

Education
Osgoode Hall Law School (2010) JD
University of Toronto (2006) HBSc (High Distinction - Human Biology and Archaeological Science)

Bar Admissions
Ontario (2011)

Practice Areas
Arbitration
Commercial Litigation
Employment
Professional Liability and Regulation

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Ian MacLeod

IAN MACLEOD
is counsel at Lenczner Slaght.

Ian has a general litigation practice, which includes commercial litigation, employment and professional liability and regulation . His commercial practice includes class actions, contractual disputes, and shareholder disputes. Ian has an active professional liability practice, acting for physicians in civil and regulatory proceedings and also prosecuting on behalf of professional regulators, including The Law Society of Upper Canada and the College of Massage Therapists of Ontario. Ian has appeared before all levels of court in Ontario as well as various administrative boards and tribunals.

During the course of his legal studies, Ian represented clients at Ontario courts and participated in law reform initiatives with the Community and Legal Aid Services Programme at Osgoode Hall Law School. He also served as a research assistant to a professor of securities law.

Prior to pursuing his law degree, Ian was active in competitive swimming. He represented Canada at the World University Games and was honoured as the University of Toronto's Male Athlete of the Year.

RECOGNITION

- Best Lawyers in Canada (2020-2024)
  Health Care Law, Medical Negligence
- Canadian Legal Lexpert® Directory (2021-2024)
  Medical Negligence, Professional Liability

SELECT CASES

- **Knight v Lawson –** Counsel to the successful Defendant Physician in a trial for alleged negligence for a delayed diagnosis of a ureteric injury.
- **Ioana Huma et al v Gregory Sue-A-Quan et al –** Counsel for physicians in a medical malpractice action. Parties entered into settlement. Plaintiffs resiled from the settlement. Successfully moved to enforce settlement and upheld result on appeal.
- **Huma v Mississauga Hospital and Queensway Health Centre (Trillium Health Partners) –** Successful in enforcing a settlement agreement against multiple Plaintiffs.
- **Cooper v Her Majesty The Queen in Right of Ontario –** Counsel for the Provincial Crown in the Court of Appeal, defeating an attempt to

extend the time to appeal a decision granting summary judgment below.

- **City of Mississauga Judicial Inquiry –** Counsel to the Commissioner in the City of Mississauga Judicial Inquiry, an independent Judicial Inquiry tasked with investigating issues in connection...
- **Best Theratronics Ltd v Canadian Nuclear Laboratories Ltd –** Counsel to Best Theratronics on an interlocutory injunction motion relating to a commercial contract dispute.
- **International Commercial Arbitration –** Counsel to a UK-based energy company in a series of international commercial arbitrations relating to the sale of a nuclear power generation facility.
- **KLP v T[…] District School Board –** Counsel to the plaintiff in a successful jury trial against a school board in connection with an allegation that a failure by the school board to properly...
- **Schenk v Valeant Pharmaceuticals International Inc –** Counsel to Valeant in a breach of contract action in respect of a pharmaceutical product.
- **Iskander v BMO Nesbitt Burns Inc –** Counsel to the successful appellants, BMO Nesbitt Burns Inc. and BMO Trust Company, on an appeal related to withholding tax payable upon transfer of...
- **Beal v Rebello –** Counsel to defendant physicians in a proceeding alleging injury during a brain biopsy. Successfully moved to strike the Statement of Claim for failing to...
- **Ivanhoé Cambridge II Inc v The Regional Municipality of York –** Counsel to the applicant in a judicial review application arising out of the decision of the Regional Municipality of York to modify and approve an...
- **College of Massage Therapists of Ontario v Stefanov –** Counsel to the College of Massage Therapists of Ontario in a prosecution of a member for professional misconduct under the Regulated Health Professions...
- **Niagara Escarpment Commission v The Joint Board –** Counsel for the successful respondent, Walker Aggregates Inc, in an application for judicial review of a decision of the Joint Board to grant conditional...
- **Allen-Vanguard Corporation v Richard L'Abbe –** Counsel to the plaintiff in an action against offeree shareholders for breach of contract and fraudulent misrepresentation in relation to a multi-million...
- **Avanti v Argex –** Counsel to the plaintiffs in a proceeding relating to the termination of a services agreement with a mining exploration company. Successfully...
- **Isaac v City of Mississauga –** Counsel on successful motion to quash an application for judicial review of the report of the City of Mississauga Judicial Inquiry.
- **Volochay v College of Massage Therapists of Ontario –** Counsel to the College of Massage Therapists of Ontario, on a successful appeal of the issue as to whether the application judge was wrong in principle to...
- **Cooper v Valiulis –** Counsel in a successful defence at trial of a bariatric surgeon in a medical negligence action in respect of morbid obesity surgery.
- **Lipson v Cassels Brock & Blackwell LLP –** Counsel to defendant law firm in a class action in connection with a charitable tax program. The Court of Appeal rendered a seminal decision on the commonality of the defence of a limitation period on a certification motion. In 2023, the Court approved the successful resolution of the action.

