

# Michael Swartz

Partner

## Toronto

Tel: 416.947.5024

Mobile: 416.500.9503

Fax: 416.365.1876

Email: [mswartz@weirfoulds.com](mailto:mswartz@weirfoulds.com)



## Practice Areas

Construction

Infrastructure/P3

Litigation & Dispute

Resolution

Michael Swartz is a leading practitioner in construction law, advising clients across Ontario on the full life cycle of construction projects. His practice spans project strategy, procurement, tendering, contract drafting, and the resolution of complex construction disputes, including liens, trusts, delays, and contract issues.

Clients value Michael's practical, efficient, and solutions-focused approach, which consistently helps them navigate challenges and keep projects moving along.

Michael appears frequently before various boards, tribunals and all levels of court. He also provides real-time guidance on legislative and industry developments, and has been a regular instructor, guest speaker, and panelist in construction law for countless industry groups and educational institutions including, but not limited to, the Toronto Construction Association, the Ontario General Contractors Association, the Ontario Association of Architects, the University of Toronto's School of Continuing Studies, the Ontario Bar Association and George Brown College.

Recognized for his contributions to the industry, Michael received the Toronto Construction Association's TCIC Chancellor's Award of Excellence for 2016. He is listed in the *Canadian Legal Expert Directory* as a repeatedly recommended lawyer and is recognized by *Best Lawyers in Canada* as a leading practitioner in Construction Law.

## Mediation

With construction disputes, timing and credibility matter. Michael brings over two decades of industry and advocacy experience and extensive ADR training to his mediation practice. Known for his steady, solutions-oriented approach, he helps parties break through impasse and achieve practical, cost-effective resolutions that allow projects and relationships to move forward.

## WeirFoulds LLP

4100 – 66 Wellington St. West  
PO Box 35, TD Bank Tower  
Toronto, ON M5K 1B7

[www.weirfoulds.com](http://www.weirfoulds.com)

Michael is currently accepting mediation appointments for construction-related disputes. To reserve a date or discuss availability, please contact him directly.

Called to the Bar	Education	Affiliations
<ul style="list-style-type: none"><li>• Ontario (2002)</li></ul>	<ul style="list-style-type: none"><li>• LL.B., University of Windsor, 2001</li><li>• B.A. (Hons.), University of Windsor, 1998</li></ul>	<ul style="list-style-type: none"><li>• Ontario Bar Association, Construction and Infrastructure Law Section Executive</li><li>• Ontario Bar Association, Civil Litigation Section</li><li>• Toronto Construction Association</li><li>• The Advocates' Society</li><li>• The Osgoode Society</li><li>• Toronto Lawyers' Association</li></ul>

## Reported Cases

*Maystar General Contractors Inc. v. Newmarket (Town)* (2008), 69 C.L.R. (3d) 186 (S.C.J.); affirmed by (2009) 82 C.L.R. (3d) 169 (Ont. C.A.); additional reasons in (2008) 171 A.C.W.S. (3d) 269 (S.C.J.).

*Ciardullo v. Premetalco Inc.* (2009), 82 C.P.C. (6th) 148 (Ont. S.C.J.).

*Tubacex & Cotubes Canada Inc. v. Scan Tube & Steel Services Ltd.* (2009), 176 A.C.W.S. (3d) 92 (Ont. S.C.J.).

*Commandant v. Wahta Mohawks* (2008), 68 Admin. L.R. (4th) 161 (F.C.T.D.); appealed (2008), 77 Admin. L.R. (4th) 241 (Fed. C.A.).

*Hickey v. Tri-Green Construction Inc.* (July 17, 2007), [2007] O.L.R.B. Rep. 831 (Ontario Labour Relations Board).

*Commandant v. Wahta Mohawks et al.* (2006), 48 C.C.E.L. (3d) 29 (S.C.J.); leave to appeal granted (2006), 48 C.C.E.L. (3d) 38 (S.C.J.); appeal dismissed, [2006] O.J. No. 4588 (Div. Ct.).

