CONSTRUCTION ECONOMIST

WINTER 2017

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The Journal of the
Canadian Institute of
Quantity Surveyors
Le Journal de l’Institut
canadien des économistes
en construction

• Results of Proposed CIQS Restructuring Survey
• Business Tax Strategies
• Estate Planning Series

Legal Corner
Sandra Astolfo

Member Interview
Bola Abisogun

Organizational Excellence
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CONSTRUCTION ECONOMIST

WINTER 2017

The mission of CIQS is to promote and advance professional quantity surveying and construction estimating; to establish and maintain national standards; to recruit, educate and support our members.

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The Journal of the Canadian Institute of Quantity Surveyors
Le Journal de l’Institut canadien des économistes en construction

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Statements of fact and opinion contained within this journal are those of the authors, including subject matter experts. CIQS assumes no responsibility or liability for the content of such fact and opinion, nor do they represent the official policy of CIQS.

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Chair’s Message

Positive growth and change to the Institute

Born and raised in Halifax, Nova Scotia, I grew up in a family influenced by my father who is still a working carpenter and a mother formerly in real estate. I have been involved in construction my entire life, beginning when I was 10, (accompanying my father to building sites), and working up to becoming his partner in a small contracting company. My university pursuits could have taken me away from construction but in the end I was drawn to it. I have been a labourer, a carpenter, a foreman, a superintendent, a contractor, an estimator and a cost consultant, to name a few.

In 2003, after a return to education at the Nova Scotia Community College, where I completed a two-year construction administration technology program, I left the labour side of construction and made a new start as a cost consultant. That year, I applied to join the CIQS and was accepted as a Construction Estimator Certified (CEC). Looking back, I knew that joining CIQS was not a trivial thing. This was a good choice and a choice around which I could build a career.

In 2008, after five years working as a cost consultant, I completed the CIQS exams, completed the TPE and earned my PQS designation. The effort and reward of being recognized for those results is an important accomplishment. My personal belief is that we must all understand that the road to becoming a Professional Quantity Surveyor is not meant to be easy; it is fraught with gains and losses. It takes time and dedication, but the reward is your own personal success. Now, with 14 years of experience working as a quantity surveyor, I have worked on projects having values ranging from thousands of dollars all the way up to over a billion, and in nearly every province and territory across Canada.

Since joining the CIQS, I have been an active member, attending social events and annual general meetings, promoting the CIQS at local trade shows and professional development days, and mentoring new members whenever possible. During the summer of 2013, I was given an opportunity to become national representative and Vice President for the CIQS – Maritimes. I was excited to volunteer for my local affiliate and to be able to contribute to the organization that had been providing me with recognition in my professional career. In 2014, I took over as President of CIQS – Maritimes. For the last four years, my duties as a national representative and director of the CIQS have included website administration, social media committee, CPD and treasurer. In 2016, I was nominated and voted as Vice Chair for the CIQS and, in September 2017, moved on to Chair.

I take on my new role as Chair with the same devotion I felt when joining the CIQS in 2003. I look back to those who have worn the mantle of president/chair before me. They have been strong mentors and have added to the success and growth of the CIQS. Our organization must continue to grow strong together. Our goals include:

- improving the level of communication among our members, designation holders, associates, and students,
- continuing to provide membership support to those working hard to earn their CEC and PQS designations, with updated exams and accredited programs offered by our education partners, and
- improving opportunities and providing additional means for our designation holders to earn continuing professional development points.

The key is to retain our membership and, as we grow, continue to add new members to our ranks. The awareness program continues with the advancement of our website and the release of new videos through our website and social media accounts. Marketing and lobbying are still at the top of our list and we have made strides with a plan of action that we hope to share in more detail in the coming months.

While our focus is primarily on strengthening our relations on our own native soil, we cannot ignore the rest of the world. Construction is no longer limited to local or national development; we live in a growing global market. Even in the remote Maritimes, we have general contractors from Spain working on large PPP projects and construction projects in rural communities being funded by Australian developers.
Chair’s Message

Look no further than our own website for global interest, where Canada is not the number one visitor to our website. We have more page-views opened by visitors in Europe and Asia than in our local area. The CIQS is an internationally recognized organization in our profession, and we have taken an active role in participating with other quantity surveyor associations from around the world. For the last few years, the CIQS has sent representatives to the European Committee of Construction Economists (CEEC) meetings hosted in Europe.

We have also maintained a long-time presence at the Pacific Association of Quantity Surveyors (PAQS) conferences held once a year in a hosting nation from around the Pacific Ocean. The CIQS was also involved with the International Construction Measurement Standards (ICMS) Coalition as a trustee, and as part of the standard setting committee. In July 2017, the CIQS hosted the PAQS conference in Vancouver, BC, which also encompassed the global launch of the ICMS Standards. These opportunities are important to our organization but also to the support of 135 plus members-at-large included in our portfolio.

In closing, I would like to take a moment to thank all of our volunteers and employees who work hard to support the Institute’s membership and goals. As a not-for-profit organization, we rely on those who support us through volunteering and their personal contributions to promote and mentor. The CIQS has experienced a positive growth rate over the last few years, and now must strive to make larger strides to strengthen and support growth through our membership and industry partners. I look forward to being a supporter of positive growth and change to the Institute in the coming years, and hope that our membership will share their ideas with us and support our ideas and initiatives for the benefit of all.

― Look no further than our own website for global interest, where Canada is not the number one visitor to our website. “

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Le Président du Conseil

Croissance positive et changement à l’Institut


J’entame mon nouveau rôle de président avec le même enthousiasme que j’ai ressenti lors de mon adhésion à l’ICÉC en 2003. Je pense à ceux qui ont porté le flambeau de président/présidente avant moi. Ils ont été des mentors influents et ont contribué à la réussite et à la croissance de l’ICÉC. Notre organisation doit continuer de progresser ensemble. Nos objectifs comprennent :

• Améliorer le niveau de communication entre nos membres, les détenteurs de désignation, les membres associés et les étudiants,

• Continuer à fournir le soutien nécessaire à ceux qui travaillent dur pour mériter leur désignation ECC et ÉCA, avec des examens à jour et des programmes accrédités offerts par nos partenaires en éducation,

• Améliorer les opportunités et fournir des moyens supplémentaires à nos détenteurs de désignation pour obtenir des points de développement professionnel continu (DPC).

La clé est de conserver nos membres actuels et, à mesure que nous grandissons, continuer à ajouter de nouveaux membres à nos rangs. Le programme de sensibilisation se poursuit grâce au progrès de notre site Web et la publication de nouvelles vidéos sur notre site internet et sur les médias sociaux. Le lobbying et le marketing sont toujours en tête de nos priorités, et nous avons mis tout en œuvre via un plan d’action que nous espérons partager plus en détail dans les mois à venir.

Alors que d’importants efforts sont actuellement consacrés à la consolidation de nos relations sur notre propre territoire, nous ne pouvons pas ignorer le reste du monde. Les projets de construction ne sont plus limité à l’échelle locale ou nationale; nous vivons dans un marché mondial en pleine croissance positive et changement à l’Institut.

En 2008, après avoir travaillé cinq ans à titre de consultant en coûts, j’ai complété les examens de l’ICÉC, réalisé le test d’expérience professionnelle (TEP), et j’ai obtenu ma désignation d’ÉCA. L’effort et la récompense d’être reconnu pour cet accomplissement est une importante réalisation. Ma conviction profonde est que nous devons tous comprendre que la voie pour devenir un économiste en construction certifié n’est pas censée être un exercice qui se réalise sans le moindre effort; la route menant au succès est souvent parsemé d’embûches. Elle exige du temps et du dévouement, mais la récompense est votre propre succès. Maintenant, avec 14 ans d’expérience à titre d’économiste en construction, j’ai travaillé sur des projets allant de quelques milliers de dollars jusqu’à plus d’un milliard de dollars, et ce dans presque chaque province et territoire du Canada.


J’entame mon nouveau rôle de président avec le même enthousiasme que j’ai ressenti lors de mon adhésion à l’ICÉC en 2003. Je pense à ceux qui ont porté le flambeau de président/présidente avant moi. Ils ont été des mentors influents et ont contribué à la réussite et à la croissance de l’ICÉC. Notre organisation doit continuer de progresser ensemble. Nos objectifs comprennent :

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recently received an email from a member looking for advice. As a father to five kids under the age of six, and living in a smaller city without a strong local chapter, he was struggling to find convenient opportunities to attend CPD events.

He wrote, “I know I will achieve 20 CPD points with the professional work hours, and a few others with a couple of small events I have been able to attend, but will likely fall short of the required 50. I know this isn’t your responsibility, but assistance or recommendation would be much appreciated. I worked hard to achieve the PQS designation and don’t want to lose it.”

