



Annik Forristal

Partner
Toronto

416.865.7292
annik.forristal@mcmillan.ca

education and year of call

- Called to the Ontario bar - 2012
- University of Calgary, Juris Doctor - 2011
- University of Waterloo, Bachelor of Applied Science in Chemical Engineering

practice areas

municipal and land use planning law
planning and approvals
environmental regulation
construction
government relations
administrative law
commercial real estate

industries

construction
infrastructure
greenbuild

profile

Annik is a partner specializing in the construction, infrastructure and development industries. She provides advice and representation in respect of project delivery, contractual allocation and management of risk, municipal land use planning and related approvals, project administration, claims management, environmental law and dispute resolution.

A practicing engineer before she became a lawyer, Annik is well placed to provide informed, practical advice to all players in the construction and development industries including owners, developers, municipalities, contractors, engineers and architects. Her project experience is wide-ranging and includes condominiums, university and hospital developments, industrial facilities, and solar and wind energy projects.

Annik is experienced in the front-end approval and permitting necessary for development and construction projects, such as obtaining official plan amendments, rezonings, severances and minor variances as well as acquiring environmental authorizations including records of site condition, environmental compliance approvals and permits to take water. She regularly makes submissions to municipal councils and Committees of Adjustment, and appears before the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board), the Environmental Review Tribunal and the Toronto Local Appeal Body.

Annik is frequently sought after for her experience negotiating, drafting and advising on complex construction and development agreements, including custom-drafted and standard form construction contracts (such as CCDC, CCA, OAA and ACEC), integrated project delivery (IPD) agreements, tie-back and crane swing agreements, master supply agreements, operation and

maintenance agreements, and section 37 agreements. She also supports clients through dispute resolution processes where she employs a results-oriented, creative and cost-effective approach in mediation and arbitration proceedings, as well as Building Code, by-law and regulatory compliance matters before the Provincial Offences Court.

A frequent speaker and writer in her areas of expertise, Annik served as an elected member of the Ontario Bar Association's Municipal Law Executive for 4 years from 2016 to 2020. She is also a member of [McMillan Vantage LP](#), a full-service, national public affairs firm comprised of lawyers and policy advisors who assist clients in achieving policy-based solutions.

Annik received her Juris Doctor from the University of Calgary where she graduated on the Dean's List in 2011. Prior to law school, Annik received her Bachelor of Applied Science in Chemical Engineering from the University of Waterloo, and practiced as a project and process engineer with various Canadian companies.

directorships and professional associations

- Ontario Bar Association

representative matters

Land Use Planning

- Assisted Amexon Development and Heritage York Holdings Inc. in obtaining approval for a High Density Mixed Use Residential and Commercial Development on 1200, 1210 & 1200 Sheppard Avenue for a total of 1793 Residential units, 28,189 square feet retail and 136,000 square feet commercial office
- Assisted Lee Development in obtaining approval for a townhouse apartment development with 451 units
- Assisted Dunpar Developments Inc. in obtaining a Zoning By-law Amendment for 4390 Mississauga Road for a mid-rise, 65 townhome developments

Construction and Energy

- Assisted with the drafting and negotiation of a master services agreement for the provision of architectural services for The Hospital for Sick Kids' Project Horizon – a significant campus redevelopment project valued at \$1.3 billion being undertaken by the hospital in cooperation with the Ministry of Health and Long-Term Care in the City of Toronto's downtown.
- Assisted with the drafting and negotiation of construction management (CCDC 5A), stipulated price construction contracts (CCDC 17) and other associated contracts for

Westbank Project Corp.'s Mirvish Village development (including for future energy services at the development). Mirvish Village is an extensive redevelopment in Toronto's iconic Bloor West/Annex neighbourhood at the former location of the landmark Honest Ed's. The development has been planned as a mixed-use rental community and consists of 5 mixed use buildings ranging from 13 to 26 storeys in height. The development will involve the restoration of numerous historical buildings as well as the creation of new public green spaces and will create 916 rental units and over 225,000 square feet of retail, offices and community uses.

- Assisted a major authority in successfully resolving construction delay and cost overrun disputes under a P3 agreement involving allegations of changed site conditions, severe weather, protest actions, and increased financing costs in respect of the construction of an underwater tunnel.
- Acted as counsel to an engineering and management firm providing assistance with the drafting and negotiation of numerous agreements for the provision of professional services, including for large infrastructure projects
- Drafted and negotiated individual and master agreement forms of engineering, procurement and construction contracts (EPC)
- Drafted and negotiated individual and master agreement forms of equipment supply agreements
- Drafted and negotiated Operation and Maintenance agreements for solar projects

Environment

- Acted as counsel to the Canadian Owners and Pilots Association in opposing the installation of 8 wind turbines in the Collingwood/Stayner Area, resulting in the first decision of the Environmental Review Tribunal where it was found that engaging in a renewable energy project in accordance with its renewable energy approval will cause serious harm to human health.
- Acted as environmental counsel to purchasers of impacted lands including advising in respect of conducting due diligence investigations, preparing remediation plans, obtaining Records of Site Condition (full-depth generic, background and risk-based), and negotiating agreements for purchase and sale.
- Acted as environmental counsel on the purchase of lands for re-development for industrial, commercial, office, residential and recreational uses.

awards and rankings

- Award for highest academic achievement in environmental

law at the University of Calgary, 2010

- Dean's List, University of Calgary 2011

publications

July 22, 2020

COVID-19: July 22nd Update on the Impacts to Development Applications and Hearings
Municipal and Land Use Planning; Development Bulletin