*Braithwaite Technology Consultants Inc. v. Blanketware Corp.* (2005), 72 O.R. (3d) 611 (S.C.J.).

*Paletta International Corp. v. Canada Life Mortgage Services* (2003) 9 R.P.R. (4th) 1 (C.A.); leave to appeal denied [2003] S.C.C.A. No. 260 (S.C.C.).

## Awards

- Repeatedly recognized by *Best Lawyers in Canada* as a leading lawyer in Construction Law
- Repeatedly recognized in the *Lexpert Special Edition: Infrastructure*
- Repeatedly recognized in the *Canadian Legal Lexpert Directory* as a leading practitioner in Construction Law
- TCIC Chancellor's Award of Excellence, 2017

- Distinguished Volunteer Award, Toronto Construction Association, 2013

## Professional Activities

- Toronto Construction Association: Industry Practices Committee (2014-Present)
- The Advocates' Society – Construction Law Practice Group Executive, Vice-Chair, 2015-2016
- The Advocates' Society; Construction Law Practice Group, Task Force Member on Construction Lien Act Reform, 2015
- Ontario Bar Association Committee on Construction Lien Act Reform, Subcommittee Co-Chair, "Dispute Resolution Procedures", 2015
- Instructor, George Brown College, 2005 – Present

## Community Involvement

Sherwood Park Advisory Committee, North Toronto

## Speaking Engagements

- Speaker, "Déjà Vu or Real Change? Changes to Ontario's Construction Act", The Construction Institute of Canada, February 18 to September, 2026
- Speaker, "Let It Go: The End of Holding on to Holdback – Practical Considerations for Navigating", The 15th OGCA Symposium, Collingwood, ON, April 16, 2026
- Speaker, "Fundamentals of Running an Architectural Practice", Ontario Association of Architects, University of Toronto - School of Continuing Studies, March 26, 2026
- Instructor, "Bid Theory and Bid Practice", Ontario Association of Architects and University of Toronto School of Continuing Studies, Online Admission Course, Online, November 19, 2025
- Speaker, "Common Motions, Productions and Discoveries in Lien Actions", 7th Annual Legal Guide to Managing Construction Liens Process in Ontario, Osgoode Professional Development, Online, November 18, 2025
- Speaker, "Bill 216 Changes – The Construction Act 2.0", ODACC Adjudicators Conference, October 3, 2025
- Instructor, "It's like Deja Vu all Over Again!" - Changes to Ontario's Construction Act", The Construction Institute of Canada, Toronto, ON, March 25 & June 4, 2025
- Instructor, "Bid Theory and Bid Practice", Ontario Association of Architects and University of Toronto School of Continuing Studies, Online Admission Course, Online, May 28, 2025
- Instructor, "Bid Theory and Bid Practice", Ontario Association of Architects and University of Toronto School of Continuing Studies, Online Admission Course, Online, March 5, 2025
- Instructor, "So You Have An Insurance Policy on the Project, Now What?", The Construction Institute of Canada, Online, February 5, 2025
- Instructor, "The Usual Suspects: The Contract Documents You May Not Have Noticed", The Construction Institute of Canada, Online, June 26, 2024 & October 9, 2024
- Instructor, "So You Have An Insurance Policy on the Project: Now What?", The Construction Institute of Canada, Online, June 20, 2024, October 3, 2024, & November 15, 2024
- Instructor, "Construction Law Update", Clark Construction Management, Online, May 17 - June 21, 2024
- Speaker, "The Other Guys: The Contract Documents You Rarely Think About", Architectural