Given the wide variety of personal circumstances, and the diverse geographical locations of our designated holders, I thought this might be a common issue, so I have included my response here so that other members might benefit.

**Dear [Member],**

I am glad you reached out on this. There are lots of options for CPD that can be done at home or on your way to work.

You can complete Informal Activity: Unstructured courses – self-directed study, conferences, technical sessions, and seminars related to the profession (1 hour of informal learning equals 1 CPD point).

This can include reading articles in the Construction Economist or other construction journals, and listening to construction podcasts during your commute. (Here is a good place to start for that: [https://blog.hardhathub.com/5-construction-podcasts-listen](https://blog.hardhathub.com/5-construction-podcasts-listen)).

If your company does Lunch-and-Learns, those count too. If you attend or present, it is 2 CPD points for 1 hour, either under Formal Activity or Presentation.

Finally, if you write articles for the Construction Economist, that is a great way to get points. Each published article equals 15 CPD points. I know our Editor, Arif Ghaffur, is always looking for contributions!

I hope that helps give you some direction and ideas. Really, you are probably doing things already that you did not realize counted – like reading the Construction Economist! 📚
Executive Director’s Message

Summary of survey results
Proposed Governance Restructuring

First, I would like to extend my thanks to everyone who participated in the survey regarding the proposed CIQS Governance Restructuring.

The survey link was sent to 1847 designation holders of CIQS of which 900 responded with 688 individuals completing the entire survey. The results are based on the 688 full survey responses.

The following is a summary of the survey question results along with additional breakdowns for further information.

The CIQS Board of Directors and the Restructuring Committee are currently analyzing the responses and will provide an update on next steps.

Q.1 Which Affiliate are you a Member of?

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>CIQS – British Columbia</td>
<td>13.95%</td>
</tr>
<tr>
<td>CIQS – Prairies and NWT</td>
<td>16.42%</td>
</tr>
<tr>
<td>CIQS – Ontario</td>
<td>50.15%</td>
</tr>
<tr>
<td>CIQS – Quebec</td>
<td>5.52%</td>
</tr>
<tr>
<td>CIQS – Maritimes</td>
<td>4.94%</td>
</tr>
<tr>
<td>CIQS – Newfoundland &amp; Labrador</td>
<td>1.31%</td>
</tr>
<tr>
<td>CIQS – Members at Large</td>
<td>7.70%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>688</td>
</tr>
</tbody>
</table>

Q.2 What designation do you hold or category you belong to?

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>PQS – Professional Quantity Surveyor</td>
<td>49.85%</td>
</tr>
<tr>
<td>CEC – Construction Estimator Certified</td>
<td>22.53%</td>
</tr>
<tr>
<td>Associate</td>
<td>15.55%</td>
</tr>
<tr>
<td>PQS(F) – Professional Quantity Surveyor (Fellow)</td>
<td>4.22%</td>
</tr>
<tr>
<td>PQS(F) Retired – Professional Quantity Surveyor (Fellow) Retired</td>
<td>1.45%</td>
</tr>
<tr>
<td>PQS Retired – Professional Quantity Surveyor Retired</td>
<td>3.34%</td>
</tr>
<tr>
<td>CEC Retired – Construction Estimator Certified Retired</td>
<td>0.15%</td>
</tr>
<tr>
<td>Honorary Life</td>
<td>0.29%</td>
</tr>
<tr>
<td>Full Time Student</td>
<td>2.62%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>688</td>
</tr>
</tbody>
</table>

Q.3 What is your age?

```
<table>
<thead>
<tr>
<th>Age Group</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 24 years old</td>
<td>25%</td>
</tr>
<tr>
<td>25-34 years old</td>
<td>20%</td>
</tr>
<tr>
<td>35-44 years old</td>
<td>20%</td>
</tr>
<tr>
<td>45-54 years old</td>
<td>15%</td>
</tr>
<tr>
<td>55-64 years old</td>
<td>10%</td>
</tr>
<tr>
<td>65 years or older</td>
<td>5%</td>
</tr>
</tbody>
</table>
```

Q.4 How long have you been a designation holder, Associate, or Full Time Student Member?

<table>
<thead>
<tr>
<th>ANSWER CHOICES</th>
<th>RESPONSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than one year</td>
<td>13.81%</td>
</tr>
<tr>
<td>1-2 years</td>
<td>17.15%</td>
</tr>
<tr>
<td>3-5 years</td>
<td>17.73%</td>
</tr>
<tr>
<td>6-10 years</td>
<td>16.13%</td>
</tr>
<tr>
<td>More than 10 years</td>
<td>35.17%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>688</td>
</tr>
</tbody>
</table>

Q.5 What is the difference between a member of CIQS and a designation holder?

This was an open-ended question to gauge whether individuals had an understanding of who is a member of CIQS within the current Association of Associations structure.

Out of 688 responses, 22 of the responses were able to define the difference between a member and a designation holder as outlined in the CIQS Bylaws.

According to CIQS Bylaws

‘Designation Holder’ means a duly qualified individual recognized by the Corporation.

‘Member’ means a member of the Corporation.

Viz: 3.1 Membership Conditions

- Subject to the Articles, there shall be one (1) class of Members in the Corporation. As set out in the Articles, each Member shall be entitled to receive notice of, attend and vote at all meetings of Members and each such Member shall be entitled to one (1) vote on any matter properly put to such meeting. As at the date of adoption of this By law, the following persons are hereby confirmed as all of the Members of the Corporation:
  - Canadian Institute of Quantity Surveyors – British Columbia
  - Canadian Institute of Quantity Surveyors – Prairies and Northwest Territories
  - Canadian Institute of Quantity Surveyors – Ontario
  - Canadian Institute of Quantity Surveyors – Quebec
  - Canadian Institute of Quantity Surveyors – Maritimes
  - Canadian Institute of Quantity Surveyors – Newfoundland and Labrador
  - Immediate Past Chair of the Corporation (ex officio)
Executive Director’s Message

Q.6 Do you feel engaged with your Affiliate?

- Very Engaged
- Somewhat Engaged
- Not at all

Q.7 Do you feel engaged with CIQS National?

- Very Engaged
- Somewhat Engaged
- Not at all

Q.8 Do you participate in Affiliate events?

<table>
<thead>
<tr>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Often</th>
<th>Always</th>
<th>Total</th>
<th>Weighted Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>24.27%</td>
<td>16.76%</td>
<td>20.87%</td>
<td>21.82%</td>
<td>8.18%</td>
<td>688</td>
<td>2.37%</td>
</tr>
</tbody>
</table>

Q.9 Have you served on a board of a Chapter, Affiliate, National? Check all that apply.

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes – Chapter Board</td>
<td>13.52% 93</td>
</tr>
<tr>
<td>Yes – Affiliate Board</td>
<td>12.65% 87</td>
</tr>
<tr>
<td>Yes – National Board</td>
<td>7.70% 53</td>
</tr>
<tr>
<td>No</td>
<td>79.94% 550</td>
</tr>
<tr>
<td>TOTAL</td>
<td>688</td>
</tr>
</tbody>
</table>

Q.10 Would you prefer CIQS to be an Association of Associations or an Association of Members?

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Association of Associations</td>
<td>21.66% 149</td>
</tr>
<tr>
<td>Association of Members</td>
<td>78.34% 539</td>
</tr>
<tr>
<td>TOTAL</td>
<td>688</td>
</tr>
</tbody>
</table>

Breakdown of response by Affiliate

<table>
<thead>
<tr>
<th>Affiliate</th>
<th>Association of Associations</th>
<th>Association of Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>British Columbia</td>
<td>23.96% E</td>
<td>76.04% EG</td>
</tr>
<tr>
<td>Praries and NWT</td>
<td>18.58% E</td>
<td>81.42% EG</td>
</tr>
<tr>
<td>Ontario</td>
<td>20.58% E</td>
<td>79.42% EG</td>
</tr>
<tr>
<td>Quebec</td>
<td>23.68% E</td>
<td>76.32% EG</td>
</tr>
<tr>
<td>Newfoundland &amp; Labrador</td>
<td>33.33% E</td>
<td>66.67% EG</td>
</tr>
<tr>
<td>Members at Large</td>
<td>9.43% AE</td>
<td>90.57% AE</td>
</tr>
<tr>
<td>TOTAL</td>
<td>149 539 688</td>
<td></td>
</tr>
</tbody>
</table>

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Executive Director’s Message

Q.11 What are your concerns about the proposed governance restructuring?
This was an open comment question. Approximately 63% of responses indicated no concern, or felt that they did not have enough information to make an informed comment.

The main concerns in the remaining comments were regional representation, cost and being in-line with similar international associations.

The Restructuring Committee and the National Board will review all of the comments provided.

Q.12 Were you aware that the Affiliates are using CIQS National for their administrative support? This includes financials, event coordination and communications.

