



## Geza R. Banfai

Toronto

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### education and year of call

- Called to the Ontario bar - 1978
- Osgoode Hall Law School, LL.B. - 1976
- University of Toronto, B.A. - 1973

### practice areas

construction

construction litigation

litigation

### industries

construction

infrastructure

### profile

Geza R. Banfai is Counsel to McMillan, focusing exclusively on construction/infrastructure matters.

Geza counsels and represents a wide variety of clients, from small companies to national and multinational giants. He has represented every participant in the construction pyramid, including construction lenders and owners (public and private), general contractors, subcontractors, material suppliers and workers as well as design, architectural and engineering professionals and testing consultants.

His experience includes the preparation of domestic and international construction contracts; pre-bid, bid and project alliancing, domestic and international joint venture and teaming agreements; negotiation and preparation of integrated team and P3 contracts; advice on procurement issues; contract claims and disputes; construction liens; trust claims; lien priority disputes; bond claims; claims involving the negligence of design professionals; and *OHS*A issues. Geza devotes a considerable portion of his practice to business advice and has worked on a wide variety of projects including residential; nursing and retirement facilities; retail and office commercial; hospitality and gaming; office/warehouse; manufacturing facilities; schools; theatres; power generating (nuclear, hydro, fossil, natural gas and wind power); pipelines; airports; automotive facilities; medical research facilities and hospitals.

Geza is a director of the Canadian Construction Association (CCA), and a past director of the Consulting Engineers of Ontario (CEO) and the Toronto Construction Association (TCA). He remains active in an advisory role to these associations. Professionally, his memberships include the Ontario Bar

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Association - Construction Law Section, as well as the Forum on the Construction Industry of the American Bar Association and the Society of Construction Law. He is also active in various other industry associations, including the Construction Industry Leaders' Forum, the Canadian Design-Build Institute, the Mechanical Contractors Association of Canada, the Mechanical Contractors Association of Toronto and the Greater Toronto Electrical Contractors Association.

Geza is a Fellow of the Canadian College of Construction Lawyers. He is rated by the *Canadian Legal Lexpert Directory* as "consistently recommended" in the construction law category and he remains recognized as one of Canada's leading lawyers in the area of construction law in the 2011, 2012, 2013 and 2014 editions of *The Best Lawyers in Canada*. He is also listed in Chambers Global (Construction – Canada); The Leading 500 Lawyers in Canada (Lexpert/American Lawyer); Who's Who Legal, Canada; and the International Who's Who Legal 2014 - Public Procurement. In 2011, he was awarded the Donald P. Griffin, Sr. Construction Industry Achievement Award, and in 2012 he received the Manufacturers, Suppliers and Services Award of Recognition from the Canadian Construction Association for his outstanding contribution to the industry.

Geza remains the ex officio legal representative on the Canadian Construction Documents Committee (CCDC).

Geza continues to remain in demand before industry and professional audiences, with 33 publications and over 200 speaking engagements to date covering a wide variety of construction and infrastructure-related issues. He was instrumental in establishing the Osgoode Construction Law Certificate Course, conducted annually under the auspices of Osgoode Professional Development (Osgoode Hall Law School), and remains the Program Director for this highly successful program.

## directorships and professional associations

- 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

## 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.

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- 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.

## awards and rankings

- 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 by the Best Lawyers in Canada (2021) as a leading lawyer in the area of Construction Law
- 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

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- 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

## 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

## community involvement

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

## media mentions

- "[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
- "[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

## publications

**October 2020**

*The Future of Construction Contracts: The Post-COVID-19 World*

Buildforce Magazine, Fall 2020

**April 2020**

How to prepare for the post-COVID-19 world of construction  
Link2Build

**April 20, 2020**

How to Prepare for the Post-COVID-19 World of Construction  
Construction Law Bulletin

**April 8, 2020**

Project Management Amid COVID-19 - The Triage  
Construction Law Bulletin

**April 3, 2020**

The Impact of COVID-19 on the Construction Industry: A  
Reference Guide to the Changed Landscape  
Construction Law Bulletin

**June 2017**

Ontario Introduces Bill 142, *Construction Lien Amendment Act, 2017* – It's Much More Than Just Liens!  
Construction Law Bulletin

**presentations**

**November 19, 2020**

(Upcoming) IPD: A Deeper Dive - A Virtual Conference  
Presented by Integrated Project Delivery Alliance, Speaker

**October 13, 2020**

*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)

**September 9, 2020**

*Navigating Contracts/Bonding & Risk Relationships Post COVID-19*  
Ontario General Contractors Association  
Panelists: Jason Annibale, Geza Banfai  
Gary Rodrigues (Marsh), Steven Gava (Marsh)

**June 25, 2020**

Construction and infrastructure law: the new landscape  
Canadian Lawyer

**April 3, 2020**

Responses to Select Questions from the "The Impact of COVID-19 on the Construction Industry: McMillan Answers Your Questions" Webinar

**March 31, 2020**

Webinar: The Impact of COVID-19 on the Construction Industry:



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McMillan Answers Your Questions

**October 2019**

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

**April 11, 2019**

Ontario's New Construction Act  
McMillan Construction Counsel Series

**March 2018**

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