Woodwork Manufacturers Association of Canada, Toronto, ON, June 11, 2024

- Instructor, "The Construction Act", The Construction Institute of Canada, Webinar, June 6, 2024
- Instructor, "Bid Theory and Bid Practice", Ontario Association of Architects Online Admission Course, Online, May 22, 2024
- Instructor, "Construction Contracts 101: Smooth Sailing or Gale Force Winds", The Construction Institute of Canada, Webinar, May 8 & May 9, 2024
- Instructor, "Bidding & Tendering", The Construction Institute of Canada, Webinar, April 3 & April 9, 2024
- Instructor (with Krista Chaytor), "Construction Contracts 101: Smooth Sailing or Gale Force Winds", The Construction Institute of Canada, Online, August 2nd - 4th, 2023
- Speaker (with Jeff Scorgie), "Hierarchy of Precedence Construction Contracts", Architectural Woodwork Manufacturers Association of Canada 2023 National Convention, Toronto, ON, June 10, 2023
- Speaker (with Jeff Scorgie), "Top 10 Red Flags to Look for When Bidding on or Negotiating Construction Contracts", Kingston Construction Association, Kingston, ON, April 11, 2023
- Instructor (with Krista Chaytor), "CCDC2 - 200 (Everything You Need to Know but Haven't Asked About Yet)", The Construction Institute of Canada, February 8, 2023
- Co-Speaker (with Krista Chaytor), "Construction Contracts: Assessing and Managing Risks – Part 2", Private Webinar Series for an Owner in conjunction with The Construction Institute of Canada, October 31, 2022
- Co-Speaker (with Krista Chaytor), "Construction Contracts: Assessing and Managing Risks – Part 1", Private Webinar Series for an Owner in conjunction with The Construction Institute of Canada, July 8, 2022
- Co-Speaker (with Krista Chaytor), "Construction Contracts 101: Smooth Sailing or Gale Force Winds", Webinar Series, The Construction Institute of Canada, March 29-31, 2022
- Co-Speaker (with Jeff Scorgie), "New CCA 1-2021 Stipulated Price Subcontract & Best Practices: What you need to know", Webinar, Link2Build, March 23, 2022
- Co-Speaker (with Krista Chaytor), "The Law of Procurement", Webinar Series, The Construction Institute of Canada, March 7-9, 2022
- Guest Speaker, "Bid Theory", Ontario Association of Architects and University of Toronto, 2022 On-line Continuing Education Course, March 2, 2022
- Co-Speaker (with Krista Chaytor), "Supply Chain Woes: Breaches, Claims, Delay and More – Tips for Handling Price Escalations, Material Shortages and Supply Chain Delays", Webinar, The Construction Institute of Canada, February 28, 2022
- Speaker, "6th Annual Conference on Managing Risk in Construction Contracts & Projects", Canadian Institute, Online Hybrid, February 24, 25, 2022
- Co-Speaker (with Krista Chaytor), "CCDC2 – 2020 (Everything You Need to Know But Haven't Yet Asked)", Webinar, The Construction Institute of Canada, June 9, 2021
- Speaker, "CCDC 2 Updates", International Institute of Building Enclosure Consultants - Southern Ontario Chapter, Online, May 26, 2021
- Speaker, "CCDC 2 Updates Webinar", Sealant and Waterproofing Association, Online, April 20, 2021
- Co-Speaker (with Krista Chaytor), "Construction Contracts 101: Smooth Sailing or Gale Force Winds", Webinar Series, The Construction Institute of Canada, March 23, 24 and 25, 2021
- Co-Speaker (with Jeff Scorgie), "New CCDC 2 – Stipulated Price Contract & Contract Best Practices: What you need to know", Webinar, presentation for a private institute, Toronto,

