

JASON J. ANNIBALE



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

Jason J. Annibale is the co-leader of McMillan's Construction & Infrastructure Group and is recognized as one of Canada's leading construction, infrastructure and energy lawyers. He acts in highly complex construction law disputes and sophisticated project finance transactions for clients throughout the construction pyramid, including authorities, special purpose vehicles, lenders, contractors and owners. He is a talented and seasoned arbitration and litigation counsel who has appeared at all levels of court in Ontario.

Jason has represented clients in disputes over delay and cost overruns relating to force majeure, COVID-19, changed site conditions, scope of work changes, owner interference, and other impacts in respect of underwater tunnels, biomass plants, prisons, hospitals, First Nation schools, residential and commercial developments, highway service stations, electrical power stations, and other infrastructure assets.

An authority in his field, Jason regularly speaks on the *Ontario Construction Act*, prompt payment,

adjudication, delay and impact claims, dispute resolution, and managing risk in the P3, construction and real estate contexts. Jason has been recognized by *Chambers Canada* and *Best Lawyers in Canada* as a leading lawyer in construction law. The *Canadian Legal Lexpert Directory* has identified Jason as a repeatedly recommended lawyer in the area of construction law and *Who's Who Legal* has identified him as a leader in Construction. He has also been recognized by Lexpert/ROB as one of Canada's Leading Infrastructure Lawyers and one of Canada's Leading Energy Lawyers and by Benchmark Litigation Canada Guide as a Litigation Star.

A fellow of both the Canadian College of Construction Lawyers and the Construction Lawyers Society of America, Jason is the co-chair for Osgoode Hall's premier construction programs, including the full-week Construction Law Certificate, Construction Liens, the *Construction Act*, and Construction Delay and Impact Claims. Elected three times to the Ontario Bar Association's Construction and Infrastructure Law Section Executive, he also served as its co-chair program coordinator and is the author of the chapter on dispute resolution in the LexisNexis text, *Public-Private Partnerships in Canada: Law Policy and Value for Money*.

Email: jason.annibale@mcmillan.ca

Expertise: Commercial Real Estate, Construction & Infrastructure, Energy, Litigation & Dispute Resolution, Project Finance & P3

Location: Toronto

Phone: 416.865.7912

Position/Title: Partner, Construction & Infrastructure

Community Involvement:

- St. Michael's College School – Enhanced Law Program Alumni Faculty Lead and Coordinator
- St. Michael's College School – Alumni Association Director
- St. Michael's College School – Career Day Speaker and Mentor
- North Toronto Soccer Club – House League Coach (2015)
- North Toronto Soccer Club – Nitros Volunteer Competitive Assistant Coach (2016)

Directorships & Affiliations:

- Fellow, Canadian College of Construction Lawyers
- Fellow, Construction Lawyers Society of America

- Member, Diversity Law Institute
- Member, Trial Law Institute
- Ontario General Contractors Association, Associate Partner Member
- Canadian Bar Association
- Ontario Bar Association Construction and Infrastructure Law
- The Advocates' Society

Publications:

