

RESUME

Name: Christopher (Chris) J. O'Connor

Corporation: O'Connor Dispute Resolution Inc.

From (Date): 1977

Expertise: Specializing in construction arbitration and mediation, with emphasis on commercial disputes, construction disputes, and insurance issues.

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Year of Birth: 1952 **Citizenship:** Canadian **Language Fluency:** English

INTRODUCTORY NOTES

Christopher J. O'Connor, Q.C., C.Arb., FCI Arb. practiced extensively in the area of commercial litigation, arbitration and mediation. He received a BA with Distinction from Carleton University in 1973 and a Juris Doctor from the University of Toronto in 1976. He completed the Leadership in Law Firms Program at Harvard University in 2009. He has been accredited the designation Chartered Arbitrator by the Arbitration and Mediation Institute of Canada and is a Fellow of the Chartered Institute of Arbitrators in London, England and is an accredited mediator and arbitrator at the British Columbia International Commercial Arbitration Centre. He was recognised by *Best Lawyers in Canada* as the 2015 Vancouver Construction Lawyer of the Year. He has been selected by his peers for inclusion in *Chambers Canada* (construction law) and *Best Lawyers in Canada* (construction law; director and officer liability; insurance law). He was recognised in *Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms and Attorneys* (local litigation star – British Columbia). He was recognised in the *Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada* (construction law). He was listed in the *Canadian Legal Lexpert Directory* (construction law; international commercial arbitration; litigation – commercial insurance). He is featured in *Who's Who Legal: Construction* and *Who's Who Legal: Canada*, as well as the construction chapter in the compendium edition of *Who's Who Legal*.

TEACHING EXPERIENCE

- ◆ Lectured at University of British Columbia Law School in the ADR Course
- ◆ participated in seminars conducted by Insight, The Canadian Institute, and The British Columbia Continuing Legal Education with respect to:
 - a) arbitration issues;
 - b) surety issues;

- c) mediation issues;
- d) construction delay claims;
- e) tenders;
- f) inquests;
- g) aspects of civil procedure
- h) construction insurance

◆ participated as a lecturer or co-chair at:

- a) Construction Superconference sponsored by Andrews Publishing in San Francisco: Surety Issues;
- b) Forbes Conference on the Americas in Miami, Florida: The Enforcement of International Arbitration Awards in Canada;
- c) Association of Professional Engineers Annual Conference: Arbitration;
- d) Association of In-House Counsel of Canada Annual Conference: White Collar Crimes;
- e) Canadian College of Construction Lawyers Yearly Meetings;
- f) various Insight Construction Conferences; and
- g) various Canadian Institute Construction Superconferences.
- h) various affinity Construction Conferences.

EDUCATION

College: Carleton University	Degree: BA (with Distinction)	Year: 1973
Law School: University of Toronto	Degree: Juris Doctor	Year: 1976
Harvard Law School	Certificate: Leadership in Law Firms	Year: 2009

Licensed to practice law: British Columbia in 1977

Q.C.: 2005

FCI Arb: 1996

C.Arb: 1995

AREA OF EXPERTISE

Construction disputes, construction law, insurance, including fidelity and surety bonds, property insurance, liability insurance, commercial law, and railway law.

ARTICLES PUBLISHED

"To Arbitrate Pros and Cons", "Claims against Design Professionals", "Delay and Acceleration on Construction Projects", "Problems in Tendering", "A Comparison of Forms of Alternate Dispute Resolution", "Construction Bonds", "Builders Liens", "The Application of Res Judicata", "Letters of Credit", "Duties and Responsibilities of Receiver-Managers" and "The Fiduciary Obligations of a Receiver-Manager", "The Enforcement of International Arbitration Awards in Canada", "Damages in Tender Claims", "Insuring a Construction Project", "Time at Large in Canada", "Review of Canadian Cases Assessing Schedule Delay", "Construction Delay Claim in Canada: A Survey of the use of Delay Experts and Analysis Methods".