March 17, 2021

- Guest Speaker, "Bid Theory", Ontario Association of Architects and University of Toronto, 2021 On-line Continuing Education Course, March 3, 2021
- Co-Speaker (with Jeff Scorgie), "New CCDC 2 – Stipulated Price Contract & Contract Best Practices: What you need to know", Webinar, Kingston Construction Association, March 10, 2021
- Co-Speaker (with Krista Chaytor), "Bidding & Tendering", Webinar Series, The Construction Institute of Canada, February 24, 25 and 26, 2021
- Co-Speaker (with Krista Chaytor), "The New Construction Act: Two Years In ... and Counting!", Webinar Series, The Construction Institute of Canada, November 25, 2020
- Guest Speaker, "Bid Theory", Ontario Association of Architects and University of Toronto, 2020 On-line Continuing Education Course, November 25, 2020
- Panelist, "Risks in Construction Contracts – Unforeseen or Unforeseeable", at "5th Annual Managing Risk in Construction Contracts & Projects", The Canadian Institute, Toronto, July 9-10, 2020
- Guest Speaker, "Bid Theory", Ontario Association of Architects and University of Toronto, 2020 On-line Continuing Education Course, June 3, 2020
- Co-Speaker (with Krista Chaytor), "Construction Contracts: Assessing and Managing Risks", Webinar Series, The Construction Institute of Canada, April 27 - May 1, 2020
- Co-Speaker (with Brian Kuchar, Raj Datt and Marie-Pier Nadeau), COVID-19: Construction Services Update, "Timing of Rights, Lien Periods and Release of Holdback" and "Insurance Considerations"; On-line presentation by WeirFoulds LLP, March 30, 2020
- Co-Speaker (with Krista Chaytor), "The New Construction Act: The Old, The New, and the Really, Really New!", The Construction Institute of Canada, Richmond Hill, ON, March 11, 2020
- Co-Speaker (with Krista Chaytor), "The New Construction (Lien) Act: Time Periods, Prompt Payment and Adjudication", Ontario Petroleum Contractors Association", Toronto, ON, March 4, 2020
- Guest Speaker, "Bid Theory", Ontario Association of Architects and University of Toronto, 2020 On-line Continuing Education Course, March 4, 2020
- Co-Speaker (with Brian Kuchar), "The New Construction Act: What You Need to Know", presentation for a private institute, Toronto, ON, February 23, 2020
- Co-Speaker (with Krista Chaytor), "The New Construction Act: What's New and What's Really, Really New!", presentation for a private institute, Toronto, ON, February 14, 2020.
- Guest Speaker, "Bid Theory", Ontario Association of Architects and University of Toronto, 2019 Online Continuing Education Course, December 4, 2019
- Guest Speaker, "Construction Documentation: A Legal Perspective", Toronto Construction Association, November 13, 2019
- Guest Speaker, "Bidding and Bid Theory", Ontario Association of Architects, 2019 Admissions Course, Toronto, November 9, 2019
- Co-Speaker (with Glenn Ackerley), "Delay Claims", Presentation Delivered to a Private Institution, November 7, 2019
- Speaker, "The New Construction Act: The Arrival of Prompt Payment and Adjudication", Belleville, ON, October 18, 2019
- Co-Speaker (with Krista Chaytor), "The New Construction Act: What's New and What's Really, Really New!", The Construction Institute of Canada, Toronto, ON, October 9, 2019
- Speaker, "The New Construction (Lien) Act", Prince Edward County Construction Association, September 10, 2019

