

GEZA R. BANFAI



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

Geza Banfai is a widely respected lawyer by the legal community and across the construction and infrastructure sector. Geza represents stakeholders at every level of the construction pyramid, including lenders and owners (public and private), general contractors, subcontractors, material suppliers and workers. He also works with design, architectural and engineering professionals as well as testing consultants. Geza is recognized by *Chambers Canada* as a leading lawyer in the area of construction law.

Geza's vast experience includes the preparation of domestic and international construction contracts, pre-bid, bid and project alliancing, the development of domestic and international joint venture and teaming agreements, and the negotiation and preparation of integrated team and public-private partnership (P3) contracts. He also provides advice on procurement issues, and representation on contract claims and disputes, construction liens, trust claims, lien priority disputes, bond claims, claims involving the negligence of design professionals, and occupational health and safety (OHS) issues.

Known for providing practical and sound business advice, Geza is sought out by a variety of clients on diverse projects that include residential properties, nursing and retirement homes, retail and office commercial buildings, hospitality and gaming facilities, office / warehouse developments, manufacturing facilities, schools, theatres, power generating stations (nuclear, hydro, fossil, natural gas and wind power), pipelines, airports, automotive facilities, medical research facilities and hospitals.

Geza is a frequent presenter and prolific writer on a variety of construction and infrastructure-related issues. He was instrumental in establishing the Osgoode Construction Law Certificate Course conducted by Osgoode Professional Development (Osgoode Hall Law School) and serves as the program director for this highly successful program.

Email: geza.banfai@mcmillan.ca

Expertise: Construction & Infrastructure, Litigation & Dispute Resolution

Location: Toronto

Phone: 416.865.7806

Position/Title: Counsel, Construction & Infrastructure

Community Involvement:

- Chair, IPD Task Force, CCDC
- Chair, CCDC 40 Revision Working Group, CCDC
- Member, Editorial Advisory Board, Daily Commercial News (Reed Construction Data)

Directorships & Affiliations:

- Board of Directors, Canadian Construction Association
- Fellow, Canadian College of Construction Lawyers
- Member: Canadian Bar Association, Construction Law Section
- Member: Forum on the Construction Industry, American Bar Association
- Member: Society of Construction Law
- The Law Society of Upper Canada (Ontario)
- Toronto Lawyers Association

Publications:

- "[Competing Claims for Construction Holdback – Whose Money Is It, Anyway?](#)," Co-authored with Jason Annibale, Donia Hashem and Anthony Labib, Construction Law Letter, Vol 40, pp 9-11 (September/October 2023)
- "[Legal: “The risks of scope creep \(Part 1 of 2\)”](#)" Co-authored with Patrick Pinho and Kailey Sutton, Canadian Consulting Engineer (February 2022)
- "[Indemnities and Limitations of Liability – What Every Contractor Should Know](#)" Ontario General Contractors' Association (January 2022)
- "[The Future of Construction Contracts: The Post-COVID-19 World](#)," Buildforce Magazine, Fall 2020 (October 2020)
- "[How to prepare for the post-COVID-19 world of construction](#)," Link2Build (April 2020)

Education & Admissions:

Degree: Called to the Ontario bar

Year: 1978

Degree: LLB

University: Osgoode Hall Law School

Year: 1976

Degree: BA

University: University of Toronto

Year: 1973

Media Mentions:

- "[OAA, OGCA aim for balance in CCDC supplements](#)", by Don Wall, *Daily Commercial News* (November 12, 2021)
- "[OGCA panellists discuss best practices for remaining profitable post COVID-19](#)", *Daily Commercial News/Construct Connect* (September 16, 2020)
- [Inaugural Webinar Series](#), *Ontario General Contractors Association* (September 9, 2020)
- "[Cranes swing back into action as COVID-19 pandemic restrictions begin to loosen](#)", *The Globe and Mail* (May 6, 2020)
- "[Take care if deviating from CCDC standards: Lawyer](#)", *Daily Commercial News* (March 3, 2020)
- "[Construction liens under Ontario’s new Construction Act: Strategies for Navigating the New Regime](#)" by

