



## Brad Nicpon

Partner

Toronto

[bnicpon@mccarthy.ca](mailto:bnicpon@mccarthy.ca)

t. 416-601-8092

### Bar Admission

Ontario 2008  
England Wales 2016

### Law School

Osgoode Hall Law School

### Practices

Real Property Development  
Construction  
Mergers & Acquisitions  
Procurement  
Real Estate  
Projects

### Industries

Infrastructure  
Energy & Resources  
Power  
Global Metals & Mining

Brad Nicpon is a partner in McCarthy Tétrault's Real Property & Planning Group in Toronto. His practice focuses on infrastructure, construction, energy, project development and public-private partnerships (P3s). He also advises on real property development, project finance and the purchase and sale of infrastructure and real property assets.

Brad has significant legal experience in both the Canadian and international infrastructure markets. He has also held senior government roles in the infrastructure space, having served as Director of Policy to two Ontario Ministers of Infrastructure. In that capacity he advised the Minister, the Office of the Premier and other senior government decision-makers on all major infrastructure matters. These included the government's priority subway projects, the Transit-Oriented Communities program, Ontario's first Unsolicited Proposals Framework and the portfolio of projects being delivered by Infrastructure Ontario using the P3 model (including hospitals, highways, courthouses, correctional facilities and other major projects).

While working at a magic circle firm in London, UK, Brad advised on and led infrastructure transactions around the world, including Asia, the Middle East, the UK, Europe and North America. His experience included the drafting and negotiating of legal arrangements to construct, operate, finance, purchase and sell infrastructure assets across various classes. Brad worked extensively on traditional (coal, oil shale and gas) and renewable (solar, offshore wind and onshore wind) power generation, however his international experience also includes transactions in the heavy industrial, mining, railroad and real property sectors.

Brad's work in the UK included advising the project owner on the construction, operation and financing of two of the largest offshore wind projects in the world, the Race Bank and Walney Extension projects, as well as the sale of a 50% interest in each project to a third party investor.

Prior to moving to the UK, Brad spent his early years of legal practice at McCarthy Tétrault. During that time, he advised various levels of government and government agencies in respect of a variety of infrastructure projects, including hospitals, law enforcement facilities, sporting event facilities and transportation projects. He also advised developers and lenders on renewable energy projects and advised institutional lenders and borrowers in respect of various corporate banking, project financing and secured financing transactions. He also worked extensively with Infrastructure Ontario to deliver projects using their P3 model, including seven DBFM and DBF projects.

Promoting knowledge in the infrastructure sector is important to Brad. Both in Toronto and globally he has run seminars and teaching modules on infrastructure and project development topics. In 2018 he designed and delivered a seminar to over 150 participants in Tokyo, Japan on the contractual arrangements underpinning the development of offshore wind projects. He has also participated as a volunteer on industry

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panels, as a judge for student infrastructure business case presentations at the Schulich School of Business and as a facilitator for the Sustainable Infrastructure Fellowship Program of the Investor Leadership Network (an initiative of the G7).

Brad is currently serving as Chair of the National Awards Committee of the Canadian Council for Public-Private Partnerships.

In March 2022, Brad was appointed by the Lieutenant Governor of Ontario, on the recommendation of the Minister of Labour, Training and Skills Development, to serve as one of five members of the Ontario Portable Benefits Advisory Panel. The panel is tasked with providing policy recommendations to the government on the design of a portable benefits program to deliver workplace benefits to Ontario workers who do not have access to such benefits.

Brad received an LL.B. from Osgoode Hall Law School in 2007, an M. Sc. in Political Theory from the London School of Economics in 2004 and a B.Sc. (Hons) in Genetics and Political Science from the University of Western Ontario in 2003.

Brad qualified as a Barrister and Solicitor of the Province of Ontario in 2008, and as a Solicitor of the Senior Courts of England and Wales in 2016.

## **SIGNIFICANT REPRESENTATIVE WORK INCLUDES:**

### **Canadian Work**

- Acting for Infrastructure Ontario and Metrolinx on the Government of Ontario's Transit-Oriented Communities program, which aims to develop and densify land, deliver housing, promote economic development and capture land value to offset the cost of transit construction at stations on the Government's new priority Toronto subway projects
- Acting for Waterfront Toronto on its development of the portion of Toronto's waterfront known as the Quayside Lands. The project aims to deliver a sustainable and resilient community consisting of a robust mix of uses, new economic opportunities and new community services
- Acting for a US-based multinational energy developer in respect of its portfolio of generation and storage projects in Ontario
- Acted for InstarAGF in respect of its negotiation of service, maintenance, warranty and availability agreements for two of its Canadian wind farms with Siemens Gamesa Renewable Energy Limited
- Acting for Niagara Health System and Infrastructure Ontario in the procurement of the new 469 bed South Niagara Hospital P3 DBFM project
- Acting for Trillium Health Partners and Infrastructure Ontario in the procurement of the new Mississauga Site P3 DBFM project
- Acted for Infrastructure Ontario on a series of public-private partnership (P3) projects, including:
  - Thunder Bay Correctional Complex DBFM project

