



## Brandon Kain

### Associé

Toronto

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t. +1 416-601-7821

### Admission au barreau

Ontario 2004

### Faculté de droit

University of Toronto

### Domaines de pratique

Litige et résolution des différends

Litiges en appel

Actions collectives

Litige en droit commercial et en droit  
des sociétés

Responsabilité du fait des produits et  
réclamations en responsabilité  
délictuelle de masse

Droit public

Litige en valeurs mobilières

*Disponible en anglais seulement*

Brandon Kain is a partner in our Litigation Group in Toronto. His practice focuses on appellate litigation, administrative law, broadcasting and telecommunications, commercial disputes, class actions and product liability. He has acted for a wide variety of clients in major litigation – including individuals, large and small corporations, industry associations and public interest groups – and has appeared before the Supreme Court of Canada and the Federal, Alberta, British Columbia, Manitoba, Ontario and Saskatchewan courts.

**He is a true expert when it comes to complex matters of contract law.**

— CLIENT TESTIMONY, CHAMBERS & PARTNERS

### Appellate Litigation

Brandon is the head and co-founder of our National Appellate Litigation Group. He has acted in 23 appeals in the Supreme Court of Canada, including successfully as lead counsel for the appellant, along with numerous appeals in the Federal and provincial appellate courts. His appeals have involved a diverse range of issues, encompassing Aboriginal, administrative, broadcasting, civil procedure, class actions, constitutional, contract, criminal, environmental, insolvency, labour and employment, private international, product liability, restitution, tax, telecommunications and tort law. Thirteen of his appeals are included in *Lexpert Magazine's* annual list of the *Top 10 Business Decisions* in Canada, and three have received a "National Impact Case of the Year" award by *Benchmark Litigation Canada*. In 2022 and 2020, he was part of the team that received the winning award for "Commercial Litigation Team of the Year" at the Canadian Law Awards, and in 2021, he received an Excellence Award for "Litigator of the Year" at the Canadian Law Awards.

### Administrative Law

Brandon frequently acts in judicial reviews and administrative appeals. He successfully delivered the oral argument for the appellants, Bell Canada and

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the National Football League, on the standard of review in the Supreme Court of Canada's 2019 administrative law trilogy, which established that questions of law are reviewed for correctness when subject to statutory appeal rights, and sets out Canada's governing framework for judicial review: *Bell Canada v. Canada (A.G.)*, 2019 SCC 66. Brandon has also acted in several other leading administrative law cases, including *Mikisew Cree First Nation v. Canada (Governor General in Council)*, 2018 SCC 40; *Green v. Law Society of Manitoba*, 2017 SCC 20; *Communications, Energy and Paperworkers Union of Canada, Local 30 v. Irving Pulp & Paper, Ltd.*, 2013 SCC 34; and *Air Canada v. Toronto Port Authority*, 2011 FCA 347.

Brandon was successful in setting aside an Ontario Energy Board decision on a statutory appeal which concerned the allocation of nearly \$900 million in future tax savings for Hydro One: *Hydro One Networks Inc. v. Ontario Energy Board*, 2020 ONSC 4331 (Div. Ct.). As well, he successfully defeated a judicial review application seeking to cancel several of Syngenta Canada's federal pest control product registrations: *David Suzuki Foundation v. Canada (A.G.)*, 2019 FC 411.

## Broadcasting and Telecommunications

Brandon has significant experience in litigation involving the broadcasting and telecommunications industries. He has acted in eight appeals from the CRTC to the Federal Court of Appeal, along with the judicial review of a Cabinet decision in the Federal Court. He successfully represented Bell Canada and the National Football League in challenging the CRTC's order prohibiting the simultaneous substitution of Canadian and American television commercials for the Super Bowl before the Supreme Court of Canada: *Bell Canada v. Canada (A.G.)*, 2019 SCC 66. Brandon also successfully represented Bell Canada in challenging the validity of the CRTC's Wholesale Code under the *Broadcasting Act* before the Federal Court of Appeal: *Bell Canada v. 7265921 Canada Ltd.*, 2018 FCA 174. As well, he successfully obtained a permanent injunction prohibiting the unauthorized retransmission of conventional television services over the Internet in violation of the *Copyright Act*: *2251723 Ontario Inc. v. Bell Canada*, 2016 ONSC 7273.

