

ONTARIO CONSTRUCTION REPORT

Debbie Bellinger: Nelligan O'Brien Payne – Collaboration and CCDC adherence vital for complex development project success

By [Adriana Valentina](#)

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Debbie Bellinger

Debbie Bellinger, a partner with [Nelligan O'Brien Payne](#) and leader of the law practice's real estate and development practice group, says successful development projects increasingly require a high level of collaboration and co-operation between multiple owners/interests and contractors. This complexity can be managed when owners understand and follow [CCDC \(Canadian Construction Documents Committee\)](#) rules.

Bellinger has worked at Nelligan O'Brien Payne' Ottawa office since 1986, developing her skills and understanding of condominium, real estate and construction law to the point that she is often called on as a speaker to construction groups as she counsels clients on the best ways to move major high rise and multi-purpose developments from conception to completion.

She became one of the first Ontario condominium law experts. However, her legal knowledge goes beyond shared building ownership. "Today, there are all kinds of properties with three or four different uses, perhaps two different towers, and there are challenges in integrating the title in a way to work for the end users."

In these complex projects, "not all the components come to substantial completion at the same time." In some cases one or more general contractors and design consultants must work with different owners, who may have individual title to some elements and shared responsibility for others. "We need to take into account the varied interests of owners and developers and architects, and divide it up at the end of the day – as there are different ways to separate the title," she said.

Bellinger says CCDC contract rules reduce the risk of legal problems, but a surprising number of owners either want to change or modify the standard language without realizing they can make a “little innocuous change and it messes up 10 other things.”

This challenge is compounded by a shortage of skilled construction lawyers who don’t appreciate the value of the standardized documentation.

Bellinger says she enjoys being a hands-on lawyer, and that includes visiting the sites (often when the surveyors are taking measurements) to ensure the actual and legal ownership boundaries match. So she completes site safety training, dons her hard hat and puts on safety boots to make sure everything is right.

“We don’t see a lot of lawyers going on site,” she says. “But can you imagine, if it gets messed up, and you did all of these kinds of title divisions and you never bothered looking at the building, what the judge would think? With site walkthroughs at the end of the projects, you see things you wouldn’t see at the end of a desk.”

Bellinger says she believes the best approach to successfully complete complex projects is through “a collaborate approach dealing with people who might have traditionally been seen as opponents.”

“We always take that approach with other lawyers working in the industry – we try to be a great resource for them. By sharing our knowledge, we stay current and it’s a much more collegial environment.”

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