Q.13 Is regional representation on the board of CIQS National important to you?

Q.14 In selecting nominees for the board of CIQS National would you prefer an emphasis on:

Q.15 Additional Comments
The survey received 279 additional comments of which 175 indicated no further comment or n/a. Several comments asked that the proposed restructuring background information be redistributed to the designation holders so that they can review again.

Other comments will be reviewed and taken under consideration by the Restructuring Committee and the CIQS National Board of Directors.

Again, I thank you all for your participation in this survey as it will assist the committee and the Board in its next steps in the proposal. A follow-up message from the Board will be available in the beginning of the New Year.

As the holiday season and the end of another year approaches, I would like to thank all of our volunteers on the National, Affiliate and Chapter levels for their hard work and support.

To everyone, I wish you and your families peace and happiness during the holidays and for 2018!

Editor’s Special – from memory lane

CIQS History – From our archives

A little advice from the editors of the Cipher (the previous name of Construction Economist)

IT ISN’T EASY…
To apologize; To begin over;
To be unselfish; To take advice;
To admit error; To face a sneer;
To be charitable; To keep on trying;
To be considerate; To avoid mistakes;
To endure success; To profit by mistakes;
To forgive and forget; To think and then act;
To keep out of a rut; To make the best of little;
To subdue an unruly temper; To shoulder a deserved blame;
To recognize the silver lining;
... BUT IT ALWAYS PAYS!
Into 2018
Economics and the Canadian housing market

As we enter 2018, the media continues to be littered with speculation around what the 2018 housing market could look like right across Canada. Will this be the year when there will be a drop in prices for condos or other forms of housing and, if so, how will this impact those who are already in debt, including recent home buyers?

In response to perhaps the immediate question of “what does drop mean?” I have seen anything upwards of 5% being quoted, which may perhaps not be a ‘crash,’ but is still a drop of some significance. Since 2011, there has been a substantial increase in home equity lines of credit, which is said to have masked a credit crisis created by those consumers who tap their home equity to pay the costs of being a homeowner.

Condominiums or other forms of housing and, if so, will there be a ‘crash,’ but is still a drop of some significance. Since 2011, there has been a substantial increase in home equity lines of credit, which is said to have masked a credit crisis created by those consumers who tap their home equity to pay the costs of being a homeowner. In Canada's largest housing market, Toronto, rising interest rates and record levels of household debt continue to put the squeeze on borrowers. Homeowners’ equity has fallen in parallel with what is said to be a 15% drop in the average Toronto house price since the second quarter of 2017. During this time, lenders have tightened credit in response to tougher regulations, leading to people’s ability to borrow against the value of their homes slowly shrinking.

Optimists say that there is no need to be alarmed as Canada has a low mortgage delinquency rate. Notably, outstanding Home Equity Line of Credit (HELOC) balances reached a record $211 billion in 2016, according to the Financial Consumer Agency of Canada.

For example, Toronto benchmark home prices – which removes the distortion caused by expensive houses – are down about 8% since their April 2017 peak, according to the Canadian Real Estate Association’s House Price Index. Whilst the long housing boom is said to be finally cooling, interest rates are still rising and mortgage credit is tightening. Lenders that once extended HELOC’s no longer are providing such benefits.

Mortgage stress tests that come into effect in January 2018 are expected to further dampen housing demand as economists remain divided about how much further Canada’s housing market will fall. Even though many agree that there may be no mortgage defaults on the scale seen in the U.S. housing crash, there is a general pessimism about housing in 2018; however, some property realtors are not accepting such news readily.

Interestingly, according to data from the Canadian Real Estate Association, which represents realtors across the country, the average Canadian home sold last month was worth $487,000, a figure that has risen by 3% in the past year. In its report in October 2017, the Canada Mortgage and Housing Corporation (CMHC) said that it expected that figure to inch higher for the next two years. “The average should lie between $493,900 and $511,300 in 2017, and between $499,400 and $524,500 by 2019.”

The stress test will subject all borrowers for both insured – and now uninsured – mortgages, regardless of whether they are putting down 5% or 25%, to pass the stress test. The lending restrictions announced by the Office of the Superintendent of Financial Institutions (OSFI) require the minimum qualifying rate for uninsured mortgages to be the greater of the five-year benchmark rate published by the Bank of Canada or the contractual mortgage rate +2%.

In other words, if you secure a five year fixed mortgage at 3.09%, the amount you will be able to borrow will be assuming a rate of 5.09% even though you are technically still borrowing at 3.09%. This is intended to help mitigate risk in the event of a housing downturn while creating a much safer lending environment.

However, this could reduce borrowing power significantly, possibly by as much as 25%.

The process of ‘de-risk’ ensues as banks and other lenders continue to cut the riskiest clients from their balance sheets before any crisis hits. As part of ongoing due diligence, some lenders continue to check credit scores quarterly, to see which clients are overextended, and then raise interest rates or deny a request for more HELOC money in a bid to drive the riskiest clients elsewhere. Canada’s big banks say due diligence means ensuring borrowers have a solid credit history and at least 20% equity in their property to qualify for a HELOC. Internationally recognized as robust organizations, banks in Canada continue to closely monitor levels of household debt and tend to lend to those whom they believe can pay the money back. Time will tell as to where the housing market will end up in 2018. Suffice it to say that the housing market continues to be a point for debate and exchange as it affects most Canadians to a lesser or greater extent, directly or indirectly.

In closing, although the Canadian economy is expected to slow in 2018, the underlying factors for the housing market remain strong, the positives being, population growth with a relatively low interest rate, combined with robust job growth. Therefore, Canadian consumers generally remain upbeat that the market is unlikely to be driven down abruptly; rather, there will be a dampening impact on the housing market as it yet again becomes a focal point for further scrutiny.

I thank you for your support and contribution to the Construction Economist, and sincerely wish you and your families a truly wonderful holiday season and all the best for 2018. If you have feedback, suggestions, and of course any articles that you would like to be considered for publication, please email: editor@ciqs.org.
Organizational Excellence
That Time of Year...

am not talking about the annual festivities associated with the holidays, I am talking about the annual ritual of managers hastily arranging performance reviews with their staff to get Human Resources off their backs. In most organizations the process is the same, once a year. Usually, before annual pay increases are awarded, there is a mad scramble to have cursory conversations, complete paperwork, check boxes, and generally do enough to convince ourselves that we have yet again successfully completed the Annual Review process.

Some organizations have done away with the annual process altogether but, for the majority, the results are the same. Leadership teams are driven to exceed last year’s ‘completion rate’ of 87%, and HR departments are mobilized to chase the stragglers and push managers to just get it done. Does that sound familiar? Over the past three years I have surveyed a number of organizations and the results are, sadly, not surprising.

Over 80% of staff questioned confirmed that they had indeed had a performance review in the past 12 months, but less than 30% of those lucky individuals considered it a meaningful development exercise, the rest viewed it as a form-filling exercise, and a ‘necessary evil.’

It strikes me as crazy that we invest millions of man-hours every year chasing a statistic that has such little impact on our business. I have had the pleasure of presenting at several HR Leadership conferences in recent years and, when I initiate the discussion with these senior leaders, I am often met with the same response, and it goes something like this:

“We acknowledge that the current system is not working so we are making changes. We are…
(a) introducing a mid-year review,
(b) switching from excel to a web based tool.
(c) changing the ranking system from numeric to alpha-numeric,
(d) holding the review in September instead of December,
(e) a combination of all of the above.”

It is my contention that these incremental changes, however well meaning, are not actually getting to the root cause, and do not result in significant improvements. So, if we all recognize that what we are doing is not actually resulting in employees feeling like they are being developed, why is it so difficult to fix the issue? Simply put, it is because change is really difficult and human nature means that we would prefer to continue doing something with limited, but predictable, results, rather than risk all and make a significant change.

From the research I have conducted I do not believe the change has to be that significant. It helps us to understand the reason for conducting an annual review in the first place, and that is where the solution starts to present itself. The review is attempting to do two distinct things. It is promoted as a personal development tool, a means of helping an individual on the journey of continued growth and learning. At the same time, it is used as an accountability tool – did the person complete the tasks and goals...
to which they had committed, 12 months ago? It is difficult for one conversation to cover both of these essential tasks. Therefore, the first step in creating a meaningful tool is to recognize that these two issues can, and should, be treated separately.

If we look at the Personal Development aspect first, we should ask ourselves, “What is its real purpose?” As the work environment changes and the use of technology blurs the lines between the different parts of our lives, I believe that it is a tool to be used by an individual as he/she progresses on the journey through life. This then raises the obvious question, “Who owns it?” The ownership, development, completion and overall accountability for it should rest squarely on the shoulders of the individual in question. In fact, if done properly, it should follow from job to job, through career changes and life events, because it should include all aspects of life, that way helping promote a balanced approach to not only work, but life in general.

