

Verdict in Giant Mine unpaid work dispute expected Friday

McCaw North Drilling & Blasting Ltd. launched lawsuit against Clark Builders in 2015

Hilary Bird · CBC News · Posted: Oct 09, 2018 6:00 AM CT



Clark Builders is facing an \$825,000 lawsuit for allegedly not paying McCaw North Drilling & Blasting Ltd. for labour, and for allegedly contaminating tools during the Giant Mine remediation project. A verdict is expected this week. (Priscilla Hwang/CBC)

After three years of back-and-forth between two companies in court, a lawsuit regarding unpaid work for the Giant Mine remediation project is expected to come to an end this week.

In 2015, Yellowknife's McCaw North Drilling & Blasting Ltd. launched a lawsuit against Clark Builders for roughly \$825,000 in unpaid work and delays caused by arsenic contamination. An N.W.T. Supreme Court judge is expected to make a decision on the case on Friday.

In court documents, McCaw claims it was hired by Clark Builders in 2013 to drill a number of bore holes into the ground surrounding the mine. A mixture of water, cement

and tailings would then be fed through the holes to fill large underground spaces. The idea was to stabilize the ground beneath the mine by filling those spaces with the thick paste. McCaw said Clark Builders told it where to drill and how deep. But, because of difficult ground conditions, several holes could only be partially drilled, the company said. McCaw claims Clark Builders has a contractual obligation to pay the company for those partially drilled holes, but has refused. McCaw said Clark Builders owes the company more than \$200,000 for that work.

Contaminated tools

McCaw also claims that, in March 2014, it noticed some of the holes were being drilled directly into areas contaminated by arsenic. As a result, McCaw claims its equipment became contaminated with the substance.

The company said Clark Builders asked it to remove some of that equipment from the Giant Mine site. McCaw said it refused until Clark Builders decontaminated it. Clark Builders insisted the equipment wasn't contaminated enough to warrant being decontaminated, McCaw claims.

McCaw said this standoff went on for four months until the Workers' Safety and Compensation Commission got involved and ordered Clark Builders to decontaminate the equipment. McCaw said this delay tied up its equipment and cost the company more than \$600,000.

'Excessive and unreasonable' cost

But in its statement of defence, Clark Builders said that \$600,000 cost is "excessive and unreasonable." It said it disclosed to McCaw early on that the area was contaminated with arsenic. Clark Builders said McCaw didn't fill out proper paperwork after it discovered its equipment was contaminated. Clark Builders also said it is not obligated to pay McCaw for the "incomplete" bore holes. Both sides will have two days to present their case to a judge, starting on Thursday.