## Commercial Disputes

Brandon has acted in several major commercial disputes. He has particular experience with the contractual principle of good faith, having successfully acted as lead counsel to the appellant in *C.M. Callow Inc. v. Tammy Zollinger*,

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2020 SCC 45, where the Supreme Court of Canada established the governing legal framework for the duty of honest performance. Previously, Brandon successfully acted as counsel to the appellant in *Bhasin v. Hrynew*, 2014 SCC 71, where the Supreme Court of Canada first introduced the duty of honest performance and the broader organizing principle of good faith. As well, he acted as counsel to the intervener, the Canadian Association of Counsel to Employers, in *Matthews v. Ocean Nutrition Canada Ltd.*, 2020 SCC 26, where the Supreme Court of Canada undertook its most extensive analysis of the principle of good faith in the employment setting after *Bhasin*.

Brandon also successfully represented the respondent in the leading Canadian case on the tort of fraud, *Bruno Appliance and Furniture, Inc. v. Hryniak*, 2014 SCC 8, and represented the appellant in the landmark summary judgment case of *Hryniak v. Mauldin*, 2014 SCC 7. In addition, he represented the intervener, the Insolvency Institute of Canada, in *Chandos Construction Ltd. v. Deloitte Restructuring Inc.*, 2020 SCC 25, where the Supreme Court of Canada recognized the anti-deprivation rule in bankruptcy and insolvency proceedings. As well, Brandon represented the intervener, the Ontario Landowners Association, in the constructive expropriation appeals of *Annapolis Group Inc. v. Halifax Regional Municipality*, 2022 SCC 36 and *St. John's (City) v. Lynch*, 2024 SCC 17.

## Class Actions

Brandon regularly represents clients in class actions. He appeared before the Supreme Court of Canada on behalf of the IMAX appellants in the securities class action trilogy (*Canadian Imperial Bank of Commerce v. Green*, 2015 SCC 60), and on behalf of the Microsoft respondents in the competition class action trilogy (*Pro-Sys Consultants Ltd. v. Microsoft Corporation*, 2013 SCC 57). He also acted as lead counsel for the intervener, the Canadian Chamber of Commerce, in *TELUS Communications Inc. v. Wellman*, 2019 SCC 19, where the Supreme Court of Canada upheld the enforceability of arbitration clauses in agreements with business customers in the class action setting. In addition, he acted as lead counsel for the intervener, the Canadian Gaming Association, in *Atlantic Lottery Corp. Inc. v. Babstock*, 2020 SCC 19, where the Supreme Court of Canada rejected the existence of waiver of tort as an independent cause of action and clarified the law regarding other forms of class disgorgement relief. Brandon previously served on the executive committee of the Class Actions Section of the Ontario Bar Association.

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His class actions often involve cross-border issues. He successfully acted as lead counsel before the Ontario Court of Appeal in dismissing part of a proposed \$400 million negligence class action alleging pure economic loss from a foreign import ban involving genetically modified corn: *Darmar Farms Inc. v. Syngenta Canada*, 2019 ONCA 789. He also defeated a proposed \$7 billion (USD) secondary market securities class action in the Ontario Court of Appeal based on lack of territorial jurisdiction over the foreign securities issuer: *Yip v. HSBC Holdings plc*, 2018 ONCA 626.

## Product Liability

Brandon has achieved particular success in product liability cases. He has defeated certification in three prescription pharmaceutical class actions, including the first such cases where certification was refused in British Columbia and Ontario: *Price v. H. Lundbeck A/S*, 2022 ONSC 7160; *Charlton v. Abbott Laboratories, Ltd.*, 2015 BCCA 26; *Martin v. AstraZeneca Pharmaceuticals PLC*, 2012 ONSC 2744, aff'd 2013 ONSC 1169 (Div. Ct.). As well, he successfully represented the defendants in the first pharmaceutical class action to be defeated on summary judgment in Canada: *Wise v. Abbott Laboratories, Ltd.*, 2016 ONSC 7275.