If individuals develop their own plans, in whatever format suits their personalities, and they are encouraged to share aspects of them with their colleagues, mentors and supervisors, the result will be regular, meaningful conversations that support a person’s growth. Having run pilot programs in a couple of organizations I am amazed at the creativity and engagement demonstrated by people when they are given the freedom and encouragement to take back ownership of their futures. Feedback suggests that, rather than waiting for a formal meeting once or twice a year, casual conversations are taking place on a regular basis; this provides many benefits, most importantly a feeling of increased engagement.

The second important part of the process that cannot be ignored is the accountability part. Helping people hold themselves accountable for the commitments they have made is a critical part of any performance management system. Therefore, the development of a Contribution Plan is a potential solution. The purpose of the ‘Contribution Plan’ is to clarify the objectives and goals of individuals, ensuring they are aligned with the department goals and overall missions of the employer organizations. The plan should include a 90-day action plan, clearly identifying the next steps to be taken towards achieving the goal.

All too often the traditional annual review process identifies some lofty goals that will be completed during the next 12 months. Without an actual plan, what typically happens is the conversation the following year becomes a collection of excuses and rationalizations to justify why a goal was not completed. Again, regular informal conversations between a supervisor and employee with regards to progress on the action plan are far more productive than the annual backward-looking review.

If the most important people in our lives – our children, spouses or family members – behave poorly, we typically give them instant feedback yet, at work, we choose to wait until a meeting happening in several months’ time to address the same issues. We need to reduce the timeframe between observing an off-purpose behaviour and intervention from several months to a few days maximum. Having a regular review of the contribution plan provides an opportunity for providing direction and feedback in a more pro-active way.

As Quantity Surveyors none of us could imagine reviewing the project cost plan on an annual basis, crossing our fingers and hoping that it was all OK for the other 11 months of the year, yet we are prepared to let our most important resource, our people, languish for many months with limited check-ins or feedback.

As leaders we should not allow existing performance management systems and processes to get in the way of us doing one of our most critical roles: developing our people so that both they and our organizations thrive for years to come. It all starts with you – take control of your own personal development – stop waiting for others to do it for you. You may not be in a position to change the process or system at your workplace, but you owe it to yourself not to become a slave to it.

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Using change directives to delay compensation and adjustments to the project schedule

A troubling trend

Acceleration; critical path; milestones; liquidated damages; change directives; and change orders. These are terms used in today’s fast-paced construction industry where project delays have serious financial consequences and parties are required to perform additional work before the terms upon which the work is to be performed are agreed.

With a significant number of projects going out for tender with partially completed drawings, it is not unusual to have hundreds of change orders and hundreds of change directives issued during the course of the project, all in an effort to ensure that the project is completed on time. Unfortunately, when it comes to change directives, the entitlement to payment for additional work and adjustment to the contract time are only addressed once a change order is issued. When this conversion (from change directive to change order) takes place at the end of the project, a financial burden and risk of non-payment is placed upon the parties performing the additional work.

This article examines how some Canadian courts have interpreted the change order and change directive provisions of the CCDC 2 contract and how the process for making changes to the original scope of work can be used to delay payment, resulting in frustration and litigation. CCDC 2 entitles an owner to change the scope of the work without invalidating the contract; however, the owner can only do so through change order or change directive. In fact, the contractor is not required to perform the additional work until a change order or change directive is issued.2

In Aaffinity Contracting & Environmental v APM Construction Services, the plaintiff was retained by a contractor, APM, to provide demolition services for the renovation of a Walmart in Nova Scotia. APM and Walmart entered into a CCDC 2 contract. The plaintiff’s subcontract incorporated by reference the CCDC 2 contract and limited the plaintiff’s recovery for extras to the amount recovered by APM from Walmart. The original subcontract price was $100,000; however, during the course of the work, the plaintiff was instructed to provide additional services increasing the subcontract price to $179,058. On some occasions, time and material sheets were signed and change directives were issued by Walmart, but on other occasions, no change directives were issued. APM, however, verbally approved the plaintiff’s cost estimate and instructed the plaintiff to perform the work. On those occasions, the plaintiff did not have time and material sheets signed by APM. No change orders were issued by Walmart for the ‘extra work.’

The Nova Scotia Supreme Court found that APM could not, under the CCDC 2 contract, invoice for the ‘extra work’ and had not issued a change order. As a result, the plaintiff’s motion for judgment was premature. The court unfortunately made no comment regarding the length of time Walmart took to review the plaintiff’s request for additional compensation, but clearly conveyed to the parties that the plaintiff must wait until a change order is issued before it is entitled to payment for ‘extra work.’

Although the courts do not appear to have provided much guidance with respect to the delayed conversion of change directives into change orders, guidance may however, be found in the contractual duty of good faith and duty to act honestly and reasonably.4 Urbacon Building Group v The Corporation of the City of Guelph is a case which primarily deals with the termination of a contract; however, Justice MacKenzie of the Ontario Superior Court of Justice makes some interesting comments regarding the change order/change directive process. In this case, the parties entered into a CCDC 2 - 1994 contract, with a contract price of $44,520,000. Payments were to be released to the contractor upon achieving certain milestones. The court described the difference between a change order and change directive as follows:

“Essentially a change order is utilized in a situation where the owner and contractor agree to adjustments in the contract price and contract time or the method to
be used to determine the adjustments and that agreement shall be recorded in a change order signed by the owner and contractor.”

“A change directive is issued in a situation where the owner requires the contractor to proceed with a change in the work prior to the owner and the contractor agreeing upon the adjustment in contract price and/or contract time and in that event, the owner through the consultant shall issue a change directive.”

The court confirmed that GC 6.3.2 allows the contract price to be adjusted for the extra work, while GC 6.5.1 confirms the contract time can be adjusted where the owner or consultant delayed the contractor in the performance of its work. While disputes related to an entitlement to additional time and compensation can be resolved under GC 8, once a change directive is issued, the contractor has no choice but to proceed with the change in the work.

While Urbacon agreed the consultant was entitled to issue a change directive and that payment to Urbacon would be postponed until a change order was issued, the court indicated that parties to a contract “have an obligation to perform or discharge their duties and obligations under the contract in good faith; that is, to do no act or omission that would detract from the discharge of those duties and obligations under the contract.” Although this reference to a duty of good faith was made by a court prior to the Supreme Court of Canada’s decision in Bhasin, it is possible this duty extends to an owner’s and consultant’s obligation to resolve change directives promptly so that the conversion of change directives into change orders is not left to be resolved at the end of the project.

GTA Structural Steel Ltd. v 20 Ashtonbee Holdings Ltd. is an interesting case from the Ontario Superior Court of Justice in that the owner and contractor referenced an intention to enter into a CCDC 2 - 1994 contract, but never signed the contract. Similarly, the contractor and subcontractor exchanged a subcontract agreement, but did not sign a subcontract. In the GTA Structural case, the owner issued site directions, contemplated change notices and contemplated change orders which required the contractor to perform extra work, and extended the time for completion of the ‘extra work.’ The plaintiff submitted quotes for the extra work, but its prices were not accepted. The plaintiff was, however, ordered to do the work. Although the contractor’s form of subcontract incorporated by reference the prime contract, since the subcontract terms were never accepted by the plaintiff, the court found the plaintiff was not bound to the CCDC 2 “Change Order Procedure.”

The court commented upon the contractor’s insistence upon compliance with the Change Order Procedure in the CCDC 2 contract, and indicated that the contractor’s conduct “amounted to cherry picking and relying on the procedure when it suited its objectives.” The court concluded the plaintiff never agreed to the Change Order Procedure in the CCDC 2 contract, therefore the contractor could not take the position that the value of extras are those determined by the owner’s consultant pursuant to the Change Order Procedure.

With respect to the value of the extras, the court stated: “As (1) Hady was on notice of the plaintiff’s rates for the changes from the time of its original quotation, (2) Hady knew there was never an agreement in place to have extras determined by the Change Order Procedure in its agreement with the Owner, (3) Hady requested extras, (4) Hady insisted that the extra work be done before agreement on the value of the extras after the plaintiff had quoted, I find that Hady agreed to the supply of extras on the basis of the quoted price and that Hady is bound to such agreement. In such circumstances as Hady by its actions agreed to the work being done and insisted on it being done, by its actions it agreed to have the work being done on the basis of the plaintiff’s quoted price for the extra.”

The final case reviewed involves the de-scoping of a portion of the prime contract and, as a result, a subcontractor’s scope of work causing the subcontractor to refuse to provide the information needed by the contractor to negotiate compensation on account of the reduced scope of work. The case also discusses mitigating damages when a party’s scope of work is decreased.

