



Patrick G. Duffy

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Patrick Duffy is a partner and Co-Head of the Project Development & Finance Group. His practice focuses on project development that includes municipal and planning law, environmental permitting and litigation, energy regulation, and aboriginal engagement. He has considerable experience dealing with environmental assessments and other regulatory approvals in a variety of sectors, including renewable and non-renewable electricity generation, electricity transmission, mining, transit and transportation, aggregate quarries, and waste management.

Patrick is an experienced advocate and has appeared before the Supreme Court of Canada, the Federal Court of Canada, all levels of courts in Ontario and a variety of administrative tribunals, including regular appearances before the Ontario Energy Board, the Environmental Review Tribunal and the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board). He has acted for both provincial and municipal governments and many of his cases involve administrative or public law issues.

Patrick has developed an expertise in public procurement processes and has been involved in all stages of public procurement processes in a number of sectors on both the customer and bidder side. He has helped draft the terms of a public procurement, assisted proponents in responding to procurements, and represented proponents in procurement related-litigation.

Accolades

- *Chambers Canada 2020* as a leading lawyer in Energy: Power (Regulatory), Energy: Provincial Regulatory & Litigation - Ontario, and Environmental Law.
- *The Canadian Legal Lexpert Directory 2019* as a leading lawyer in Energy (Electricity).
- *The Legal 500 Canada 2019* as a next generation lawyer in Energy: Power and a recommended lawyer in Aboriginal Law and Environmental Law.
- *The Best Lawyers in Canada 2020* in Energy and Environmental Law.
- *Lexpert's Rising Stars: Leading Lawyers Under 40, 2017.*
- *Lexpert/ROB Special Edition: Canada's Leading Energy Lawyers, August 2019.*
- *Lexpert/ROB Special Edition: Canada's Leading Infrastructure Lawyers, September 2019.*
- *Chambers Global 2015* as a leading lawyer in Energy: Power (Regulatory) Law.
- *Lexpert Leading Canadian Lawyers in Global Mining 2018.*

Representative Work

- The Clerk of the City of Toronto in connection with provincial legislation to reduce the size of Toronto City Council for the 2018 election, including an appearance as counsel before the Ontario Court of Appeal.
- Dominion Diamond Corporation in applications to the Mackenzie Valley Review Board and the Wek'eezhii Land and Water Board in connection with the Ekati diamond mine in the Northwest Territories.
- QuadReal Property Group's redevelopment of a 70-acre parcel in the Vaughan Metropolitan Centre, including extensive mediation before the Ontario Municipal Board.
- Various developers in connection with municipal planning processes and litigation at several commercial and mixed use sites across Ontario, including representation in proceedings before the Local Planning Appeal Tribunal.
- Representation of landowners in litigation related to the interpretation and application of restrictive covenant agreements registered on title.
- Parkbridge Lifestyle Communities in responding to a Landlord and Tenant Board application related to slope stability at a mobile home community along the shores of Lake Huron.
- DelSuites in responding to an application in the Superior Court of Justice under the *Condominium Act* that sought to restrict short-term rentals through amendments to a condominium declaration.
- Ontario Energy Board before the Divisional Court, Court of Appeal and Supreme Court of Canada of the Board's decision to reduce Ontario Power Generation's nuclear compensation costs by C\$145M.
- ITC Holdings Corp. on an application to the National Energy Board for an underwater transmission line crossing Lake Erie including responding to a judicial review application before the Federal Court commenced by the Mississaugas of New Credit First Nation.
- AquaBounty Canada in respect of environmental approvals issued in relation to the import, manufacture and use of AquaAdvantage Salmon, the first genetically modified animal approved for human consumption.
- Essar Steel Algoma Inc. in an appeal to the Environmental Review Tribunal of an order from a Director of the Ministry of the Environment and Climate Change related to the Algoma mill and mine sites.
- wpd Canada in responding to an appeal to the Environmental Review Tribunal related to the White Pines wind project in Prince Edward County and related litigation before all levels of the Ontario courts.
- Smart Metering Entity in various applications before the Ontario Energy Board, including the Smart Metering Entity licence application and Smart Metering Charge application.
- Isolux Corsan and TC Energy Corporation in their joint proposal to the Ontario Energy Board's designation proceeding for the East-West Tie Line.
- A forest products company in an internal investigation into allegations of environmental non-compliance in Northern Ontario.

