

Cassels



Mark St. Cyr

Partner

Contact Information

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Office

Toronto

Expertise

- Construction
- Energy
- Infrastructure
- Litigation
- Universities & Colleges

Biography

Mark St. Cyr (he/him/his) is a partner in the Construction & Infrastructure Groups at Cassels, where he provides strategic and practical legal advice to clients at any stage of any construction project. From initial concept, through design, procurement, and construction Mark advises clients on how to navigate and redistribute project risks.

With Mark's broad drafting, negotiating, and solutions-driven experience, he has had the privilege of representing clients on a wide variety of projects across nearly every industry, throughout Ontario, the rest of Canada, and several other parts of the world. Mark's practice includes both "front-end" project structure and delivery advice, as well as "back-end" dispute resolution.

On the front-end, Mark advises clients on project structure, procurement, and project delivery models, identifying the best contractual model to suit their project. Recognizing the complex arrangements that are sometimes necessary to deliver large-scale infrastructure, Mark has the proven ability to turn complexity into concise and straightforward bespoke solutions. In addition, he has extensive experience drafting and negotiating all forms of agreements one might find on a construction project, as well as new, innovative, and complex contracts such as alternative financing (P3/PPP), integrated project delivery (IPD), "design-assist," and "bridging" agreements.

In addition to providing advice over the life of his clients' projects, Mark also maintains a construction advocacy practice where he represents clients on the "back-end" of projects during dispute resolution. Mark is active as both plaintiff's counsel and defendant's counsel in construction lien actions, bidding and tendering disputes, bond actions, breach of trust claims, and delay and deficiency claims. Mark's approach to disputes is to resolutely advance the position of his clients to set up success at trial, while also identifying opportunities for a commercially sensible early resolution.

Recent representative work:

Cassels

- Advising a municipality on all aspects of the development, construction, and implementation of light-rail transit (LRT) in the GTA, including the negotiation and drafting of various agreements involving multiple government entities and the design-build proponent
- Advising on and developing a bespoke suite of agreements for the multi-party funding, development, and construction of Canada Games Park in the Niagara Region
- Acting for municipalities, regional governments, boards of education, post-secondary institutions, contractors, subcontractors, and suppliers to update their current contracts to address the recent updates to the *Construction Act* (e.g., prompt payment, adjudication) and the impact of COVID-19 on project delivery

Prior to becoming a lawyer, Mark was a crime analyst with the Royal Canadian Mounted Police, based in North Vancouver, British Columbia.

Achievements

- *Best Lawyers in Canada* (Construction)
- *Canadian Legal Lexpert Directory* (Construction)
- *Chambers Canada* (Construction)

Client Commentary

- “Mark is outstanding to work with – he is prompt, professional, knowledgeable and efficient.” – *Chambers Canada (Construction)*
- “His advice is practical and well thought out.” – *Chambers Canada (Construction)*
- “Mark provides excellent service in a very timely manner. He gives us practical legal advice that works within our corporation.” – *Chambers Canada (Construction)*

Recent Representative Work

- Calibre Closes Commissioning Service Agreement with Reliable Controls Corporation
- CHEO awards Design-Build-Finance Contract for the 1Door4Care Integrated Treatment Centre Redevelopment

Project

Insights

- Waiver by Conduct: Actions May Speak Louder Than Words
- Payment Under Protest: Payments With No Pride and No Prejudice
- A Two-Way Street: Owners May Be Liable for Health & Safety Compliance as “Employers” Under the OHSA

Pro Bono & Community Involvement

- Ontario Bar Association, Construction and Infrastructure Section Executive, Member-at-Large

Education / Bar Admissions

- J.D., Western University, 2011
- B.A. Criminology (First Class Honours), Simon Fraser University, 2005

- Ontario, 2012

Associations

- American Bar Association
- Canadian Association of University Solicitors (CAUS)
- Canadian Bar Association
- Law Society of Ontario
- Ontario Bar Association
- The Advocates’ Society
- The Canadian Council for Public Private Partnerships
- Toronto Construction Association (TCA)