- "[You Don't Know What You're Missing — How to Define and Exclude Consequential Damages](#)," by Jason J. Annibale, Charlotte Conlin, and Emily Hush, CCCL Law Journal (2024)
- "[Making sense of the owner/contractor relationship](#)," by Jason J. Annibale, Gemma Healy-Murphy and Kaleigh Dunn, Rock to Road Magazine (March/April 2024)
- "[Ontario's Old Construction Lien Act is Still With Us - Here's What to Do About It](#)," Co-authored with Connor Campbell, The Official Publication of the Access Association of Canada, Fall/Winter 2023/2024 Magazine
- "[The Skeptical Arbitrator, Claims of Bias, and the Search for Truth: Dufferin v. Morrison Hershfield](#)," Co-authored with Kyle Lambert, Canadian College of Construction Lawyers - Legal Update, L.U. #164 (October 8, 2023)
- "[Competing Claims for Construction Holdback – Whose Money Is It, Anyway?](#)," Co-authored with Geza Banfai, Donia Hashem and Anthony Labib, Construction Law Letter, Vol 40, pp 9-11 (September/October 2023)
- "[You Don't Know What You're Missing](#)," The Canadian Bar Association (August 23, 2023)
- "[Ontario's old Construction Lien Act is still with us – here's what to do about it](#)," Link2Build Ontario (August 18, 2023)
- "[Has the Music Stopped? – Public Access to Construction Arbitration Decisions in Canada](#)," Journal of the Canadian College of Construction Lawyers, Thomson Reuters (2022)
- "[Searching for Equity in Fraud's Wake – Surety Rescinds Bond Due to Obligee's Fraud](#)," Construction Law Letter, Vol 38, No. 5, pp 6-8 (May/June 2022)
- "[Crosslinx v. Ontario Infrastructure : Turns out the Pandemic is an Emergency](#)," Co-authored with Julie Han, Tim Murphy and Ahsan Mirza, Canadian College of Construction Legal Update, pp 14-19 (November 8, 2021)
- "[The Future of Construction Contracts: The Post-COVID-19 World](#)," Buildforce Magazine, Fall 2020 (October 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)
- "[How to prepare for the post-COVID-19 world of construction](#)," Link2Build (April 23, 2020)
- "[Lost in transition](#)," Link2Build (March 9, 2020)
- "[It's Time You Got Paid - Promptly](#)," The Generals (October 2019)
- "[Public-Private Partnerships in Canada: Law, Policy and Value for Money](#)," Contributing Author, Book, published by LexisNexis (May 2019)
- "[Dispute Resolution in a P3 Context](#)," Ontario Bar Association - The Unique World of Construction Law Arbitrations and Mediations (October 2016)
- "[Sloppy accounting costs developer - Construction Lien Act protects parties down the chain](#)," Property Management Report - July /August 2011 (September 2011)
- "[Chinese Drywall - Construction Products Claims and Coverage Issues](#)," CCH: British Columbia Real Estate Law Developments (August 2010)
- "Construction Law in Canada", Contributing Author, Book, published by LexisNexis (May 2010)

Education & Admissions:

Degree: Called to the Ontario bar

Year: 2002

Degree: Construction Law Certificate

University: Osgoode Hall Law School

Year: 2015

Degree: LLB (with Distinction)

University: McGill University

Year: 2000

Degree: BA Honours (First Class Honours)

University: Queen's University

Year: 1997

Media Mentions:

- "[Governments look to infrastructure to build up economy and meet social goals](#)," by Zena Olijnyk, Lexpert (May 13, 2024)

- "[Legal Notes: BIM and the high evidentiary bar for proving errors and omissions](#)". Daily Commercial News by ConstructConnect (January 25th, 2024)
- "[Stakeholders hail launch of federal prompt payment](#)," by Don Wall, Daily Commercial News by ConstructConnect (December 18th, 2023)
- "[MCAC 2023: Legal panellists present solutions for an era of change](#)," Daily Commercial News by ConstructConnect (October 24, 2023)
- "[The Price is Tight: Navigating Cost and Pricings New Normal](#)," by Jack Burton, Rock to Road Magazine (October 17th, 2023)
- "[Legal Notes: Ontario court overturns arbitrator's use of 'his own mind'](#)," by John Bleasby, Daily Commercial News (August 31, 2023)
- "[Government priorities – Ottawa looks to green and clean, provinces focus on public transit and roads](#)," 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)
- "[Canada's construction industry experiences labour pains as shortage of tradespeople grows](#)," by Michele Sponagle, The Globe and Mail (November 29, 2022)
- "[Legal Notes: Never underestimate the Importance of contract notice provisions](#)" by John Bleasby, Daily Commercial News (July 21, 2022)
- "[Duty of good faith in common law of contract prevalent in infrastructure construction disputes](#)," by Aidan Macnab, Lexpert (June 15, 2022)
- "[Overcoming Legal "Growing Pains" in the Canadian Construction Industry](#)," by Alexandra Boelsterli, OsgoodPD Construction Law Blog Post (June 9, 2022)
- "[ODACC adjudications gaining speed as industry slowly takes up Ontario Construction Act's prompt payment system](#)," by Mark Buckshon, Ontario Construction News (April 19, 2022)
- "[Legal Notes: Crosstown LRT partners entitled to claim relief due to COVID 'emergency'](#)," by John Bleasby, Daily Commercial News/Construct Connect (June 7, 2021)
- "[OGCA panellists discuss best practices for remaining profitable post COVID-19](#)," by Angela Gismondi, Daily Commercial News/Construct Connect (September 16, 2020)
- "[COVID-19 contract risk: How can contractors protect their interests?](#)," Ontario Construction News (September 15, 2020)
- "[Inaugural Webinar Series](#)," Ontario General Contractors Association (September 9, 2020)
- "[Ontario lawyers take refresher in handling delays](#)," by Don Wall, Daily Commercial News (July 10, 2020)
- "[Cranes swing back into action as COVID-19 pandemic restrictions begin to loosen](#)," by Bertrand Marotte, The Globe and Mail (May 6, 2020)

