

ANNIK FORRISTAL



Categories: [People](#), [Lawyers](#)

Annik is a Group Head of McMillan's National Infrastructure and Construction Group whose practice is dedicated to the construction, infrastructure and development industries. She provides considered advice and representation on 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 becoming a lawyer, Annik is committed to providing informed, practical advice to all stakeholders in the construction and development industries, including owners, developers, municipalities, contractors, engineers and architects. Her extensive project experience includes condominiums, university and hospital developments, entertainment facilities, industrial facilities, and solar and wind energy installations. In 2022, Annik advised her clients on projects with a cumulative value of over \$1.5 billion

Frequently sought after for her experience negotiating, drafting and advising on complex construction and development agreements, Annik assists her clients with 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, site plan agreements, and community benefit agreements. Annik also fervently supports her clients through the dispute resolution processes, employing 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.

Annik is fully versed in the front-end approvals and permitting necessary for development and construction projects. She helps her clients obtain official plan amendments, rezonings, severances and minor variances, as well as authorizations from heritage and conservation authorities. Annik also makes submissions to municipal councils and committees of adjustment, and appears before the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal and the Ontario Municipal Board), the Environmental Review Tribunal and the Toronto Local Appeal Body.

A frequent speaker and writer in her areas of expertise, Annik is an elected member of the Ontario Bar Association's Construction Law Executive as of 2021 and was an elected member of the Ontario Bar Association's Municipal Law Executive for years from 2016-2020.

Email: annik.forristal@mcmillan.ca

Expertise: Construction & Infrastructure, Energy, Environment, Municipal, Land Use Planning & Development

Location: Toronto

Phone: 416.865.7292

Position/Title: Partner, Construction & Infrastructure | Municipal, Land Use Planning & Development

Directorships & Affiliations:

- Ex-officio legal representative on the Association of Consulting Engineering Companies – Ontario (ACEC-ON) Business Practices Committee as of 2021
- Elected member of the Ontario Bar Association's Construction and Infrastructure Law Executive as of 2021
- Ontario Bar Association

- Elected member of the Ontario Bar Association's Municipal Law Executive for 4 years from 2016 to 2020

Publications:

- "[Don't Let the Clock Run Out on Your Claim - Key Limitation Period Practices for Contractors](#)," Ontario General Contractors Association (February 24, 2022)
- "[Architect's Vaccination Mandates](#)" Pro-Demnity (March 2022)
- "[Indemnities and Limitations of Liability – What Every Contractor Should Know](#)" Ontario Construction News (February 2022)
- "[Legal Notes: ESG Requirements Coming to Future Constructions Contracts](#)" Daily Commercial News (January 2022)
- "[Legal Notes: The Legal Stakes of ESGs and Construction](#)" Daily Commercial News (January 2022)
- "[Indemnities and Limitations of Liability – What Every Contractor Should Know](#)" Ontario General Contractors' Association (January 2022)
- "[Client Vaccination Mandates - Before you Sign on the Dotted Line](#)", Pro-Demnity (December 3, 2021)
- "Contracting and Procurement in a COVID-19 World", Lexpert and the Canadian Lawyer Magazine: Infrastructure Law (October 14 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 (May 2020)
- "[Toronto Local Appeal Body To Date: The Perks & The Pitfalls, OBA Institute 2018 – A New Era In Municipal and Planning Law](#)", Toronto, Ontario (February 2018)
- "[Gatekeepers to Playing in the Sandbox](#)", The Six Minute Lawyer (May 2016)
- "[The 2014 Provincial Policy Statement & Environmental Protection](#)", Land Development and Planning Forum 2014 (juin 2014)
- "[A new departure and a fresh approach: the Ontario Court of Appeal decision in Combined Air](#)", Article originally appeared in The Advocates' Quarterly, Volume 39, Number 4 (avril 2012)

Education & Admissions:

Degree: Called to the Ontario bar

Year: 2012

Degree: JD

University: University of Calgary

Year: 2011

Degree: BA Sc, Applied Science in Chemical Engineering

University: University of Waterloo

Year: 2008

Media Mentions:

