

Infrastructure

SUMMARY

From British Columbia's Sea to Sky Highway to Québec's mega-hospital projects, BLG has been integral in the development and implementation of some of the largest and most novel public-private partnership (P3) projects across the country. Working collaboratively with clients at every stage of the process – from the initial issuance of the procurement documents to financial close – to ensure that interests are satisfied, innovative solutions are created and a timely close is achieved.

As an industry leader, BLG's Public-Private Infrastructure Projects Group has a wealth of experience in providing legal advice to developers, financiers, governments, government agencies and not-for-profit public owners across a broad spectrum of projects. In addition, our extensive contacts within all levels of government have been instrumental in shaping and restructuring policy frameworks for the country's energy, water and hospital infrastructure.

BLG believes that nothing less than achieving results through excellence will do. This commitment to service has resulted in the frequent recognition of many of our legal professionals at home and abroad. Professionals in BLG's Public-Private Infrastructure Projects Group were featured in the 2015 edition of the *Best Lawyers in Canada*®, the *IFLR* and *Chambers Global – The World's Leading Lawyers*, and recognized with a Martindale-Hubbell® AV® Preeminent™ 5 out of 5 Peer Review Rating. In addition, a member of the Group was recently presented with an International Law Office (ILO) Award for client service. This award "recognizes law firms around the world that stand apart for the excellent client care they provide and the quality of their service. The criteria for the award focus on a lawyer's ability to add real value to their clients' business above and beyond the other players in the market."

As a pre-eminent law firm, BLG is uniquely positioned to successfully carry out and close infrastructure projects of any nature or size. No matter where the project, the sponsors, or the financiers are located, our national Public-Private Infrastructure Projects Group works with you to ensure the best possible results.

PUBLICATIONS & PRESENTATIONS

- "[Top 10 Legal Risks for Business in 2018](#)," January 2018.
- "[BLG Lawyers Recognized by Lexpert for Expertise in Infrastructure](#)," August 2017.
- "[Top 10 Legal Risks for Business in 2017](#)," January 2017.
- "[BLG's Infrastructure Lawyers Recognized as Top in Canada](#)," August 2016.
- "[End of the Road: The Supreme Court of Canada Denies Leave to Appeal in Iona Contractors Ltd. v The Guarantee Company of North America](#)," April 2016.

REPRESENTATIVE WORK

Combined with our leading-edge expertise, we have the depth of resources within each regional office and throughout the firm, nationally, to handle a wide variety of transactions and projects. The following are examples of projects or transactions on which we have acted:

Transportation Sector

Rail

- **City of Ottawa Light Rail Transit** (Ontario) – Acting for the City of Ottawa in connection with the City's proposed light rail transit project and the downtown Ottawa transit tunnel project. We also advised the City in respect of the proposed light rail project which the City initiated in 2005.
- **Mumbai Light Rail** (India) – Acted for one of the members of a concessionaire joint venture in connection with a light rail transit project in Mumbai, India.
- **Pointe-Saint-Charles train maintenance facility for the Agence métropolitaine de transport (“AMT”)** (Québec) – Acted as the legal advisers to the Société québécoise des infrastructures for this public procurement.
- **Air Rail Link (ARL) Spur to Pearson Airport Project** (Ontario) – Acted for Infrastructure Ontario (IO) and Metrolinx to provide the legal services required in connection with the ARL Spur rail line and new ARL passenger station, including advising with respect to the Request for Qualifications and Request for Proposal process as well as drafting all project documentation using a variation of the IO template documents for design, build and finance projects. The ARL will provide an express rail service between Pearson International Airport and Toronto Union Station. The project is targeted to be completed and on line in time for the TO2015 Pan/Parapan Am Games.
- **Lachine Maintenance Centre – Agence Metropolitaine de Transport** (Québec) – Acted for Infrastructure Québec as well as the Agence Metropolitaine de Transport (AMT) in connection with the design-build-finance of commuter train maintenance centre for AMT trains running on the CP line to the Lucien-L'Allier station in Montreal.
- **Burlington Northern Santa Fe Rail Barge Slip** (British Columbia) – Acted in the purchase of a rail barge slip in downtown Vancouver from Burlington Northern Santa Fe and the construction of a new rail marine terminal on Annacis Island. This transaction involved the sale of a rail facility by a Class 1 railway to a provincial short-line operator under the disposition provisions of the Canada Transportation Act (Canada), the negotiation of running rights and other operating agreements with each of BN, CP and CN, including negotiation of rates, car hire reclaim and demurrage rights and securing permits and negotiating amendments to rights-of-way to permit the operation of the new terminal.
- **Translink Commercial Real Estate** (British Columbia) – Currently acting for owners of commercial real estate in dealing with Translink in connection with the purchase and development of properties subject to rights-of-way and covenants for the Vancouver SkyTrain system.
- **Other rail and port terminal related and transportation projects** involving public public-private commercial arrangements and contracts, including the following unsuccessful bid projects: **RAV SkyTrain** (British Columbia), **BART** (USA).

