



## John G. Davies, B.Arch., C.Arb

President and CEO: JGD Resolutions.  
 President and CEO: John G. Davies, Architect, Incorporated.  
 Pannelist: ADR Chambers.

### Resolutions/Architect - Ottawa Office:

Cel/Direct: +1 613 762 9796

Tel/Fax: +1 613 237 1671

E-mail: [jgd@jgd.ca](mailto:jgd@jgd.ca)

Website: [www.jgd.ca](http://www.jgd.ca)

### ADR Chambers - Toronto Office:

Tel: +1 416 362 8555

Fax: +1 416 362 8825

Bookings: +1 416 250 5050

E-mail: [jgdavies@adrchambers.com](mailto:jgdavies@adrchambers.com)

Website: [www.adrchambers.com](http://www.adrchambers.com)



## Background

Mr. Davies began his architectural career as an apprentice design-draftsman in the UK in 1957. He immigrated to Canada in 1966, and worked as a designer, project architect and specification writer in Sault Ste Marie, Calgary and Ottawa before entering private practice as a licensed architect in Ottawa, Ontario, Canada in 1977.

For over fifty years his design, construction procurement, and construction administration experience has included work on projects located in Italy, France, Lebanon, Jamaica, South Korea, the UK, the US and Canada.

These projects include: transportation infrastructures, colleges and schools, embassies, hotels and convention facilities, office buildings, churches, laboratories, regional shopping centres, first nations alcohol and drug abuse treatment centres, and various other industrial, commercial and institutional (ICI) buildings as well as custom housing, multiple unit residential and high-rise apartment buildings. Specializations include: historic restoration, specification writing, and the decontamination of toxic/hazardous substances from existing buildings.

In recent years his practice has focussed more on the provision of 'Front-end' consultation services and the preparation and delivery of related documentation as well as the provision of expert witness, expert determination, ADR, Dispute Adjudication/Advisory Board participation, and various forms of litigation support services.

## Areas of Practice

- Third Party Neutral Evaluation, Code Consultations and Claims/Disputes Analysis and Evaluation;
- Expert Witness, Expert Determination, and Design, Bidding and Construction related Litigation Support;
- Negotiation, Mediation, Arbitration, Adjudication and Fairness Monitoring;
- Design-Build, Construction Management, and Cost-Plus counselling;
- Procurement and Custom Front-End Document Preparation;
- Independent Third Party Peer Review/Project Compliance Verification, Progress/Payment Certification.

## Education

- Harvard Law School, Program for Instruction of Lawyers (Fisher and Patton), *Negotiation:* 1997
- Carleton University, School of Architecture, Ottawa, Canada: *Bachelor of Architecture with Minor in Legal Studies:* 1977
- City of Liverpool College of Building and Architecture (Now Liverpool John Moores University): Liverpool England, *Intermediate Certificate RIBA:* 1962

## Special Designations / Membership / Affiliations

- Ontario Association of Architects - registered architect and licensed practicing member (MOAA): since 1977
- Ontario Bar Association – affiliate member - ADR and Construction Law Sections: since 2008
- The Dispute Board Federation – (Geneva, Switzerland) – (international) corporate panel member: since 2008
- ADR Chambers – arbitrator, mediator, neutral evaluator and fairness monitor: since 2008
- The ADR Institute of Ontario – member since 1988
- The ADR Institute of Canada, Inc. – member and past director since 1988
- The ADR Institute of Canada, Inc. - chartered arbitrator (C.Arb.) since 1992
- The Canadian Design-Build Institute – (fellow (FCDBI) since 2009) and intergrated member: since 1996
- The Canadian Design-Build Institute – special advisor to council: since 1999
- The Canadian Construction Documents Committee (CCDC) - past-chair: 1981–1986
- Canadian Citizen: since 1971



## Teaching

- Adjunct Professor of Architecture, Carleton University (*Tort and Contract Law for Architects*): 1986-2005
- Admission Course for the OAA: (*General Conditions CCDC 2&3*): 2000 and 01
- Lecturer and Course Examiner for Royal Architectural Institute of Canada Syllabus Courses on *Building Economics* and *Construction Administration*: 1992-2002
- Carleton University School of Continuing Education/ADR Institute of Ontario: Design, develop and deliver con-ed course meeting academic requirements for the designation of Chartered Arbitrator: 1993-1995
- Adjunct Professor of Architecture, Carleton University, (*Professional Practice for Architects*): 1979-1985

