

Daniel Ferguson

Partner

Toronto

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Practice Areas

Corporate & Commercial

Infrastructure/P3

Private Equity

Procurement

Real Property

Sports

Dan Ferguson brings a wide range and depth of experience to a commercial/infrastructure projects practice that involves financing, M&A, corporate reorganization and general advice for numerous commercial clients of all types, as well as noted expertise in meeting the needs of both the public and private sectors in public infrastructure projects and public/private collaborations.

He provides legal advice to a variety of corporations and financial institutions. A large part of Dan's practice is devoted to acting as a "legal counsel" resource for many corporate/commercial clients. His expertise includes commercial financing, asset and share acquisitions and divestitures, corporate reorganizations, commercial leasing and development, contract law, and general business and corporate law. Dan is co-chair of the firm's infrastructure and public projects practice and has written and presented extensively in the area of public infrastructure and public/private collaborations.

Dan has worked on the structuring and financing of many public/private partnerships. He has in-depth expertise on appropriate risk allocation and project structuring and documentation in the design, build, operation and financing of such projects, and has advised both the private and public sectors in many successful and high profile projects of this type.

WeirFoulds LLP

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Called to the Bar	Education	Affiliations
<ul style="list-style-type: none"> • Ontario (1984) 	<ul style="list-style-type: none"> • LL.B., Osgoode Hall Law School, 1982 • B.A., University of Toronto, 1978 	<ul style="list-style-type: none"> • Law Society of Upper Canada • Ontario Bar Association • Mississauga Board of Trade • Etobicoke Chamber of Commerce • Oakville Chamber of Commerce • The Canadian Council for Public-Private Partnerships

Notable Mandates

Some of Dan's recent accomplishments include acting in the following:

- the structuring and financing of various public-private partnerships relating to municipal arenas, public transportation systems, municipal sports and entertainment centres, power generation facilities and university and hospital expansions;
- merchant bank equity investments and financing of growing private companies;
- major build to suit and long term lease arrangements for corporate headquarters and business premises of various national and multi-national corporations in various cities and airports throughout Canada;
- secured loan transactions involving advances ranging from one million to one billion dollars; and
- complex acquisitions and reorganizations of various manufacturing and high tech companies.

Corporate Directorship

Former Director, CTV SportsNet Inc. (cable sports channel)

Directorships on various private corporations or non-share capital corporations

Speaking Engagements

- Speaker and Moderator, "Important Issues to be Addressed by the Municipality in Managing the Contract with the Private Sector and in Handover of the Project Asset to the Municipality", "Rights and Remedies of the Municipality when the Contractor Defaults", Current Issues in Municipal Infrastructure Projects, Municipal Infrastructure Forum, Kleinburg, ON, April 15, 2019
- Speaker, "Delivery of Municipal Infrastructure and Other Public Projects Using a P3 Model", IMLA's 82nd Annual Conference, Niagara Falls, ON, October 2017
- Co-moderator with Bradley McLellan of various blue ribbon panels at the "Municipal Infrastructure Dialogue" conference for the public and private sectors presented by WeirFoulds LLP at Copper Creek Golf Club in Kleinburg, ON, May 12, 2015.
- Co-presenter with Robert Warren, "Governance of Municipal Electric Utilities", presented at a conference, *To Own or Not to Own - Ownership and Governance Issues for Municipally-Owned*

Electricity Distribution Utilities, presented by the Council for Clean & Reliable Electricity, Markham, ON, February 27, 2014