- "[What are the top legal challenges for construction in 2024?](#)" by Angela Gismondi, Daily Commercial News (April 24, 2024)
- "[Lansdowne 2.0 up for thorny vote that could define project](#)," by Arthur White-Crummey, CBC News (March 31, 2024)
- "[LOC panellists call out MOL inaction following Sudbury decision](#)", by Don Wall, Daily Commercial News by ConstructConnect (January 25th 2024)
- "[Ontario Construction Act to see revisions next year: Ackerley](#)," by Mark Buckshon, Ontario Construction News (December 4, 2023)
- "[Ford's Greenbelt flip-flop could spell legal trouble for taxpayers, lawyers say](#)," by Cameron Mahler, CBC News (October 11, 2023)
- "[Infrastructure trends – cost and completion models evolving to reflect current realities](#)," by Zena Olijnyk, Lexpert (May 23, 2023)
- "[Construction contracts, dispute settlement process shifts with lessons from COVID: McMillan lawyers](#)," by Zena Olijnyk, Canadian Lawyer Magazine (January 24, 2023)
- "[MCAC recruitment panel probes corporate culture](#)," by Don Wall, Daily Commercial News (October 6, 2022)
- "[Legal Notes: The legal stakes of ESGs and construction](#)," by John Bleasby, Daily Commercial News (January 27, 2022)
- "[OAA, OGCA aim for balance in CCDC supplements](#)," by Don Wall, *Daily Commercial News* (November 12, 2021)
- "[OGCA Recommended Price Escalation Clauses](#)," By Ontario General Contractors Association (July 8, 2021)
- "[Lawyer advises steel stakeholders during volatile times](#)," By DCN-JOC News Services, *Daily Commercial News* (February 19, 2021)
- "[Fabricators anxious over steel price, delivery uncertainty](#)," By Don Wall, *Daily Commercial News* (February 19, 2021)
- "[Lexpert Magazine July/August 2016 Edition: Looking Back and Ahead](#)," How Three Associates With Diverse Backgrounds Ended Up Practising Law

Rankings & Recognition:

- Recognized in the 2024 Lexpert Special Edition on Canada's Leading Infrastructure Lawyers
- Recognized in the 2024 Canadian Legal Lexpert Directory as a Repeatedly Recommended Lawyer in the area of Construction Law
- Recognized by Chambers Canada (2024) as a leading lawyer in the area of Construction
- Recognized by *Best Lawyers* in Canada (2024) as a leading lawyer in the area of Construction Law
- Winner of the Lexpert 2023 Rising Stars Awards: Leading Lawyer Under 40
- Named one of Onsite Magazine's Top 40 under 40 in Canadian Construction (2023)
- Recognized in the 2023 Lexpert Special Edition on Canada's Leading Infrastructure Lawyers as an Infrastructure Lawyer
- Recognized as a 2022 Lexology Legal Influencer Infrastructure – Canada
- Recognized by Chambers Canada (2023) as a leading lawyer in the area of Construction Law
- Recognized by *Best Lawyers* in Canada (2023) as a leading lawyer in the area of Construction Law
- Recognized by *Best Lawyers* in Canada (2022) as a leading lawyer in the area of Construction Law
- Award for highest academic achievement in environmental law at the University of Calgary, 2010
- Dean's List, University of Calgary 2011

Speaking Engagements:

- Panelist for RAIC Webinar “Modern Practice: Standard of Care Considerations” with Jennifer Roberts and Lena Wang, moderated by Andrea Lee
- June 4, 2024
- <https://youtube.com/watch?v=hb1FYSAuBys&feature=share>

- Co-Chair of OBA Construction and Infrastructure Law Program “Year in Review” with L. Bruschetta and panelists G. Ackerley, K. Salter and G. Banfai
- December 7, 2023
- <https://mcac.ca/publications/toolbox-talks-podcast/>

- Negotiation Demonstration: Key Terms in Design Contracts, The Osgoode Certificate in Construction Law (Winter), Osgoode Hall Law School– Professional Development, Speaker

- OAA presentation with Annik Forristal, Allen Humphries and Melisa Audet re: Contract Suite – 2021: The new OAA 900 (Subconsultant Agreement)