## Academic and Professional Involvement

Brandon is an active member of Canada's legal academic and professional communities. He has taught Advanced Contracts at the Western University Faculty of Law since 2012, and Economic Torts at the University of Toronto Faculty of Law since 2015.

Brandon has published 20 articles in the *Advocates' Quarterly*, *Alberta Law Review*, *Annual Review of Civil Litigation*, *Banking and Finance Law Review*, *Canadian Bar Review*, *Canadian Business Law Journal*, *Commercial Litigation*, *Corporation Litigation*, *Collective Redress in Europe – Why and How?* and *Supreme Court Law Review*. Many of his articles have been cited by Canadian courts, including the Supreme Court of Canada in *Sharp v. Autorité des marchés financiers*, 2023 SCC 29; *Uber Technologies Inc. v. Heller*, 2020 SCC 16; *Bell Canada v. Canada (A.G.)*, 2019 SCC 66; *Haaretz.com v. Goldhar*, 2018 SCC 28; *A.I. Enterprises Ltd. v. Bram Enterprises Ltd.*, 2014 SCC 12; and *Tercon Contractors Ltd. v. British Columbia (Transportation and Highways)*, 2010 SCC 4, as well as the United Kingdom Supreme Court in *Pakistan International Airline Corporation v. Times Travel (UK) Ltd.*, [2021] UKSC 40.

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He is a frequent speaker on legal issues, having presented for the Advocates' Society, the Canadian Bar Association, the Canadian Centre for Ethics & Corporate Policy, Canadian Defence Lawyers, the Canadian Energy Law Foundation, the Canadian Institute, the Canadian Transport Lawyers Association, the Commons Institute, the Law Society of Ontario, the Law Society of Prince Edward Island, the Law Society of Saskatchewan, the Ontario Bar Association, Osgoode Professional Development, the Prospectors and Developers Association of Canada, the Runnymede Society, the Toronto Lawyers' Association and the University of Toronto Faculty of Law.

## Education

Brandon obtained his LL.B. (Honours) from the University of Toronto in 2003, where he received the Fasken Martineau DuMoulin LLP Award for Academic Excellence in first year, and graduated with Honours Standing. He also obtained his MA in philosophy from the University of Toronto in 1999 and his BA (First Class Honours) in philosophy from Queen's University in 1998.

## Representative Cases

- [\*St. John's \(City\) v. Lynch\*](#), 2024 SCC 17 (CanLII)
- [\*Reference re Impact Assessment Act\*](#), 2023 SCC 23
- [\*Cheetham v Bank of Montreal\*](#), 2023 BCSC 1319 (CanLII)
- [\*Re U.S. Steel Canada Inc.\*](#), 2023 ONCA 277 (CanLII)
- [\*Telus Communications Inc. v. Federation of Canadian Municipalities\*](#), 2023 FCA 79 (CanLII)
- [\*Price v. H. Lundbeck A/S\*](#), 2022 ONSC 7160 (CanLII); [\*Price v. H. Lundbeck A/S\*](#), 2020 ONSC 913 (Div. Ct.) (CanLII); [\*Price v. H. Lundbeck A/S\*](#), 2018 ONSC 4333 (CanLII)
- [\*Annapolis Group Inc. v. Halifax Regional Municipality\*](#), 2022 SCC 36 (CanLII)
- [\*SS&C Technologies Canada Corp. v. The Bank of New York Mellon Corporation\*](#), 2022 ONCA 373 (Chambers) (CanLII); [\*SS&C Technologies Canada Corp. v. The Bank of New York Mellon Corp.\*](#), 2022 ONSC 1652 (CanLII); [\*SS&C Technologies v. Bank of New York Mellon\*](#), 2021 ONSC 4682 (CanLII)