EXPERIENCE - ARBITRATION

Samples of Experience as an Arbitrator

- ◆ construction of the Edmonton LRT line.
- ◆ a very significant claim with respect to the construction of a transmission line
- ◆ experience as an evaluator for the resolution of a claim involving the rock stabilization program for a highway
- ◆ a dispute relating to the upgrade of a boiler
- ◆ a dispute relating to the construction of a mine
- ◆ a dispute with respect to the construction of an IPP Hydro Project
- ◆ a claim by a civil works contractor against an owner for the construction of an IPP Hydro Project
- ◆ a claim by a contractor against an EPC contractor with respect to the construction of a Biomass Energy Plant
- ◆ a construction contract involving a co-generation plant
- ◆ a claim between a lawyer and his former partnership
- ◆ experience as an evaluator with respect to a dispute over a notice of claim under a municipal liability policy
- ◆ a purchase and sale agreement of shares in a number of companies in the food services industry
- ◆ the annual price under a long term gas supply agreement
- ◆ a construction contract involving the construction of a school and related facilities
- ◆ a tender issue involving a construction contract for the Vancouver Island Highway
- ◆ a commission agreement for a loan
- ◆ an issue involving the interpretation of a highways maintenance contract
- ◆ a dispute with respect to the installation of permanent rock support on a highway project
- ◆ an issue relating to the amount of rent payable under a lease
- ◆ an issue involving the total cost of the construction of an expensive home
- ◆ a dispute involving the construction of a hospital
- ◆ a real estate partnership dispute

- ◆ a dispute relating to a highways project
- ◆ a dispute relating to the construction of a golf course clubhouse
- ◆ a dispute relating to the supply and installation of expansion joints in the construction of highway bridges in Korea
- ◆ a dispute with respect to the construction of a hotel
- ◆ a dispute between a number of strata corporations
- ◆ a dispute with respect to the effect of a claim under a liability insurance policy
- ◆ a landscaping contract for a subdivision
- ◆ a dispute with respect to the construction of a transmission line
- ◆ a dispute with respect to the construction of a gas plant
- ◆ a dispute with respect to the construction of facilities at an airport

EXPERIENCE - MEDIATION

Samples of Experience as a Mediator

- ◆ a dispute with respect to a substantial renovation of the exterior cladding of a historical community college
- ◆ a dispute with respect to the construction of a premium sports facility
- ◆ a dispute with respect to an IPP Hydro Project
- ◆ a dispute with respect to the renovation for office building and a lease
- ◆ a lease dispute involving a law firm
- ◆ a dispute with respect to the construction of a premier municipal soccer field
- ◆ a dispute with respect to a delay claim arising from the installation of the window wall assembly in two residential towers
- ◆ a fraud claim by a society against its auditors
- ◆ a dispute with respect to the design build construction of a dam
- ◆ a claim against an actuary for professional negligence
- ◆ a dispute with respect to the construction of a courthouse
- ◆ a dispute with respect to the settlement of a claim against the Ministry of Transportation and Highways arising out of a tender
- ◆ a dispute arising from the contamination of a farm
- ◆ a dispute with respect to the settlement of a claim brought by a strata corporation against a contractor, designer and engineer arising out of defects of workmanship, including leaky roofs
- ◆ the contamination of a farm from stockpicking highway salt
- ◆ a dispute involving a delay claim arising from the construction of commercial premises
- ◆ the liability of an insurance broker

- ◆ a dispute with respect to a claim by a contractor against a municipality arising out of civil work
- ◆ a dispute between an equipment supplier and an owner with respect to the supply of equipment for a sawmill
- ◆ a dispute with respect to a major Crown transportation company with respect to the mediation of a dispute against its contractor and design professionals
- ◆ a dispute under an architect's agreement with respect to the Vancouver Airport
- ◆ a dispute with respect to the construction of a dock
- ◆ a dispute with respect to the construction of an expensive home
- ◆ a dispute with respect to the structural design of the steel work in a commercial building
- ◆ a dispute with respect to the civil works for a subdivision
- ◆ a dispute with respect to the renovation of a school
- ◆ a dispute with respect to the construction of a commercial building
- ◆ a number of disputes with respect to leaky condo claims
- ◆ a dispute with respect to the construction of a dam
- ◆ a dispute under a real estate commission agreement