In Advanced Precast v Brown Daniels, Master Albert was asked to determine: “What happens when performance of a contract is frustrated by the actions of a non-party?” In this case, the owner and contractor entered into a CCDC 2 - 2008 contract. There were two components to the precast work (which formed the subject matter

“With a significant number of projects going out for tender with partially completed drawings, it is not unusual to have hundreds of change orders and hundreds of change directives issued during the course of the project, all in an effort to ensure that the project is completed on time.”
of Advanced Precast’s subcontract): remove and reinstall the precast; and saw-cutting a concrete wall.

Issues arose on site and the architect issued a proposed change notice (PCN) de-scoping the requirement to remove and reinstall the precast from the prime contract and as a result, the subcontract. The contractor sent the PCN to its subcontractor and requested changes to the contract price and terms for the proposed deletion. The subcontractor refused to provide the information needed by the contractor to negotiate a reasonable change in price reflecting the money expended on the work eliminated. The contractor, as a result, could not comply with its obligation under the CCDC 2 contract to present the method of adjusting the price as a result of the de-scoping of the precast work.

Master Albert found that the subcontractor and contractor “had a duty to mitigate reasonably…[Advanced Precast] had the ‘last clear chance’ to minimize the loss and had an obligation to take reasonable steps to do so.”12 Master Albert found the contractor also failed to reasonably mitigate. Although the contractor tried to secure documentation from Advanced Precast to prove actual costs, when Advanced Precast refused, the contractor gave up and allowed the consultant to fix the amount. In the end, the court found Advanced Precast 2/3rd liable for its failure to mitigate and the contractor 1/3rd liable for Advanced Precast’s damages.

While the court in Aaffinity missed the opportunity to comment upon the length of time an owner takes to review submissions in response to a change directive so that it can be converted into a change order before the project is completed, reference to the duty of good faith in Urbacon and Master’s Albert’s comments regarding the contractor’s and subcontractor’s failure to facilitate the processing of a change order may give parties and the courts the tools needed to hold accountable those parties using change directives as a tool to delay compensation.

**Endnotes**

1. Part 6 of CCDC 2 - 2008
3. Aaffinity Contracting & Environmental Ltd. v APM Construction Services Inc., 2015 NSSC 33, Arthur LeBlanc, J.
4. In 2014, the Supreme Court of Canada in Bhasin v Hrynew, 2014 SCC 71 found a duty to act honestly applies to the performance of all contracts. The court concluded parties must perform contractual duties honestly, in good faith and reasonably.

   There is an organizing principle of good faith that applies to contracts, including construction contracts.
5. 2014 ONSC 3641, MacKenzie, J.
6. Urbacon at para 10
7. Urbacon at para 159
8. 2012 ONSC 7158, Master Polika
9. GTA Structural at para 74
10. GTA Structural at para 84
11. (2013), 25 CLR (4th) 146, Master Albert
12. Advanced Precast at paras 31-32

**About the author**

Committed to professionalism and excellence, **Sandra** is passionate about improving and enhancing the practice of construction law and the construction industry. She represents her clients in prosecuting and defending lien and breach of trust claims, construction product liability claims, construction industry receiverships, and assists clients with negotiating and drafting construction contracts. She is certified by The Law Society of Upper Canada as a Specialist in Construction Law and has insight into the issues faced by her clients, construction professionals and the construction industry. Sandra is one of Canada’s leading construction lawyers. She is consistently ranked in both Best Lawyers® in Canada and the Canadian Legal Lexpert® Directory.

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Hotel Group Rates  (available 3 days pre and post based on availability)

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Preliminary Program

THURSDAY, JULY 19TH
CIQS National Board Meetings
Young QS meeting / evening out

FRIDAY, JULY 20TH – CONGRESS DAY 1
Technical Sessions
Speakers, Entertainment, Networking
CIQS Info Session - Year in Review (designation holders only)
Dinner and Pub Night (off-site)

SATURDAY, JULY 21ST – CONGRESS DAY 2
Clive Evans Living Golf Tournament
Free day to tour Halifax and local sites
President’s Dinner

SUNDAY, JULY 22ND
Morning breakfast at the hotel
JULY 19–22, 2018 | DELTA HALIFAX

Where Tradition Meets Innovation

2018 CIQS Congress
Hosted by CIQS – Maritimes

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CIQS – Maritimes has selected Delta Halifax to host the 2018 CIQS Congress. Centrally located in downtown Halifax, the hotel features mesmerizing views of the harbour and offers convenient access to the city’s top attractions.

LEVEL OF SPONSORSHIP

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Your esteemed support in making this celebration a timeless event is most welcomed and appreciated. We are honoured to be associated with such generous members and friends!

For sponsorship information, please contact Ms. Sheila Lennon at execdir@ciqs.org

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An Inspirational Leader

Bola Abisogun is a Chartered Quantity Surveyor (Fellow of the RICS), a Chartered Construction Manager (Member of the CIOB), a Professional Quantity Surveyor (Member of the Canadian Institute of Quantity Surveyors), a professional member of the Association of South African Quantity Surveyors), a licensed RICS APC Assessor and Founder of Urbanis Limited (UK)/Urbanis CM LLC [US].

Could you tell us about your childhood and what influenced you?
I grew up during the 1970s in an area of the UK that suffered from extensive and wide-scale poverty. Hackney, based in East London, was considered, at least statistically, one of the most deprived wards in the country, and yet I had no idea of this stark reality as I grew up. My parents both worked and instilled the value of education in my siblings and me, from an early age.

By doing well in education, we were rewarded accordingly. I lived on a large estate called Kingsmead and was well known for having an extensive collection of LESNEY model cars and one of the largest sets of LEGO. It was the countless hours of playing with these toys that forged a lifelong fascination for the construction process amidst the wider construction industry.

Could you tell us about Urbanis and its objectives?
Following my formal post-qualification of the RICS APC process back in 1999, I was empowered following a trip to the US, to return to London in 2000 and start my firm offering traditional PQS Services. This venture failed largely due to a lack of ‘small business’ support and the oversight of supplier diversity, across the ‘procurement’ of corporate professional services. In 2003, I reinvented myself as an ‘educated’ contractor offering two principal services.

The first was small scale construction management incorporating my QS background, which was the ‘value add’. The second was an attempt to demonstrate a moral compass by engaging with and serving the needs of those within urban inner city and hard to reach communities. I wanted to reach out and get these often talented individuals involved in the delivery of large scale CapEx/public sector refurbishment programmes. There have been many failures with this outward-facing business model, but many successes too!

What is DiverseCity Surveyors (DCS)?
Otherwise known as the RICS BAME Network, this was and remains the culmination of a 12yr conversation with my professional body (RICS) which revolved predominantly around my industry experience as a black professional. To be told, in 2005, that I was one of two companies led by a qualified Surveyor, and then advised in 2017, that only 1.2% of qualified members are from a BAME background, was totally demoralising.

Thanks to various ‘Diversity & Inclusion’ Champions, during that period (since my profile by the RICS in 2005), the request from the Senior Management Team led by Matthew Howell (and Lucile Kamar, Equalities Manager) to set up a network for BAME professionals (specifically Surveyors) was a very easy decision, given that I had already started this aspiration in 2006, when I registered the web domain name.

Essentially, the DCS Network is a forum that seeks to promote excellence amongst built environment professionals (specifically Surveyors) and progress the conversation around diversity in construction (in particular ethnicity) with the wider real estate and construction industry…

“…Talent really has no boundaries, so to attempt to restrict any deserving opportunity ‘to excel’ to those ‘that look the part’ or have emerged from the ‘right’ background, is at best morally bankrupt and, at the very least, a derogatory affirmation…”

“…as we go about our daily, client-facing duties “to be yourself and remain whole in the workplace” should mean the same thing for every real estate and/or construction professional, across the globe…”

Bola Abisogun is a Chartered Quantity Surveyor (Fellow of the RICS), a Chartered Construction Manager (Member of the CIOB), a Professional Quantity Surveyor (Member of the Canadian Institute of Quantity Surveyors), a professional member of the Association of South African Quantity Surveyors), a licensed RICS APC Assessor and Founder of Urbanis Limited (UK)/Urbanis CM LLC [US].
What brought you into North America? The lack of supplier diversity on the professional services side in the UK, coupled with a barren landscape of successful black-owned micro businesses/boutique SME firms, as well as progressive individuals and role models, led to major frustration so, in August 2000 I had to realise my aspiration by networking with these same individuals and organisations - who were all based in North America, with a particularly relevant concentration in Atlanta, Georgia - where we now have an office, some 16 years later.