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- [Cineplex v. Cineworld](#), 2021 ONSC 8016 (CanLII)
- [Telus Communications Inc. v. Vidéotron Ltée](#), 2021 FC 1127 (CanLII)
- [Kirsh v. Bristol-Myers Squibb](#), 2021 ONSC 6190 (Div. Ct.) (CanLII); [Kirsh v. Bristol-Myers Squibb](#), 2020 ONSC 1499 (CanLII)
- [TVA Group Inc. v. Bell Canada](#), 2021 FCA 153 (CanLII)
- [Grasshopper Solar Corporation v. Independent Electricity System Operator](#), 2021 ONSC 3038 (CanLII); [Grasshopper Solar Corporation v. Independent Electricity System Operator](#), 2020 ONCA 769 (Chambers) (CanLII); [Grasshopper Solar Corporation v. Independent Electricity System Operator](#), 2020 ONCA 499 (CanLII)
- [C.M. Callow Inc. v. Tammy Zollinger](#), 2020 SCC 45 (CanLII)
- [Quebec \(A.G.\) v. 9147-0732 Québec inc.](#), 2020 SCC 32 (CanLII)
- [Matthews v. Ocean Nutrition Canada Ltd.](#), 2020 SCC 26 (CanLII)
- [Chandos Construction Ltd. v. Deloitte Restructuring Inc.](#), 2020 SCC 25 (CanLII)
- [Bell Canada v. British Columbia Broadband Association](#), 2020 FCA 140 (CanLII)
- [Atlantic Lottery Corp. Inc. v. Babstock](#), 2020 SCC 19 (CanLII)
- [Ball v. McAulay](#), 2020 ONCA 481 (CanLII)
- [Hydro One Networks Inc. v. Ontario Energy Board](#), 2020 ONSC 4331 (Div. Ct.) (CanLII)
- [Bank of Montreal v. Li](#), 2020 FCA 22 (CanLII)
- [Bell Canada v. Canada \(A.G.\)](#), 2019 SCC 66 (CanLII); [Bell Canada v. Canada \(A.G.\)](#), 2017 FCA 249 (CanLII); [Bell Canada v. Canada \(A.G.\)](#), 2016 FCA 217 (CanLII)
- [O'Reilly v. IMAX Corporation](#), 2019 ONCA 991 (CanLII)
- [Darmar Farms Inc. v. Syngenta Canada Inc.](#), 2019 ONCA 789 (CanLII); [Darmar Farms Inc. v. Syngenta Canada](#), 2018 ONSC 7129 (CanLII)
- [Fleming v. Ontario](#), 2019 SCC 45 (CanLII)

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- [\*David Suzuki Foundation v. Canada \(A.G.\)\*](#), 2019 FC 411 (CanLII); [\*David Suzuki Foundation v. Canada \(Health\)\*](#), 2018 FC 380 (CanLII); [\*David Suzuki Foundation v. Canada \(Health\)\*](#), 2017 FC 682 (CanLII)
- [\*TELUS Communications Inc. v. Wellman\*](#), 2019 SCC 19 (CanLII)
- [\*Elson v. Canada\*](#), 2019 FCA 27 (CanLII); [\*Elson v. Canada \(A.G.\)\*](#), 2017 FC 459 (CanLII)
- [\*Thuchak Estate v. Bayer\*](#), 2018 SKQB 311 (CanLII)
- [\*Mikisew Cree First Nation v. Canada \(Governor General in Council\)\*](#), 2018 SCC 40 (CanLII)
- [\*Bell Canada v. 7265921 Canada Ltd.\*](#), 2018 FCA 174 (CanLII)
- [\*Yip v. HSBC Holdings plc\*](#), 2018 ONCA 626 (CanLII); [\*Yip v. HSBC Holdings plc\*](#), 2017 ONSC 5332 (CanLII)
- [\*Houle v. St. Jude Medical Inc.\*](#), 2018 ONCA 88 (CanLII)
- [\*Ktunaxa Nation v. British Columbia \(Forests, Lands and Natural Resource Operations\)\*](#), 2017 SCC 54 (CanLII)
- [\*Spicer v. Abbott Laboratories, Ltd.\*](#), 2017 SKQB 271 (CanLII)
- [\*Re Lajeunesse\*](#), 2017 SCC 24 (CanLII)
- [\*Green v. Law Society of Manitoba\*](#), 2017 SCC 20 (CanLII)
- [\*v. Peers\*](#), 2017 SCC 13 (CanLII); [\*R. v. Aitkens\*](#), 2017 SCC 14 (CanLII)
- [\*Wise v. Abbott Laboratories, Ltd.\*](#), 2016 ONSC 7275 (CanLII)
- [\*2251723 Ontario Inc. v. Bell Canada\*](#), 2016 ONSC 7273 (CanLII)
- [\*Bell Mobility Inc. v. Klass\*](#), 2016 FCA 185 (CanLII)
- [\*Toyota Tsusho Wheatland Inc. v. Encana Corp.\*](#), 2016 ABQB 209 (CanLII)
- [\*Canadian Imperial Bank of Commerce v. Green\*](#), 2015 SCC 60 (CanLII)
- [\*Airia Brands v Air Canada\*](#), 2015 ONSC 5332 (CanLII); [\*Airia Brands v Air Canada\*](#), 2015 ONSC 5352 (CanLII)
- [\*Guindon v. Canada\*](#), 2015 SCC 41 (CanLII)