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- Humber River Regional Hospital New Acute Care Facility DBFM project
- Joseph Brant Hospital Redevelopment and Expansion DBF project
- 2015 Pan/Parapan American Games Athletes Village project
- Oakville Trafalgar Memorial Hospital DBFM project
- OPP Modernization DBFM project
- Forensic Services and Coroner's Complex DBFM project
- Women's College Hospital Redevelopment DBFM project
  
- Acted for York University in respect of the portion of the Toronto Transit Commission's Toronto York Spadina Subway Extension project passing through York's campus (including two stations and the twin track tunnels)
- Acted for Grand Renewable Wind LP (a joint venture between Samsung Renewable Energy and Pattern Energy) with respect to the real property matters on their 150 MW onshore wind project in Southwestern Ontario
- Acted for Maple Leaf Spots and Entertainment on the development of the Toronto FC Academy and Training Facility at Downsview Park
- Acted for Deloitte on the negotiation of a lease for their new office facilities in the Bay Adelaide Center in downtown Toronto
- Acted for lending clients on a variety of financing transactions, including: an \$800M credit facility to support the construction of renewable energy projects across Canada, a \$400M secured construction credit facility to support a large mixed-use development project in the Greater Toronto Area, a \$450M refinancing of term and revolving credit facilities secured by heavy industrial assets and a \$100M revolving credit facility secured by a large commercial mortgage portfolio

## International Work

- Acted for the owner on the development of the 573 MW Race Bank Offshore Wind Farm in the UK, and on the divestment of a 50% interest in the project to a third party investor
- Acted for the owner on the development of the 659 MW Walney Extension Offshore Wind Farm in the UK, and on the divestment of a 50% interest in the project to two pension funds
- Acted on the acquisition of a portfolio of 13,254 residential rooftop solar PV systems (and 2 ground-mounted solar PV installations) in the UK
- Acted for an international consortium on the construction of a 470 MW oil shale power plant in Attarat um Ghudran, Jordan
- Acted for a Canadian publicly listed gold mining company with respect to the development of its gold mine in Çanakkale, Turkey

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- Acted for the owner on the development of a solar thermal generation facility in Africa
- Acted for the purchaser on the acquisition from a European electric utility of a 50% interest in the 400 MW Rampion Offshore Wind Farm project in the UK
- Advised on the development of multiple offshore wind power generation facilities in Japan
- Advised on the purchase of various infrastructure assets, including: hydroelectric power generation facilities, a trans-border railway in North America, a heavy industrial manufacturing facility in the aerospace industry in the Middle East and a coal-fired power plant in India

## Awards & Rankings

### The Canadian Legal Lexpert Directory

Leading Lawyer: Infrastructure Law

### Lexpert Special Edition: Infrastructure

Leading Lawyer

## Recent Experience

- **Infrastructure Ontario and Niagara Health award contract for C\$3.6B South Niagara Hospital Project to EllisDon**  
February 21, 2023
- **Waterfront Toronto and Quayside Impact sign agreement to develop Quayside Lands**  
December 09, 2022
- **InstarAGF concludes negotiations in respect of the provision of service, maintenance, warranty and availability obligations by Siemens Gamesa Renewable Energy Limited at InstarAGF's Pennask and Shinish Creek Wind Farms.**  
April 27, 2021

## Recent Insights

- **Open for Business and Protecting Lives and Livelihoods: Key Takeaways from "The Brave New World of Infrastructure Unsolicited Proposals in Canada"**  
July 07, 2021
- **The New Normal: A Roadmap for Business Leaders in a COVID-Continued World**  
February 23, 2021

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- **Preparing for the Economic Reboot – Key Considerations for Project Stakeholders**

July 13, 2020

- **Preparing for the Economic Reboot – Key Considerations for Project Stakeholders**

June 23, 2020

## Events

- **The Brave New World of Infrastructure Unsolicited Proposals in Canada**

June 23, 2021

- **Is your Project “Stimulus Package Ready” for Canada’s Economic Reboot?**

July 15, 2020