Special to Ontario Construction News (December 16, 2019)

- "[Osgoode Professional Development: Osgoode Certificate in Construction Law 2019](#)" by Special to Ontario Construction News (July 22, 2019)
- "[Ontario construction industry prepares for new prompt payment, adjudication rules expected to bring 'profound' change](#)", On-Site (June 11, 2019)
- "[Ontario construction lawyers keen for new adjudication regime](#)", *Daily Commercial News* (May 9, 2019)
- "[CCDC unveils 'radically different' IPD contract](#)", *Daily Commercial News* (February 19, 2019)
- To date, 44 articles and mentions in *Daily Commercial News*

Rankings & Recognition:

- Recognized by *Best Lawyers in Canada* (2024) as a leading lawyer in the area of Construction Law
- Recognized in the 2023 Lexpert Special Edition on Canada's Leading Infrastructure Lawyers as an Infrastructure Lawyer
- Recognized in the 2023 Canadian Legal Lexpert Directory as a Most Frequently Recommended Lawyer in the area of Construction Law and a Repeatedly Recommended Lawyer in the area of Infrastructure Law
- Recognized in the 2023 *Lexpert / American Lawyer Guide to the Leading 500 Lawyers in Canada: Construction*
- Listed in *Who's Who Legal: Global 2022* as a Thought Leader in Construction
- Listed in *Who's Who Legal: Canada 2022* as a Thought Leader in Construction
- 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 in the 2022 Lexpert Special Edition on Canada's Leading Infrastructure Lawyers as an Infrastructure Lawyer
- Recognized in *Who's Who Legal: Construction Report 2022*
- Recognized in the 2022 Canadian Legal Lexpert Directory as a Most Frequently Recommended Lawyer in the area of Construction Law and a Repeatedly Recommended Lawyer in the area of Infrastructure Law
- Recognized in the 2022 *Lexpert / American Lawyer Guide to the Leading 500 Lawyers in Canada: Construction*
- Recognized by *Chambers Canada* (2022) 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
- Listed in *Who's Who Legal: Global 2021* as a leader in Construction
- Listed in *Who's Who Legal: Canada 2021* as a leader in Construction

- Recognized in the *2021 Lexpert Special Edition on Canada's Leading Infrastructure Lawyers* as a Infrastructure Lawyer
- Recognized in the *2021 Canadian Legal Lexpert Directory* as a Most Frequently Recommended Lawyer in the area of Construction Law and a Repeatedly Recommended Lawyer in the area of Infrastructure Law
- Recognized by the *Best Lawyers in Canada (2021)* as a leading lawyer in the area of Construction Law
- Listed in *Who's Who Legal: Canada 2020* as a leader in Construction and Government Contracts
- Recognized by *Chambers Canada (2021)* as a leading lawyer in the area of Construction Law
- Recognized in the *2020 Lexpert Special Edition on Canada's Leading Infrastructure Lawyers* as a Leading Infrastructure Lawyer
- Recognized in the *2020 Canadian Legal Lexpert Directory* as a Most Frequently Recommended lawyer in the area of Construction Law and a Repeatedly Recommended lawyer in the area of Infrastructure Law
- Recognized in the *2020 Lexpert / American Lawyer Guide to the Leading 500 Lawyers in Canada: Construction*
- Listed in *Who's Who Legal: Canada 2019* as a leader in Construction and Government Contracts
- Recognized in the 2019 Lexpert/ROB Infrastructure – Special Edition as one of Canada's Leading Infrastructure lawyers
- Recognized by Chambers Canada (2020) as a leading lawyer in the area of Construction Law
- Recognized by Best Lawyers in Canada (2020) as a leading lawyer in the area of Construction Law
- Recognized in the 2019 Canadian Legal Lexpert Directory as a Most Frequently Recommended lawyer in the area of Construction Law and Repeatedly Recommended lawyer in the area of Infrastructure Law
- Listed in *Who's Who Legal: Government Contracts 2019 Guide* among the world's leading contracts lawyers
- Recognized in the 2019 Lexpert / American Lawyer Guide to the Leading 500 Lawyers in Canada: Construction
- Listed in *Who's Who Legal Canada: 2018* as a leader in Construction
- The International Who's Who of Government Contracts 2018
- Recognized in the 2018 Canadian Legal Lexpert Directory as a Most Frequently Recommended lawyer in the area of Construction Law and Repeatedly Recommended in the area of Infrastructure Law
- Recognized by Chambers Canada 2019 as a leader in Construction Law
- Recognized by Best Lawyers in Canada 2019 as a leading lawyer in the area of Construction Law
- Chambers Canada 2018 - Construction - Canada
- The Best Lawyers in Canada 2018 - "Lawyer of the Year" Toronto - Construction Law
- Who's Who Legal: Canada 2017 - Government Contracts