- November 29, 2022

- <https://youtube.com/watch?v=hb1FYSAuBys&feature=share>

- Guest lecturer at Toronto Metropolitan University regarding “Environmental, Indigenous, and Heritage Issues in Construction Law” for course re: “Negotiating Legal, Regulatory and Contractual Issues”

- November 15, 2022

- OBA Construction Primer - presentation with T. Betts re: Risk Allocation through the Construction Contract: Key Provisions

- November 3, 2022

- CDAO Procurement Project 2022 - How to Manage and Mitigate Risk – Presentation by Annik Forristal re: Standard Form Contracts

- October 28, 2022

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- OAA presentation with Annik Forristal, Allen Humphries and Melisa Audet re: OAA Contract Suite – 2021: The New OAA 800-2021 (Short form)

- October 27, 2022

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- OAA presentation with Annik Forristal, Allen Humphries and Melisa Audet re: OAA Contract Suite – 2021: The New OAA 600 (long form)

- October 20, 2022

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- Osgoode Construction Law Certificate National Fall 2022 – presentation with Annik Forristal and Karen Groulx re: Negotiation Demonstration: Key Terms in Design Contracts

- October 6, 2022

- <https://youtube.com/watch?v=hb1FYSAuBys&feature=share>

- MCAC Annual National Conference - Panel Session - Recruitment and Retention of the Next Generation with Annik Forristal, Beth Jacombe, Brandi Ferenc and Emily Arrowsmith

- <https://youtube.com/watch?v=hb1FYSAuBys&feature=share>

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- E2208 - Legal Perspective of BIM Implementation on Construction projects
 - June 13, 2022
 - [Link](#)

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- Presenter/panelist at The Buildings Show “Construction Law Update” with G. Ackerley, A. Esposito, N. Keith, T. Dreyer and H. Krupat
 - November 29, 2023
 - <https://mccac.ca/publications/toolbox-talks-podcast/>

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- OBA Construction Law Symposium: Examine the Evolving Roles of the GC & Design Professionals – Annik Forristal and Jason Lewis Co-Chairs
 - May 17, 2022

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- Osgoode Webinar Ontario’s Construction Act – Practical Considerations for Managing Disputes and Key Risks in 2022 and Beyond – Presentation with Annik Forristal and Tedd Betts, “Legal Risks and Contract Management Updates and Best Practices”
 - April 22, 2022

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- OGCA 13th Annual Construction Symposium – Presentation with Glenn Ackerley, A Conversation about Contracts: Emerging Trends and Challenges
 - April 7-9, 2022
 - [Upload File](#)

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- Presentation with Geza Banfai to the Greater Toronto Sewer and Watermain Contractors Association regarding Covid-19 Impact Claims in Construction
 - April 6, 2022
 - [Upload File](#)

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- ACEC-Ontario/ODACC presentation re: Adjudication under the Construction Act

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- Navigating Vaccine Mandates Planning, presented to the Association of Consulting Engineering Companies members
 - March 1, 2022

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- Supply Chain and Price Volatility : Toolbox Talks Podcast

- February 2022

- Link

- Urban Land Institute (ULI) Webinar re: New Year, New Excess Soil Regulations with Annik Forristal, Prasoon Adhikari, Hayley Valleau and Nathan Corriveau

- January 26, 2022

- Navigating Vaccine Mandates Planning, presented to the Association of Consulting Engineering Companies members

- October 5, 2021

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- Speaker at Toronto Lawyers Association Professional Development Event re: Toronto Real Estate Issues

- June 9, 2021

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- Guest lecturer at Toronto Metropolitan University regarding "Environmental, Indigenous, and Heritage Issues in Construction Law" for course re: "Negotiating Legal, Regulatory and Contractual Issues"

- November 15, 2023

- <https://mcac.ca/publications/toolbox-talks-podcast/>

- Osgoode Hall Law School Professional Development Program – Annual Update: Ontario's Construction Act - The Practical Guide to Navigating Key Risks & Obligations, Co-Presenter with Ted Betts re: Gaps in the Act: How to Fill Them Using Your Contracts & Subcontracts

- March 31, 2021

- Upload File

- Presentation at The Canadian Institute's 8th Annual Forum on Healthcare Infrastructure, Eastern Canada re: "Contracting Trends in Today's Healthcare Infrastructure Market"

