

- CONTENTS -

2014-2015 Program..... 1
 Words from the Chair..... 2
 Mortgages and DIP Loans
 Trump Liens..... 3
 Education Report..... 5
 Membership Report..... 5
 Industry Organizations 6
 Advertising:
 Newsletter & Web..... 7
 Membership in CSC 8



Have an IDEA for the Specifier ?

We would love to hear from you!

Announcements, upcoming events, or technical articles are welcome and encouraged!

Any submissions for the Specifier can be emailed for review and we will do our best to get it into print. Deadlines are the last Friday of the month for the following month's newsletter. Share your knowledge — **this is YOUR industry!**

Glen Stokes—Newsletter Editor
glen@carscadden-architect.com
 604-633-1830

- Facebook: CSC Vancouver Chapter
- Twitter: @CSCvancouver
- LinkedIn: Construction Specifications Canada

The opinions and comments expressed by the authors published herein do not necessarily reflect the official views of Construction Specifications Canada. Also, appearance of advertisements and new product or service information does not constitute an endorsement of products or services featured.

2014-2015 PROGRAM

SEPTEMBER 18

CSC/BCBEC SPEC GOLF 2014

OCTOBER 9

11:30am Lunch Sandman Hotel, Vancouver

Listed Firestop Systems, Engineering Judgements and other Firestop Mysteries...Explained
Cory Norman, EIT, Senior Field Engineer, Hilti (Canada) Corporation

NOVEMBER 19

CSC Vancouver Chapter Construction Fair
 10:00am to 4pm
 Vancouver Convention Centre, East Building
 Talks at:
 10:30 am
 12 noon
 1:30 pm

Shop Drawings - Review vs. Approve

Mike Demers, LLB, Jenkins Marzban Logan LLP

Compliance with ASHRAE 90.1 and NECB: The building envelope prescriptive requirements

Catherine Lemieux, PEng, LEED AP, Building Envelope Consultant, Morrison Hershfield Ltd.

Connecting the Dots between Good Roofing Design, Inspections and Guarantees

*Monty Klein, TQ RRO, President, Wells Klein Consulting Group Inc.
 Judy Slutsky, BA BRS, Director of Business Development, RCABC
 Hamish Matheson, TQ, Technical Assistant, RCABC*

DECEMBER 11

11:30am Lunch Sandman Hotel, Vancouver

STC and Steel Framing: Dispelling Myths and Forging Innovative Designs

Ben Shafer MS, ASA, INCE – Acoustic System Specialist – PABCO Gypsum

JANUARY 8

11:30am Lunch Sandman Hotel, Vancouver

Legal Discussion Glen Boswall, Partner – Clark Wilson LLP

FEBRUARY 12

11:30am Lunch Sandman Hotel, Vancouver

Architectural Hardware Overview

April Wells, Architectural Sales Consultant, Allegion Canada Inc.

MARCH 12

11:30am Lunch Sandman Hotel, Vancouver

Looking Through paper – Into a Digital Wonderland

Geraldine Rayner Architect AIBC, RIBA – Summit Bim Consulting Ltd.

APRIL 9

11:30am Lunch Sandman Hotel, Vancouver
 Chapter General Meeting
 12 noon

Rainscreen and the resurgence of EIFS

Andre Turrin – Technical Director - DuRock Alfacing International Ltd.

MAY 14

11:30am Lunch TBC

TELUS Garden Building Tour

Peter Wood, Henriquez Partners Architects

MAY 27 - 31

CSC National Conference 2015 - Winnipeg

SEPTEMBER 10

SPEC GOLF 2015

WORDS FROM THE CHAIR

We are in the final days of November and I am still wondering where the time went...but I don't believe I am the only one feeling this way! I am sure the students in our PCD course who are in their final review before the exam are scratching their heads wondering where it went!!! They are probably also wondering if they have studied enough for the exam! I wish them much success in this endeavor and wish to thank Glenn Chatten for doing an outstanding job in teaching this course!

