



# Kevan Hanowski

## Sociétaire

Vancouver

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

t. +1 604-643-5886

## Admission au barreau

Colombie-Britannique 2017

## Faculté de droit

University of British Columbia

## Domaines de pratique

Litige et résolution des différends

Actions collectives

Droit public

Mode alternatif de résolution des conflits

Litige en droit commercial et en droit des sociétés

## Secteurs d'activité

Droit bancaire et services financiers

*Disponible en Anglais seulement*

## **Solution-oriented, efficient, effective. Kevan helps clients navigate and resolve complex disputes so that they can get back to business.**

An associate in our Vancouver office, Kevan's commercial litigation and arbitration experience cuts across a range of industries and forums, with a particular focus on financial services and mining disputes and class action defence. Kevan also helps businesses to understand, navigate and challenge decisions made by municipal and provincial governments.

When litigation is unavoidable, Kevan has what it takes to go the distance: he has appeared at all levels of court in British Columbia and at the Supreme Court of Canada, and he has also represented clients in domestic and international arbitrations, mediations, administrative proceedings, regulatory investigations and before a provincial commission of inquiry.

## **Complex Commercial Litigation and Arbitration**

Kevan is known for providing pragmatic advice and he believes that a client's business and strategic objectives should always remain in the foreground. His representative commercial litigation experience includes:

- Representing financial institutions in disputes and investigations involving (among other things) investment products, investment advisors, banking services, credit cards and fraudulent transactions.
- Representing mining clients in civil claims and arbitrations involving mining assets and mining transactions around the world.
- Representing a biotechnology company in a dispute about contractual rights to use and develop mRNA vaccine technology.
- Representing an independent power producer in a contractual dispute about rights to purchase and sell hydroelectricity.

## **Class Action Defence**

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Kevan works with other members of the firm's National Class Action Group to defend class actions on behalf of clients located in Canada and around the world. Kevan has experience at all stages of the class action life cycle, including pre-certification applications, carriage motions, contested certification proceedings and a lengthy common issues trial. Kevan's representative experience includes:

- Successfully defending a high-stakes common issues trial in a claim involving one of Canada's largest equity mutual funds (*Turpin v TD Asset Management Inc.*, [2022 BCSC 1083](#)). The *Turpin* decision received the Benchmark Litigation [2023 Impact Case Award](#).
- A multi-jurisdictional securities class action involving a mining company.
- A price fixing class action brought against North America's largest beef processors.
- A consumer goods class action brought against a manufacturer of personal care products.
- A privacy class action involving a large technology company.

Kevan is a regional editor of the [Canadian Class Actions Monitor](#) and regularly publishes about current trends in Canadian class actions.

## Challenging Municipal and Provincial Decisions

Decisions made by municipal and provincial governments can have critical impacts on businesses and their interests. Kevan helps clients facing these types of decisions to understand and exercise their rights and, where appropriate, to challenge those decisions. Kevan's representative experience includes:

- A judicial review regarding an unprecedented real estate development on reserve land in downtown Vancouver (*Kits Point Residents Association v Vancouver (City)*, [2023 BCSC 1706](#)).
- A constitutional challenge concerning the scope of provincial power to regulate interprovincial railways (*British Columbia (Environmental Management Act) v Canadian National Railway Company*, [2022 BCSC 135](#)).
- A constitutional reference regarding British Columbia's ability to regulate interprovincial pipelines (*Reference re Environmental Management Act*, [2020](#)

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- A judicial review regarding the scope of the Attorney General's power to set the compensation of the chair of the BC Review Board (*Walter v. British Columbia*, [2019 BCCA 221](#)).
- A judicial review concerning the regulation of the British Columbia real estate industry (*Superintendent of Real Estate v Real Estate Council of B.C.*, [2018 BCSC 1500](#)).
- Helping clients to navigate bylaw amendment applications and to challenge bylaw decisions made by municipalities and regional districts.
- Advising federally regulated clients – including banks, airlines, and railways – about division of powers issues.

Kevan received his J.D. from the University of British Columbia in 2016 and a Bachelor of Arts (First Class Hons.) in political science at the University of Alberta.

## Prix et distinctions

### Best Lawyers in Canada

Ones to Watch: Corporate and Commercial Litigation

## Mandats récents

- **Rio Tinto acquiert Turquoise Hill Resources pour 3,3 G\$ US**  
16 décembre 2022
- **Gestion de placements TD obtient gain de cause dans le cadre du procès sur les questions communes alléguant la pratique d'indexation de placard**  
28 juin 2022

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## Publications récentes

- **Statutory “best interest” obligations do not by themselves create fiduciary duties**

11 mars 2022

- **Divisional Court Overturns Certification of Class Action for Breach of Privacy**

8 avril 2022

- **Campbell: BC Supreme Court confirms there is no tort of intrusion upon seclusion in BC, but still certifies a data breach action not certified in Ontario**

8 juillet 2022

- **Lessons from TDAM’s victory in rare securities class action trial**

2 septembre 2022