DISPUTE RESOLUTION

Samples of Experience as a Counsel

- ◆ the construction of a Potash Plant
- ◆ significant cost overruns on a pulp mill boiler upgrade
- ◆ a very significant claim with respect to a tunnelling project
- ◆ a design build claim in respect of the Golden Ears Bridge
- ◆ a number of different matters involving IPP Run of the River Projects including tunnelling issues.
- ◆ a significant delay and impact claim with respect to the Rio Tinto Kemano upgrade.
- ◆ a claim on behalf of the contractor in respect of the Vancouver Light Rapid Transit Project
- ◆ a design build claim in respect of a directional drilling contract in the Yukon
- ◆ a claim on behalf of the contractor in respect of the renovation of the Lions Gate Bridge
- ◆ a claim on behalf of the contractor in respect of the construction of the John Hart Bridge in Prince George
- ◆ claims in respect of the construction of the Lulu Island and Annacis Island waste water treatment plants
- ◆ a claim on behalf of the surety in respect of the construction of student housing at UBC
- ◆ a claim on behalf of the contractor in respect of the renovation of the Sinclair Centre
- ◆ delay claim arising from the construction of the Chan Centre

- ◆ claims arising from the construction of the Forestry Science Centre
- ◆ claims arising from the design build construction of a power project, including diversion channels, penstocks and power houses
- ◆ claims arising from the failure of post tension cables in office towers and in multi floor residential structures
- ◆ claims arising from the construction of a pulp mill
- ◆ claims arising from the construction of an OSB plant
- ◆ claims arising from the construction of a fibreglass plant
- ◆ claims arising from the construction of a lead smelter
- ◆ claims arising from the failure of a turbine
- ◆ claims arising from the failure of a boiler
- ◆ claims arising from the failure of an electro-static precipitator
- ◆ claims arising from the failure and collapse of a roof of a shopping centre
- ◆ delay and impact claims with respect to the construction of:
 - a section of the light rapid transit system
 - a sewerage treatment plant
 - a multi storey residential structure
 - a hotel
- ◆ claims arising from the construction and renovation of bridges
- ◆ claims arising from the construction of the Cassiar Connector
- ◆ claims arising from the design and fabrication of steel ties for BC Rail
- ◆ claims arising from the design and construction of the right angle drives for a 75 car ferry
- ◆ claims arising from the design and construction of the transfer ramp at the Swartz Bay Ferry
- ◆ claims arising from the renovation of a 300 car ferry
- ◆ claims arising from the claim of a drywall subcontractor in respect of the construction of the new wing to St. Paul's Hospital
- ◆ claims arising from the construction of the Waterfront Centre
- ◆ claims arising from the construction of the new building at Vancouver General Hospital
- ◆ claims arising from the failure of an elevator at St. Paul's Hospital
- ◆ claims arising from the death of workers during the course of construction of the ALRT Millennium Line and the Richmond Connector Bridge, and a patient at Vancouver General Hospital during renovations at the Hospital
- ◆ claims arising from the renovation of the historic Tom Lee Music Building
- ◆ various leaky condo claims for residential buildings and schools

Samples of Experience as Counsel at Arbitrations

- ◆ an ICC arbitration involving the construction of a smelter - the amount involved was approximately \$300 million Can.
- ◆ an ICC arbitration involving the supply of valves by a Japanese company to a German company for a project in India
- ◆ a construction contract involving the construction of a golf course clubhouse
- ◆ a construction contract involving the construction of a commercial highrise
- ◆ a construction contract involving the construction of a commercial and residential highrise
- ◆ a construction contract involving the construction of an access road where a landslide caused extensive additional costs
- ◆ the repair to the shafting system of a large ferry
- ◆ the construction of a fibre glass extrusion factory
- ◆ the dismantling of an oil refinery
- ◆ insurance issues arising from the failure of post-tension cables in an office tower
- ◆ duty to defend under a professional E&O policy
- ◆ a claim involving the Athletes Village construction for the 2010 Olympics in Vancouver