Time waits for no man (or woman) or so they say, AND you can't manage time, only your productivity within the allotted time you have...so what are you doing to make yourself more effective and productive? This not only relates to ourselves personally but also to our professional time and volunteer time! How do we manage so that we have balance in where and how we spend our time?

This leads me to the next topic;

Our association just held our 4th annual **Simply but Revealing Trade Fair** at the Vancouver Trade and Exhibition Centre where our manufacturers showed up again in great numbers. Although the cost to exhibit is low and the time involvement is short compared to other events, they are finding themselves questioning the involvement in this event due to lack of turn out. As manufacturers we expect to participate in Association Events to show our support, to network with customers and showcase new and exciting products. In order to justify our time and expenses to our bosses (yes we all have those) we need to show a return on our investment or else there may be reluctance in approving next years' participation budget. Quite the conundrum for sure!

I felt we had 3 great speakers with AIBC Core LU's attached and an easily accessible venue within walking distance of many firms as well as on transit for those further away, yet we had a decline in attendance compared to the previous year. Going back to how we spend our time, it is very discouraging for volunteers to put their time and effort into organizing this event and then have a poor showing. I would certainly appreciate some feedback from the design community as to how we can better serve you or how we can make the event more attractive. Or, if this type of event has run its course? Please take the time to reply to me at kim@tecagencies.com with your thoughts or comments, we truly do value your input and appreciate you taking the time.

Kimberly Tompkins, CTR
Chapter Chair, CSC – Vancouver Chapter

AWMAC
British Columbia Chapter

Moira Rowan | Executive Director

Architectural
Woodwork
Manufacturers
Association of
Canada

www.awmac.com

O: 604-298 3555
C: 604-908 2230
moira.bc@awmac.com

101 - 4238 Lozells Ave
Burnaby | BC | V5A 0C4

Convoy
Construction Materials

Jim Matsuo RRO
(Manager) Architectural & Technical

Direct Line: 604-592-8023
Phone: 604-591-5381
Fax: 604-572-7476
Cell: 604-360-4030

8183 130th Street
Surrey, BC V3W 7X4

Email: jmatsuo@convoy-supply.com
Web Site: www.convoy-supply.com

ERV PARENT

Michael Torvik
Consultant

ERV PARENT CO. LTD.
791 Caldeu Street, Delta, BC, Canada V3M 5S3

Mobile: 604-649-7000
Phone: 604-525-4142
Fax: 604-525-3777

mtorvik@ervparent.com
www.ervparent.com

Commercial Floors & Walls Since 1958

Flextile Ltd.

Mike Boldt
General Manager

2829 Lake City Way
Burnaby, British Columbia
V5A 2Z6
www.flextile.net

Tel: (604) 420-4914
1-888-236-4486
Cell: (604) 512-3356
Fax: (604) 420-0936
Email: miboldt@flextile.net

Vancouver Chapter Board 2014–2015

DIRECTOR

Blair Bennett, CTR
Soprema – BC Regional Manager
604-522-3944
bbennett@soprema.ca

CHAIR

Kim Tompkins, CTR
Tec Agencies Ltd – Principal
604-583-0944
kim@tecagencies.com

VICE CHAIR / GOLF

James Kelly CTR
Soprema – Building Envelope
Representative
604-369-2983
jkelly@soprema.ca

NEWSLETTER

Glen Stokes
Bruce Carscadden
Bruce Carscadden Architect Inc
– Partner
604-633-1830
glen@carscadden-architect.com

SECRETARY

George McCutcheon
North West PLAN Inc.
– Principal
604-719-8204
gm@planinc.ca

TREASURER

Vince Smith
Cloverdale Paint Inc – Architect/
Design Representative
604-868-8406
vsmith@cloverdalepaint.com

