

ANNIK FORRISTAL

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

Annik is an experienced lawyer with a practice focused on the construction, infrastructure and development industries. She provides 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 practising engineer before becoming a lawyer, Annik is well placed to provide informed, practical advice to all stakeholders in the construction and development industries, including owners, developers, municipalities, contractors, engineers and architects. Her vast project experience includes condominiums, university and hospital developments, industrial facilities, and solar and wind energy installations.

Frequently sought after for her experience negotiating, drafting and advising on complex construction and development agreements, Annik assists 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, and section 37 agreements. Annik also supports 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 also fully versed in the front-end approvals and permitting necessary for development and construction projects. She obtains official plan amendments, rezonings, severances and minor variances, and facilitates environmental authorizations including records of site condition, environmental compliance approvals and permits to take water. Annik 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.

A frequent speaker and writer in her areas of expertise, Annik is also a member of the national public affairs firm [McMillan Vantage Policy Group](#).

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:

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

Publications:

- "Contracting and Procurement in a COVID-19 World", Lexpert and the Canadian Lawyer Magazine: Infrastructure Law (14 octobre 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 (mai 2020)
- "[Toronto Local Appeal Body To Date: The Perks & The Pitfalls, OBA Institute 2018 – A New Era In Municipal and Planning Law](#)", Toronto, Ontario (février 2018)
- "[Gatekeepers to Playing in the Sandbox](#)", The Six Minute Lawyer (mai 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, Applied Science in Chemical Engineering

University: University of Waterloo

Year: 2008

Media Mentions:

- "[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 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:

- Navigating Vaccine Mandates Planning, presented to the Association of Consulting Engineering Companies members
- September 2021

- Speaker at Toronto Lawyers Association Professional Development Event re: Toronto Real Estate Issues
- June 9, 2021

- Ontario's New Construction Act McMillan Construction Counsel Series

- Allocating Risks by Contract: Troublesome Contract Clauses Osgoode Professional Development – Advanced Legal Risk Management for Design Professionals
- March 7, 2019

- 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 21, 2018

- 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 2, 2018

- 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

- Upload File

- Ontario Heritage Act The Six Minute Lawyer

- May 2017

- Upload File

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

- May 3, 2017

- Upload File

- 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 31, 2017

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

- The Role of Expert Witnesses: Further Update and the Latest Court Decisions Six Minute Municipal Lawyer, Donald Lamont Learning Centre

- May 4, 2016

- Upload File

- 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

-
- Osgoode Hall Law School Professional Development Program – Legal Guide to Managing Contracts & Risk in Design Projects, Presenter and Co-Program Chair with Jennifer Roberts
 - December 4 & 11, 2020

-
- The Osgoode Certificate in Construction Law, Osgoode Hall Law School – Professional Development, Co-speaker with Kathryn Lack re: Live Demonstration: Negotiating Key Terms in Design Contracts
 - October 23, 2020

-
- Contracting and Procurement in a COVID-19 World, Lexpert and the Canadian Lawyer Magazine: Infrastructure Law, Co-speaker with Jason J. Annibale
 - October 14, 2020

-
- Responses to Select Questions from the "The Impact of COVID-19 on the Construction Industry: McMillan Answers Your Questions" Webinar
 - April 3, 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
 - February 2020

-
- Live Demonstration: Negotiating Key Terms in Design Contracts Osgoode Construction Law Certificate Program
 - November 12, 2019

-
- Allocating Risks: Managing Troublesome Contract Clauses Ontario Architect's Association Annual Conference in Quebec City
 - May 23, 2019

Representative Matters: Construction - Institutional Projects

- 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 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.

Construction - Other

- Assisted the Ontario General Contractors Association in working with the Ontario Association of Architects to update their joint standard supplementary conditions to the CCDC 2 standard form contract.

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