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- [\*Prince Edward County Field Naturalists v. Ostrander Point GP Inc.\*](#), 2015 ONCA 269 (CanLII)
- [\*Saskatchewan Federation of Labour v. Saskatchewan\*](#), 2015 SCC 4 (CanLII)
- [\*Charlton v. Abbott Laboratories, Ltd.\*](#), 2015 BCCA 26 (CanLII); [\*Charlton v. Abbott Laboratories, Ltd.\*](#), 2013 BCSC 1712 (CanLII)
- [\*Bhasin v. Hrynew\*](#), 2014 SCC 71 (CanLII)
- [\*Hryniak v. Mauldin\*](#), 2014 SCC 7 (CanLII); [\*Bruno Appliance and Furniture, Inc. v. Hryniak\*](#), 2014 SCC 8 (CanLII)
- [\*Pro-Sys Consultants Ltd. v. Microsoft Corporation\*](#), 2013 SCC 57 (CanLII)
- [\*Communications, Energy and Paperworkers Union of Canada, Local 30 v. Irving Pulp & Paper, Ltd.\*](#), 2013 SCC 34 (CanLII)
- [\*BCE Inc. v. TELUS Communications Company\*](#), 2013 FCA 58 (CanLII)
- [\*Ontario First Nations \(2008\) Limited Partnership v. Aboriginal Affairs \(Ontario\)\*](#), 2013 ONSC 7141 (CanLII); [\*Ontario First Nations \(2008\) Limited Partnership v. Ontario\*](#), 2013 ONSC 814 (CanLII)
- [\*Martin v. AstraZeneca Pharmaceuticals PLC\*](#), 2013 ONSC 1169 (Div. Ct.) (CanLII); [\*Martin v. AstraZeneca Pharmaceuticals PLC\*](#), 2012 ONSC 2744 (CanLII);
- [\*Bell Canada v. Canada \(A.G.\)\*](#), 2011 FC 1120 (CanLII)
- [\*Air Canada v. Toronto Port Authority\*](#), 2011 FCA 347 (CanLII); [\*Air Canada v. Toronto Port Authority\*](#), 2010 FC 774 (CanLII)
- [\*Chrysler Canada Inc. v. Canada\*](#), 2008 FC 1049 (CanLII)

## Publications

- ["A Matter of Faith: The Treatment of Bhasin v. Hrynew by Appellate Courts \(Part II\)"](#) (2021) 52 Adv. Q. 1 (Reproduced by permission of Thomson Reuters Canada Limited)
- ["A Matter of Faith: The Treatment of Bhasin v. Hrynew by Appellate Courts \(Part I\)"](#) (2020) 51 Adv. Q. 139 (Reproduced by permission of Thomson Reuters Canada Limited)



