
Book Review: Canadian Building Contracts, by Immanuel Goldsmith

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CANADIAN BUILDING CONTRACTS, IMMANUEL GOLDSMITH, 2nd ed., Toronto: Carswell, 1976. Pp. xxxiv, 261 (hard cover, \$28.50)

This second edition of a book first published in 1968 is a useful and lucid exposition of the law of building contracts in Canada. The author's analysis is carefully built up from first principles of contract law, and thus serves to keep the issues in perspective. The citation of case authority is very thorough, although the citations fail to include the name and jurisdiction of the court deciding the case.

Most of the book is taken up with the operation of basic contract law in the special circumstances of building contracts. The structure of the terms of the contract and the manner of payment, for instance, require special treatment. In the latter part of the book, the author deals with ancillary matters such as the position of sub-contractors, the roles of architects and engineers, the use of bonds and arbitration proceedings, and the operation of Mechanic's Liens.

A thorough index and table of cases is included, as well as an appendix of four of the most commonly used standard form contracts of the Canadian Construction Association, that is new with this edition. Forms for a Stipulated Price Contract, Stipulated Unit Price Contract, Cost Plus Contract, and Stipulated Price Sub-Contract are reproduced. Although these forms will undoubtedly be of use in practice, the author takes pains to point out that "the indiscriminate use of blank forms is a two-edged sword, and often creates more problems than it solves."