SPECIFICATION OFFICER

George McCutcheon
North West PLAN Inc.,
– Principal
604-719-8204
gm@planinc.ca

WEBSITE

Brad Morris, CSP
Morris Specifications Inc –
Specification Writer
604-732-7979
bmorris@morspec.ca

MEMBERSHIP

Mario Maggio
CRL/US Aluminum – Canadian
Sales Manager
778-986-6058
Mario_maggio@usalum.com

TRADE SHOW

Todd Gerrard
Enercorp Inc – Architectural
Representative
604-345-4436
toddg@enercorp.ca

EDUCATION

Robert Jahnsen
Div7 Building Systems –
Principal
604-657-5886
Robert@Div7.ca

ENGINEERING

Crystal Wegner, CCCA
Heatherbrae Construction –
Project Manager
604-841-3056
crystalw@heatherbrae.com

PROGRAM CHAIR

Eric Poxleitner
Keystone Architecture
& Planning Ltd – Architect
604-850-0577
eric@keystonearch.ca

MARKETING / PHONE

Severin Wolf
IKO Industries – Technical
Support / 604-833-7880
Severin.wolf@iko.com

MEMBER AT LARGE

Melodie Schwartzman, CTR
CGC Inc. – Architectural
Solutions Manager
778-840-1012
mschwartzman@usg.com

MORTGAGES AND DIP LOANS TRUMP LIENS

By: **Bill Preston**


Too often Designers/Contractors/Trades/Suppliers (I have witnessed delinquents among all of them!) invest services and materials into a project without first carefully investigating:

- Does the proposed project have good market prospects and is its financing a smart investment for your credit?
- Does the Owner/Developer have available some extra financial resources if a problem arises?

A recent BC Court of Appeal decision in *Mission Creek v. New Recreations* should be a gut wrenching lesson for everyone.

In early 2007, New Recreations and its associated companies owned (and secured their investment by a mortgage on the title) prime Schuswap Lake waterfront property. They conceived a \$19M West Beach Lands Development consisting of leased holiday sites and adjacent permanent storage facilities. For New Recreations' business plan the appurtenant storage was critical to the success of the project. But, this portion of its scheme was attracting pushback from the municipal planners. Eventually, the municipality rejected the storage portion of West Beach Lands Development's proposal and a Judge affirmed its decision in August 2010. But, by then New Recreation's mortgage financing and the designers/builders had invested a whole bunch of credit in the development and eventually fought over who was going to spill the most financial blood.

continued...



#101 - 18651 52nd Avenue
Surrey, British Columbia V3S 8E5
Toll Free: 1.877.626.6688
Phone: 604.576.3633 (#238)
Fax: 604.576.3631
www.soprema.ca

KEN EMSLEY
Architectural Products Representative

kemsley@soprema.ca **Cell: 604.360.2172**

...Mortgages and DIP Loans Trump Liens...Continued.

Here is a chronology of what happened:

Oct/10

Liens for approximately \$725,000 had been registered against the project.

Oct/10

But, Mission Creek Mortgage had before any liens were registered advanced \$19M on its mortgages.

Oct/10

New Recreations was in default so Mission Creek gave bankruptcy notice.

Oct/10

New Recreations, hoping to complete its project and create better value for all of the creditors, obtained a Court order staying all debt collection proceedings.

Oct/10

This Court also permitted the monitor (trustee) of New Recreations to borrow money (DIP financing) from Mission Creek Mortgage to leases-up the sites and sell the project.

Nov/10

So that New Recreation's monitor could provide clear title to the lease sites, the Court vacated all of the liens upon the monitor borrowing and paying \$725,000 into a lawyer's trust account.

Aug/12

At this point there was \$22.1M dollars owing Mission Creek for both its mortgages and the DIP financing, as well as a further \$725,000 was still owing to the lien claimants.

Aug/12

The West Beach Lands Development was sold for \$17.9M, about \$4.2M short.