Bridges/Roads

- **Champlain Bridge** (Québec) – Acting for the design build joint venture of SNC-Lavalin Major Projects, Inc., Dragados Canada Inc., and Flatiron Constructors Canada Limited on this \$2.4 billion project to replace the existing Champlain Bridge with a new bridge over the St. Lawrence Corridor. The project will include a 3.4 km bridge from Île-des-Soeurs to Brossard, a new bridge from Île-des-Soeurs to Verdun, and reconstruction and widening of the federal portion of Autoroute 15.
- **Autoroute 25** (Québec) – Provided advice to various participants of this bridge/highway project that reached substantial completion in June 2011, and we are currently providing advice regarding various matters related to this project.
- **Windsor-Essex Parkway** (Ontario) – Acting for successful design-build joint venture.

- **Autoroute A30** (Québec) – Acted for the design build joint venture of Dragados and Acciona on this bridge/highway project.
- **Calgary NE Ring Road** (Alberta) – Acted for the design build joint venture of Flatiron Constructors, Graham and Parsons on this bridge/highway project.
- **North West Anthony Henday** (British Columbia) – Acted for the design build joint venture including Bilfinger AG on this highway project.
- **E18 Grimstad-Kristiansand Road** (Norway) – Acted for the design build joint venture including Bilfinger AG on this highway project.
- **Golden Ears Bridge** (British Columbia) – Acted for the design build joint venture of Bilfinger Canada and CH2M Hill on this bridge/roadway project.
- **Kicking Horse Canyon** (British Columbia) – Acted for the design build joint venture of Flatiron Constructors and Parsons on this bridge/highway project.
- **Sea to Sky Highway** – (British Columbia) Acted for UK and French lenders to the Macquarie lead consortium in connection with this highway project.
- **Highway 407** (Ontario) – A firm member acted for the Province of Ontario in connection with the Province's first use of a public-private partnership regarding this highway project, which was Canada's first all electronic toll road.
- **Stoney Trail Southeast** (Alberta) – Acted for design-builder – Acciona on this roadway project.
- **Other bridge and road-related projects** involving public – private commercial arrangements and contracts, including the following unsuccessful bid projects: **South Fraser Perimeter Road** (British Columbia), **Yukon River Bridge** (Yukon) and **Windsor Essex Parkway** (Ontario).

Energy Sector

- **Power Procurement and Development** (Canada) – Acting for provincial electrical utilities, power developers, and governments in different provinces in connection with numerous public-private power procurement transactions utilizing DBFO models, and in respect of public-private joint ventures formed to develop multi-million-dollars' worth of new power generation projects of various kinds across Canada.
- **BC Hydro SMI Project** (British Columbia) – Acting for BC Hydro and Partnerships BC in planning, designing, implementing and managing the public procurement process relating to its smart metering infrastructure project.
- **Raleigh Wind Power Partnership** (Ontario) – Acted for a syndicate of financial institutions on this project financing for a 78 MW wind generation facility.
- **International Pipeline** (British Columbia/USA) – Acted in connection with a public-private partnership for the construction and of financing of an international natural gas pipeline from Sumas, Washington to Vancouver Island.
- **Public-Private Outsourcing** (British Columbia) – Acted for one of Canada's major electrical utilities in the divestiture and outsourcing of non-core assets and support service functions through a public-private partnership vehicle.
- **North Battleford Energy Centre** (Saskatchewan) – Acted for North Battleford L.P. (a subsidiary of Northland Power Inc.) on the project financing of the construction and operation of a 260 MW natural gas-fired combined cycle base load power generation station.

