

Danny El-Nemr, Eng.

— CIVIL ENGINEER · EXPERT WITNESS

Municipal Infrastructure · Water Management · Construction-Related Damage

Expert practice carried out within Adiva Infra inc., Greater Montréal; engagements throughout Québec



Eng. since 2019

Ordre des ingénieurs du Québec, member no. 5095080

Nearly 100 projects

in municipal and road infrastructure, totalling over \$280M in construction works

Plaintiff and defendant sides

Expert reports, rebuttal reports and preliminary opinions

10 business days

Fixed-fee preliminary opinion, from receipt of the file and site visit

What I am retained for

1

Sewer backups, flooding and stormwater

Cause and origin (municipal network, private service connection, design, maintenance), capacity and sizing, compliance with good engineering practice, allocation of technical responsibilities. Subrogation claims, claims against municipalities, class actions.

2

Damage to properties adjacent to municipal works

Construction vibrations, excavations, dewatering, settlement, broken service connections. Review of vibration monitoring, specifications and site logs; reconstruction of the chronology; assessment of competing hypotheses.

3

Municipal construction claims: contractor, municipality, designer

Plans and specifications, differing site conditions, scope changes, construction supervision. Analysis of technical liability, complementing quantum and delay experts.

Also: retaining walls and slopes, drinking water networks, pavements and culverts, retention structures.

Engagement formats

Fixed-fee preliminary opinion – 3 to 5 pages within 10 business days from receipt of the file and site visit: technical strength of the case, hypotheses, expertise required, budget. Useful while the six-month deadline to bring an action against a municipality is running.

Critical review of an opposing expert report – methodological flaws, points to verify, questions for the cross-examination of the opposing expert.

Expert assessment and report – mission, methodology, facts, analysis, conclusions; brief but complete reports (art. 22 and 238 C.C.P.), readable by a judge.

Joint expert – available as the single expert appointed by the parties or by the court.

Litigation support – preparation of examinations, expert meetings, testimony.

Why an engineer who still designs

- I have written, reviewed and supervised the same kind of plans and specifications these cases turn on: I know where to look.
- The tools of a design firm (hydraulic modelling, surveys, technical drawing) in service of analysis and demonstration.
- Independent of the large engineering firms, and free of their conflicts of interest with project owners.

Representative engagements

Alleged structural and sanitary damage – residential building, Montréal (2025–2026)

Dispute arising from major municipal works: construction vibrations and sanitary sewer backup attributed to work on the adjacent underground infrastructure. Review of the evidentiary record (undertakings, examinations, plans and specifications, vibration monitoring, CCTV inspections), building inspection, reconstruction of the chronology, assessment of competing hypotheses. **Stage: expert report produced**

Performance of stormwater management works – industrial site (2025–2026)

Recurring water accumulation despite the alleged compliance of the works. Review of plans and specifications, inspection, hydraulic analysis, verification of sizing and capacity, probable causes (design, construction or maintenance) and technical responsibilities, distinguishing actual from theoretical performance. **Stage: expert report produced**

Rebuttal report – collapse of a residential retaining wall (2025–2026)

Dispute between neighbours. Independent analysis of the site configuration, evolution of the works over more than a decade based on historical photographs, critical review of the opposing expert report and of its methodological limitations, plausible failure mechanisms (interaction between structures, drainage, surveying). **Stage: rebuttal report produced**

Other engagements: critique of an opposing expert report concerning a retaining wall on a property line, with testimony before the Court of Québec, Small Claims Division (2026); independent review of the corrective measures following the flooding of ground-floor units in a multi-family complex, with a site visit under rainy conditions.

Ongoing engagements (2026): rebuttal report on the heaving and watertightness of sewer manholes in a private network, with a geotechnical investigation program (Superior Court); rebuttal report on water accumulation attributed to a neighbouring retaining wall and basin, analysis of the land surveyor's data (Superior Court, District of Montréal); preliminary technical opinion on the defects of a concrete-paver parking area (pre-litigation).

Engagements are described in general terms to preserve confidentiality.

Expert practice to date

Expert practice since 2024: expert and rebuttal reports, preliminary technical opinions and litigation support for law firms, contractors and property owners, on the plaintiff and defendant sides alike. Ongoing engagements before the Superior Court of Québec (sewer manholes in a private network; water accumulation and retaining wall) and a preliminary opinion in pre-litigation. Testified as an expert before the Court of Québec, Small Claims Division (2026).

Independence and conflicts of interest

My mission is to enlighten the court, and that mission overrides the interests of the parties (art. 22 C.C.P.). I do not act for or against Adiva Infra's active municipal clients (contract in progress or completed less than 24 months ago). Conflict check within 24 hours; list of municipal clients available on request. No conclusion is agreed upon in advance.

Approach

- 01 Preliminary review and scoping of the engagement
- 02 Document review (plans, specifications, contracts, reports, undertakings, examinations)
- 03 Site inspection and observations
- 04 Technical analysis, formulation and assessment of hypotheses
- 05 Expert report or technical opinion
- 06 Litigation support and preparation for testimony

Qualifications and affiliations

- Member of the Ordre des ingénieurs du Québec since November 2019 (member no. 5095080); junior engineer from June 2018 to November 2019
- Bachelor of Engineering (B.Eng.), Civil Engineering, Polytechnique Montréal (2018); Minor in Management (2018)
- 2019–2024: Team Lead, Municipal and Road Infrastructure, IGF Axiom inc.
- Since June 2024: President and Founder, Adiva Infra inc.
- **Training:** 2024, Management of municipal infrastructure construction works (INF-MUN-2), AQTr; 2021, Culvert design (MTMD), Polytechnique Montréal; 2021, Hydraulic modelling with SWMM5, Université de Sherbrooke; 2017, General health and safety on construction sites, ASP Construction
- **Reference standards:** BNQ 1809-300; MTMD's CCDG, Tome II and culvert design manual; Guide de gestion des eaux pluviales (MELCCFP); City of Montréal standard specifications; ICPI recommendations (concrete pavers)
- **Languages:** French and English (reports and testimony in both languages)

Discuss a case: 30 minutes at no charge.

Full litigation CV available on request.

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