The fight thus distilled down to the issue, who was entitled to the \$725,000 in the lawyer's trust account? It became a fight between Mission Creek seeking payment on its mortgages and DIP loans

on one side, and the lien claimants on the other side. This dispute went all the way to the Court of Appeal, which decided that Mission Creek was entitled to the trust money while the lien claimants were left with an **empty claim + legal costs!**

The lien claimants had argued that the trust deposit was a set aside for the purpose of first paying their claims, while Mission Creek countered that the trust deposit merely stood in substitution for the land and its mortgages and DIP financing were superior claims, thus it was entitled to all the trust funds. The Court of Appeal agreed. It concluded that because all of the mortgage advances had been duly made before the liens were registered and the DIP financing gave Mission Creek statutory priority over the liens pursuant to the federal CCAA legislation, they trumped the liens. The Court rationalized that in October 2010 this project was in grave financial peril and all creditors, including Mission Creek and the lien claimants, hoped to revive the project or at least optimize their claims by using DIP financing to complete it. It didn't work out; and, it would create a mischief and uncertainty for future DIP financing Court orders if the financing could be trumped by late filed lien claimants.

Conclusion

Would it have been different if the liens had been filed sooner? Maybe. Earlier filed liens may have sooner prompted Mission Creek to freeze the mortgage financing and threaten bankruptcy proceedings. The better conclusion, in my opinion, is that had the lien claimants carefully investigated the financial prospects and strengths of the project before investing their credit in services and materials, they would have discovered that New Recreation's business proposal was substantially predicated upon obtaining municipal approval for the storage sites; and further New Recreations has no rainy day resources, rather only debt financing.

Here in the end, New Recreation's affiliated company also lost its investment in the land because earlier, to obtain Mission Creek's mortgage financing, it had postponed its land mortgage to Mission Creek's claim, and the sale price didn't realize enough to even completely pay off Mission Creek's mortgages.

EDUCATION REPORT

.....


The Vancouver chapter began a Principles of Construction Documentation course this September. Fifteen students had registered for the class that started on the 22nd. Once again the course is being taught by Glenn Chatten and being held at the VRCA Vancouver office.

Principles of Construction Documentation is the first course, and a pre-requisite, for all of the CSC education streams. These are Certified Technical Representative, Certified Construction Contract Administrator, and Certified Specification Practitioner. It is also a strong foundational course for people who are new to the construction industry or want to better understand construction documentation (specifications, drawings and schedules), products, bidding procedures and contracts. This course is offered on-line by CSC Canada once a year and the Vancouver chapter aims to hold one local class a year. If there is enough demand the Chapter will look at offering another course.

The Technical Representative course is scheduled to begin January 22, 2015. Final details are being worked but tentatively we expect them to once again be held at the VRCA Vancouver location. Please look for the registration form to be posted on the Chapter web page in the next month or so.

The CSC Vancouver chapter is also looking to hold either, or both, Specifier I and Construction Contract Administration beginning in the late Winter or early Spring. There have been a few people that have expressed interest in both classes, but not enough to hold a session. If you or any one you know has expressed an interest please contact me so we can work on getting a class filled and scheduled for each.

For further information please contact me at robert@div7.ca



THERMACOUSTIC™
INDUSTRIES INTERNATIONAL LIMITED

Chris Walton
*Director of Sales &
Technical Operations*

Toll Free: 1-866-460-1474
Telephone: (604) 460-1475 • Facsimile: (604)460-1476
#108 - 20119 - 113B Avenue, Maple Ridge, BC, Canada V2X 0Z1
info@thermacoustics.com www.thermacoustics.com

MEMBERSHIP REPORT

.....

As we continue to promote CSC, the need for value in the construction industry is greater than ever. The Vancouver Chapter has increased by three new members which brings membership to 163.