## Seminars

An accomplished public speaker and educator, Mr. Davies has delivered many seminars throughout Canada and the US. Sponsoring Organizations include:

- Canadian Bar Association – 2010 National Construction Law Conference
- Ontario Bar Association – Construction Law Section
- The Canadian Design-Build Institute
- Canadian Construction Association and the Toronto Construction Association (*Gold Seal Program*)
- ADR Institutes of Canada/Ontario
- Dalhousie University (Daltech) – 1991 through 2003 a series of 2 day cross Canada seminars delivered in most major cities from Victoria BC to St. John's NL on a biennial basis covering: the bidding and award of construction contracts and the administration of the resulting construction and warranty phases of the work.

## Publications

- **Construction Law Reports:** 95 C.L.R. (3d) 16-42 *Conflicts of Interest, Impartiality and Adapting the Role of The Consultant as Contract Administrator in Canadian Construction Contracts*; 91 C.L.R. (3d) 6-18 *Alternatives to the Alternatives – A Review of ADR Procedures Currently Available to the Construction Industry in Canada*.
- **Construction Comment – Viewpoint:** May 2011: *Allowances Demystified*; February 2011: *Contractual Changes Demystified*; April 2010: *Coordination – Whose Job is it?*; November 2009: *As-builts Demystified*; September 2009: *Stepped ADR v. Dispute Boards*; April 2008: *Shop Drawings Demystified*.
- **Ontario Bar Association, ADR Section, Vol. 17, No.3, June 2009:** *The “Stepped ADR” Process v. DABs*.
- **The Design-Build Handbook of Practice:** Manual of Practice Series 100, 200 and 300 (*Author/Ghost Writer*)
- **The Canadian Handbook of Practice for Architects:** Section 1.2.2 “*The Construction Industry*” Sept 1999

## Papers

- Dispute Boards, Their Use in Canada
- Comparative Overview of Procurement Alternatives
- Design-Build Teaming Strategies

## Professional Community Activities

- Committee for writing Canadian Standard Design-Builder/Consultant Contract (Doc. 15 - 2000): Member
- Committee for writing Canadian Standard Design-Build Contract (Doc. 14 - 2000): Member
- Committee for writing a Guide to Construction Management (CCA 26 -1998): Member
- Canadian Construction Documents Committee: Past Member (CSC) and Chair
- Ontario Court of Justice and the Ontario Ministry of the Attorney General: *Committee for the preparation of Supplementary and Final Reports entitled Civil Justice Review*: Contributing Member (OAA)
- Ontario Ministry of the Attorney General: *Working Group of Construction Dispute Resolution Alternatives*: Contributing Member (OAA)
- Joint Industry/Government of Canada: *Design-Build Task Force*: Contributing Member (RAIC)

## Representative Work

- Union Station Revitalization Project, Toronto, Canada - **\$650M (CAD)** component of a **\$1.4Bn (CAD)** project: Project Neutral (Single Person Dispute Advisory Board) Services relating to CM (At Risk) contract between Vanbots Construction Corporation (a division of Carillion Construction Inc.,) and the City of Toronto, Ontario, Canada.
- Algonquin College Student Commons Project - **\$40M (CAD)** and ACOV Pembroke Project - **\$26M (CAD)**: Co-consultation (in conjunction with Owner's legal counsel) regarding Conflicts of Interest arising from a takeover of an Invited Proponent by a company providing advocate consulting services to the Owner during the Proposal Call period.