- ***Spy Hill L.P. Financing of Peak Plant Facility*** (Saskatchewan) – Acted for Spy Hill Power L.P. (a subsidiary of Northland Power Income Fund) on the project financing of the construction and operation of a 86 MW gas-turbine based simple-cycle facility.
- ***Big Beaver Falls Hydroelectric Project*** (Ontario) – Acted for Sun Assurance Company of Canada, as Lender and Administrative Agent for a syndicate of lenders on the project financing for four 5.5MW run-of-river hydroelectric projects.
- ***Mont-Louis Wind Farm Project*** (Québec) – Acted for Mont-Louis L.P. (a subsidiary of Northland Power) on the project financing of the construction of a 100.5 MW wind farm.
- ***Lameque Wind Power Project*** (New Brunswick) – Acted for Manulife Financial Corporation on refinancing of a 45 MW wind generation project.
- ***Hydromega – Kapuskasing Run of River Waterpower Projects*** (Ontario) – Acted for Sun Life Assurance on the project financing of the construction and operation of four 5.5 MW hydroelectric generating stations on the Kapuskasing River.

Healthcare Sector

- ***Stanton Territorial Hospital*** (North West Territories) – Acting for Clark Builders, one of the design-builders on this project to expand and revitalize the existing Stanton Territorial Hospital. The new hospital will include a floor area of over 280,000 square feet and will enable enhanced inpatient care and superior critical and support services, including but not limited to emergency, medical imaging, dialysis, obstetrics, pediatric, cardio and mental health departments as well as day procedure and surgery suites. The facility will be retrofitted with new technology to provide improved services for the region.
- ***Infrastructure Ontario*** (Ontario) – Acted for Infrastructure Ontario and its co-sponsors in connection with various build finance projects including: ***The Windsor Regional Hospital*** - western campus redevelopment, ***Rouge Valley Health System*** - Phase I redevelopment, ***The Royal Victoria Hospital of Barrie*** - Phase I expansion, ***Lakeridge Health Corporation of Oshawa*** - redevelopment and ***The Ottawa Regional Cancer Centre*** - renovation and development of the Ottawa Hospital's and Queensway-Carleton Hospital's cancer treatment centres.
- ***Mental Health Centre Penetanguishene*** (Ontario) – Acted for Infrastructure Ontario and its co-sponsor regarding the creation of a new state-of-the-art forensic mental health care facility.
- ***Centre Hospitalier Universitaire Sainte-Justine*** (Québec) – Acted for the consortium composed of ACS Infrastructure Canada Inc., Fengate Capital Management Ltd., Dragados Canada, Inc. and B.T.L. Construction Inc. in connection with its bid regarding the expansion, by way of a design-build-finance project, of its facilities located on its current hospital site in Montréal.
- ***Eastern Ontario Regional Laboratory Association*** (Ontario) – Integration of 16 hospital laboratories.
- ***Centre for Addiction and Mental Health (CAMH)*** (Ontario) – Acted for Infrastructure Ontario and its co-sponsor, in conjunction with the Ontario Ministry of Health and Long-Term Care (MOHLTC), regarding the redevelopment of CAMH's 1001 Queen Street West site and creation of CAMH's new hub, integrating four main sites, clinical programs and research, and mental health and addictions.
- ***St. Joseph's Health Care (Hamilton West 5th Campus)*** (Ontario) – Acted for Infrastructure Ontario and its co-sponsor regarding the construction of a new hospital to provide larger, state-of-the-art facilities in order to better support people and families struggling with mental illness and addiction.