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- [“A Wise Development? The Growing Trend Towards Summary Judgment in Class Actions”](#) (2017) 47 Adv. Q. 164 (with Neil Finkelstein and Byron Shaw) (Reproduced by permission of Thomson Reuters Canada Limited)
- [“Developments in Class Actions Law: The 2014-2015 Term – Securities Litigation Comes of Age at the Supreme Court of Canada”](#) (2017) 77 S.C.L.R. (2d) 1 (with Dana M. Peebles and Paul Davis) (Reproduced by permission of LexisNexis Canada Inc.)
- [“Economic Duress After \*Bhasin v. Hrynew\*: Does the Organizing Principle of Good Faith Offer a New Framework?”](#) in Todd Archibald and Randall Scott Echlin, eds., *Annual Review of Civil Litigation, 2016* (Toronto: Thomson Carswell, 2016) 43 (with Justin Nasser) (Reproduced by permission of Thomson Reuters Canada Limited)
- [“A Lawyer’s Judge: Justice Marshall Rothstein and the Rule of Law”](#) (2016) 74 S.C.L.R. (2d) 51 (with Neil Finkelstein, Richard J. Lizius and Adam Goldenberg) (Reproduced by permission of LexisNexis Canada Inc.; first published in *Supreme Court Law Review, Second Series, Vol. 74*)
- [“Honour Among Businesspeople: The Duty of Good Faith and Contracts in the Energy Sector”](#) (2015) 53 Alta. L. Rev. 349 (with Neil Finkelstein, Craig Spurn, Séan O’Neill and Justin Nasser) (Reproduced by permission of the Alberta Law Review)
- [“Summary Judgment Prior to Certification in Class Actions: How Microsoft and Hryniak Have Changed the Landscape”](#) (2015) 44 Adv. Q. 229 (with Neil Finkelstein, Eric S. Block and Byron Shaw) (Reproduced by permission of Canada Law Book, a division of Thomson Reuters Canada Limited)
- [“Cross-border Actions for Collective Redress – Some Lessons from Canada”](#), in Eva Lein *et al*, eds., *Collective Redress in Europe – Why and How?* (London: British Institute of International and Comparative Law, 2015) 203 (with John P. Brown) (Reproduced by permission of the British Institute of International and Comparative Law)
- [“Developments in Class Actions Law: The 2013-2014 Term – The Supreme Court of Canada and the Still-Curious Requirement of ‘Some Basis in Fact’”](#) (2015) 68 S.C.L.R. (2d) 77 (Reproduced by permission of LexisNexis Canada Inc.)

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- ["Developments in Communications Law: The 2012-2013 Term – The \*Broadcasting Reference\*, the Supreme Court and the Limits of the CRTC"](#) (2014) 64 S.C.L.R. (2d) 63 (Reproduced by permission of LexisNexis Canada Inc.)
- ["Through the Looking Glass: Recent Developments in Piercing the Corporate Veil"](#) (2013) 28 B.F.L.R. 525 (with Thomas G. Heintzman, Q.C.) (Reproduced by permission of Carswell, a division of Thomson Reuters Canada Limited)
- ["Developments in Private International Law: The 2011-2012 Term – The Unfinished Project of the \*Van Breda\* Trilogy"](#) (2012) 59 S.C.L.R. (2d) 277 (with Elder C. Marques and Byron Shaw) (Reproduced by permission of LexisNexis Canada Inc.)
- ["Mapping the Serbonian Bog: The Territorial Limits of Secondary Market Securities Act Claims Under the Canadian Constitution – Part II"](#) (2012) 53 Can. Bus. L.J. 233 (with Byron Shaw) (Reproduced by permission of Canadian Business Law Journal Inc., and Canada Law Book, a division of Thomson Reuters Canada Limited)
- ["Mapping the Serbonian Bog: The Territorial Limits of Secondary Market Securities Act Claims Under the Canadian Constitution – Part I"](#) (2012) 53 Can. Bus. L.J. 63 (with Byron Shaw) (Reproduced by permission of Canadian Business Law Journal Inc., and Canada Law Book, a division of Thomson Reuters Canada Limited)
- ["Solicitor-Client Privilege and the Conflict of Laws"](#) (2012) 90 Can. Bar. Rev. 245 (Reproduced by permission of the Canadian Bar Review)
- ["The Implication of Contractual Terms in the New Millennium"](#) (2011) 51 Can. Bus. L.J. 170 (Reproduced by permission of Canadian Business Law Journal Inc., and Canada Law Book, a division of Thomson Reuters Canada Limited)
- ["The 'Unlawful Means' Element of the Economic Torts: Does a Coherent Approach Lie Beyond \*Reach?\*"](#), in Hon. Todd L. Archibald and Hon. Randall Scott Echlin, eds., *Annual Review of Civil Litigation, 2010* (Toronto: Thomson Carswell, 2010) 33 (with Anthony Alexander) (Reproduced by permission of Carswell, a division of Thomson Reuters Canada Limited)