- "[Show me the money: Government of Ontario to amend emergency order to allow release of holdbacks](#)," by Mark Buckshon, Ontario Construction News (April 17, 2020)
- "[Holdbacks to be released: Provincial government amends emergency limitations regulations for construction industry](#)," by Mark Buckshon, Ontario Construction News (April 13, 2020)
- "[Ontario relents on emergency holdback provisions](#)," by Don Wall, Daily Commercial News (April 13, 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](#)," Ontario Construction News (July 22, 2019)
- "[Ontario's AG and Authorized Nominating Authority confident in launch by Oct. 1](#)," by Don Wall, Daily Commercial News (July 22, 2019)
- "[Ontario construction lawyers keen for new adjudication regime](#)," by Don Wall, Daily Commercial News (May 9, 2019)
- "[CCPPP panellists compare optimal dispute strategies](#)," by Don Wall, Daily Commercial News (November 15, 2018)
- "[Toronto lawyers unveil design-build project guide](#)," by Dan O'Reilly Daily Commercial News and Construction Record (December 2009)

Rankings & Recognition:

- Recognized by Chambers Canada (2025) as a leading lawyer in the area of Construction
- Recognized by Best Lawyers in Canada (2025) as a leading lawyer in the area of Construction Law
- Recognized in the 2024 Lexology Index: Canada Guide as a Recommended lawyer in the area of Construction
- Recognized as a leading lawyer in the 2024 Lexpert Special Edition on Energy and Mining
- Recognized as a Thought Leader in the 2024 Whos' Who Legal: Construction Guide
- Recognized in the 2024 Lexpert Special Edition on Canada's Leading Infrastructure Lawyers
- Recognized in the 2024 Benchmark Litigation: Canada Guide
- Recognized in the 2024 Canadian Legal Lexpert Directory as a Repeatedly Recommended Lawyer in the area of Infrastructure Law and a Consistently Recommended Lawyer in the area of Construction Law
- Recognized by Chambers Canada (2024) as a leading lawyer in the area of Construction
- Listed in Who's Who Legal: Canada 2023 as a leader in Construction
- Recognized in the 2023 Lexpert Special Edition on Canada's Leading Energy Lawyers

- 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 *Benchmark Litigation: Canada Guide* as a Litigation Star
- Recognized in the 2023 Canadian Legal *Lexpert* Directory as a Consistently Recommended Lawyer in the area of Construction Law and a Repeatedly Recommended Lawyer in the area of Infrastructure Law
- Listed in *Who's Who Legal: Global* 2022 as a future leader in Construction
- Listed in *Who's Who Legal: Canada* 2022 as a 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 Future Leaders Report* 2022
- Recognized in the 2022 *Benchmark Litigation: Canada Guide* as a Litigation Star
- Recognized in the 2022 Canadian Legal *Lexpert* Directory as a Repeatedly Recommended Lawyer in the area of Construction Law
- 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 future leader in Construction
- Recognized in the 2021 *Lexpert* Special Edition on Canada's Leading Infrastructure Lawyers as a Infrastructure Lawyer
- Recognized in the 2021 *Benchmark Litigation: Canada Guide* as a Litigation Star
- Recognized in the 2021 Canadian Legal *Lexpert* Directory as a Repeatedly Recommended Lawyer in the area of Construction Law
- Recognized by the *Best Lawyers* in Canada (2021) as a leading lawyer in the area of Construction Law
- 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 2019 *Lexpert/ROB* Infrastructure – Special Edition as one of Canada's Leading Infrastructure Lawyers
- Recognized in the 2019 *Lexpert/ROB* Energy – Special Edition as one of Canada's Leading Energy Lawyers
- Recognized in the 2019 Canadian Legal *Lexpert* Directory as a Repeatedly Recommended Lawyer in the area of Construction Law
- *Who's Who Legal: Construction - Future Leaders* 2019

- McMillan Leadership in Mentoring Award - 2010

Speaking Engagements:

- The Productivity Paradox: Improving Productivity for Industrial Contractors, Mechanical Contractors Association National Annual Conference, Austin, Texas, Co-panelist with Bill Ferreira, Zeina Elhami, and James Mononen