- Speaker, EPC Contracts Workshop, *Caribbean Corporate Counsel Summit 2013*, Association of Caribbean Corporate Counsel, Port of Spain, Trinidad, December 5-6, 2013
- Co-presenter with Bradley McLellan, "Critical Issues in the Planning and Implementation of Public Private Partnerships", a paper presented at a conference on Public Private Partnerships: Opportunities and Challenges presented to Senior Lawyers from various Business and Regulatory Portfolios in the Federal Government, Ottawa, ON, October 8, 2013
- Speaker, "The Nuts and Bolts of Planning, Negotiating and Implementing a Project with a Private Sector Partner", *Post-Forum Masterclass, Municipal Infrastructure Financing & Development Forum*, The Canadian Institute, Toronto, ON, June 15-16, 2011
- Co-presenter, "Workshop: "Infrastructure Funding - Long Term Financing", *Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) Annual Conference*, Toronto, ON, June 12-15, 2011
- Speaker, "Issues Municipalities Need to Address in Financing, Funding, Structuring and Documenting their Infrastructure Projects", *WeirFoulds Municipal Law Client Seminar*, Toronto, ON, June 2, 2011
- "To P3 or not to P3: Planning and Structuring Municipal Infrastructure Projects", *WeirFoulds Municipal Law Client Seminar*, Toronto, ON, June 3, 2010
- "Planning Infrastructure in the Trenches: Overcoming the Challenges Facing Municipalities", *Project Scoping, Operations and Funding Strategies for: Renewing, Developing and Financing Canada's Infrastructure*, Insight Information, Toronto, ON, October 19, 2009
- "Infrastructure Renewal and Development in the Caribbean: Lessons of Best Practices from Canada and Around the World", a presentation delivered with Bradley McLellan at the 11th Annual Caribbean Commercial Law Workshop, South Beach, Miami, Florida, August 16-18, 2009
- "Building Municipal Infrastructure through Partnerships: How to Secure Funds and Gain Government Support", a presentation delivered with Bradley McLellan at the Canadian Institute Conference Partnering for Public Infrastructure, Toronto, Ontario, May 11-12, 2009
- "Opinions", a presentation at the Toronto Community Housing Corporation Legal Conference held on April 21, 2009
- "Identifying and Managing Risks in Contracts for Public Transit Systems", *Provincial/Municipal Government Liability*, Canadian Institute Conference, Toronto, Ontario, February 9-10, 2009
- "How to Structure Winning P3 Agreements to Maximize Value for Money (The Keys to Success from an Ontario Public Sector and Municipal Perspective)", *Public-Private Partnerships - Strategies to Achieve Best Value for Money and Manage your Partnership Effectively*, Canadian Institute Conference, Vancouver, British Columbia, November 4-5, 2008
- "Determining the Optimal Risk Allocation in a P3 Project", *Negotiating P3 Agreements*, Canadian Institute Conference, Edmonton, Alberta, October 20-21, 2008
- "Municipal Project Opportunities" *The Legal and Business Guide to Infrastructure Projects*, Osgoode Hall Professional Development, Toronto, September 24 and 25, 2008
- "Choosing Projects and Partners and Developing Your Business Case: Real Life Case Studies", *Partnering for Public Infrastructure*, Canadian Institute Conference, May 12-13, 2008
- "Managing Risk when Delivering Infrastructure and Related Services" *Provincial/Municipal Government Liability*, The Canadian Institute, Toronto, February 7 and 8, 2008
- "Alternative Models for the Delivery and Safe Drinking Water and Wastewater, *WeirFoulds LLP ThinkTank/Seminars - January-March 2008*

- "Legal and Regulatory Issues and Project Documentation in Infrastructure Projects", *Infrastructure Investment Summit*, Canadian Investment Review, Mont Tremblant, Quebec, May 23-25, 2007
- "Planning and Developing a Successful Infrastructure Project", *Infrastructure Investment Summit*, Canadian Investment Review, Mont Tremblant, June 14-16, 2006
- "Best Practices in Assembling a Top-Notch Project Finance Team and Structure: Tips and Traps", *Canadian Institute Infrastructure Financing Development and Renewal Conference*, February 23 and 24, 2006
- "Making P3s Work: The Public Sector Perspective", *WeirFoulds Conference*, October 27, 2003
- "Making Shareholders' Agreements Worthwhile", *Second Annual Contemporary Legal Issues Conference*, May 1991
- "Determining the Most Suitable Ownership Structure", *Insight Conference*
- "Search, Acquisition and Ownership of Commercial Real Estate Developments", *Insight Conference*

Books

Co-author (with Ralph Kroman), "Franchising in Canada", *International Franchising Law* (Matthew Bender & Co. Inc.)

Contributor, Canadian Chapter on international joint ventures, *International Joint Ventures* (Matthew Bender & Co. Inc.)

Papers and Periodicals

Co-presenter with Bradley McLellan of a paper entitled "ABC's of a Successful P3 – The Players, The Rules, The Process", presented at SEDA's (Saskatchewan Economic Development Association) 3rd Annual Municipal Infrastructure Conference, Nipawin, SK, April 21-23, 2015.