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- "[The Doctrine of Public Policy in Canadian Contract Law](#)", in Hon. Todd L. Archibald and Hon. Randall Scott Echlin, eds., *Annual Review of Civil Litigation, 2007* (Toronto: Thomson Carswell, 2007) 1 (with Douglas T. Yoshida) (Reproduced by permission of Carswell, a division of Thomson Reuters Canada Limited)
- "[Recent Watershed Developments in Oppression Remedies and Shareholder Activism](#)", in Hon. Todd L. Archibald and Hon. Randall Scott Echlin, eds., *Annual Review of Civil Litigation, 2006* (Toronto: Thomson Carswell, 2006) 33 (with Mendy Chernos and Michael D. Briggs) (Reproduced by permission of Carswell, a division of Thomson Reuters Canada Limited)

## Speaking Engagements

- Co-Chair, Osgoode Professional Development, The 2<sup>nd</sup> National Annual Symposium on Canadian Contract Law: Essential Updates and Practical Analysis (December 6, 2023)
- Co-Chair, Osgoode Professional Development, The 1<sup>st</sup> National Annual Symposium on Canadian Contract Law: Essential Updates and Practical Analysis (December 1, 2022)
- Speaker, Osgoode Professional Development, The 17<sup>th</sup> Annual National Forum on Administrative Law and Practice, "The Intersection of Administrative Law and Regulation with Freedom of Expression" (October 18, 2022)
- Speaker, Law Society of Prince Edward Island, Professional Development Day, "Duty of Good Faith: Recent Case Law" (June 24, 2022)
- Panelist, Ontario Bar Association, "Advocacy Primer: Drafting Persuasive Facta" (January 18, 2022)
- Panelist, Toronto Lawyers' Association, "Good Faith in Contract Performance" (October 27, 2021)
- Co-Chair, Osgoode Professional Development, The Principle of Good Faith in Contracts: Essential Updates and Practical Analysis in Canadian Contract Law (September 23, 2021)
- Speaker, Law Society of Saskatchewan, The Litigator's Seminar: Updates & Tools for Making Your Practice Better, "Cross-Examination on Affidavits" (June 10, 2021)

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- Panelist, Ontario Bar Association, "*Callow and Wasteck: Examining the Recent SCC Decisions on the Duty of Good Faith*" (March 25, 2021)
- Speaker, The Canadian Institute, 20<sup>th</sup> Annual Conference on Advanced Administrative Law & Practice, "*Statutory Appeal Rights Post-Vavilov*" (October 28, 2020)
- Panelist, Canadian Transport Lawyers Association, 2020 Annual General Meeting and Educational Conference, "*Judicial Review*" (October 22, 2020)
- Panelist, Osgoode Professional Development, 15th Annual National Forum: Administrative Law and Practice, "*Vavilov in Practice*" (October 6, 2020)
- Panelist, The Runnymede Society, 2020 Law and Freedom Conference, "*Administrative Law: Vavilov and the Supreme Court*" (February 29, 2020)
- Panelist, The Advocates' Society, "*Bell and Vavilov: The SCC's impact on standard of review, administrative law and arbitration decisions*" (February 14, 2020)
- Co-Chair, The Canadian Institute, 19th Annual Conference on Advanced Administrative Law & Practice (October 29-30, 2019)
- Panelist, The Canadian Institute, 19th Annual Conference on Advanced Administrative Law & Practice, "*Contractual Disputes and Judicial Review*" (October 29-30, 2019)
- Moderator, Toronto Lawyers' Association, "*Contractual Interpretation: Five Years after Sattva*" (April 9, 2019)
- Panelist, Ontario Bar Association, Essential Update on Procedural Fairness: 20 Years Post-*Baker*, "*Where Do We Stand on Procedural Fairness*" (February 5, 2019)
- Speaker, Canadian Bar Association, "*The Art of Persuasive Writing*", CBA Skilled Lawyers Series 2019 (January 29, 2019)
- Speaker, Canadian Bar Association, "*The Art of Persuasive Writing*", CBA Skilled Lawyers Series 2017 (April 6, 2017)
- Speaker, Canadian Defence Lawyers, Defending Products Claims, "*Causation*" (February 22, 2017)

