



Education

Osgoode Hall Law School (2015) JD
University of Victoria (2010) MA
(History)
University of Saskatchewan (2008)
BA (History and Indigenous Studies)
(Double Honours)

Bar Admissions

Ontario (2016)

Practice Areas

Appeals
Class Actions
Commercial Litigation
Construction and Infrastructure
Defamation and Media
Insurance
Intellectual Property
Professional Liability and Regulation
Public Law

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Margaret Robbins

MARGARET ROBBINS

is a partner at Lenczner Slaght.

"Margaret is a hardworking, dependable and smart lawyer." —
Chambers Canada

Margaret maintains a broad commercial litigation practice, with a particular focus on professional liability, class actions, and public law.

Margaret has represented clients at trial and in regulatory proceedings before several administrative tribunals. In addition, she has significant appellate experience, including appearing before the Divisional Court, the Court of Appeal of Ontario, the Federal Court of Canada and the Federal Court of Appeal.

Prior to joining Lenczner Slaght, Margaret clerked for the Honourable Justice Mandamin of the Federal Court of Canada. During law school, Margaret participated in the Intensive Program in Indigenous Lands, Resources and Government. Through this program she worked in Maya communities in rural Belize on land and resource management issues. She earned numerous awards while attending law school, including prizes in constitutional law, legal ethics and legal research and writing.

RECOGNITION

- Best Lawyers in Canada (2022-2024)
Ones to Watch – Administrative & Public Law, Corporate & Commercial Litigation, Health Care Law, Insurance Law, Medical Negligence
- Canadian Legal Lexpert® Directory (2024)
Litigation - Corporate Commercial
- The Legal 500 Canada (2022-2023)
Dispute Resolution (Rising Star)

SELECT CASES

- **Aecon Mining Construction Services v K+S Potash Canada GP** – Counsel to Aecon in complex litigation involving multiple parties and claims, in respect of the Legacy potash mine and production facility in Saskatchewan.
- **GCT Canada Limited Partnership v Vancouver Fraser Port Authority and Attorney General of Canada** – Counsel to Global Container Terminals in a judicial review of a decision of the Vancouver Fraser Port Authority refusing to consider Global Container Terminal's proposed port expansion project.

- **Finnigan et al v Lee** – Counsel to the successful defendant physician in a trial in which the patient alleged delay in the diagnosis of lymphoma and insufficient pain management. The trial judge reinforced that a “worst first” principle (that physicians must take action based on the worst possible potential outcome) is not the law in Ontario and a stepwise approach to diagnosis is appropriate.
- **Muelenaere v Great Gulf Homes Limited** – Counsel to the defendants in a proposed class action relating to alleged deficiencies in a condominium building.
- **ALYU Inc v Dec-Yorkville Building Group Inc** – Counsel to the purchaser in an Application regarding the interpretation of an Agreement of Purchase and Sale.
- **Matwijow v Chan** – Counsel to the successful defendant physician in the trial of an action involving a bowel perforation in a laparoscopic hysterectomy.
- **Bronson Consulting Group v Defence Construction Canada** – Counsel to Defence Construction Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of breach of trade agreements in the procurement of geospatial systems for use by the Department of National Defence.
- **Weir-Jones Engineering Ltd and Weir-Jones Engineering Consultants Ltd v Department of Public Works and Government Services** – Counsel to Public Works and Government Services Canada in successfully defending a procurement complaint before the Canadian International Trade Tribunal involving allegations of patent and trademark infringement by Natural Resources Canada in respect of its early earthquake warning system.
- **B.N. v Beder** – Counsel for the successful respondent in an appeal before the Superior Court, arising from a decision of the Consent and Capacity Board.
- **Musllam v Hamilton General Hospital et al** – Counsel to the Defendant Physician in successfully resisting proposed amendments to the Statement of Claim after the expiry of the limitations period.
- **Marine Recycling Corporation and Canadian Maritime Engineering Ltd** – Counsel to Public Works and Government Services in respect of a complaint proceeding before the Canadian International Trade Tribunal arising out of a terminated contract for the disposal of a former marine vessel.
- **Smith v Canada** – Counsel for the intervener Ontario Superior Court Judges Association in the successful judicial review commenced by the Honourable Justice Patrick Smith challenging two decisions of the Canadian Judicial Council which were critical of Justice Smith’s decision to serve as Interim Dean (Academic) at the Bora Laskin Faculty of Law at Lakehead University.
- **Toronto District School Board v Province of Ontario** – Counsel to the Toronto District School Board in a judicial review before the Divisional Court of portions of the *Education Act*.
- **Friends of Toronto Public Cemeteries Inc v Public Guardian and Trustee** – Counsel to the successful appellant Mount Pleasant Group of Cemeteries before the Court of Appeal for Ontario overturning a decision regarding the interpretation of historical corporate governance legislation related to one of Toronto’s iconic historical landmarks.
- **The Manitoba Metis Federation v The Government of Manitoba et al** – Counsel to the Manitoba Metis Federation in a dispute with the Government of Manitoba over the cancellation of hydro contracts.
- **Busch-Vishniac v Wall** – Counsel to the plaintiff, the former President