- Ministry of Northern Development, Mines and Forestry in settling a complex dispute involving Platinex and the Kitchenuhmaykoosib Inninuwug First Nation.
- Ontario Power Authority in connection with the Renewable Energy Supply III procurement process, including the development of the first Aboriginal consultation model for a procurement undertaken by the Ontario Power Authority.
- Toronto Transit Commission on a court challenge to the environmental assessment and City of Toronto's jurisdiction to approve the St. Clair Streetcar Project.
- A panel of the Ontario Energy Board in a compliance proceeding against Summitt Energy for engaging in unfair practices in the retailing of natural gas and electricity.
- Ontario Energy Board in successfully defending a Board decision requiring the approval of a majority of a utility's independent directors before the declaration of future dividends in the Divisional Court, the Court of Appeal and in a leave to appeal application to the Supreme Court of Canada.
- Ontario Energy Board in successfully defending a Board decision denying recovery of amounts that had not been subject to a prudency review in the Divisional Court, Court of Appeal and in a leave to appeal application to the Supreme Court of Canada.
- Ontario Energy Board in the role of Compliance Counsel in the first-ever contested enforcement proceeding before the Board in which Toronto Hydro was found to have breached its obligation to connect new condominium units within its service area.
- A proponent in responding to a Request for Pre-Qualification and Request for Proposal issued by Ontario Lottery and Gaming Corporation to select a service provider to run gaming operations for gaming sites Woodbine Racetrack and Ajax Downs.
- Essroc Cement in a multi-party arbitration related to the construction of a new cement terminal and distribution facility in Toronto.
- Metrolinx before the Supreme Court of Canada in a case relating to "injurious affection" due to changes in traffic access caused by the construction of new highway.
- Toronto Transit Commission in a successful pre-certification motion to have a class action of over C\$100M against the TTC dismissed on the ground that the Ontario Municipal Board, and not the court, had exclusive jurisdiction over a claim for business losses arising from the construction of a transit project.

Publications

- "Canada" chapter, *The Energy Regulation and Markets Review*, 4th edition, Law Business Research, June 2015 (co-author).
- "Regulatory Proceedings" sub-chapter, *Ultimate Corporate Counsel Guide*, Canadian Corporate Counsel Association.
- *Energy Regulation in Ontario*, Canada Law Book, (co-author).

Legal Posts

The following posts are available on Stikeman.com:

- [Further Refinements to "Bill 108" Amendments](#)
- [Indigenous Peoples' Ownership of Energy Projects](#)
- [Ontario's New Planning Regime to Come Into Force on September 3, 2019](#)
- [Ontario Government Rewrites Toronto's Downtown and Yonge-Eglinton Secondary Plans for More Density](#)
- [Ontario Government Passes Bill 108, More Homes, More Choice Act, 2019](#)
- [Ontario Announces Overhaul of Planning and Development Regime](#)
- [What Proponents Need to Know About the New SCC Decisions on Consultation of Indigenous Peoples](#)
- [Restoring an OEB rate ruling, the SCC reaffirms discretion of Canadian tribunals and holds that regulators are not required to allow utilities to pass on costs of collective agreements](#)
- [One size does not fit all: Changing approaches towards Aboriginal engagement](#)

Speaking Engagements

- "The evolving connection assessment and planning process in Ontario", Association of Power Producers of Ontario Conference, November 2016 (moderator).
- "Aboriginal Law", OBA Institute, February 2015 (moderator).

Professional Activities

Patrick is a member of the Law Society of Ontario, the Law Society of Alberta, the Advocates' Society and the American Bar Association (Section of Environment, Energy and Resources). He is also a member of the executive of the Aboriginal Law Section of the Ontario Bar Association and is actively involved with the Phillip C. Jessup International Law Moot. Patrick is the editor of the firm's Energy Law blog.

Background

Patrick was the clerk for Mr. Justice Michael Kelen of the Federal Court of Canada, Trial Division, 2002-2003. He served as counsel for the Independent Electricity System Operator (IESO) during a one-year secondment in 2007 and has completed the Intensive Trial Advocacy Workshop and the Canadian Gas Association's Regulatory Course and a course on Public Procurement Law.

Education

University of Alberta (LL.B. with distinction, 2002)
 University of Lethbridge (B.A. with great distinction, 2002)

Bar Admission

Alberta, 2004
 Ontario, 2004