- November 7, 2023

- Negotiation Demonstration: Key Terms in Design Contracts, The Osgoode Certificate in Construction Law (Fall), Osgoode Hall Law School– Professional Development, Speaker
- November 2, 2023

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- Presented at Excess Soils Symposium re: The Winding Road of O. Reg. 406/19 as panelist with G. Walsom, T. Missiuna, T. Repass-Subang and P. Sutton
 - September 21, 2023

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- OAA presentation with Annik Forristal, Allen Humphries and Melisa Audet re: Contract Suite – 2021: The new OAA 900 (Subconsultant Agreement)
 - April 4, 2023
 - <https://youtube.com/watch?v=hb1FYSAuBys&feature=share>

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- OAA presentation with Annik Forristal, Allen Humphries and Melisa Audet re: OAA Contract Suite – 2021: The New OAA 800-2021 (Short form)
 - March 28, 2023
 - <https://youtube.com/watch?v=hb1FYSAuBys&feature=share>

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- OAA presentation with Annik Forristal, Allen Humphries and Melisa Audet re: Contract Suite – 2021: The new OAA 600 (long form)
 - March 21, 2023
 - <https://youtube.com/watch?v=hb1FYSAuBys&feature=share>

Representative Matters: Construction – Industry Engagements

- Retained by the Ontario Association of Architects (OAA) to assist with updating its industry standard form OAA 600 contract for architect’s services and OAA 900 contract for subconsultant’s services.
- Retained by the Association of Consulting Engineering Companies – Ontario (ACEC-ON) to assist with updating its industry standard form Client/Engineer Agreement for Professional Consulting Services in partnership with the Municipal Engineers Association (MEA).
- Assisted the Ontario General Contractors Association (OGCA) in working with the Ontario Association of Architects (OAA) to update their joint standard supplementary conditions to the CCDC 2 standard form contract.

Construction - Institutional Projects

- Retained by an Ontario municipality to prepare a custom-drafted stipulated price contract for use in construction of a new recreational facility and to otherwise provide support during the procurement process for and construction of the project.
- Acted for a trade contractor in the review and negotiation of its subcontract with the general contractor for the provision of steel stud, drywall and ceiling services for the Royal Columbian Hospital Redevelopment Project Phase 2 in New Westminster, British Columbia.
- Acted for The Hospital for Sick Children for the drafting and negotiation of a supply agreement and CCDC 14 design-build contract for the supply and installation of a new CT Scanner.
- Acted for The Hospital for Sick Children for the drafting and negotiation of an OAA-600 contract for the provision of architectural services for early works for Project Horizon, a significant campus redevelopment project being undertaken by SickKids in cooperation with the Ministry of Health and Long-Term Care over the next decade in the heart of Toronto's downtown.
- Provided support and advice to a leading Canadian University in the issuance of its Request for Proposals for construction management services for a new campus building, including drafting of the CCDC 5B contract for inclusion in the RFP and negotiation of such contract with the successful bidder.
- Acted for a large Canadian Bank in the preparation of template construction contracts, including CCDC 5B contracts, for use on their projects in Canada.

Construction - Residential and Mixed Use Development Projects

- Acted for affiliate of Dream Unlimited to draft and negotiate construction management (CCDC 5B) contracts for construction of residential and commercial buildings on certain blocks located in both Ontario and Quebec forming part of Dream's Zibi Project – a complex 34-acre master planned community involving development of shoreline and islands on the Ottawa River located in Ottawa, Ontario and Gatineau, Quebec.
- Acted for Metroview Developments Inc. in the drafting and negotiation of the construction contracts required for construction of its 15-storey, 204 unit mixed-use development at 8888 Yonge Street in Richmond Hill, Ontario, including consultant contracts for architectural design services, a construction management contract (CCDC 5A), and stipulated price construction contracts (CCDC 17).
- Acted for Mattamy Homes Limited in the drafting and negotiation of the construction contracts and related agreements necessary for construction of the Springwater community, a 312 home sustainable development in the City of Markham that will be one of the largest low-rise community developments in Canada to connect all houses to a geothermal energy system.
- 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). Also provided support and advice in respect of issues arising during construction. 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.