July 6, 2020

COVID-19: July 6th Update on the Impacts to Development Applications and Hearings
Municipal and Land Use Planning; Development Bulletin

June 3, 2020

COVID-19: June 3rd Update on the Impacts to Development Applications and Hearings
Municipal and Land Use Planning; Development Bulletin

May 20, 2020

COVID-19: May 20th Update on the Impacts to Development Applications and Hearings
Municipal and Land Use Planning; Development

May 13, 2020

COVID-19: May 13th Update on the Impacts to Development Applications and Hearings
Municipal and Land Use Planning; Development

May 6, 2020

COVID-19: May 6th Update on the Impacts to Development Applications and Hearings
Municipal and Land Use Planning; Development Bulletin

May 2020

Am I covered? The Supply of Project and Construction Management and other Consulting Services under Ontario's *Construction Act*
Construction Law Letter, Vol 36, No. 5, pp 4-7

April 22, 2020

COVID-19: April 22nd Update on the Impacts to Development Applications and Hearings
Municipal and Land Use Planning; Development Bulletin

April 15, 2020

COVID-19: April 15th Update on the Impacts to Development Applications and Hearings
Municipal and Land Use Planning; Development Bulletin

April 8, 2020

Project Management Amid COVID-19 - The Triage
Construction Law Bulletin

April 7, 2020

COVID-19: April 7th Update on the Impacts to Development Applications and Hearings
Municipal and Land Use Planning; Development Bulletin

April 3, 2020

The Impact of COVID-19 on the Construction Industry: A Reference Guide to the Changed Landscape
Construction Law Bulletin

March 30, 2020

COVID-19: March 30th Update on the Impacts to Development Applications and Hearings
Municipal and Land Use Planning; Development Bulletin

March 23, 2020

COVID-19: What is the Impact on Development Applications and Hearings?
Municipal and Land Use Planning; Development Bulletin

March 2018

Think twice before obtaining a labour and material payment bond – new liability for an old security
Construction Law Bulletin

March 2018

Change is Coming to Ontario's *Construction Lien Act* – What Do You Need to Know for 2018?
Construction Law Bulletin

February 2018

Toronto Local Appeal Body to Date - The Perks and the Pitfalls

May 2017

Province of Ontario Announces Major Reforms to the Land Use Planning Appeal Process
Municipal Law Bulletin

March 2017

Federal Jurisdiction in Municipal Matters: What Happens When the Provinces or Municipalities Step on Federal Toes?
Municipal Law Bulletin

February 21, 2017

What to Expect from Toronto's Local Appeal Body – Knowns and Unknowns
Municipal Law Bulletin

May 2016

Gatekeepers to Playing in the Sandbox
Six Minute Municipal Lawyer

presentations

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October 14, 2020

Contracting and Procurement in a COVID-19 World
Lexpert and the Canadian Lawyer Magazine: Infrastructure Law
Co-speaker with A. Forristal

July 21, 2020

Managing Construction Risk in 2020 and Beyond
The International Concrete Repair Institute and the American
Concrete Institute

April 3, 2020

Responses to Select Questions from the "The Impact of COVID-19 on the Construction Industry: McMillan Answers Your Questions" Webinar

March 31, 2020

Webinar: The Impact of COVID-19 on the Construction Industry: McMillan Answers Your Questions

February 2020

Selecting and Managing External Counsel
Ontario Bar Association Institute's Program re: "Legal Departments and Economic Uncertainty – How to Add Value to Your Employer", Member of panel

November 12, 2019

Live Demonstration: Negotiating Key Terms in Design Contracts
Osgoode Construction Law Certificate Program

May 23, 2019

Allocating Risks: Managing Troublesome Contract Clauses
Ontario Architect's Association Annual Conference in Quebec City

April 11, 2019

Ontario's New Construction Act
McMillan Construction Counsel Series

March 7, 2019

Allocating Risks by Contract: Troublesome Contract Clauses
Osgoode Professional Development – Advanced Legal Risk Management for Design Professionals

March 21, 2018

Construction Work Ahead: Land Development and Construction Law Issues in Ontario Part 2
Construction and Infrastructure Law
Municipal Law
Co-Chair with Jason Lewis (WSP)
Ontario Bar Association, Twenty Toronto Street

March 2, 2018

Allocating Risks by Contract: Troublesome Clauses to Watch Out
Legal Risk Management For Design Professionals: Strategies

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For Dealing With Today's Complex Projects, Osgoode Hall

February 2018

Toronto Local Appeal Body To Date: The Perks & The Pitfalls
OBA Institute 2018 – A New Era In Municipal and Planning Law,
Toronto, Ontario

May 2017

Ontario Heritage Act
The Six Minute Lawyer

May 3, 2017

OBA Infrastructure Primer III - Negotiating Design
Construction Law
Ontario Bar Association, Twenty Toronto Street

March 31, 2017

Allocating Risks by Contract: Troublesome Clauses to Watch
Out

Legal Risk Management For Design Professionals: Strategies
For Dealing With Today's Complex Projects, Osgoode Hall

March 28, 2017

Construction Work Ahead: Land Development and Construction
Law Issues in Ontario

Construction and Infrastructure Law

Municipal Law

Co-Chair with Jason Lewis (Ivanhoe Cambridge Inc.)

Ontario Bar Association, Twenty Toronto Street

May 4, 2016

The Role of Expert Witnesses: Further Update and the Latest
Court Decisions

Six Minute Municipal Lawyer, Donald Lamont Learning Centre