



James Kelsall

Partner

Toronto

jkelsall@mccarthy.ca

t. +1 416-601-7585

Bar Admission

Ontario 2013

Law School

Queen's University

Practices

Real Estate

Industries

Projects

James Kelsall is a partner in McCarthy Tétrault's Real Property & Planning Group in Toronto. His practice focuses on infrastructure and project development, with an emphasis on the structuring and delivery of major construction, infrastructure and development projects, including under the public-private partnership (P3) framework. He also advises clients on the development and negotiation of construction contract documentation.

James has extensive experience advising federal, municipal and provincial governments and government agencies in respect of the structuring, procurement, design, construction, financing, operation and maintenance of a broad range of public infrastructure projects, including both above and below-grade linear transit projects, hospitals, courthouses, correctional facilities and energy assets. In particular, James has worked with Infrastructure Ontario and its development partners to deliver over a dozen DBF and DBFM projects. James has also advised a number of public and private sector clients in respect of the sale and acquisition of infrastructure assets.

In a similar role at another Seven Sisters firm, James advised private sector clients, including developers, construction companies, equity investors and lending institutions in respect of the successful pursuit, negotiation, closing and delivery of a number of P3 infrastructure projects across the transportation, energy, and social infrastructure sectors.

James is active in the infrastructure space beyond his legal advisory work. He has delivered guest-lectures at the Schulich School of Business on P3 project structuring and risk, participated as a facilitator for the Sustainable Infrastructure Fellowship Program of the Investor Leadership Network (an initiative of the G7) and sits on the Board of Directors for Young Leaders in Infrastructure, an infrastructure advocacy and educational organization affiliated with the Canadian Council for Public Private Partnerships.

James was called to the Ontario Bar in 2013, having received his J.D. from Queen's University in 2012 and a B.A. from McGill University in 2008. He is a member of the Law Society of Ontario, the Canadian Bar Association and the Ontario Bar Association.

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Significant representative experience includes:

- Acting for Infrastructure Ontario and Metrolinx in connection with the Province of Ontario's priority subway transit program, including:
 - Advance Tunnel for the Scarborough Subway Expansion DBF project
 - Advance Tunnel for the Yonge North Subway Extension DBF project
- Stations, Rail and Systems progressive DBF project for the Scarborough Subway Expansion
- Stations, Rail and Systems project for the Yonge North Subway Extension

- Acting for Infrastructure Ontario and Metrolinx on the Province of Ontario's Transit Oriented Communities Program, advising on the structuring, negotiation and implementation of projects under the "direct deal" framework
- Acting for Trillium Health Partners and Infrastructure Ontario on the development of the Province of Ontario's progressive public private partnership delivery model and the procurement of the M-Site progressive-DBFM project
- Acting for the Ontario Ministry of the Solicitor General and Infrastructure Ontario in the procurement and delivery of the Thunder Bay Correctional Complex DBFM project
- Acting for the Niagara Health System and Infrastructure Ontario in the procurement of the South Niagara Hospital DBFM project
- Acting for Canada Lands Company on the structuring and procurement of a high-security federal government facility in Toronto
- Acting for Infrastructure Ontario, Metrolinx and other public sector sponsors in the procurement and delivery of a number of recent public-private partnership projects, including:
 - Hurontario Light Rail DBFOM project
 - Macdonald Block Redevelopment DBFM project
 - New Toronto Courthouse DBFM project

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- Halton Region Consolidated Courthouse DBFM project
- Acting for Waterfront Toronto in relation to the Quayside project with Sidewalk Labs;
- Acting for private sector equity sponsors and lenders on a number of recent P3 projects, including:
 - Mount Sinai Hospital Phase 3A Project;
 - the Federation Line (Ottawa Light Rail) Project;
 - Penticton Hospital Project;
 - City of Moncton Downtown Recreation Centre Project;
 - Calgary Compost Facility Project;
 - North Island Hospitals Project;

Acting for a number of private sector clients on the development and negotiation of standard form and project-specific construction contract documentation.

Recent Experience

- **Infrastructure Ontario and Metrolinx select Scarborough Transit Connect as development phase contractor for Scarborough Subway extension**
November 30, 2022
- **Contract awarded for the C\$1.2B Thunder Bay Correctional Complex Project**
April 25, 2022
- **Infrastructure Ontario and Trillium Health Partners to redevelop Mississauga's Peter Gilgan Hospital**
April 20, 2022
- **Infrastructure Ontario and Metrolinx award fixed-price contract of C\$757.1M to Strabag Scarborough Project Inc. for Scarborough**

Subway Extension project

May 25, 2021

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