- 2017 Canadian Legal Lexpert® Directory: Most frequently recommended - Construction Law, Repeatedly recommended - Infrastructure Law
- The Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada 2017 - Construction Law
- Certified Specialist, Construction Law - Law Society of Upper Canada
- The Best Lawyers in Canada 2017 - "Lawyer of the Year" Toronto - Construction Law
- Chambers Canada 2017 - Construction - Canada
- Lexpert® Special Edition on Canada's Leading Infrastructure Lawyers 2016
- Canadian Legal Lexpert® Directory 2016 - Construction Law
- The Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada 2016 - Construction Law
- Chambers Global - Construction - Canada, 2015
- "Geza Banfai of McMillan LLP is well regarded for his litigation capabilities as well as his expertise in contract formation. One source said: "He is very good at analyzing claims and giving practical advice. He has a really good sense of how projects are run and how disputes are resolved. He is good at high-level strategy conversations and good at steering matters to a conclusion."
- Who's Who Legal 2014 - Public Procurement
- Manufacturers, Suppliers and Services Award of Recognition 2012 - Canadian Construction Association
- Donald P. Griffin, Sr. Construction Industry Achievement Award 2011 – Toronto Construction Association

Speaking Engagements:

- Saving the Troubled Project Workshop, The Osgoode Certificate in Construction Law (Fall), Osgoode Hall Law School – Professional Development, Program Facilitator with Jason Annibale, Howard Krupat, and Jeremy Rankin

- October 28, 2022

- The Osgoode Certificate in Construction Law (Fall), Osgoode Hall Law School – Professional Development, Co-Program Director with Jason Annibale and Howard Krupat

- September 30, 2022

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<https://mcmillan.ca/wp-content/uploads/2020/07/The-Conflicted-Expert-reinforcing-the-Obligations-of-the-Claims-Consultant-Final.pdf>

- The Construction Act - How Bill 142 has changed the Construction Lien Act – what you need to know, McMillan Construction Counsel Series

- Annual Update: Ontario's Construction Act - The Practical Guide to Navigating Key Risks & Obligations, Osgoode Professional Development, Program Chair
- March 31, 2021

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<https://mcmillan.ca/wp-content/uploads/2020/07/The-Conflicted-Expert-reinforcing-the-Obligations-of-the-Claims-Consultant-Final.pdf>

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- IPD: A Deeper Dive - A Virtual Conference, Presented by Integrated Project Delivery Alliance, Speaker
 - November 19, 2020
 - <https://www.youtube.com/watch?v=Xq-AivL02Tw&feature=youtu.be&app=desktop>

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- *The Conflicted Expert: Reinforcing the Obligations of the Claims Consultant* Canadian Bar Association, Jason J. Annibale, Geza Banfai, Rick Moffat (HKA), and Tina Cicchetti (Vancouver Arbitration/ Chambers & Arbitration Place)
 - October 13, 2020

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<https://mcmillan.ca/wp-content/uploads/2020/07/The-Conflicted-Expert-reinforcing-the-Obligations-of-the-Claims-Consultant-Final.pdf>

