hours"** event. A wide cross-section of the local business community came to our offices for great food, drink and camaraderie.



Jarvis Sheridan and Tanya Leedale stand outside the future **O'Connor MacLeod Hanna LLP recovery room** at the new Oakville Hospital



ADDITIONAL READING

Owen Duguid - Seller Property Information Statements

[CLICK HERE](#)

Alexandra Manthorpe - Cuthbertson v. Rasouli and Powers of Attorney for Personal Care

[CLICK HERE](#)

Chantel Goldsmith - Is Your Workplace Ready to Comply with the New Occupational Health and Safety Awareness and Training Regulation?

[CLICK HERE](#)

Ruhia Jokhio - Expropriation: Understanding the Process and Your Rights as a Property Owner

[CLICK HERE](#)