Please help us to welcome our new members:

- **Mrs. Alison Henry**, Van. Sales Manager of Engineered Site Products Ltd
- **Ms. Shandra Vedress**, CSP. Arch Technologist of Stantec Architecture Ltd.
- **Mr. John Rehmann**, Technical Sales Representative of Euclid Canada

For More Information on Membership:

- Contact any member of the executive
- Attend one of our luncheon meetings
- Visit the National website at www.csc-dcc.ca
- Visit our Chapter website at <http://vancouver.csc-dcc.ca>


ROB LAWRENCE
TECHNICAL SALES REPRESENTATIVE
BRITISH COLUMBIA

W. R. MEADOWS OF WESTERN CANADA
38 Rayborn Crescent, St. Albert, AB T8N 4B1

CELL: (778) 558-4690
BUS: (780) 458-8773
FAX: (780) 458-1173
TOLL FREE: (800) 661-6971
rlawrence@wrmeadows.com



www.wrmeadows.com



epro™
Waterproofing Systems

Jeff Dye

jeff@tecagencies.com
Web • www.eproserv.com

Tec Agencies Ltd.
8373 Arbour Place
Delta, BC V4C 7H4, Canada
Toll Free • 866-928-0944
Phone • 604-583-0944
Cell • 604-785-0805
Fax • 604-583-0945

INDUSTRY ORGANIZATIONS

.....

DIVISION 01: GENERAL REQUIREMENTS

Construction Waste Management – BuildSmart
www.metrovancouver.org/buildsmart

DIVISION 02: EXISTING CONDITIONS

Demolition / Deconstruction – BuildSmart
www.metrovancouver.org/about/publications/Publications/dlctoolkit08web1.pdf

DIVISION 03: CONCRETE

Cement Association of Canada
www.cement.ca/
Canadian Precast Concrete Institute
www.cpci.ca/

DIVISION 04: MASONRY

Masonry Institute of BC
www.masonrybc.org/
Masonry Institute (American)
www.masonryinstitute.com

DIVISION 05: METALS

Canadian Institute of Steel Construction
www.cisc-icca.ca/

DIVISION 06: WOOD, PLASTICS, & COMPOSITES

Architectural Woodwork Mfrs' Assoc.
www.awmac.com/bcchapters.php
Western Red Cedar Lumber Association
www.wrcla.org

DIVISION 07: THERMAL & MOISTURE PROTECTION

Roofing Contractors Association of BC
www.rcabc.org
BC Sheet Metal Workers Associations
www.smacna-bc.org
EIFS Council of Canada
www.eifscouncil.org
RCI Inc.
www.rciwesterncanada.org
RCI Western Canada Chapter
www.rciwesterncanada.org

DIVISION 08: OPENINGS (DOORS, WINDOWS)

Steel Door Institute
www.steeldoor.org
Canadian Steel Door Manufacturers Assoc
www.csdma.org
Door Hardware Institute
www.dhi.org
Glazing Contractors Association of BC
www.gca-bc.org

DIVISION 09: FINISHES

Association of Wall and Ceiling Contractors of BC
www.awccbc.org
Gypsum Association
www.gypsum.org
Master Painters Institute
www.paintinfo.com
Carpet and Rug Institute
www.carpet-rug.org
National Flooring Covering Association
www.nfcaonline.ca
National Wood Flooring Association
www.nwfa.org/member/
Terrazzo, Tile and Marble Assoc. of Canada
www.ttmac.com

ADVERTISING: NEWSLETTER & WEB

Advertising with us will provide you with the opportunity to reach readers within the industry through the newsletter and on the CSC Vancouver website.

Size	Members	Non-Members
1/4 page	\$45	\$60
1/2 page	\$80	\$100
Full page	\$140	\$175

You will receive advertising space on the second page of the Specifier and on the CSC chapter website. The ad will be placed in one issue of the Specifier and reside on the website for one month. Ads must fit on one page only and are not limited to copy content or visual features.

If you are not sure whether the Specifier would be an appropriate tool for you, please email me with your questions. If you would like to advertise, or have any questions, please let me know. All advertising content is subject to pre-approval by the responsible CSC Committee.



