Book Review: Canadian Building Contracts, by Immanuel Goldsmith

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Book Review

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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."


This book outlines the development of the civil liability of manufacturers, retailers, and others connected with the production and distribution of goods for damage and loss caused by products which are defective or which fail to meet reasonable standards. The subject is conveniently divided into two parts: contractual liability and tortious liability. The first topic includes privity of contract, express and implied warranties, misrepresentations, and exemption clauses. The portion on tortious liability, which is developed in somewhat greater detail, deals with the manufacturer's liability for errors and omissions in production, product design, warnings, and directions for use, as well as proof of negligence, causation, and possible defences. There are also chapters devoted to the liability of persons other than manufacturers, the types of damage which should be compensated, and conflict of laws problems. The conclusion contains a brief discussion of how the authors would like to see product liability develop in the future.

This book is written from a British perspective, but a high proportion of it is devoted to American developments, since the United States has been a forerunner in this field. Each topic is explained in terms of basic principles, followed by a discussion of the leading cases, most of which are relevant to