- **British Energy Limited v Bruce Power LP –** Counsel to plaintiff, British Energy Limited, in an action alleging negligence, breach of contract and breach of trust issues.
- **College of Massage Therapists of Ontario v Semenuk –** Counsel to the College of Massage Therapists of Ontario in a Discipline Committee hearing and a subsequent appeal brought by the member in the Divisional...
- **College of Massage Therapists of Ontario v Boucher –** Counsel to the College of Massage Therapists of Ontario in a discipline proceeding related to an examination security breach.
- **Re Growthworks Canadian Fund Ltd –** Counsel to a contingent creditor who obtained an order effectively lifting the stay of proceedings in an application made under the CCAA to allow actions...

SELECT PUBLICATIONS AND PRESENTATIONS

- **Volochay v College of Massage Therapists of Ontario –** Ian MacLeod presented to research lawyers on a case he argued with Peter Osborne at the Ontario Court of Appeal regarding judicial review of administrative decision-makers.

BLOG POSTS

- **Liquidated Damages or Unenforceable Penalty? The Perils of Charging Administrative Fees for Breach of Contract –** A contractual provision which entitles a party to an excessive administrative charge on default may be considered an unenforceable penalty clause. Notwithstanding parties' general freedom to negotiate their own remedies, Courts will find overly onerous damages provisions unenforceable. This was exactly the situation in *RCAP Leasing Inc v Martin*.

SELECT NEWS ARTICLES

- **The 2024 Lexpert Directory Recognizes Lenczner Slaght's Litigation Excellence –** Lenczner Slaght's litigators continue to be recognized by their peers as the foremost practitioners in their fields.
- **Lenczner Slaght Litigators Recognized as Best Lawyers in Canada –** In the latest edition of *Best Lawyers in Canada*, 41 of our expert litigators are recognized for their expertise across 24 practice areas. The following lawyers have also been recognized as "Lawyer of the Year" for receiving the highest overall peer-feedback in their practice areas in Toronto.
- **Lenczner Slaght's Litigation Excellence Recognized in 2023 Lexpert Directory –** Following comprehensive peer review surveys and interviews with senior members in the legal profession, the *2023 Canadian Legal Lexpert Directory* has recognized 31 of the firm's expert litigators for their experience, knowledge, and precision, with 108 rankings spanning 17 practice areas.
- **Lenczner Slaght Litigators Recognized Among the Best Lawyers in Canada –** In the latest edition of *Best Lawyers in Canada*, 39 of our expert litigators are recognized by their peers for their expertise across 24 practice areas.

- **The 2022 Lexpert Directory Recognizes Lenczner Slaght's Litigation Excellence –** 31 of our expert litigators are recognized by their peers as the foremost practitioners across 18 fields.
- **Lenczner Slaght Litigators Ranked Among Best Lawyers in Canada –** In the latest edition of *Best Lawyers in Canada*, 37 of our expert litigators are recognized for their expertise across 25 practice areas.
- **The 2021 Lexpert Directory Recognizes 30 Lenczner Slaght Lawyers –** An increasing number of our expert litigators are recognized by their peers as the foremost practitioners in their fields.
- **Court of Appeal orders new trial due to judge's insufficient reasons –** Ian MacLeod is mentioned in the article titled "*Court of Appeal orders new trial due to judge's insufficient reasons"*, which appeared in the November issue of the Canadian Lawyer Magazine.
- **Decision on sufficiency of reasons highlights need to be specific in submissions: lawyer –** Ian MacLeod is quoted in The Lawyer's Daily article *Decision on sufficiency of reasons highlights need to be specific in submissions: lawyer.* The article discusses the Ontario Court of Appeal's decision to order a new trial because the trial judge's reasons for his decisions were insufficient to form the basis for a "meaningful" appellate review.
- **Court of Appeal orders new trial due to lower-court judge's insufficient reasons –** Ian MacLeod was interviewed for the Law Times article *Court of Appeal orders new trial due to lower-court judge's insufficient reasons*. The article dicusses the Court of Appeal's decision to order a new trial in a civil case concerning Crown liability.
- **Best Lawyers in Canada Recognizes Lenczner Slaght's Litigation Expertise –** Lenczner Slaght is proud to announce that 33 of our expert litigators are recognized in *Best Lawyers in Canada 2021*. Our lawyers received a total of 128 rankings, up from 100 in 2020.
- **Best Lawyers in Canada Recognizes Lenczner Slaght with 100 Rankings –** In the latest edition of *Best Lawyers in Canada*, 28 Lenczner Slaght lawyers earned a total of 100 rankings, up from 86 in 2019.
- **London school board failed in response to sexual assault, jury finds –** Naomi Loewith and Ian MacLeod win a significant jury verdict for a female high school student with developmental disabilities who was sexually assaulted. Lenczner Slaght acted pro bono in the action against the Thames Valley District School Board, which was responsible for supervising the student and for complying with its duties after the assault. The jury concluded that the Board had failed to meet the standard of care in dealing with the aftermath of the assault.
- **Lenczner Slaght Sponsors Advocacy Competition in Legal Ethics and Professionalism –** Proud Sponsors of Advocacy Competition in Legal Ethics and Professionalism.

PROFESSIONAL ACTIVITIES

- Canadian Bar Association
- Pro Bono Law Ontario
- Law Help Ontario
- The Advocates' Society
- Ontario Bar Association