



Michael Farace

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Biography

Michael Farace is an experienced litigator and provides legal advice, litigation and arbitration representation to clients in the areas of commercial law, construction law, real estate law, civil litigation, and defending by-law and provincial offence matters. Michael has extensive experience in advising and representing architects, infrastructure contractors, mortgagees/mortgagors, commercial landlords and tenants, property managers, general contractors/land developers, residential and commercial construction builders and title insurers. He has prepared standard and customized construction contracts for residential, commercial, industrial and infrastructure projects.

Michael has acted as General Counsel for a major land developer and builder. He has represented clients in cases that include complex commercial litigation, construction lien and deficiency claims, infrastructure projects, real estate and commercial tenancy matters, contract disputes, and professional liability claims.

Michael has represented clients as defence counsel in cases involving charges under the *Occupational Health and Safety Act* as well as charges under other statutes governed by the *Provincial Offences Act*.

Michael acts for corporations of all sizes, owner-managed companies, entrepreneurs, private individuals and charitable corporations. He is also an Ontario Notary Public.

Construction Litigation and Dispute Resolution: Acting for Owners, Land Developers, General Contractors, Construction Managers and Trade Contractors in a variety of matters that include construction lien disputes, delay claims, deficiency claims and contract disputes

Corporation and Business disputes: advising and representing various business types of business owners as to transaction and relationship disputes

Leasing: Acting for Commercial Landlords and Commercial Tenants in matters involving leasing disputes

Occupational Health and Safety: Acting for Owners, Land Developers, General Contractors, Construction Managers and Trade Contractors in addressing safety and accident matters including defending against prosecution of charges

Procurement and Contracts: Acting for Owners, Land Developers, General Contractors, Construction Managers and Trade Contractors in matters of bidding and contract drafting for a variety of project types that include key services and matter types

Project Execution: Providing consultation to various stakeholders during the course of Project work

Mortgage Remedies: Representing lenders and borrowers in various disputes

Municipal Liability: Representing parties with disputes in Municipal matters

Real Estate Law: Representing parties with disputes in Real Estate and property title matters

Property Management: Providing legal advice to Property Managers

Workplace Safety and Insurance Board: Representing Employers in WSIB and WSIAT matters

Prior to joining Miller Thomson, Michael practiced at another law firm in Toronto where he chaired the construction law group. In this role, Michael contributed to the development of the group's engaging in and presenting industry and client based seminars as well as the group's meetings to discuss current trends, issues and updates on case law and legislation.

Notable matters

- *Grant v. Saks*, (2011) Carswell, Ont. 11106 Ont. Superior Court, contempt of court orders
- *Androus v. Bedford Residences*, (2011) Carswell, Ont. 8537, Master Ont. Superior Court, construction lien, contract
- *Foley v. Town of Parry Sound et al.*, (2008) Carswell, Ont. 4769, Ont. C.A., torts public/private, property, causation
- *Rose v. Kreiser*, (2002) Carswell Ont. 1046, Ont. C.A., easements
- *SBS Sealants v. Robroy Industries*, (2002) Carswell 1306, Ont. C.A., sale of land options
- *Richter and Partners v. Westwood Mall et al.*, (2001) Carswell, Ont. 4513, Ont. Court Gen. Div., bankruptcy, tenant priorities, and assignment of lease ;and
- *Milios v. Zagas*, (1996) Carswell, Ont 2951, Ont. Court Gen. Div., settlement formation validity
- *DiBattista v. Menecola*, trial 1990 O.J.N. Ont. D.C., appeal 1990 CarswellOnt 574 Ont. C.A. land severance and application of the *Partition Act*

Community involvement

- Member of coaching staff on numerous minor hockey teams in the Streetsville Amateur Minor Hockey Association and the Meadowvale Minor Hockey Association
- Business Law Instructor at Sheridan College

Professional memberships

- Law Society of Ontario
- Ontario Bar Association
- Metropolitan Toronto Lawyers Association
- American Bar Association

Bar admissions & education

- Ontario Bar, 1989
- LL.B., University of Windsor, 1987
- B.A. (Hons.), University of Western Ontario, 1984