- Acted for Westbank Projects Corp. for the drafting and negotiation of CCDC 5A, CCDC 17 and other associated contracts and in respect of issues arising during construction for Westbank and Allied Properties REIT's redevelopment of a heritage office building located at 19 Duncan Street in the City of Toronto's Entertainment District for a 58-storey mixed-use building comprised of ground floor retail, hotel suites and rental apartments.
- Acted for Westbank Projects Corp. for the drafting and negotiation of CCDC 5A, CCDC 17 and other associated contracts and in respect of issues arising during construction for Westbank and Allied Properties REIT's development of a 16-storey mixed-use building designed by renowned architect Bjarke Ingels and located at 489 King Street West in the City of Toronto.
- Acted for Timbercreek Asset Management Inc. in the drafting and negotiation of development and construction contracts, including development agreements, cost sharing agreements, CCDC 2 contracts and CCDC 5B contracts, for use on various residential development projects across Canada.
- Acted for an architectural firm in the drafting and negotiation of consultant agreements for the provision of design services for various mixed use development projects in Ontario.
- Acted for a concrete forming contractor in the review and negotiation of construction contracts, including CCDC 17 contracts, for various mixed use development projects in the GTA.

Construction - Industrial Projects

- Acted for Magna International Inc. in the preparation of template construction contracts, including CCDC 5B contracts, for use on their projects in Canada.
- Acted for a Canadian cold storage and refrigerated food storage company in the drafting and negotiation of a CCDC 2 contract for construction of a new cold storage facility.

Construction - Infrastructure and P3 Projects

- Act as counsel to a major Canadian engineering and management firm providing assistance with the drafting and negotiation of numerous agreements for the provision of professional services, including for P3 projects and large infrastructure projects.

- 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.

Construction - Energy Projects

- Acted for a leading steel stud, drywall and acoustic ceilings contractor in the review and negotiation of its subcontract with the general contractor for the new liquefied natural gas liquefaction facility and export terminal in Kitimat, British Columbia.
- Acted for an international electric utility company in the drafting and negotiation of turbine supply and turbine servicing agreements in support of their bid in SaskPower's RFP for a 300MW wind farm.
- Acted for Mattamy Homes Limited in the drafting and negotiation of the construction contracts for geothermal work necessary for construction of the Springwater community, a 312 home sustainable development in the City of Markham that will be one of the largest low-rise community developments in Canada to connect all houses to a geothermal energy system.
- Assisted Westbank Project Corp. with the drafting and negotiation of a construction agreement for the energy system that will provide heating, cooling, electricity and domestic hot water for the Mirvish Village development.
- Acted for a large Canadian rooftop solar company for the drafting and negotiation of Master Equipment Supply Agreements (e.g., PV modules, racking and inverters), Design-Build Agreements, Remote Monitoring Agreements and Operation and Maintenance Agreements for hundreds of solar projects.

Development and Land Use Planning

- Acted for Durabody Industries Ltd. in appealing and achieving settlement before the Local Planning Appeal Tribunal of a neighbouring developer's application for plan of subdivision approval in the Town of Bradford West Gwillimbury, including the securing of noise mitigation measures to protect facility longevity.
- Acted for 1477037 Ontario Limited in obtaining approval of a Regional Official Plan Amendment to permit rural employment uses on 60 acres of land located on Highway 47 in the Township of Uxbridge.
- Acted for Dulcina Investments Inc. and Sandra Mammone in obtaining approval of Official Plan Amendments and Zoning By-law Amendments for High Density Mixed Use Residential and Commercial Developments at 8940 and 9060 Jane Street in the City of Vaughan for a total of 2,864 units in 10 towers with heights ranging from 18-28 storeys.
- Acted for Amexon Development Corporation in obtaining approval of Zoning By-law Amendments for a High Density Mixed Use Residential and Commercial Development at 225 Jarvis Street for a total of 546

residential units and 177 hotel suites in a single 45-storey tower.

- 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 midrise, 65 townhome developments

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.

Industries: Construction & Infrastructure, Energy

Practices: Environment, Municipal, Land Use Planning & Development