- **St. Joseph's Health Care (London and St. Thomas)** (Ontario) – Acted for Infrastructure Ontario and its co-sponsor regarding the construction of regional mental health care facilities that provide inpatient and outpatient services to individuals experiencing severe and persistent mental illness.
- **McGill University Hospital** (Québec) – Acted for the McGill University Health Centre in the modernisation project of its facilities that will bring together its services, teaching and research onto two hospital sites: the Mountain Campus and the Glen Campus.
- **Medical Research Centre for the Centre Hospitalier de l'Université de Montréal (CHUM)** (Québec) – Acted for the design build joint venture composed of Pomerleau Inc. and Verreault Inc.
- **Women's College Hospital** (Ontario) – Acted for the Walsh Group in connection with the construction of the New Women's College Hospital, a state-of-the-art ambulatory care facility.
- **Various Hospitals** (British Columbia) – Acting for a combination of Acciona Infrastructure (Canada) Inc., Bird Construction and Graham in connection with the construction of the following: **Fort St. John Hospital** (British Columbia), **Royal Jubilee Hospital** (British Columbia), **Kelowna/Vernon Hospital** (British Columbia) and **Surrey Outpatient Clinic** (British Columbia)
- **Southlake Regional Health Centre** (Ontario) – Acted for Southlake Regional Health Centre since 2001 at every state of its major redevelopment project.
- **Trillium Health Centre** (Ontario) – Acted for Trillium Health Centre regarding the creation of a new healthcare facility in Ontario by way of an alternative procurement financing project.
- **York Central Hospital** (Ontario) – Acted for York Central Hospital in connection with the creation of a new ambulatory care centre by way of a public-private partnership.
- **Quinte Health Care** (Ontario) – Acted for Quinte Health Care in connection with a new healthcare facility in Ontario by way of an alternative procurement financing project.
- **City of Ottawa Paramedic Service** (Ontario) – Acted for the City of Ottawa in connection with the construction of a paramedic service headquarters building and the management thereof on a long-term basis.
- **Montfort Hospital** (Ontario) – Acted for Montfort Hospital in connection with the development and implementation of the Montfort Hospital Redevelopment project, a modified build finance alternative financing and procurement project that was the first hospital project to go forward under the Ontario Building a Better Tomorrow framework.

Water Utilities Sector

- **Britannia Water Treatment Plant** (British Columbia) – Acted for the concessionaire, EPCOR, in connection with a public-private water treatment project on the west coast of British Columbia.
- **Water Utilities/Wastewater Treatment Plants** (British Columbia) – Acted for the concessionaire, EPCOR, in connection with public-private water treatment projects for Port Hardy, Lytton and Sooke, and in the acquisition of the municipal water utility system in White Rock.
- **New Tecumseth** (Ontario) – Acted for New Tecumseth in connection with the creation of a public-private partnership for a water system including structuring of an agreement, a long-term easement and subeasement arrangements with SNC-Lavalin, and created financing structure and acted on the financing of a water pipeline.

Municipal Waste Sector

- **The Regional Municipality of Durham** (Ontario) – Acting for The Regional Municipality of Durham in respect of the design, build and operation of an energy from waste facility.
- **City of Ottawa – Municipal Solid Waste Conversion** (Ontario) – Acting for the City of Ottawa in connection with the negotiation of agreements with Plasco Energy Group Inc. relating to the construction and operation of a municipal solid waste conversion facility at a City-owned site. This facility will process municipal solid waste into syngas and heat to generate electricity for sale.
- **City of Toronto** (Ontario) – Acting for the City of Toronto in connection with the City's Pelletizer facility at Ashbridges Bay. This retainer initially involved drafting and negotiating re-build agreement with the design builder and insurer after the Pelletizer facility burned down during construction and most recently involved negotiating and drafting an operation and maintenance agreement together with the ancillary documents for the Pelletizer facility and drafting a marketing agreement related to the pellets.

