



Laura Brazil

Toronto

416.865.7814

laura.brazil@mcmillan.ca

education and year of call

- Called to the Ontario bar - 2011
- Osgoode Hall Law School, Construction Law Certificate - 2016
- Western University, JD - 2010
- Queen's University, BA (Hons) Economics - 2007

practice areas

business litigation
commercial real estate
construction litigation
construction
mediation
arbitration
appellate advocacy
litigation

industries

banking
construction
manufacturing, distribution and retail
energy
investments

profile

Laura is a partner in McMillan's litigation group specializing in construction, real estate, energy, and commercial litigation.

Laura represents owners, general contractors, subcontractors, design professionals, material suppliers, and other construction industry members. Her experience includes construction lien, breach of contract, and trust claims as well as negligence claims against design professionals.

Laura acts for energy industry companies and associations in project approval applications, policy hearings, and breach of contract claims in the courts.

In her real estate litigation practice, Laura represents developers, commercial landlords, and tenants in lien, lease, and mortgage disputes.

Laura also maintains a broad commercial litigation practice where she acts for financial institutions and other businesses. She has experience in bankruptcy, breach of contract, and fraud claims, among others.

Laura has appeared before all levels of court in Ontario and before the Ontario Energy Board. She holds a Construction Law Certificate from Osgoode Hall Law School. She is a past member of the Ontario Bar Association Civil Litigation Section Executive.

directorships and professional associations

- Toronto Lawyers Association Education Committee
- Ontario Bar Association Construction and Infrastructure Law Section
- Ontario Bar Association Civil Litigation Section (Executive)

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Member 2012-2013)

- Toronto Construction Association
- Advocates' Society

representative matters

- Defeated two concurrent motions for security for costs seeking over \$1.0 million in security by succeeding on a novel argument that unpaid holdback pursuant to progress draws signed by the owner represented a trust asset of the contractor, negating the need for security. *Yuanda Canada Enterprises Ltd. v. Pier 27 Toronto Inc.* 2017 ONSC 1892.
- Co-counsel to an exterior cladding contractor in lien, breach of trust, and breach of contract claims totaling over \$30 million arising from the construction of two condominiums.
- Defeated a motion for a certificate of pending litigation on behalf of a leading condominium developer.
- Won a contested motion for the consolidation of related construction lien actions arising from a public transportation project. *Unimac-United Management Corp. v. Cobra Power Inc.*, 2015 ONSC 208.
- In a claim involving allegations of improper installation, acted as lead counsel for the installer.
- Co-counsel to a window subcontractor in a claim involving alleged deficiencies and post-construction damage.
- Represented an engineering firm in a dispute regarding unpaid extras and delays in three public works projects.
- Co-counsel for an energy producer in its successful application for leave to construct from the Ontario Energy Board.
- Represented a U.S. and Swedish company in two separate disputes involving alleged environmental contamination of land.
- Acted as co-counsel for a Canadian chartered bank in several claims involving fraud.
- Lead counsel to a Canadian financial institution in a claim regarding whether a mortgage was a fraudulent conveyance.
- Lead litigation counsel for dissenting shareholders in an application under the Ontario *Business Corporations Act*.
- Acted for an issuer in a claim arising from an alleged breach of an agreement to purchase shares and warrants.
- Co-counsel to a manufacturing company in a dispute involving warehousing services and the duty of bad faith.
- Obtained a full payment of outstanding invoices for a software company in a dispute over software coding

services.

- As co-counsel to a construction equipment supplier, obtained judgment for unpaid rental invoices. The decision was upheld on appeal to the Ontario Court of Appeal. *ECA Canada Co. v. 9031-1671 Québec Inc.*, 2011 ONSC 5986 and 2012 ONCA 232.
- As co-counsel to a human resources company, obtained summary dismissal of a lawsuit for breach of contract. *Eagle Professional Resources Inc. v. MacMullin*, 2013 ONSC 2501.

media mentions

- "[Here's what's in store for the National Heavy Equipment Show](#)", *Equipment Journal*, March 7, 2019
- "[Recreational Cannabis and the Workplace](#)" by Jeffrey Reid, *Inside Track magazine*

publications

July 2019

Getting the Most Out of Non-Competes
Ivey Business Journal

April 2019

Avoiding Construction Disputes: Nine Strategies for Contractors
The Generals

January 2019

Bill 57 - Clarity on When the New or Old *Construction Act*
Applies
Construction Law Bulletin, Litigation Bulletin

September 2018

Is your site ready for recreational cannabis?
On-Site Magazine

July 2018

Anticipatory Repudiation in Real Estate Deals: Can You
Terminate if the Other Party Will Breach the Agreement of
Purchase and Sale?
Litigation Bulletin

June 2018

Minimizing Risks Arising from the New Construction Lien
Amendments
Litigation and Construction Bulletin

April 2018

New Regulations Add Detail to the *Construction Lien
Amendment Act*
Litigation Bulletin

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May 2017

No Security for Costs for Defendants With Trust Funds
Litigation Bulletin

March 2017

No Construction Liens on Foreign Government Land in Ontario
Litigation Bulletin

February 2017

Contractors May Be Liable in Breach of Trust Actions for
Interest and Costs
Litigation Bulletin

November 2016

Subcontractors May Unknowingly Lack General Lien Rights
Litigation Bulletin

April 2016

Contractors' Duty to Seek Payment Under Provisional Payment
Clauses
Litigation Bulletin

April 2016

Subcontractors' Breach of Trust Actions – Time May Be Shorter
Than You Think
Litigation Bulletin

September 2015

Vicarious Liability: Restricted Use of Vehicles Will Not Shield
Owners from Liability
Litigation Bulletin
Canadian Law Insurance Reporter, October 2015, Issue. No.
778.

June 2014

No Excuses: Court Affirms that Defences to Claims for Payment
For Dishonoured Cheques Are Limited
Litigation Bulletin

presentations

April 11, 2019

Ontario's New Construction Act
McMillan Construction Counsel Series