Why did you obtain the PQS designation? During September 2015, I met up with Professor of Practice, Mr Brian Bowen (Ex-President of Hanscomb, USA) and Professor & Chair of School of Building Construction Dr, Daniel Castro. My specific ask to them was “… where is/was the pipeline of talent for QS's/Cost Managers in Atlanta?…” It then became apparent to me that the pipeline was largely non-existent and, as a consequence, I agreed to help them establish an academic offer – at the Georgia Institute of Technology (GT) in Advanced Construction Cost Management. Three months later (December 2015), the CIQS and RICS entered into a reciprocity agreement. It was and remains a strategic acknowledgement/aspiration, in seeking to ‘expose and market’ the commendable work of both the RICS and CIQS into and across the United States of America. I applied in July and became a Professional Member (PQS) in September 2016.

What are your thoughts on Fairness, Inclusion and Respect [FIR]? A FIR agenda was established in the UK on the back of my 2-year Chairmanship of the EHRC Inquiry into ‘Race Discrimination in the UK Construction Industry’. The objective back in 2011, was for the industry to attempt to ‘rebrand’ itself, given the findings of the inquiry as published in 2009. Essentially, the industry was predominantly white, male and very unwelcoming towards BAME built environment professionals and female graduates. FIR can only be implemented with successful outcomes if the ‘moral compass’ of the owner/instigator is implemented with conviction and measurable outputs/KPI’s. Tokenism often does more harm than good.

How can Canada learn from the lessons out of the UK and USA? What a great perspective to even consider! Perhaps, you (Canada) should observe what has served and worked well for the populace. Whatever is found to have failed or fallen short of industry wide expectation(s) should be dispensed with and replaced with ‘tried and tested’ inclusive strategies that stem from ‘inclusive leadership’. As for diversity, I can see that Canada has sight of the issue and keeps the dialogue front of mind; so not much to learn from abroad. Perhaps the concept of ‘positive discrimination’/affirmative action, will emerge over time? It should also be noted that Canada is a world leader in all things P3.

Both the North American market and much of Europe has adopted this ‘tried and tested’ form of project procurement. As a Chartered Quantity Surveyor, I am a huge fan of whole life cycle costing which is the cornerstone and bedrock of any successful P3 venture. I think that the P3 ‘delivery model’ has been and continues to be a great Canadian export, particularly in the United States of America, where the emerging contract opportunities are creating significant commercial opportunity for quantity surveyors/cost consultants/cost engineers and project control professionals to lead the design team from a commercial perspective.

What are your current initiatives, thoughts and expectations for 2018 and beyond? I remain totally conscious of the fact that the global construction industry is still largely a laggard when it comes to technology and very much ‘the stumbling block’ to its own success. The paradigm shift, quietly taking place, through the use of technology will only increase and the short question is, “where will you be when the ‘business case’ to disrupt the industry becomes normalised and rampant”.

I continue to embrace every available technological platform with a view to reinventing myself and my commercial offer in the market, whilst simultaneously attempting to ensure an enhanced value-proposition is offered to my clients, underpinned by a genuine willingness to ‘learn and fall along the way’ as an early adopter. I am also extremely clear, in my own mind, that I must not get left behind through fear of the unknown journey ahead – it’s an exciting time to be a construction professional, in an industry that needs to prepare to leap into the 22nd Century!

DiverseCity Surveyors, successfully launched at an event hosted by RICS, during the 30th Anniversary of Black History Month at RICS HQ in London, with a 2nd event held in November 2017, prior to thanksgiving in Atlanta, GA (USA). It is, of course, a career long aspiration to ‘continue the conversation’ with the industry around the key themes and challenges that are presented to BAME surveyors, on a daily basis.

Can you tell us a little bit about your hobbies and pastimes? Outside of work I enjoy plenty of sports with my three sons. My two youngest excel in football and taekwondo. I have been blessed with five, yes 5, beautiful children and a wonderful wife. My principal pastime is spending time with my family. I work extremely hard and travel extensively, frequently on international business. I love to cook with my children and catch up with my parents and siblings at the weekend.

Outside of my family, I do plenty of work in the community with young people, particularly young black men. I visit prisons, local schools and colleges and seek nothing more than a positive dialogue that will inspire and equip them to raise their game and think BIG!

Would you have any concluding thoughts? Life is short, live everyday as though it were your last and remember, we are all on a journey of finding ‘ourselves’ and ‘our purpose’. When you find your purpose, know that this is in fact your calling to commit to helping others find theirs too… that way, the world will always move in the same direction, with a common purpose – an awareness and mutual respect for each other’s difference(s).
Each year, at the decision of the CIQS – Ontario Board of Directors, a student member is invited to attend the Annual General Meeting (AGM) in the springtime and is presented with the prestigious Gordon D. Pattison Award. Presented annually since 2000, and aptly named after one of the Founding Fathers of the Institute, the Gordon D. Pattison Award is given to a student member enrolled in a Level 4 fully-accredited program recognized by the Institute.

The student member is evaluated on a list of stringent criteria that take into consideration overall academic performance, with particular emphasis on the quantity surveying subjects, extracurricular activities, with special importance given to participation with the individual’s involvement in his/her local Chapter.

At the 39th CIQS – Ontario AGM held in May 2013 in Toronto, this prestigious Award was presented to Tyler Sicotte, PQS. At that time, Tyler was in his final year of studies in the Construction Engineering Technology program at Niagara College in Welland. Prior to his graduation, he was also presented with the Hans Meithig Award for Academic Excellence, also from Niagara College.

We first made notice of Tyler’s Award in the Volume 3, Issue #1 publication of the CIQS – Ontario eNewsletter, which was released to members in July 2013. That article provided a brief glimpse into the submission process and selection method for this Award.

As part of the submission process for his candidacy, one of Tyler’s professors at that time, Dino Morabito, PQS, submitted transcripts, an updated resume, and mother pertinent information to allow the Board of Directors to make their selection. According to Mr. Morabito, Tyler was “…a mature, motivated student who exemplified the qualities of a quantity surveyor… he also possessed exceptional leadership, organizational and motivational abilities.”

Mr. Sicotte’s interests in quantity surveying originated from his estimating classes, taught by Mr. Morabito, whom Tyler believed was “…an excellent ambassador for CIQS,… as he would occasionally invite guest lecturers who were professionals from the industry to talk about their work and provide us with useful professional advice.”

With guidance from Mr. Morabito, coupled with a clear aptitude for quantity surveying, Tyler’s cumulative efforts came to fruition in his 6th semester of studies when he captained a team of students who competed in the Simulated Student Bid Competition sponsored by The Construction Institute of Canada (TCOC). This annual event is held in order to help students understand the real-life challenges that are present within the construction bidding and estimating process.

This authentic experience, coupled with a strong educational interest and foundation, paved the way for Tyler as he had already secured full-time employment with BTY Group Inc. in St. Catharines, prior to his graduation.

Around this same time, Niagara College was awarded funding from the Federal government for a new initiative called the Graduate Enterprise Internship, which provides hiring incentives to employers of various programs at the College including the Construction Engineering Technology program, in which Tyler was a student.

As part of this Internship, Tyler was required to submit three separate online posts to document his progress. Excerpts are:

Post #1, submitted on June 28, 2013:
“It has been almost two months since I finished [my College] classes… I started working shortly after at BTY Group… as a Graduate Cost Consultant. My area of focus is cost planning and management… My desired outcomes are to become reliant and dependable with my tasks/projects, receptive and patient while gaining experience and receiving feedback and finally to continue to strive to exceed expectations. My strategies to achieve these desired outcomes include building relationships with clients and [my co-workers], to be receptive to learning and mentorship moments and to stay optimistic and confident.”

Post #2, submitted on August 7, 2013:
“… I am reaching my goals and desired outcomes… At this point I believe the work is well suited to my abilities, there is a lot of information and knowledge to absorb that hopefully one day will become second nature… My personal objectives seem clear if I wish to excel; to broaden my experience in construction and project management, become fluent in the methods of… a quantity surveyor. And my final objective is to enjoy the work and to take pride in my efforts with my team… I’m excited and happy about… beginning my profession in quantity surveying.”

Post #3, submitted on November 1, 2013:
“… I am very pleased with the outcomes and the experience I have gained [in this position]… Initially I considered my
outcomes to include learning the effective strategies and core competencies of a...quantity surveyor (the accredited profession I am working towards). From that outcome my...most desired goal [is] to find and commit to a profession and workplace that offers me enticing challenges, a conducive learning environment and pride in the work I accomplish...The daunting feeling and uncertainty I had when I first started seems foreign to me now as I look towards the future with confidence [and] enthusiasm..."

Interestingly, after just 6 months of work experience, Tyler's stated goal was to work towards his desired "accredited profession." This objective was later obtained as he was granted his PQS designation in May 2016.

Fast-forward four years and Tyler is currently employed at one of the global quantity surveying firms, Altus Group. While his employment title of Cost Consultant is relatively self-explanatory to those in the industry, Tyler's self-described "pet projects" include the “…development of an extensive, organized and malleable unit rate library/database.” From the online posts listed earlier, it is amazing to see how Tyler's singular focus of striving to “exceed expectations” and “committing to this profession” is exemplified in his attitudes carried forward some 4 years later.

