

## Representative Work

Examples of construction matters in which our lawyers have advised include:

### ENERGY

- › **Apache Canada Ltd.** on construction and procurement matters for the proposed Kitimat LNG terminal and Pacific Trail Pipeline.
- › **Atomic Energy of Canada Limited** on procurement, construction and consulting contracts for the construction of various waste storage facilities and infrastructure located at Chalk River Laboratories; the **Ontario Nuclear Procurement Project** conducted by Infrastructure Ontario and the refurbishment and retubing work required for the restart of major nuclear generating stations including **Bruce Power Nuclear Generating Station** (Ontario) and **Point Lepreau Generating Station** (New Brunswick); and a tendering dispute in the refurbishment of the **Bruce Power Nuclear Generating Station** (Ontario).
- › **Pattern Energy Group LP** on the negotiations of the EPC contract and Turbine Supply Agreement for the 138 MW St. Joseph Wind Farm in Manitoba, and on construction and equipment procurement for renewable power projects in Ontario and other provinces.
- › **PetroChina** in its development of the Dover and MacKay River oil sands projects.
- › The project developer on the 750 tpd/17 MW mass burn **Babylon Resource Recovery Facility** waste-to-energy project in New York including tipping contracts, as well as other project developers and lenders on other **waste-to-energy** projects in the U.S.A.
- › **Various developers** of gas-fired power projects on the EPC contract, turbine supply, other equipment supply contracts, O&M agreements and interconnection agreements, including for the **York Energy Centre** (393MW) peaker and the **East Windsor Cogeneration Centre** (92 MW) in Ontario for **Veresen Inc. (formerly Pristine Power)**; the **Thorold Cogeneration Project** (236 MW) in Ontario and the **North**

Osler's Construction Group provides advice on all types of commercial, industrial and institutional construction projects, infrastructure developments, public-private partnerships, alternative financing and procurement, energy, health, transportation and other projects.

Clients come to Osler for construction advice for the following reasons:

- › **Technical and Commercial Knowledge.** Many of our lawyers hold both law and engineering degrees and have hands-on project experience, which means that clients receive technical excellence and commercial know-how on their most important matters.
- › **Understanding Project Risk.** We achieve the results our clients expect on their projects by understanding the risks and providing practical advice and representation.
- › **Litigation and Mediation Expertise.** Our construction litigators provide litigation, mediation, arbitration and alternative dispute resolution advice on the construction process. We have appeared at all levels of the courts and understand how to quickly and effectively navigate the system to get a project back on track and achieve the results our clients want.
- › **National and U.S. Expertise.** Osler can tailor services to the specific needs of our clients by drawing on a full range of project development and litigation services in our Toronto, Montréal, Calgary, Ottawa and New York offices.

Ask our construction lawyers about:

- › Front-end structuring and contracting
- › Project structuring and development
- › Commercial and industrial projects
- › Design and construction
- › Litigation, arbitration, mediation and alternative dispute resolution
- › Procurement and tendering
- › Operations and maintenance issues
- › Risk allocation and management
- › Performance guarantees and bonds
- › Public-private partnerships and alternative financing and procurement

**Battleford Energy Centre** (260 MW) and the **Spy Hill Generating Station** (92 MW) in Saskatchewan for **Northland Power**; and a project in Peru (520 MW) for **Empresa de Generacion de Chilca**.

- › **Various contractors**, including **Stone & Webster Canada LP** on disputes in the construction at the Lambton and Nanticoke Power Generating Stations; **M.A. Mortenson Company** on the EPC contract for **Enbridge's Leader Wind Project A** (100 MW) and **Project B** (99 MW) in Kincardine, Ontario; and **Signal Energy** on civil works and EPC contracts for wind farm and other renewable power projects in Nova Scotia, Alberta and Ontario.

#### **TRANSPORTATION AND WATER**

- › **Highway 407 ETR**, as counsel to **407 ETR Inc.** on the operation and expansion of this project, and as counsel to **Canadian Highways International Corporation**.
- › **Toronto Transit Commission** on the construction of the **Sheppard Subway**, \$100 million in complex claims relating to the construction of the **Don Mills Station**, the **Twin Tunnels** and the **Tail Track**, and a precedent-setting case regarding a tendering dispute.
- › **The City of Toronto** in structuring project participants and drafting design, procurement and construction agreements in the **Union Station Revitalization Project**.
- › **Greater Toronto Airports Authority** on the design, construction, operation and maintenance of the **New Terminal Development** at the **Toronto Pearson International Airport**, claims in the redevelopment of Terminal 3 and construction lien claims and tender disputes for the New Terminal Development Project.
- › **York Consortium 2002** for the implementation of the **York Rapid Transit Project (VIVA)**.
- › **Canadian Highways International Corporation** in the **Cross Israel Highway Project** and participation in the international consortium that designed, constructed and now operates the project, and in a claim against the project insurers on Highway 407 ETR for damages suffered from differential frost heave damage to the highway pavement.
- › **Ontario Clean Water Agency** in a claim for construction deficiencies and delay in the construction of the South Maple Water Reservoir in York Region.

#### **RECOGNITION**

Osler is ranked in the top category of the Construction Law section in the 2011 edition of *The Canadian Legal Lexpert Directory*. Our construction professionals include numerous lawyers who are prominently featured in the 2011 editions of *The Canadian Legal Lexpert Directory*, *The Best Lawyers in Canada* and the *Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada*. *Chambers Global: The World's Leading Lawyers for Business 2011* says that Osler has a "solid standing in the market" describing the group as "a consistently strong team across the board."

#### **COMMERCIAL AND INDUSTRIAL**

- › **Target Canada Co.** in drafting and negotiating design-build, consulting, construction and equipment supply agreements for the development of various sites in Canada.
- › **PCL Constructors Canada Inc.**, Canada's largest general contractor, as lead Ontario counsel on various construction projects.
- › The largest **kosher food** company in the U.S.A. on design, construction and installation of a kosher food plant, including compliance with kosher laws.
- › **Vale** in structuring relationships among project participants including EPC/EPCM agreements, trade contracts and other documentation to construct various mine and mineral processing facilities in Canada, and in a claim related to the Voisey's Bay Nickel Mine.
- › **Various Hospitals and pharmaceutical companies** in the procurement, negotiation and contract management of major construction projects, and in a number of resulting complex claims.
- › **G+G Partnership Architects** on the architectural services and consultants agreements for a number of hospital redevelopment projects.
- › **Maple Leaf Foods** in providing ongoing construction and equipment procurement advice for expansion projects throughout Canada, and in related construction liens and claims.
- › Providing advice to **various owners and developers** in the construction and design contract negotiations for various high-rise tower projects in Toronto, including First Canadian Place recladding, the Bay-Adelaide Centre, the Ritz Carlton Hotel/Condominium and to **Zurich Indemnity Company of Canada** in a precedent-setting case regarding the interpretation of a Performance Bond in the construction of a high rise condominium.
- › **Canadian Opera House Corporation** on the design, development, funding, construction, operation and maintenance of the Four Seasons Centre for the Performing Arts.
- › **Falls Management Company** on the design and construction of the **Niagara Fallsview Casino Resort**, and on project disputes.
- › **Bombardier Inc.** in lien actions arising from the bankruptcy and receivership of a contractor for the supply of equipment and construction services.

#### **CONTACT US**

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