- Co-Speaker (with Krista Chaytor), "Construction Contracts: Assessing and Managing Risks", Gold Seal Accredited Course for the Peterborough and District Construction Association, Peterborough, ON, September 9, 2019.
- Co-Speaker (with Krista Chaytor), "Construction Contracts: Assessing and Managing Risks", Gold Seal Accredited Course for The Construction Institute of Canada, Toronto, ON, June 5, 2019.
- Co-Speaker (with Faren Bogach), "The New Construction Law Act", Presentation Delivered to a Private Institution, May 10, 2019
- Co-Speaker (with Jeff Scorgie), "Identifying & Managing Risk in Construction Documents with the New Construction Law Act", Presentation Delivered to a Private Institution, May 1, 2019
- Co-Speaker (with Glenn Ackerley), "Construction Law Update: This Year's Must-Know Construction Cases", 11th Construction Symposium, Ontario General Contractors Association, Collingwood, April 12, 2019
- Instructor, "Construction Liens and Trusts", The Construction Institute of Canada, Toronto, ON, March 27, 2019
- Co-Chair, "4th Annual Managing Risk in Construction Contracts & Projects", The Canadian Institute, Toronto, February 5, 2019
- Guest Lecturer, "Contracts" and "Interpreting and Drafting Contracts", George Brown College, BLDG 3151 Construction Law - Case Studies Course, January 15, 2019
- Guest Speaker, "Bid Theory", Ontario Association of Architects and University of Toronto, 2018 Online Continuing Education Course, Online, December 5, 2018
- Speaker, "The New Construction Act: Update", Seminar, The Construction Institute (Toronto Construction Association), October 4, 2018
- Guest Speaker, "Bid Theory", Ontario Association of Architects and University of Toronto, 2018 Online Continuing Education Course, Online, June 13, 2018.
- Instructor, "Bid Theory & Bid Practice", Ontario Association of Architects, 2018 Admissions Course, Toronto, May 25, 2018.
- Instructor, "Construction Liens and Trusts", The Construction Institute of Canada, Toronto, ON, November 22, 2017.
- Speaker, "The Construction Lien Act" Festival of Architecture, Ottawa, ON, May 26, 2017.
- Speaker, "Bid Theory", Festival of Architecture, Ottawa, ON, May 25, 2017.
- Instructor, "Bid Theory & Bid Practice", Ontario Association of Architects, 2016 Admissions Course, Toronto, November 12, 2016.
- Speaker, "The Construction Lien Act: Latest Developments in Liens and Trusts", The Construction Institute (Toronto Construction Association), June 29, 2016.
- Speaker, "Identifying & Managing Risk in Construction Documents", Seminar, The Construction Institute (Toronto Construction Association), June 15, 2016.
- Instructor, "Bid Theory", Ontario Association of Architects, 2016 Admissions Course, Toronto, May 12, 2016.
- Speaker, "Construction Liens and Condominiums", Practice Gems: Construction Lien Essentials 2016, Law Society of Upper Canada, March 9, 2016.
- Presentation, "CCDC 14 and 15 Contracts: What you need to know...", Seminar Delivered to Private Institution, January 13, 2016.
- Instructor, Construction Law and Contracts 2.0, ORBA's Annual Road Building Academy, February 29-March 1, 2016
- Instructor, Ontario General Contractors Association, Construction Law (Gold Seal), October-December 2015.

- Speaker, "Risk Avoidance, Liens and Construction Claims", Jones DesLauriers Insurance Management Inc. - Construction Conference, November 16, 2015.
- Speaker, "Identifying & Managing Risk in Construction Documents", Seminar, The Construction Institute (Toronto Construction Association), November 11, 2015.
- Speaker, "Identifying & Managing Risk in Construction Contract Documents", Seminar, Architectural Woodwork Manufacturers Association of Canada (AWMAC) Ontario Chapter, October 15, 2015.
- Instructor, "Bid Theory", Ontario Association of Architects, 2014 Admissions Course, Hamilton, May 7, 2015.
- Instructor, "Construction Law" and "Advanced Construction Law", Ontario Road Builders' Association, Barrie, February 23-25, 2015.
- Speaker, "The Construction Lien Act: Latest Developments in Liens and Trusts", The Construction Institute (Toronto Construction Association), May 2014.
- Instructor, "Bid Theory", Ontario Association of Architects, 2014 Admissions Course, Montreal, Quebec, May 9, 2013.
- Instructor, "Construction Law", Ontario Road Builders' Association, Mississauga, February 25 and 26, 2014.
- Instructor, Ontario General Contractors Association, Construction Law (Gold Seal), January-April 2014.
- Speaker, "The Construction Lien Act: Liens and Trusts", Architectural Woodwork Manufacturers Association of Canada, October 2013.
- Speaker, "The Construction Lien Act: Latest Developments in Liens and Trusts", The Construction Institute (Toronto Construction Association), October 2013.
- Instructor, "Bid Theory", Ontario Association of Architects, Admissions Course, May 8, 2013.
- Speaker, "Minimizing Damages: Claims Lessons Learned", 9th Minimizing Construction Risk, Federated Press, May 7, 2013.
- Speaker, "Understanding the Pitfalls and Practices of Tendering in the Construction Marketplace - Tender Legalities", The Construction Institute of Canada, May 6, 2013.
- Instructor, "Construction Project Risk Management From a Legal Perspective", Toronto Chapter of the Institute of Internal Auditors, April 23, 2013.
- Speaker, "Putting Your Best Foot Forward: Winning Claims Strategies", 8th OGCA Symposium, Collingwood, April 12, 2013.
- Instructor, "Construction Law", Ontario Road Builders' Association, Mississauga, March 6-7, 2013.
- Speaker, "The Construction Lien Act: Latest Developments in Liens and Trusts", The Construction Institute (Toronto Construction Association), February 2013.
- Instructor, "Construction Law and Risk Management", Toronto Chapter of the Institute of Internal Auditors, May 1, 2012.
- Speaker, "The Construction Lien Act: Latest Developments in Liens and Trusts", The Construction Institute (Toronto Construction Association), June 2011.
- Instructor, "Construction Law", Ontario Road Builders' Association, Mississauga, February 28-March 2, 2011.
- Speaker, "When You Sue - What Your Documents Say and Do!", Ontario Sewer and Watermain Construction Association, Mississauga, February 16, 2011.
- Speaker, "Drafting Your Agreements to Minimize Challenges and Disputes, Infonex, *Profit from Knowledge*, Toronto, November 16, 2010.
- Instructor, *Law and Construction Contracts*, George Brown College, School of Construction

