



## Riccardo Del Vecchio

Partner | Vaughan

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### Biography

Rick Del Vecchio practices construction and commercial litigation, with specialized experience in construction-related claims, real estate litigation, partnership litigation, shareholder disputes, and general debt-recovery and contractual disputes.

Rick advises and represents participants in the construction industry with respect to construction liens, surety bond claims, claims for breach of contract and breach of trust, negligence, and delay, including in the context of traditional litigation, settlement negotiations, mediations and arbitrations.

Rick provides legal services in the areas of:

**Construction Litigation:** preservation and perfection of construction liens, legal advice and representation with respect to all aspects of construction-related litigation, such as motions, settlement negotiations, and mediations in respect of construction lien claims, surety bond claims, claims for breach of contract or breach of trust, negligence, and delay claims.

**Shareholder disputes:** experience in dispute resolution between shareholders and corporations, including claims under the oppression section of the *Ontario Business Corporations Act*.

Rick has been involved in proceedings (including trials, references, motions and applications) at various levels of court, including the Ontario Superior Court of Justice, the Court of Appeal for Ontario, and the Supreme Court of Canada. He has also appeared as counsel before various tribunals, including the Landlord and Tenant Board.

Rick has developed expertise in electronic discovery, including planning and implementing electronic evidence strategies, and leading and coordinating teams for large scale documentary review and production.

Rick is currently the Co-Leader of Miller Thomson's Construction Litigation Group.

Rick was named in Benchmark Litigation's 40 & Under Hot List and Future Star Category for 2020.

Rick is also very involved in student and lawyer recruitment and

### RELATED SERVICES

Commercial Litigation  
Construction Litigation  
Shareholder Disputes  
Transactions & Leasing

### RELATED INDUSTRIES

Construction and Infrastructure  
Projects

mentorship at the firm.

Rick earned a Bachelor of Laws from the University of Windsor and a Bachelor of Arts from York University. He was called to the Ontario Bar in 2008.

Rick taught the Civil Trial Procedures and Advocacy course to first-year students in the paralegal program at Sheridan College Institute.

Rick is a member of the Ontario Bar Association, The Advocates' Society, the Canadian Italian Advocates Association, and the Italian Chamber of Commerce of Ontario.

Prior to joining Miller Thomson, Rick practiced commercial and construction litigation at a number of boutique and full-service law firms in Ontario.

## Professional achievements & leadership

- *Benchmark Canada*, Future Star, 2021-2024
- *Benchmark Litigation Canada*, 40 & Under Hot List, 2020-2022
- *The Canadian Legal Lexpert Directory*, Litigation - Corporate Commercial, 2021
- *Benchmark Canada*, Future Star: Dispute Resolution, 2020

## Notable matters

- *Iron Fort v. Ger-Mor*, 2023 ONSC 6183
- Counsel to the construction manager with respect to the successful defence of an appeal in the context of two competing summary judgment motions, which proceedings found that the client was entitled to a construction lien and payment for its share of cost savings under its construction management contract with a developer (*Dominus Construction Corporation v. H&W Development Corp.*, 2022 ONSC 1240)
- Counsel to the construction manager with respect to a successful summary motion against a developer, related to issues of lienability and the interpretation of a construction contract (*Dominus Construction Corporation v. H&W Development Corp.*, 2020 ONSC 8134)
- Counsel to the project owner in a \$50+ million construction lien reference, consisting of over 40 trades and involving fraud allegations and matters and motions with respect to court-supervised distribution of holdback (\$27+ million), posting of reasonable reduced security, sealing orders, and various discovery-related relief (*Multiplex Const. Can. Limited v. Princes Gates Hotel Limited Partnership*, 2019 ONSC4367)
- Counsel to the construction manager in a \$7.5+ million construction lien proceeding, involving matters and summary judgment motions with respect to a lienability challenge and contractual interpretation (*Dominus Construction Corporation v. H&W Development Corp.*, 2019 ONSC 7235)
- Counsel to the Royal Bank of Canada with respect to the successful dismissal of an appeal to overturn an order, which related to a contest between two PPSA registrations and held that the appellant's security interest was unperfected and that the bank's perfected security took priority over the appellant's interest in the accounts (*Fairbanx Corp. v. Royal Bank of Canada*, 2010 ONCA 385)