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- *Navigating Contracts/Bonding & Risk Relationships Post COVID-19*, Ontario General Contractors Association Panelists: Jason Annibale, Geza Banfai, Gary Rodrigues (Marsh), Steven Gava (Marsh)
 - September 9, 2020
 - <https://www.youtube.com/watch?v=Xq-AivL02Tw&feature=youtu.be&app=desktop>

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- Construction and infrastructure law: the new landscape, Canadian Lawyer
 - June 25, 2020
 - <https://hubspot.keymedia.com/en-ca/construction-infrastructure-law-navigating-the-post-covid-landscape>

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- Responses to Select Questions from the "The Impact of COVID-19 on the Construction Industry: McMillan Answers Your Questions" Webinar
 - April 3, 2020
 - <https://mcmillan.ca/wp-content/uploads/2020/07/Responses-to-Questions-Webinar-1.pdf>

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- What's New And Challenging Across The Construction Sector, Grand Valley Construction Association

workshop

- October 2019

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<https://mcmillan.ca/wp-content/uploads/2020/07/What-is-New-and-Challenging-Across-Construction-Sector.pdf>

- Ontario's New Construction Act, McMillan Construction Counsel Series

- April 11, 2019

- <https://mcmillan.ca/wp-content/uploads/2020/07/Ontario-New-Construction-Act-seminar-7.pdf>

Representative Matters:

- Represented a major Canadian general contractor for many years in connection with various legal matters, including the development, and later development and expansion, of a casino (including the resolution of claims and disputes), and advising on AFP proposals for the development of a courthouse and an educational facility.
- Represented a major Canadian mechanical/electrical trade contractor for many years in connection with various agreements, including the negotiation of the contracts for the fit-out of a complex medical research facility using the integrated team approach, the development of a wind farm facility in Southwestern Ontario, a number of joint venture and alliancing arrangements, and a substantial P3 for the development of three hospitals in British Columbia.
- Facilitated the achievement of consensus between two industry associations, representing general contractors and trade subcontractors respectively, for the submission of a joint proposal to the Ontario government concerning proposed prompt payment legislation.
- Led a team of counsel representing an EPC contractor in the resolution of claims in excess of \$20M arising in connection with the design and construction of two solar farm projects in Ontario.
- Led a team of counsel representing a U.S.-based EPC contractor in the successful defence of claims in excess of \$10M arising in connection with the construction of a gas-fired cogeneration facility in Ontario.
- Led a team of counsel representing a U.S.-based general contractor in the resolution of various multi-million dollar claims arising in connection with the design and construction of a paint shop for a Big 3 automotive manufacturer in Ontario.
- Represented one of Canada's largest general contractors in the successful negotiated resolution of claims arising in connection with the cancellation of a politically high-profile contract for the design and construction of a bridge in Toronto.
- Represented a major Canadian food retailer in the resolution of numerous liens and other problems

arising over more than a dozen ongoing projects in consequence of the insolvency of the general contractor it had retained.

- Represented a church providing procurement, contractual and claims avoidance and resolution advice in an ongoing multi-phase development of a Cathedral/community centre complex in Toronto.
- Lead counsel representing a pipe fitting trade contractor in the prosecution of a lien claim in excess of \$10 million in connection with the construction of a cogeneration facility in Ontario.
- Ongoing general business advice for various clients, including having served on the board of the Canadian subsidiary of a prominent U.S. design-build firm and serving as an advisor to the management of a prominent Ontario trade contracting firm, as well as board-level, committee and task force participation in the Canadian Construction Association, Consulting Engineers of Ontario, Ontario General Contractors Association and the Toronto Construction Association.

Teaching Engagements:

- To date, has presented on well over 200 occasions to industry and professional audiences throughout Canada and abroad on a wide variety of construction industry and legal issues
- Program Director and Lecturer: Osgoode Certificate Course in Construction Law (Osgoode Professional Development, Osgoode Hall Law School), annually since 2010
- Sessional lecturer, University of Toronto, Department of Civil Engineering

Industries: Construction & Infrastructure

Practices: Litigation & Dispute Resolution