- November 29, 2024

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

- How to Succeed in Dispute Resolution, The Osgoode Certificate in Construction Law (Fall), Osgoode Hall Law School – Professional Development

- November 7, 2024

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<https://www.canadianinstitute.com/managing-risk-construction-contracts-projects/agenda/think-tank-on-effective-project-management-in-a-covid-era-from-force-majeure-to-defending-against-delays-and-impact-related-claims/>

- Fireside Chat with the Bench: Featuring Associate Justice Charles Wiebe, 5th Annual Legal Guide to Managing Construction Liens in Ontario 2024, Osgoode Hall Law School Professional Development, Panel Moderator with Sandra Astolfo

- 5th Annual Legal Guide to Managing Construction Liens in Ontario 2024, Osgoode Hall Law School Professional Development, Program Co-Chair with Sandra Astolfo

- February 21, 2024

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<https://www.canadianinstitute.com/managing-risk-construction-contracts-projects/agenda/think-tank-on-effective-project-management-in-a-covid-era-from-force-majeure-to-defending-against-delays-and-impact-related-claims/>

- The Osgoode Certificate in Construction Law (Winter), Osgoode Hall Law School – Professional Development, Co-Program Director with Geza Banfai and Tim Mavko

- February 9, 2024

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

- Making Contracts Work for You, Mechanical Contractors Association of Canada Emerging Leaders Conference, Co-Speaker with Geza Banfai
- January 27, 2024

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<https://www.canadianinstitute.com/managing-risk-construction-contracts-projects/agenda/think-tank-on-effective-project-management-in-a-covid-era-from-force-majeure-to-defending-against-delays-and-impact-related-claims/>

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- How to Succeed in Dispute Resolution, The Osgoode Certificate in Construction Law (Fall), Osgoode Hall Law School – Professional Development, Co-Speaker with Andrea Lee
 - November 7, 2023
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- Saving the Troubled Project Workshop, The Osgoode Certificate in Construction Law (Fall), Osgoode Hall Law School – Professional Development, Program Facilitator with Geza Banfai, Howard Krupat, Andrea Lee, and Jeremy Rankin
 - November 7, 2023
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- The Osgoode Certificate in Construction Law (Fall), Osgoode Hall Law School – Professional Development, Co-Program Director with Geza Banfai and Howard Krupat
 - November 1, 2023
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- The 'New Normal' for the Mechanical Contractor – How the Legal Landscape has Changed, 2023 MCAC Annual National Conference, Co-Speaker with Geza Banfai
 - October 20, 2023
 - <https://mcac.ca/publications/toolbox-talks-podcast/>

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- The Osgoode Certificate in Public-Private Partnership (P3) Law and Practice in Canada, Osgoode Hall Law School Professional Development, Advisory Board Member and Co-Chair of Managing and Resolving Disputes Module with Richard Shaban
 - <https://mcac.ca/publications/toolbox-talks-podcast/>
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- Formal Dispute Resolution Mechanisms: Arbitration and Litigation, The Osgoode Certificate in Public-Private Partnership (P3) Law and Practice in Canada, Osgoode Hall Law School Professional Development, Co-Speaker with Chris Moran

- October 18, 2023

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

- November 7, 2024

- Working Through a Project Dispute, The Osgoode Certificate in Public-Private Partnership (P3) Law and Practice in Canada, Osgoode Hall Law School Professional Development, Activity Facilitator with Richard Shaban, Glenn Ackerley, Trish Morrison, Chris Moran, and Catherine Gleason-Mercier

- October 18, 2023

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

- Recoverability of Damages – Focusing on Defining Consequential Damages and a Discussion of the Limits of Recovery, Canadian College of Construction Lawyers Conference, Co-panelist with Scott Hammel, Karen Martin, and Tyler Galbraith

- May 26, 2023

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<https://www.canadianinstitute.com/managing-risk-construction-contracts-projects/agenda/think-tank-on-effective-project-management-in-a-covid-era-from-force-majeure-to-defending-against-delays-and-impact-related-claims/>

- Best Practices in Court – Featuring The Honourable Phillip Sutherland and Associate Justice Charles Wiebe, 4th Annual Legal Guide to Managing Construction Liens in Ontario, Osgoode Hall Law School Professional Development, Panel Moderator with Sandra Astolfo

