



## Ivan Merrow

### Associate

Toronto

[imerrow@mccarthy.ca](mailto:imerrow@mccarthy.ca)

t. 416-601-8131

### Bar Admission

Ontario 2016

### Law School

Queen's University

### Practices

Litigation and Dispute Resolution  
Corporate Commercial Litigation  
Construction  
Procurement  
Project Disputes

### Industries

Projects  
Infrastructure  
Power  
Global Metals & Mining

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## Known for his strategic and practical approach, Ivan creatively resolves his clients' most pressing disputes.

Ivan is a litigator, solution provider and trusted advisor. Cutting through legal complexity, he delivers pragmatic advice in times of conflict. Clients appreciate Ivan's ability to understand their business, distill complex issues into understandable and impactful advice, and follow through with decisive action.

During the course of his active litigation practice, Ivan has represented organizations and individuals before all levels of court in Ontario and in arbitration. His industry-focused practice resolves complex disputes in the sectors that drive Canada's economic development, including power, mining, construction, real estate, technology and infrastructure.

## Resolute counsel in times of crisis and conflict

Clients value Ivan's ability to rehabilitate distressed projects and recover when disaster strikes. Whatever issues cannot be resolved through negotiation, he litigates – either through the courts or specialized tribunals.

Reviewing his recent notable work, Ivan has previously:

- Represented a heavy industry subcontractor in dispute with contractor in a confidential arbitration of delay and negligence claims related to a power infrastructure project in northern Ontario.
- Acted for a manufacturer and supplier in a confidential accelerated arbitration related to the supply of light rail vehicles to a major urban public infrastructure project.
- Acted for a design-builder in a confidential arbitration related to the construction of a public infrastructure project.
- Defended multiple lawyers and acted as repair counsel in response to allegations of professional negligence.

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- Acted for an international plumbing fixture manufacturer in the defence of multiple product liability claims.
- Obtained a trial judgment for breach of trust and defamation, along with a dismissal of the opposing party's counterclaim, resulting from a real estate dispute.
- Defeated multiple breach of contract claims against a renewable energy power producer following an aborted property transaction.
- Dismissed a class action proceeding alleging securities misrepresentation in *Web Objective, Inc. v. Socialabra, Inc.*, 2018 ONSC 664 (CanLII).
- Dismissed a summary judgment motion in its entirety relating to a complex real estate and shareholders' dispute in *Hussaini v Checroune*, 2017 ONSC 2435 (CanLII).

### Committed counsel that understands your business

Ivan is committed to each client's cause. By taking an entrepreneurial, creative and problem-solving approach to his practice, Ivan is able to stay on top of industry trends, offer a leading-edge perspective on his clients' issues, and provide tailored solutions. He takes a passionate and engaged approach to his clients' businesses, understands big picture strategy, and gives advice that empowers his clients' definition of success.

In addition to offering exceptional service on legal matters, Ivan shares with his clients a deep interest in future-focused, innovative, and project-related domains such as city building, urban design, PropTech, architecture, and the marriage of technology and infrastructure.

Ivan has consistently demonstrated leadership in the legal profession. He currently serves as a board member of the Society of Construction Law North America, an executive member of the Ontario Bar Association's Construction and Infrastructure Section, and an executive member of the Young Lawyers Division (Central) Section.

### Representative Publications

Ivan writes regularly on topics related to professionalism, substantive law, and civil procedure:

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- “Construction Adjudications in Ontario: ODACC 2021 Annual Report in Review,” *Construction Law Letter*, May/June 2022, Vol. 38 No. 5.
- “Failure to Pay Adjudicator’s Order Puts Judicial Review at Risk in Ontario,” Co-Authored with Morgan Watkins, Ontario Bar Association Construction and Infrastructure Section, May 2022.
- “Breach of Trust in Ontario Construction Projects and the Timeline to Pay,” Ontario Bar Association Construction and Infrastructure Section, October 2021.
- “Hand of the Queen: Strategies to Succeed as Second Chair,” *Keeping Tabs*, Advocates Society: Young Advocates Standing Committee, October 2021.
- “Ontario Construction Act s. 87.3 Transition Provisions in Review” Lay of the Land, McCarthy Tétrault LLP, June 2021.
- “Terranata, the Standard Release and Implied Indemnity,” Ontario Bar Association Young Lawyers Division, February 2021.
- “Global Survey on International Construction Arbitration,” *Construction Law Letter*, Volume 37 Number 3, January 2021.
- “Roofmart Ontario Ordered to Disclose Customer Information to Tax Authorities,” Ontario Bar Association Construction and Infrastructure Section, November 2020.
- “Rapid Access to Documentation Essential for Adjudication Disputes in Ontario,” *Construction Comment*, Ottawa Construction Association, October 2020.
- “Contractor’s Conflicted Warranty Language Shut Down on Appeal,” Ontario Bar Association Construction and Infrastructure Section, June 2020.
- “Second Round Knockout: Security for Costs and the New *Construction Act*,” Ontario Bar Association Construction and Infrastructure Section, February 2020.
- “A Guided Tour of the Recently Reformed *Construction Act*,” JUST. (Ontario Bar Association), December 2019.
- “Construction Law Reform Across Canada: Prompt Payment and Adjudication,” Canadian Bar Association Construction and Infrastructure

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Law Section, October 2019.

- Co-Author, "Ontario Mid-Market Case Insolvency Case Law Update 2019," Canadian Bar Association Insolvency Law Section National Conference, October 2019.
- "The New Construction Act: Opportunity and Risk for Lawyers in Ontario," Toronto Law Journal, October 2019.
- "ODACC Previews Five Ontario Adjudication Processes, Costs and Example Timeline," Ontario Bar Association Construction and Infrastructure Section, September 2019.
- "Substantial Compliance Overcomes Irregularity in Public Procurement," College of Canadian Construction Lawyers Legal Update 153, 2019.
- "Measure Twice, Cut Once: Preparing Yourself and Your Client for Discovery," Ontario Bar Association, 2019.
- "Diarize and Deal with Administrative Dismissal Under Rule 48.14," Ontario Bar Association Young Lawyers Division, October 2018.

## Representative Presentations

Ivan is frequently called upon to speak, lecture and organize events related to the resolution of complex disputes:

- "Ontario *Construction Act* – Prompt Payment and Adjudication," McCarthy Tétrault LLP, 2022.
- "Construction Disputes and Key Contract Provisions," University of Toronto, Special Studies in Civil Engineering, 2021.
- "Divine Discoveries: Building a Great Case," Ontario Bar Association, 2021.
- "Construction Law Updates: COVID Restrictions, Adjudication and New Home Warranties," LexisNexis, 2021.
- "Construction Law's New Era of Adjudication and Prompt Payment in Review," Toronto Lawyers Association, 2020.
- "The Conflicted Expert: Reinforcing the Obligations of the Claims Consultant," Canadian Bar Association Construction and Infrastructure Section, 2020.

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- “Construction Contracts and Key Provisions from a Disputes Perspective,” University of Toronto, 2020.
- “Divine Discoveries: Undertakings and the Preventable Refusal Motion,” Ontario Bar Association, 2020.
- “Today’s Advocacy Challenge: Mastering Remote Interactions with the Courts,” Ontario Bar Association, 2020.
- “Ontario Mid-Market Case Law Update, Canadian Bar Association Insolvency Law National Conference,” 2019
- “Divine Discoveries: Building a Great Case,” Ontario Bar Association, 2019.

Ivan earned his JD and MBA from Queen’s University where he earned academic awards for his work in legal ethics, operations and technology, and served as a volunteer editor for the *Queen’s Law Journal* and *Canadian Labour and Employment Law Journal*. Ivan previously earned an Honours BA with from the University of Waterloo in Psychology and Business, where he completed internships in banking, consulting, education, aerospace, and information technology.

## Recent Insights

- **Appealing Orders Vacating Writs of Enforcement of Adjudicator Determinations - The Need to Go to Divisional Court**  
June 26, 2024
- **Fresh Guidance on Undertakings and Refusals in Construction Lien Actions: Praxy Cladding Corp. v. Stone Lamina Inc.**  
May 22, 2024
- **Cease Work at Your Peril: Campus Contracting Inc. v. Torbear Contracting Inc.**  
February 19, 2024
- **Let Me Be Direct: Pleading Admissions as Evidence of a Direct Contract**  
February 12, 2024

## Events

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- **Construction Act Adjudication: Four Years in Review**

November 28, 2023