- Historic Restoration, Library of Parliament, Ottawa, Canada - **\$136M (CAD)**: Independent Third Party Neutral Evaluation (Single Person Dispute Advisory Board) Services concerning issues arising between Public Works and Government Services Canada (PWGSC) and various contractors/subcontractors over changes in the work and the entitlement thereof.
- Integrated Building Trades College Facility and Light Rapid Transit Terminal, Ottawa, Canada - **\$94.5M (CAD)**: Expert Contractual Advocacy Services with regard to specialized contractual procurement provisions. Preparation of custom Design-Build Procurement and Front-End Documentation. Mid-stream HST conversion Consultation Services. Provision of proposal evaluation assistance and proposal related counselling and support services.
- Replacement of curtain wall façade, Bank of Canada Building, Wellington Street, Ottawa, Canada - **\$15M (CAD)**: Expert Contractual Advocacy Services with regard to the selection of appropriate procurement methods. Preparation of R&D/Design-Build/Clean/5-year Maintenance; Prequalification, Bidding, Procurement and Front-End Documentation. Provision of bidding, bid evaluation assistance and support services. Provision of Independent Third Party Payment Evaluation and Certification Services throughout construction.
- Preparation of Design-Build and Turnkey Prequalification, Procurement and Front-End Documentation, provision of bidding and proposal evaluation assistance and proposal related counselling and support services for a **€5M** (Euros) project and establishment of Dispute Adjudication Board (DAB) services to be employed during the construction phase.
- LeBreton Flats Infrastructure and Remediation Project - **\$65.7M**; Champlain Bridge Reconstruction - **\$25.5M (CAD)**: Preparation of custom Procurement and Front-End Documentation for the National Capital Commission (NCC).
- Consolidated headquarters for a Canadian Federal Government Department in the National Capital Region - **\$200M (CAD)**: Fairness Monitoring services involving the integrity of procurement documentation, compliance with procurement protocols and the comparative evaluation of 14 individual design-build-turnkey proposals by PWGSC.
- Construction of laboratory building, Ottawa, Canada - **\$6.5M (CAD)**: Independent Third Party Neutral Evaluation (Single Person Dispute Advisory Board) Services concerning issues arising between Public Works and Government Services Canada (PWGSC) and various contractors and subcontractors over changes in the work, the value thereof and payment for such changes.
- Construction of Condominium Project, Brockville, Canada - **\$6.5M (CAD)**: Expert Witness Services including preparation of Expert Opinions and delivering of Expert Testimony at trial. (*Standard Trust Company v. Metropolitan Trust Company of Canada 2007 ONCA 897 Docket C44876*).
- Construction of Recreation Centre, Northern Ontario, Canada - **\$12.5M (CAD)**: Expert Witness Services with regard to issues arising out of disputes between the contractor, consultant, and the owner over alleged deficiencies.
- HMCS Cabot Armory, Department of National Defence, St. John's, Newfoundland, Canada - **\$6.4M (CAD)**: Expert Witness Services relating to a Bidding dispute arising out of a conflict relating to Design-Build bidding documents.
- Condominium Project, Toronto, Canada - **\$10.5M (CAD)**: Expert Witness Services relating to a dispute between owner and contractor with regard to the interpretation of a Cost-Plus Contract with Guaranteed Maximum Price and Incentives.
- Bidding dispute - Expert Witness Services including the preparation of an expert report and opinion relating to a question of 'privilege'. (*Ed. Brunet and associates Inc. v. 154469 Ontario Inc., 2002 CanLII 28959 (ON S.C.)*)
- Breach of Contract dispute - Expert Witness Services including preparation of expert report and delivery of expert testimony at trial. (*Edward J. Cuhaci and Associates Architects v. Rochester Holdings Ltd*)
- Various Slip + Fall and Personal Injury Cases, Ontario, Canada – Expert Witness Services including: Conducting investigations, preparation of Expert Opinions, provision of Expert Architectural Counsel and expert testimony at trial.
- Preparation of Master Generic International Design-Build and Turnkey Procurement Documentation for the Canadian Federal Government - Expert Architectural Counselling Services to in-house legal counsel with regard to the evaluation, selection, and customizing of suitable FIDIC contract masters for use on overseas projects.
- Kanata North Technology Park, Ottawa, Canada - **\$22M (CAD)**: Three hi-tech office/production facilities employing the Design-Build Method: Independent Third-Party Peer Review, Compliance Verification, Progress and Payment Evaluation, and Certification Analysis Services for Bentall LLP and Royal Trust Realty.
- During the past 21 years Mr. Davies has conducted over 200 ADR procedures involving arbitration, mediation, expert determination, adjudication, neutral evaluation, fairness monitoring and project neutral services including:
  - Arbitration of issues arising under the *Ontario New Home Warranties Plan Act* following the TARION Builder Arbitration Forum Procedural Rules, Ontario, Canada.
  - Various single or consolidated Arbitrations addressing construction disputes between subcontractors, general contractors, owners and architects.
  - Various Mediations concerning construction disputes between subcontractors, general contractors and owners.
  - Various Mediations concerning design and management disputes involving owners and architects and architect/architect disputes.
  - Etc.