- April 11, 2023

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- 4th Annual Legal Guide to Managing Construction Liens in Ontario, Osgoode Hall Law School Professional Development, Program Co-Chair with Sandra Astolfo

- April 11, 2023

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- Saving the Troubled Project Workshop, The Osgoode Certificate in Construction Law (Winter), Osgoode Hall Law School – Professional Development, Program Facilitator with Geza Banfai, Andrea Lee, Lena Wang and Jeremy Rankin

- How to Succeed in Dispute Resolution, The Osgoode Certificate in Construction Law (Winter), Osgoode Hall Law School – Professional Development, Co-Speaker with Lena Wang

- March 3, 2023

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- The Osgoode Certificate in Construction Law (Winter), Osgoode Hall Law School – Professional Development, Co-Program Director with Geza Banfai and Tim Mavko

- February 3, 2023

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- Parties to a Construction Contract, Ontario Bar Association – Construction Law Primer, Co-speaker with Jennifer Roberts

- November 3, 2022

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<https://www.canadianinstitute.com/managing-risk-construction-contracts-projects/agenda/think-tank-on-effective-project-management-in-a-covid-era-from-force-majeure-to-defending-against-delays-and-impact-related-claims/>

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

- October 28, 2022

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- How to Succeed in Dispute Resolution, The Osgoode Certificate in Construction Law (Fall), Osgoode Hall Law School – Professional Development, Co-Speaker with Lena Wang

- October 28, 2022

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- A Practical Guide to Navigating the Construction Contract, The Osgoode Certificate in Construction Law (Fall), Osgoode Hall Law School – Professional Development, Co-Speaker with Paul Raboud

- November 1, 2024

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

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

- September 30, 2022

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- The Osgoode Certificate in Construction Law (Fall), Osgoode Hall Law School – Professional Development, Co-Program Director with Geza Banfai, Tim Mavko, and Howard Krupat

- October 31, 2024

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

- Productivity Paradox: Exploring the Lack of Productivity Improvements in Construction, FTI Consulting Speaker Series at the Ivey Donald K. Johnson Centre, Panel Speaker with Stephen Brown, Stephen Cleary, Michael Sutherland, and Andre Brace

- April 17, 2024

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<https://www.canadianinstitute.com/managing-risk-construction-contracts-projects/agenda/think-tank-on-effective-project-management-in-a-covid-era-from-force-majeure-to-defending-against-delays-and-impact-related-claims/>

- The Decision-Makers Speak: Adjudicating the Delay Claim for 2024, Managing Delay and Impact Claims, Osgoode Hall Law School – Professional Development, Panel Moderator with Meera Wagman for Associate Justice Todd Robinson, Edward (Ted) Dreyer, and Chris O'Connor

- April 9, 2024

- <https://www.youtube.com/watch?v=Xq-AivL02Tw&feature=youtu.be>

- Managing Delay and Impact Claims, Osgoode Hall Law School – Professional Development, Co-Program Director with Meera Wagman

- April 9, 2024

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

- How to Succeed in Dispute Resolution, The Osgoode Certificate in Construction Law (Winter), Osgoode Hall Law School – Professional Development

- March 8, 2024

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<https://www.canadianinstitute.com/managing-risk-construction-contracts-projects/agenda/think-tank-on-effective-project-management-in-a-covid-era-from-force-majeure-to-defending-against-delays-and-impact-related-claims/>

- Saving the Troubled Project Workshop, The Osgoode Certificate in Construction Law (Winter), Osgoode Hall Law School – Professional Development, Program Facilitator with Geza Banfai, Tim Mavko, and Jeremy Rankin

- March 8, 2024

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

Representative Matters:

- Defeated over 20 cost overrun and delay claims forwarded by an international engineering contractor totalling over \$300 million for alleged owner interference and changes and awarded all liquidated damages sought in the amount of \$37 million and costs of almost \$8 million on behalf of our owner-clients in relation to the construction of two biomass plants. Simultaneous language translation was used for approximately one-third of the 25 witnesses. There were almost 100,000 productions, 47 witness statements, 11 expert reports, over 1,000 pages of opening and closing statements with almost 5,000 hyperlinked records, one jurisdictional and three procedural motions, and a 200-page arbitration decision.
- Resolved at formal mediation the cost overrun and delay claims of over \$12 million from the special purpose vehicle, general contractor, and tunnelling subcontractor against an authority in respect of a P3 asset. The dispute involved numerous alleged changed site conditions (including soil and rock quality issues, water ingress and pressure, ground contamination, and obstructions), severe weather, protest actions, an electrical shut down, and increased financing costs.
- Defended a public utility company against the approximately \$70 million cost overrun and delay claims of the Canadian subsidiary of an international general contracting company in CCAA proceedings, and pursued a liquidated damages and related loss claim in the approximate amount of \$40 million in relation to the over \$200 million construction of an underground transformer station.
- Secured an arbitration victory for an authority against a special purpose vehicle respecting the correct