"Critical Issues in the Planning and Implementation of Public Private Partnerships", a paper presented at a conference on Public Private Partnerships: Opportunities and Challenges presented to Senior Lawyers from various Business and Regulatory Portfolios in the Federal Government, Ottawa, ON, October 8, 2013 (Co-presented with Bradley McLellan)

"Planning Infrastructure in the Trenches: Overcoming the Challenges Facing Municipalities", *Project Scoping, Operations and Funding Strategies for: Renewing, Developing and Financing Canada's Infrastructure*, Insight Information, Toronto, ON, October 19, 2009

"Infrastructure Renewal and Development in the Caribbean: Lessons of Best Practices from Canada and Around the World", a presentation delivered with Bradley McLellan at the 11th Annual Caribbean Commercial Law Workshop, South Beach, Miami, Florida, August 16-18, 2009

"Building Municipal Infrastructure through Partnerships: How to Secure Funds and Gain Government Support", a presentation delivered with Bradley McLellan at the Canadian Institute Conference Partnering for Public Infrastructure, Toronto, Ontario, May 11-12, 2009

“Infrastructure Project Structure Issues for Pension Funds”, a position paper co-authored with Bradley McLellan posted on Canadian Institute Online Debates on Pension Fund Investment in Infrastructure, April 14-May 15, 2009

“Identifying and Managing Risks in Contracts for Public Transit Systems”, Provincial/Municipal Government Liability, Canadian Institute Conference, Toronto, Ontario, February 9-10, 2009

“How to Structure Winning P3 Agreements to Maximize Value for Money (The Keys to Success from an Ontario Public Sector and Municipal Perspective)”, Public-Private Partnerships – Strategies to Achieve Best Value for Money and Manage your Partnership Effectively, Canadian Institute Conference, Vancouver, British Columbia, November 4-5, 2008

“Determining the Optimal Risk Allocation in a P3 Project”, Negotiating P3 Agreements, Canadian Institute Conference, Edmonton, Alberta, October 20-21, 2008

“Municipal Project Opportunities” The Legal and Business Guide to Infrastructure Projects, Osgoode Hall Professional Development, Toronto, September 24 and 25, 2008

“Choosing Projects and Partners and Developing Your Business Case: Real Life Case Studies”, Partnering for Public Infrastructure, Canadian Institute Conference, May 12-13, 2008

“Managing Risk when Delivering Infrastructure and Related Services” Provincial/Municipal Government Liability, The Canadian Institute, Toronto – February 7 and 8, 2008

“Alternative Models for the Delivery and Safe Drinking Water and Wastewater, WeirFoulds LLP ThinkTank/Seminars – January-March 2008

“Legal and Regulatory Issues and Project Documentation in Infrastructure Projects” Infrastructure Investment Summit presented by the Canadian Investment Review, Mt. Tremblant, Quebec – May 23-25, 2007

“Planning and Developing a Successful Infrastructure Project”, Infrastructure Investment Summit, Canadian Investment Review, Mont Tremblant, June 14-16, 2006

“Best Practices in Assembling a Top-Notch Project Finance Team and Structure: Tips and Traps”, Canadian Institute Infrastructure Financing Development and Renewal Conference, February 23 and 24, 2006

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“Making Shareholders’ Agreements Worthwhile”, Second Annual Contemporary Legal Issues Conference, May 1991

“Determining the Most Suitable Ownership Structure”, Insight Conference

“Search, Acquisition and Ownership of Commercial Real Estate Developments”, Insight Conference

Publications

- Procuring Infrastructure Public Private Partnerships Report 2018 – The World Bank, April 04, 2018
- Corporate Governance for Municipally-Owned Local Electricity Distribution Utilities, April 27, 2016
- Quiz: Navigating public-private partnerships, March 31, 2014
- Quiz: Impact of Changes in FIT 2.0, April 05, 2013
- Quiz: P3s and Infrastructure, April 01, 2011
- Property Development Aspects of Infrastructure and Other Public Projects, February 01, 2011
- To P3 Or Not To P3, October 25, 2010
- To P3 Or Not To P3 (Presentation), October 25, 2010
- Infrastructure Quiz, February 01, 2008
- Structuring and Financing P3s, April 01, 2004