## Thought leadership

### Publications

- Co-author, "Divisional court stresses the importance of procedural fairness when determining an adjudication, especially on the basis of dispositive issues that have not been pleaded", Breaking Ground: MT Construction Law Ontario Edition communique, February 28, 2024
- Co-author, "A cautionary tale on the necessity of strict compliance with contractual terms in construction agreements before refusing to proceed with work unless paid", Breaking Ground: MT Construction Law Ontario Edition communique, February 28, 2024
- Co-author, "The Ontario Superior Court of Justice emphasizes the importance of document disclosure", Breaking Ground: MT Construction Law Ontario Edition communique, December 28, 2023
- Co-author, "Ontario Superior Court provides clarity on the availability of lien rights in connection with pre-fabricated structures", Breaking Ground: MT Construction Law Ontario Edition communique, October 19, 2023
- Co-author, "Construction Law Compendium", October 6, 2023
- Co-author, "Case comment: DNR Restoration Inc. v. Trac Developments Inc., 2023 ONSC1849", Breaking Ground: MT Construction Law Ontario Edition communique, August 1, 2023
- Co-Chair/Author, Miller Thomson LLP's (monthly) Ontario Construction Law Newsletter: Breaking Ground, January 2019 - present
- Co-author, "Ontario Superior Court provides insight on the legal characterization of holdback amounts concerning a project on First Nations lands", Breaking Ground: MT Construction Law Ontario Edition communiqué, May 25, 2023
- Co-author, "Construction lien claims: Takeaways from XPL Construction Solutions Inc. v. North Bay Capital Investments Ltd.", Breaking Ground: MT Construction Law Ontario Edition, March 22, 2023
- Co-author, "Construction lien claims : Takeaways from Nova Concrete Inc. v. 2035211 Ontario Inc.", Breaking Ground: MT Construction Law Ontario Edition communiqué, January 30, 2023
- Co-author, "Section 47 motions under Ontario's lien legislation", Breaking Ground: MT Construction Law Ontario Edition communiqué, January 30, 2023
- Co-author, "Can construction breach of trust and construction lien claims be joined?", Breaking Ground: MT Construction Law Ontario Edition communiqué, October 4, 2022
- Co-author, "Divisional Court's strict enforcement of the prompt payment and adjudication regimes under the Construction Act (Ontario)", Breaking Ground: MT Construction Law Ontario Edition communiqué, October 4, 2022
- Co-author, "The importance of a corporation's (active and good) corporate status at the time of preserving and perfecting a construction lien", Breaking Ground: MT Construction Law Ontario Edition communiqué, May 25, 2022
- Co-author, "Legislative definitions and the relevance of a lien claimant's status in the prosecution of the construction lien remedy", Breaking Ground: MT Construction Law Ontario Edition communiqué, May 25, 2022
- Author, "Rising construction costs as a result of COVID-19", Canadian Consulting Engineer Magazine, January 31, 2022
- Co-author, "Rising construction costs as a result of COVID-19", Breaking Ground: MT Construction Law Ontario Edition communiqué, October 19, 2021
- Co-author, "Landlords and tenants: Navigating leasehold interests.

Liens and the Construction Act", Breaking Ground: MT Construction Law Ontario Edition communiqué, June 23, 2020

- Co-author, "COVID-19 and Construction Contracts", Breaking Ground: MT Construction Law Ontario Edition communiqué, March 30, 2020
- Co-author, "The Construction Act: Prompt Payment and the Concept of Proper Invoice – Getting Organized", Breaking Ground: MT Construction Law Ontario Edition communiqué, April 2, 2019
- Co-author, "The Construction Act: Construction Lien Actions in the Small Claims Court", Breaking Ground: MT Construction Law Ontario Edition communiqué, April 2, 2019
- Co-author, "The New Construction Act: Five Things You Need to Know by July 1, 2018", Breaking Ground: MT Construction Law Ontario Edition communiqué, May 14, 2018
- Author, "Communicating with Experts," MT Litigation Blog, June 19, 2014

### **Presentations**

- Co-presenter, "Extreme Weather Events in a Construction Project: Are You Prepared?", Lexology, July 26, 2022
- Co-presenter (with Lori Goldberg), "Contract Law, COVID-19, and Prompt Payment Legislation", BILD, February 16, 2021
- Moderator, "COVID-19 and Construction in Ontario: Updates and Considerations", Miller Thomson Construction Law Group Webinar, April 23, 2020
- Panelist, "How Does Ontario's Construction Act Affect Me? Navigating Allowances and Liens in the New World", ICSC Law Conference, April 21 - 22, 2020 (postponed due to Covid-19)
- Speaker, "Construction Act: Phase II October 1, 2019 Changes (Part 1 – Prompt Payment)", Miller Thomson Winter/Spring 2019 V-Series: Roundtable Seminar, April 25, 2019
- Presenter, "Breaking Ground: The New Construction Act - What You Need to Know About the New Act and How it Will Impact Your Project", Miller Thomson seminar, February 28, 2018

### **Community involvement**

- Board Member, Vaughan YMCA Youth Executive Cabinet/Capital Campaign Committee, August 2019 - present
- Cyclist/Rider, Princess Margaret Ride to Conquer Cancer, 2018
- Volunteer Lawyer, Ryerson Pro Bono Legal Clinic, Ryerson University
- Member, Italian Chamber of Commerce of Ontario's (ICCO) Golf Tournament Committee
- Teacher, Civil Trial Procedures and Advocacy course, paralegal program, Sheridan College Institute
- Volunteer trial judge, Mock Trial Assignment, paralegal program, Sheridan College Institute

### **Professional memberships**

- Italian Chamber of Commerce of Ontario (ICCO)
- Ontario Bar Association
- The Advocates' Society
- Canadian Italian Advocates Organization

### **Bar admissions & education**

- Ontario, 2008
- Certificate, The Intensive Trial Advocacy Workshop, Professional Development Program, 2015
- LL.B., University of Windsor, 2007

- B.A. (honours), York University, 2003