calculation of a refinancing gain and the resulting monies properly payable to the authority in respect of a P3 asset. The authority was further successful in defeating the special purpose vehicle's allegations of dishonesty and bad faith.

- Represented the special purpose vehicle through the maintenance period of a federally regulated building asset in relation to a dispute amongst the maintenance provider, the construction contractor, and the authority for responsibility for a service failure and resulting deductions from payments otherwise due to the maintenance provider. The service provider claimed that the building asset failed to reach required performance levels due to faulty construction, while the construction contractor countered that deficient specifications provided by the authority resulted in the building asset's underperformance.
- Provided dispute resolution and claim evaluation advice to a special purpose vehicle in relation to delay, cost overrun, and land contamination claims valued at approximately \$60 million in respect of a rail transportation facility constructed through a P3 model.
- Settled a complex construction lien and trust matter involving the construction of an affordable condominium development on behalf of the owner-developer. There were over 20 separate lien and trust actions, including a negligence claim against the owner-developer's former lawyers, and over \$3 million in claims being made by the general contractor and the subtrades.
- Construction counsel to an international energy company on its purchase of numerous construction projects and related assets across Canada arising out of the Comstock bankruptcy proceeding, one of the largest construction bankruptcies in Canadian history.
- Represented a Canadian bank in relation to the complex refinancing of the construction of an Alzheimer's disease care facility. The representation included the registration of various construction lien postponements and the defence against several construction lien actions and related priority claims of the general contractor and various subcontractors.
- Defended a Crown corporation's competitive bid selection process in relation to the construction of a world-class aquarium against allegations of unfairness, conflict of interest and bad faith.
- Defended a Crown agent against numerous lien claimants in a complex, multi-party suit in relation to two large development projects respecting the construction of a court house and a government office building housing tribunal hearing rooms.
- Defended the North American consulting arm of an international automotive manufacturer against numerous lien claimants, and obtained judgment on a cross-claim against a design builder in relation to the negligent design, manufacture, and installation of recuperative thermal oxidizer systems supporting a paint line for a body and bumper manufacturing plant.
- Secured payment in full and legal costs together totalling over \$1.2 million for mechanical and electrical

consulting engineering services in support of the construction of an Ontario hospital through simultaneously forwarding a construction lien claim against the prime consultant and hospital and a construction trust claim against the prime consultant and its principals in their personal capacities.

- Obtained an order discharging a certificate of pending litigation registered against the old Christie Bakery manufacturing plant, and defeated the subsequent motion to stay the discharge order pending the hearing of the appeal on the basis that the appeal raised no "serious issue".
- Obtained an order for security for costs on the (rarely granted) substantial indemnity basis of over \$300,000 against an appellant purchaser of property.
- Settled claims of a special purpose entity against the authority in relation to a delay in handover of certain sites and lost profits in relation to numerous transportation-related assets across Ontario under a single P3 model.
- Provided advice to a consortium of insurance and bonding companies on the enforceability of a demand bond instrument to be used in a P3 context as an alternative to letters of credit.
- Defended an international furniture manufacturing commercial landlord against a tenant's allegations of loss of business resulting from expansion of shopping centre and parking facilities.
- Represented an international energy corporation in a product liability claim respecting the premature disintegration of piping product in a geothermal loop system.
- Defended a truss component designer from a series of complex, multi-party design defect and negligence claims respecting the collapse of barn roofing systems across southern Ontario.
- Represented a national gaming and entertainment company in a product liability claim respecting complex and numerous roof-top heating, ventilation, and air-conditioning units servicing gaming floor areas.
- Defended a First Nation consultation process performed by a Crown agent on behalf of the Government of Ontario.
- Represented an educational institution in a matter involving the custody and handling of Aboriginal remains.

Industries: Construction & Infrastructure, Energy, Project Finance & P3

Practices: Commercial Real Estate, Litigation & Dispute Resolution