



# YVAN HOULE

## Partner

T 514.954.3146

F 514.954.1905

Montréal

[YHoule@blg.com](mailto:YHoule@blg.com)

<http://www.linkedin.com/in/yvanhoule>

Construction

Aboriginal Law

Product Liability

Team North®

Healthcare Capital Redevelopment, Financing and Procurement

Maritime Law

### Education / Bar Admissions

LLB, University of Ottawa, 1984

LLL, University of Ottawa, 1988

Nunavut, 2013

Québec, 1989

Ontario, 1986

### Professional Involvement

Fellow, Canadian College of Construction Lawyers and Chair of the Insurance and Bonding Section.

Member, Canadian Bar Association

Chair, National Construction & Infrastructure Law Section, Canadian Bar Association

Member and member of the Executive Committee, Board of the Canadian Construction Association

Member, Council of Manufacturers, Suppliers and Services of the Canadian Construction Association

Secretary, Institut pour le partenariat public-privé

### Community Involvement

Member, West Island CSSS Foundation

## EXECUTIVE SUMMARY

Yvan Houle is a partner in our Construction Group, as well as our Aboriginal Law Group. He is recognized as a leading lawyer in construction law by the foremost legal rankings publications.

Yvan offers clients working in the construction and infrastructure fields his vast experience in procurement and tendering, negotiating, contract drafting and dispute resolution in a wide array of project delivery models, including public-private partnerships, design-building-finance-maintenance (DBFM) contracts, engineering-procurement-construction-maintenance (EPCM) contracts, and traditional design-bid-and-build contracts.

Mr. Houle is very active in these fields, as is evidenced by his major involvement in the Canadian Construction Association and the *Institut pour le partenariat public et privé*. As President of the national Construction and Infrastructure Law Section of the Canadian Bar Association, Yvan works closely with other practitioners in these areas of law across the country.

He is also active in both Nunavik and Nunavut, where his Aboriginal and construction law expertise have allowed him to assist various Inuit and governmental organizations.

## REPRESENTATIVE WORK

- Advises one of the parties acting as independent certifier in connection with the Turcot Project.
- Headed the team involved with negotiating, preparing and finalizing the AMT's recent transactions for the construction of the Lachine and Pointe Saint-Charles Maintenance Centres.
- Headed the team that advised the designer-builder hired by the consortium responsible for implementing the Autoroute 30 Project.
- Represents and advises a Quebec university in matters of procurement and construction.
- Advises various stakeholders, including private and public property owners, architects and engineers, contractors, insurers and bonding companies, as well as sub-contractors and suppliers, in all facets of their

business relationships and represents them before courts and arbitral tribunals in Québec, Ontario and Nunavut.

- Negotiates and drafts documents relating to calls for tenders, construction and procurement contracts, as well as related agreements for construction, energy, infrastructure and industrial projects.
- Advises and represents manufacturers in product liability litigation, both in Québec and Ontario.
- Involved with BLG's Team North® and advises various active Inuit organizations in Nunavik.

## PUBLICATIONS & PRESENTATIONS

- "Contractor's Performance Review Under Québec's Public Procurement Regime," (2015) 1 J.C.C.L.33.
- "The duty of good faith and the implications of the Nunavummi Nangminiaqtunik Ikajuuti (NNI Policy) on construction project procurement in Nunavut," Nunavut Mining Symposium in Iqaluit, Nunavut: "Construction Law", April 2015.
- Author of the Quebec sections of the Canada Chapter of *Getting the Deal Through* annual publication for construction law.
- "Nunavut and Nunavik," BIT's 2<sup>nd</sup> Annual World Congress of Ocean - 2013, September 2013.
- "Les principes juridiques des réclamations en relation avec les retards pouvant survenir sur un chantier," CCH Publications Ltd.: Conference on construction law, Montréal and Québec City, May 2013.
- "Statutory liability: Québec's new world order," Canadian Bar Association, CLE 2012: Looking to the future of Construction, St. John's, Newfoundland, September 2012.
- "Inuit du Nunavik: protagonistes du Plan Nord," Conference of the Institut pour le partenariat public-privé (IPPP), June 27, 2012.
- "Hey, I thought we had a deal! – The unilateral resiliation of a construction contract in Québec Law," 1 J.C.C.L. 41, May 2012.
- "Gestion des litiges dans le domaine de la construction – Les clauses pénales : les éléments essentiels dans leur rédaction pour éviter les ambiguïtés et assurer leur applicabilité," The Canadian Institute, April 25, 2012.
- "Les clauses de réserve en matière d'appel d'offres : leur étendue et leurs limites," Éditions Yvon Blais, April 16, 2012.
- "The owner's discretion pursuant to a privilege clause in Québec," Canadian College of Construction Lawyers, Ottawa, June 4<sup>th</sup>, 2011.
- "Les clauses de réserve en matière d'appel d'offres : leur étendue et leurs limites," Barreau du Québec, Continuing Education, May 20, 2011.
- "Les appels d'offres et les clauses d'exonération de responsabilité : *Tercon Contractors Ltd. v. British Columbia (Transportation and Highways)*," Canadian Bar Association, September 2010.
- "L'opposabilité de la clause d'élection de for et la responsabilité du

manufacturier," BLG U, Continuing Education, June 3, 2010.

- "Construction Insolvency – Where do you go when the Financial Well runs dry?," Canadian Construction Association, March 8, 2005.
- "Hypothèque légale de la construction: spécificités, risques et stratégies," Construction Superconference, The Canadian Institute, November 25, 2004.
- "Les réclamations pour coûts additionnels ont-elles frappé un mur?," presentation to the Canadian Bar Association, October 19, 2004.
- "Coverage when you really need it, current issues in construction," presentation to the Canadian Construction Association – Construction Section - March 25, 2004.
- "La responsabilité des professionnels : obligations, déontologie, étendue et limites," Construction Superconference – The Canadian Institute, November 26, 2003.
- "Les appels d'offres : tendances et considérations pratiques," Infonex Conference 2003, October 2, 2003.
- "Le recours délictuel: une nouvelle avenue pour les intervenants de la construction," presentation to the Québec Bar, published in *Développements récents en droit de la construction* 2003, April 11, 2003.

## RANKINGS & RECOGNITIONS

- Selected by peers for inclusion in the 2016 edition (and since 2006) of *The Best Lawyers in Canada®* (Construction Law).
- Recognized in the 2015 edition of *Who's Who Legal: Canada* (Construction).
- Recognized in the 2015, 2014 and 2013 editions of *Canadian Legal Lexpert® Directory* (Aboriginal Law and Construction Law).
- Recognized as a leading infrastructure lawyer in the 2013 *Lexpert®/Report on Business Special Edition on Infrastructure*.
- Recognized in the 2013 edition of *Who's Who Legal: The International Who's Who of Construction Lawyers*, where he is described as "innovative", and a "well-recognised presence in the market".
- Recognized in the 2013 edition of *Legal Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada* (Construction Law).

## ABOUT BORDEN LADNER GERVAIS LLP

Borden Ladner Gervais LLP (BLG) is a leading, national, full-service Canadian law firm focusing on business law, commercial litigation and arbitration, and intellectual property solutions for our clients. BLG is one of the country's largest law firms with more than 725 lawyers, intellectual property agents and other professionals in five cities across Canada. We assist clients with their legal needs, from major litigation to financing to trademark and patent registration.