General Sector

- **Surrey Pre-trial Services Centre Expansion Project** (British Columbia) – Acted for Partnerships BC in connection with a high-security, state-of-the-art 216-cell expansion to the existing Surrey Pre-trial Services Centre, together with associated renovations to the existing facility.
- **Ottawa Lansdowne Live Project** (Ontario) – Acting for the City of Ottawa in connection with the redevelopment of Lansdowne Park through a public-private partnership.
- **George Brown College** (Ontario) – Acting on the Toronto 2015 Pan Am Games Athletes Village Student Residence Project. Following the Pan Am Games, the Athletes Village residences will be converted to a Student Residence for George Brown College among other uses. This transaction involves the negotiation of the Purchase Agreement and related agreements with Ontario Infrastructure Projects Corporation, which is managing the development of the Pan Am Games Athletes Village Project Site.
- **Cayman Island Port Terminal** (International) – Acting for the private developer of a new cruise ship terminal based on long-term concession and lease agreements with the government.
- **RCMP E Division Headquarters Relocation Project** (British Columbia) – Acted for Bird Construction in connection with this RCMP E Division Headquarters Relocation project.
- **OPP Modernization Project** (Ontario) - Acted for Bird Construction in connection with the construction of 18 new OPP detachments, regional headquarters and forensic identification units in 16 communities across Ontario.
- **City of Ottawa Porters Island** (Ontario) - Acted for the City of Ottawa in connection with a public-private project on historic Porters Island, which involved the construction of a new seniors retirement residence.
- **Alberta Schools and Alberta Schools II** (Alberta) – Acted for the design build joint venture of Graham and Bird in connection with this project involving new schools.
- **Moncton Rexton Schools** (New Brunswick) – Acted for the design builder Bird Construction in connection with this elementary school.
- **Sony Centre** (Ontario) – Acted for the Sony Centre for the Performing Arts and the City of Toronto in connection with a joint retainer relating to an alternative financing approach for the redevelopment of the Sony Centre.

- **Perez Corporation** (Ontario) – Acted for Perez Corporation in connection with its negotiations with Canada Post Corporation for the creation of the headquarters for Canada Post Corporation in Ottawa. This involved a design, build, finance project between a private developer (Perez) and Canada Post Corporation involving a long-term lease arrangement in favour of the developer and the leaseback of the headquarters for Canada Post Corporation. We also acted on financing arrangements on behalf of a private sector party.
- **Various Privatizations** (British Columbia) – Acted for various governments and crown corporations in connection with the privatization of transportation related infrastructure, including: railways, marine terminal facilities, ferry operations, and in the outsourcing of data processing and other administrative support services.
- **Port Terminal Projects** (British Columbia) – Acted and continuing to act for various parties in connection with a number of public-private port terminal projects.
- **Terminal 3 - Pearson International Airport** (Ontario) – Acted for the developer in connection with all aspects of the privatization of Terminal 3 at Pearson International Airport in Toronto (the first privatization of a major airport in Canada).
- **Vancouver Wharves** (British Columbia) – Acted for BC Rail in connection with the sale of operating assets and a long-term lease and concession agreement in relation to the continued and expanded operations of the Vancouver Wharves mineral concentrate and bulk products terminal operations.

RANKINGS & RECOGNITIONS

The Infrastructure Group or its members are recognized in:

- The 2019 edition of *Chambers Canada — Canada's Leading Lawyers for Business*.
- The 2019 edition of *IFLR1000 — The Guide to the World's Leading Financial Law Firms*.
- The 2019 edition of *The Best Lawyers in Canada*®.
- The 2019 edition of the *Legal 500 Canada*.
- The 2019 edition of *Chambers Global — The World's Leading Lawyers for Business*.
- The 2018 edition of *The Canadian Legal Lexpert® Directory*.
- The 2017 edition of *Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada*.
- The 2017 edition of the *Lexpert® Guide to the Leading US/Canada Cross-Border Corporate Lawyers in Canada*.