While it can certainly be demonstrated that Tyler has an aptitude towards the quantity surveying profession and a level of commitment that was confirmed as early as his College days, it is also essential to note that he had the foresight to ensure he had a solid footing to safeguard his future employment. That started with his decision to become a Student Member of CIQS – Ontario.

This conclusion not only introduced him to the profession, but it also gave him the opportunity to meet many influential individuals, with his going so far as to point out two such gentlemen who have had a profound effect on his journey: the aforementioned Mr. Dino Morabito, PQS and Mr. David Lai, PQS(F). These men have acted as mentors to Tyler, who admits they provide guidance and assistance to him “even to this day.”

Like Tyler recognized many years ago, Student Members of CIQS – Ontario often take advantage of formal and informal mentoring relationships with some of the more experienced members who provide guidance and useful insights. He now finds himself in the enviable position of being able to mentor others, as he admonishes the younger CIQS – Ontario members to “…never turn down a learning opportunity.”

Tyler believes his initial decision to join CIQS – Ontario as a Student Member demonstrated a “…level of commitment and dedication to becoming an engaged member and potential leader in this profession… that [opened] doors for [me] in a professional network [that helped] distinguish [myself] among [my] colleagues and clients.”

“When you are confident and can deliver what’s expected to your boss or client,” Tyler states matter-of-factly, “then look for ways to exceed expectations. This helps to leave a good impression, reinforces your positive work ethic, distinguishes you among peers and clients and opens you up to bigger and more complicated challenges.”

This excellent attitude and work ethic has leant itself to a short-term goal for Tyler, who envisions himself as Director of Cost Planning and Project Management in the next four years. He hopes to hire “aspiring quantity surveyors who are engaged and strive to exceed expectations.”

We applaud Tyler’s efforts and also believe that winning the Gordon D. Pattison Award in 2013 served as a springboard for his current position and future goals. For those of you who had the extreme pleasure and blessing of knowing Gordon Pattison, you will agree with me that Tyler exemplifies some of the attributes that served Gordon so well in his decades of involvement with the industry and CIQS – Ontario: clarity, focus, dedication and hard work. Despite Gordon’s passing two years prior to this Award presentation, I know he would have been very proud to know a young man like Tyler was not only given an award that bears his name, but that he was dedicating himself to his career aspirations.

To think this all began with Tyler’s decision to become a Student Member with CIQS – Ontario. If it is not already evident, there are many advantages to becoming a Student Member of the Institute. The true impact of your membership comes from your participation with the Institute. Get involved. Once you have made the commitment to join, make a secondary and more personal commitment to helping the Institute grow. By moving forward and personally helping CIQS - Ontario to achieve its mission, you will immediately start to see the fruits of your labour, much like Tyler has.

Joining the CIQS – Ontario as a Student Member is beneficial for your own professional development and the future of your career. Think of this as “sowing seeds for a future harvest,” as the connections you will make, the resources made available to you and the ideas and advice you will discover represent an outstanding return on your investment of time, money and effort. It could turn out to be one of the best decisions you could make for yourself and your career. 

“...for whatever a man sows, that shall he reap."
– Paul of Tarsus
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Changes in your assets

If you are one of the minority of Canadians that has a Will, congratulations! By having a Will, you have made the decisions of who will handle the assets in your estate, who will receive those assets and how those assets will be received. You may have also provided for custody of your minor children and you may have considered and implemented Estate Administration Tax (probate fees) and income tax savings strategies. You would quite likely also have put into place Powers of Attorney for Property and Powers of Attorney for Personal Care. All of this required a lot of thought and hard work on your part.

Then what happens?
For most people, the Will and other estate planning documents get put away in a safe place and are forgotten about. Then life happens; your family circumstances change, your financial circumstances change and the laws changes. Your Will and Powers of Attorney were made based on a snapshot of your life and the applicable laws at the time. These documents do not ‘expire’ but they also do not adapt to accommodate significant changes in your life or in applicable estate laws. If your estate planning documents are more than three to five years old, it is time to review and update them.

There are generally four reasons to consider up-dating your estate planning:
1. You have experienced a change in your assets;
2. You have experienced a change in family life and relationships;
3. There has been a change in estate law;
4. There has been a change in the income tax law.

In this article, Change in Assets are discussed.
If you have had a significant increase or decrease in your assets, it is important to review your Will.
You may have bought a major asset (a cottage, business, vacation home, valuable painting, etc.) that has not been factored into the distribution in your Will. You may have experienced a change in family life and relationships; you may have disposed of an asset that was earmarked for a beneficiary and need to re-visit the plan. Your asset mix may have changed requiring a review of the estate plan; you may have more RRSPs, a new insurance policy or pension plan, or TFSAs all of which can be dealt with by beneficiary designation in your Will or outside of it, but all of which should be considered in the overall estate plan. All of these changes require a check-up of your Will and review of your estate plan to make sure it still makes sense, or to up-date it so that it does.

Stay tuned for upcoming articles on the other reasons to update your Estate Planning.

About the author
Mary Wahbi, JD, TEP is a partner at Fogler Rubinoff LLP. Her practice focuses on estate planning, estate administration, corporate reorganizations and business succession planning.
For the fifth consecutive year, a joint seminar was held between the GTA Chapter of CIQS – Ontario and the Toronto Chapter of RICS. This seminar, which dealt with project loan monitoring, independent certification and professional liability, was once again hosted at Otello’s Banquet & Convention Centre in Oakville on Thursday, November 16, 2017.

Through this seminar, participants in the construction industry, either as contractors, sub-trades or material suppliers, continued to advance their understanding of services such as Project Loan Monitoring, Independent Certification and Professional Liability. The seminar covered the purpose, issues, typical approaches, rights, obligations, advancements and ongoing development of these professional services.

A first-class array of senior industry speakers was assembled for this event, all of which have extensive experience in the various topics covered. They provided their perspectives on where we are today, and approaches and issues around professional liability.

The Event Chair for the evening was Mr. Craig Woodall, Owner, Byng Leadership Inc. With an extensive background in engineering, project management, construction management and operations management, Craig brings over 25 years of experience to helping people and organizations grow by maximizing their leadership potential.

The list of speakers and their roles included:

- **Introductions and Welcome:**
  Mr. Alan Hand, CEO, A.W. Hooker
- **Project Loan Monitoring – Overview:**
  Mr. Darren Cash, Director, BTY Group
- **Project Loan Monitoring – Case Study:**
  Mr. Donny Afonso, Principal, Pelican Woodcliff Inc.
- **Independent Certification:**
  Mr. Philip Nixon, Executive Vice-President (North America), WT Partnership
- **Professional Liability:**
  Mr. Harp Khuk, Lawyer, Corestone, Construction & Property Law
- **Guest Panellist:**
  Ms. Ann Lawson, Senior Consultant, A.W. Hooker Associates Ltd.
- **Conclusion and Event Close-Out:**
  Mrs. Susan Neil, Executive Vice President, Hanscomb

Attendees were also treated to an exclusive pre-event presentation: Developing the Brand – Quantity Surveying. This session, which was hosted by one of our event partners, the Canadian Association of Consulting Quantity Surveyors (CACQS), explored:

- **Relevance of the Brand:** presented by Mr. Bruce van Ryn-Bocking, Executive Director, CACQS
- **Lobbying of Services:** presented by Mr. Louis-Yves Lebeau, President, Macogep
- **Developing the Brand:** presented by Ms. Sorina Du Toit, President, SDT Cost Management Inc.

The evening concluded with the presentation of the 2017 Volunteer Award of Excellence to long-standing CIQS – Ontario member, Mr. Ian Duncan, PQS(F), Principal of Atrium Consultants. Ian has dedicated almost three decades to the service of the Institute across municipal, provincial and national levels. He boasts an impressive list of Institute accolades, which were presented by Mr. Arif Ghaflur, PQS, Founder and President, Lakeland Consulting Inc. and Editor, *Construction Economist*. 

By Mr. Lenny Simonelli, PQS(F), Editor, CIQS – Ontario eNewsletter.
Economist. Among the many achievements are:
- CIQS designation holder since 1990
- Served as the 20th President of CIQS – Ontario from 2006-2008
- Served as the 41st President of CIQS from 2009-2010
- A past winner of the prestigious Gordon D. Pattison Award of Merit
- Recognized as a Fellow of CIQS
- Named Chair of PAQS in 2015, which marked the first time a

We would like to extend our gratitude to the organizers of this event, the wonderful guest speakers and also the event partners, whose generosity helped us to host a fabulous seminar.