Tel: 604/472-7266
Mobile: 604/240-2130
Fax: 877/625-8427

LES YARD
Technical Sales Representative
www.dowbuildingsolutions.com

Dow Chemical Canada ULC
34A - 2755 Lougheed Highway
Suite 500
Port Coquitlam, BC V3B 5Y9
Canada

lyard@dow.com



WORLDWIDE PARTNER



The Better Insulation™

Ryan Foster
Sales Representative
Building Insulation

ROXUL INC. ➤ 420 Bronte St. S., Suite 105, Milton, ON L9T 0H9
www.roxul.com ➤ Cell: 604-353-2249
 ➤ ryan.foster@roxul.com



DELTA® protects property. Saves energy. Creates comfort.

Brian Knight
Regional Manager - Western Canada

Cosella-Dörken Products Inc.
4655 Delta Way, Beamsville,
ON, Canada L0R 1B4
www.cosella-dorken.com
bknight@cosella-dorken.com
(905) 563-3255
Fax: (905) 563-5582

Cell: (604) 250-5884 1-888-4DELTA4 (433-5824)




ISO 9001:2000

Vince Smith
Architectural Representative

225 Terminal Ave.
Vancouver, BC V6A 2L7

Phone: (604) 689-4414
Cell: (604) 868-8406
Fax: (604) 689-7770
Email: vsmith@cloverdalepaint.com

www.cloverdalepaint.com




Randy Brown
Sales Manager

604.681.7504 Phone
604.808.6617 Mobile
rbrown@dominionblue.com
dominionblue.com



SAINT-GOBAIN

Robert Poystila
Architectural Solutions Manager

CertainTeed Gypsum and Insulation
1070 Derwent Way • Annacis Island
Delta, BC V3M 5R1 • Canada
Tel: (604) 763-6187
robert.poystila@saint-gobain.com
www.certainteed.com

MEMBERSHIP IN CSC

In the construction industry's fast-paced environment, the need for and value of Construction Specifications Canada is greater than ever. CSC brings together individuals from all segments of the construction industry. All who have a vested interest in Canada's targets industry are invited to join CSC. When you join CSC you become a part of the only association that brings together professionals from all aspects of the construction industry.

DESIGN TEAM

CSC offers members of the Design Team the opportunity to meet with other members and exchange information. It also affords you the chance to help improve technology and its management, and the means to improve ways in which your ideals are translated into clear, concise and complete documentation.

SUPPLY TEAM

The multi-disciplinary composition of the CSC allows members of the Supply Team to meet with other members of the construction team. CSC programs in data filing and information retrieval are geared to present convenient and concise information on your products for proper evaluation and specification.

BUILDING TEAM

If you are a member of the Building Team, Construction Specifications Canada offers the opportunity to become involved in formulating specifications. Your valuable input into the programs can help generate time and cost savings as well as improve performance.

THE STUDENT

If you are a student or architecture, engineering or construction technology, CSC will provide you with greater exposure to and a better understanding of the Construction Industry, giving you an excellent opportunity to plan a career in the construction field.

Tremco Canada division, RPM Canada
 #221-2545 West Broadway, Vancouver BC V6K 2E9



604-876-4029 Office Phone
 604-876-4039 Office Fax
 778-863-6171 Cell
 800-263-6046 Ext. 2730 Voice Mail
 www.tremcosealants.com
 rseidelmann@tremcoinc.com

RPM Canada
 ISO 9001 Registered

Rick Seidelmann
 Technical Sales Representative



Fit everything. Together.

Terry Burdett
 BUSINESS DEVELOPMENT
 MANAGER-HVAC/CONSTRUCTION

20160 92A Avenue
 Langley BC V1M 3A4 Canada
 tburdett@primexfits.com
 1.877.881.7875
 primexfits.com

{ No other HVAC Venting company knows more about the relationship between the building envelope and HVAC systems }