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- Speaker, Canadian Energy Law Foundation, Jasper Research Seminar, "Honour Among Businesspeople: The Duty of Good Faith and Contracts in the Energy Sector" (June 18, 2015)
- Panelist, PDAC International Convention 2015, Legal Challenges Facing the Mining Industry Today, "Review of Important New Decisions Affecting Contracts, Arbitration and Dispute Resolution in the Mining Industry" (March 2, 2015)
- Speaker, The Commons Institute, 240 Minutes on Cross-Border Litigation Strategies, "Cross-Border Insolvency Procedures" (February 19, 2015)
- Panelist, Canadian Centre for Ethics & Corporate Policy, "*Bhasin v. Hrynew*: SCC Establishes General Duty of Good Faith in Commercial Contracts" (February 3, 2015)
- Panelist, Osgoode Professional Development, "*Bhasin v. Hrynew*: The New Duty to Act Honestly" (January 19, 2015)
- Panelist, Law Society of Upper Canada, 17<sup>th</sup> Biennial National Conference, New Developments in Communications Law and Policy, "The Value for Signal Case and its Implications" (May 1, 2014)
- Chair, Canadian Defence Lawyers, "Torts: Unlawful Interference with Economic Claims" (April 23, 2014)
- Speaker, The Commons Institute, Supreme Court & Constitutional Litigation, "Obtaining Leave to Appeal to the Supreme Court of Canada in Commercial Cases" (June 27, 2013)
- Panelist, The Canadian Institute, Western Forum on Employment Law, "What You Need to Know to Effectively Use Drug and Alcohol Testing Lawfully" (May 7, 2013)
- Panelist, Osgoode Professional Development, National Forum on Administrative Law and Practice, "Judicial Review of Commercial Decisions" (October 24, 2012)
- Panelist, University of Toronto, Faculty of Law, 41<sup>st</sup> Annual Workshop on Commercial and Consumer Law, "When Should Courts Fill Gaps in Commercial Contracts? Reactions to Lord Hoffmann's Judgment in *Belize Telecom Ltd.*" (October 14, 2011)

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## Prix et distinctions

### Chambers Global

Leading Lawyer: Telecommunications & Broadcasting - Canada

### Chambers Canada

Leading Lawyer: Telecommunications & Broadcasting

### The Canadian Legal Lexpert Directory

Leading Lawyer: Telecommunications; Litigation - Corporate Commercial

### Lexpert Special Edition: Litigation

Leading Lawyer

### Canadian Law Awards - 2022, 2020

Commercial Litigation Team of the Year: Winner

### Canadian Law Awards - 2021

Litigator of the Year: Excellence Award

### Benchmark Litigation Canada

Future Star

### Benchmark Litigation Canada - 2021, 2019, 2016

National Impact Case of the Year Award

### Best Lawyers in Canada

Leading Lawyer: Administrative and Public Law; Corporate and Commercial Litigation

## Mandats récents

- La Cour suprême du Canada rend une décision historique dans l'affaire **Annapolis Group Inc. c. Municipalité régionale d'Halifax, 2022 SCC 36**

21 octobre 2022

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## Publications récentes

- **Tercon se rend au Québec : La Cour suprême du Canada limite la doctrine civile de la « théorie du manquement à une obligation essentielle ».**  
20 octobre 2021
- **La règle anti-privation en droit canadien : réduire la valeur de l'actif de la personne insolvable**  
14 juin 2021
- **La règle anti-privation en droit canadien : réduire la valeur de l'actif de la personne insolvable**  
14 juin 2021
- **La règle anti-privation en droit canadien : réduire la valeur de l'actif de la personne insolvable**  
14 juin 2021

## Événements

- **Revue trimestrielle des dossiers d'appel - mai 2024**  
15 mai 2024
- **Revue trimestrielle des dossiers d'appel**  
18 janvier 2024
- **Revue trimestrielle des dossiers d'appel**  
26 juillet 2023
- **Revue trimestrielle des dossiers d'appel**  
17 janvier 2023