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This annual event is held on the 3rd Thursday of each November, so please mark down in your calendars for next year’s event: Thursday, November 15, 2018. We hope to see you there.

designation holder from CIQS held the organization’s top position
Ian was also very instrumental in reviving the Institute during a period of inactivity and general lack of interest from members, which culminated in the historic 50th anniversary celebrations in Toronto in 2009. He is always willing to assist others, with particular emphasis on acting as a mentor to many newer members.

With over 35 years spent working in the Commercial and Project Management side of the construction industry across Canada, the United Kingdom and the Caribbean, Ian now practises as a Consultant Quantity Surveyor/Commercial and Contracts Management with his own firm, Atrium Consultants.

The Award was presented by Mr. Arif Ghaffur, Editor of the Construction Economist, and CIQS Executive Director, Ms. Sheila Lennon.

Congratulations, Ian, on a well-deserved award! 🎉
MEMBER INTERVIEW

Wassim Sultani

When was your first introduction to construction?
I started my career in construction in the summer of 1985, right after I graduated from Texas A&M University with a Bachelor degree in civil engineering. My first assignment was with the French construction company Bouygues, as a site engineer working at the mega/project of the Grande Arche de la Défense, a monument and building in the business district to the west of Paris, France.

When did you begin your Quantity Surveying career?
In 1993, I began my first steps in Quantity Surveying. At that time, I was responsible for the contract administration for multiple high-rise buildings in Jeddah, Saudi Arabia. At the same time, I was performing planning and cost control activities that were instrumental to completing the project on time and within budget.

What is your current role and area of responsibility?
My current role is as Project Manager with the Construction Management firm GLT+ in Montréal. My responsibility includes planning, cost control, estimation, claims study and analysis.

What types of projects have you worked on?
I was fortunate to have worked on a large number of construction projects of various size, type and scope, covering residential, commercial, industrial and road infrastructure in both the private and public sectors.

Is there a particular project in Quebec that you would like to tell us about?
I am proud to be part of the team as a Quantity Surveyor responsible for planning and cost control on a 7,131 m² multifunctional centre that includes a 50 m indoor swimming pool, 10 corridors with accessibility for people with reduced mobility and is equipped with recreational elements. A second, multi-purpose, indoor pool includes a recreation area, water games, paddling pool, beach-type entrance, and five 25 m corridors. A relaxation area, including a whirlpool bath, completes the pools. What sets this project apart from others on which I have worked is that it is a turnkey and complete sports facility including site and landscaping work, with 380 parking spaces, storm water retention strategy, and abundant vegetation for the reduction of heat islands. What makes me proud to work on this project is that it is a LEED project with large monetary value.

Has working in Quebec shaped your approach to Continuing Professional Development? If so, how?
I have been pursuing my construction career as an engineer and a Quantity Surveyor in Quebec since 2001. My experience was very enriching on the professional level. All doors were open to me mainly because of my educational background and my extensive experience in the construction industry. In addition, I worked with well-renowned Quebec construction firms which added value to my profile and elevated my know-how and expertise. I also, made sure to follow training and professional development programs that are offered in Quebec by different professional associations such as the CIQS and the PMI which I consider to be a continuous part of my project management career to improve my skill-set.

What challenges and opportunities do you see for Quantity Surveying?
The challenges are numerous, one of which is to promote Quantity Surveying best practice and to promote professional development to ensure quality of services provided by CIQS designation holders. As for the opportunities, I believe that as long as there is a construction project there will be a need for the services of the Quantity Surveyor who has dedicated his/her her career to the practice of construction economics through effective cost control.

Do you have any concluding thoughts?
In construction, the Quantity Surveyor is an essential member of the team of professionals working alongside Architects, Engineers, Accountants and Lawyers. He/she should always be up-to-date on current technologies to assist in the complexities of the industry.

Wassim Sultani is an engineer with many years of experience. He has worked on multiple large-scale projects in different regions and has developed an expertise in Project Management. His extensive international experience has enabled him to work on projects of all types and across many sectors including industrial, commercial, residential and institutional.

Wassim holds a Master’s Degree in Construction Management from the University of Maryland and a Bachelor’s Degree in Civil Engineering from Texas A&M University.

About the author
Interview conducted by Arif Ghaffur, PQS, Editor of Construction Economist
Private companies should be prepared for big changes to their tax strategies

Background
The new tax regime proposed by the federal government for private companies represents the most significant tax changes to private company taxation in this generation. This could result in owners of some small and medium sized private corporations paying two to three times more in taxes.

In a statement released October 3, 2017, the Department of Finance (‘Finance’) said it will take feedback on drafted legislation into account as it moves forward. Finance announced the proposed legislation in a policy white paper sent out in July, and ran a 75-day consultation period, allowing the public to provide commentary on the legislation.

If the proposals are implemented in their current form, private business owners could face effective tax rates that in some cases could reach 60-70% compared to the current 48% you pay in Alberta.

While Finance confirms the new legislation, business owners should use this time to work with an adviser and consider the implementation of changes to your tax strategies in the event that any parts of the legislation come into effect.

The proposals target a number of common tax-planning strategies that have been used for years by owners of private corporations. Some examples are as follows:

Income sprinkling
This practice involves splitting income with one or more family members who are subject to lower personal income tax rates, or no tax at all, thereby reducing the income tax payable by a private business owner who may be subject to a much higher personal income tax rate.

For example, if you pay a dividend to your 19 year old son attending university, he will now be taxed at the top marginal tax rate, even if he has no other income. These proposals are slated to take effect in 2018 – which means you still have time to take advantage of the existing rules in 2017.

Restricting access to the lifetime capital gains exemption
Finance proposes to no longer allow access to the lifetime capital gains exemption for qualifying private company shares for family members where the shares are held by a family trust.

Access to this exemption assists families to lower the tax bill when their business is sold or transitioned; quite often family members are involved in the ownership of the company and accessing this exemption has been a cornerstone of tax planning for business owners.

There are some transitional provisions to allow the exemptions to be accessed in 2017 or 2018. As a business owner, you should review your corporate structure to assess what steps should be taken with respect to your family trust.

Passive investments held inside a private corporation
Currently, business owners who hold a passive investment portfolio inside their corporation may accumulate higher after-tax earnings on the investment portfolio, since corporate income tax rates on active business income are generally lower than personal tax rates.

Although Finance has not yet released proposed legislation to address the tax treatment of passive investment income inside a private corporation, the consultation paper contemplates increasing effective tax rates on investment income earned by a private corporation.

Tax rates on the flow through of individual corporate income to shareholders could be as high as 70% in some cases. They have indicated there will be grandfathering for existing investments but no details have yet to be released.

Be prepared
As a business owner, it is crucial that you take a close look at your current tax strategies and tax structure to make sure you do not get caught flat-footed if the changes come into effect.

Paying more taxes can impact the cash flow of your business and lead to further pressures in this challenging economy. Lower cash flow can mean that you need to borrow more on your line of credit and have less capital to invest back into the business. There is still time before the proposed changes come into effect but, as a business owner, you need to act quickly.

The first step is to understand what the impact could be on you, your family and your business, and then work with your tax adviser to develop a strategy to address the changes. To learn more about the impact on your business, speak with a KPMG adviser or visit kpmg.ca/Edmonton.

About the author
Deborah MacPherson is the Tax Business Unit Leader for KPMG’s Regions West practice, comprising nine KPMG offices from Prince George to Winnipeg. With more than 20 years of experience, Deb has extensive experience serving a wide range of public and private companies. Throughout her career, Deb has provided her clients with tailored solutions for Canadian taxation challenges including acquisition and divestiture planning, tax-effective reorganizations, business combinations, holding company strategies, multi-jurisdictional tax strategies and remuneration plans.
On November 16, 2017, the CIQS Prairies and NWT Chapter attended and provided a Silver Sponsorship for the 6th Annual Construction Project Management Students’ Association Industry Night. The ‘Meet and Greet’ networking event is designed to build student-industry awareness and relationships. Held at the Lazy S – Grandstand Building in Calgary, over 100 students in attendance were given a three hour exposure and opportunity to dialogue with potential employers and building industry organizations. There was a healthy interest from a number of students seeking information about the CIQS and where their potential career paths could take them if they decided to pursue a fully accredited qualification.

Two other attendees from the CIQS were on hand to help provide diverse industry perspectives with which the students could identify throughout the questioning, engagement and networking evening. This is the third year in a row CIQS has attended and sponsored the SAIT Industry Night event. Several students wished to be involved in attending various future CIQS workshops and dinner meetings to broaden their knowledge and contacts for future industry prospects. Stuart Olsen Construction Ltd. was the key Platinum sponsor representative for the evening event.

CIQS Prairies and NWT Chapter sponsors Southern Alberta Institute of Technology Industry Night

By Jerry Crawford PMP, PQS, GSC

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