Management and Trades, and School of Architectural Studies, January–April, 2010.

- Instructor, *Construction Law* (Gold Seal), George Brown College, School of Continuing Education, Current Course, 2005–present. Speaker, "The Construction Lien Act: Latest Developments in Liens and Trusts", The Construction Institute (Toronto Construction Association), May 2009. Speaker, "Let's Sue The @#! (How to Make the Court System Work for You)", Ontario General Contractors Association, Annual Symposium and Trade Show, April 2009.
- Lecturer, "Understanding the Pitfalls and Practices of Tendering in the Construction Marketplace: Changes to CCDC 2 - Standard Form Document: 2008 vs. 1994", The Construction Institute (Toronto Construction Association), November 2008.
- Speaker, "The Construction Lien Act: Latest Developments in Liens and Trusts", The Construction Institute (Toronto Construction Association), June 2008.
- Speaker, "CCDC2 - 2008: What's New? What's Different? What's Same Old?", Ontario General Contractors Association, Annual Symposium and Trade Show, April 2008.
- Speaker, "Making Your Blackberry Work for You", Toronto Construction Association, January 16, 2008.
- Instructor, Ontario General Contractors Association, *Construction Law* (Gold Seal), 2006–present.

## Additional Publications

- Co-author (with Krista Chaytor and Brian Kuchar), "[Resolving Construction Disputes in a COVID World](#)", *The Generals*: Ontario General Contractors Association, Fall/Winter 2020
- Co-author (with Krista Chaytor and Brian Kuchar), "Pandemic Pandemonium! Construction Claims and COVID-19", *Piling Canada* Q2, 2020
- Co-author (with Krista Chaytor), "Getting Ready for Prompt Payment in Ontario: Other provinces are likely to follow suit", *Canadian Petroleum Contractor Magazine*, Canadian Petroleum Contractor Association, December 2019

## Media Mentions

- *Daily Commercial News*, "[Legal Notes: Understanding early occupancy under the new CDCC contracts](#)", February 2, 2022

## Publications

- From Clause to Cost: Tariffs Risk in Canadian Construction Contracts, March 04, 2025
- Here's the Drill: Early Occupancy in Construction Contracts: How does it really Work?, March 30, 2022
- Lien Rights: To Assign or Not to Assign (Should you ask the question?), July 27, 2021
- Only Bricks and Mortar? Your Performance Bond Might Cover More Than You Think, March 17, 2021
- Condominiums & Construction Liens, January 29, 2019
- Things That Can Happen to a Municipal City Councillor, November 12, 2012
- Quiz: Side-stepping procurement traps, June 11, 2012
- Dealing With Construction Liens, September 01, 2007