of the University of Saskatchewan, in a high-profile wrongful termination claim against her prior employer, the Board of the University and the then Premier of the Province and Minister responsible for post-secondary education.

- **Panacci v Volkswagen** – Counsel to the plaintiff in a certified class action related to timing chain tensioners.
- **Royal De Maria Wines Co Ltd v Lieutenant Governor in Council** – Counsel to the Vintner's Quality Alliance Ontario in a judicial review of the rules and regulations pertaining to the approval of wines in Ontario. The judicial review involved a number of constitutional challenges to the VQA's regulatory scheme. The VQA was successful in opposing the application.
- **Bourque v Cineflix** – Counsel to Cineflix and related entities in a proposed class action relating to the alleged misclassification of independent contractors in the television production industry.
- **Schives v Stewart Title Guaranty Company** – Counsel to the defendant title insurer in a successful summary judgment motion arising from the applicability of the exclusion provisions of the insurance policy.
- **North Elgin Centre Inc v McDonald's Restaurants of Canada** – Counsel to the Appellant, McDonald's, on a successful appeal at the Ontario Court of Appeal over the renewal of a commercial lease.
- **Cardinal v Cleveland Indians Baseball Company** – Counsel for Douglas Cardinal in proceedings to restrain the use in Canada of the Cleveland baseball team's name and logo on human rights grounds.
- **Kalra v Mercedes Benz-Canada Inc** – Counsel to the plaintiff in a certified class action related to emissions technology. The parties have recently reached a settlement, which is subject to Court approval.
- **The Estate of Vivian Maier v Stephen M. Bulger** – Counsel to the Stephen Bulger Gallery in an action for copyright infringement in fine art photographs taken by the posthumously-discovered photographer Vivian Maier.
- **Rosseau Asset Management v The Rosseau Group** – Counsel to Rosseau Asset Management in a trade-mark infringement and passing off action.
- **Anishnawbe Mushkiki Inc v Health Insurance Reciprocal of Canada** – Counsel to Grant Thornton LLP in connection with a dispute regarding allegations of professional negligence against an auditor.
- **2235512 Ontario Inc v 2235541 Ontario Inc** – Counsel to the applicant in an oppression application seeking a sale of shares and wind-up of a corporation.
- **Tan-Jen Ltd v De Pede** – Counsel to the responding parties in contempt proceedings arising from an action relating to custom-built moulds for concrete pre-cast.
- **Dinary v Dai** – Counsel to the plaintiff in a real estate dispute related to the redevelopment of a property in Etobicoke.

SELECT PUBLICATIONS AND PRESENTATIONS

- **11th Annual Professionalism Issues for Business Lawyers** – Brendan Morrison and Margaret Robbins were invited to share their expertise at the OBA's 11th Annual Professionalism Issues for Business Lawyers. Co-chaired by Margaret, the program also featured Brendan as he discussed, *Modern Contract Formation and the Risks of Casual Communications*.

- **Exploring the Controversy Around Bill C-11** – Published by Lexpert, Margaret Robbins authored an article exploring the impact of Bill C-11, which was passed earlier this year and has the potential to reshape what it means to be a Canadian on the internet.
- **How a certified class action affects post-Uber regulatory environment** – Margaret Robbin's article *How a certified class action affects post-Uber regulatory environment* was published by the Lawyer's Daily on February 13, 2018. Margaret shares her expert analysis on the potential legal implications of the decision in *Metro Taxi Ltd. v. City of Ottawa* and how it affects municipalities who regulate disruptive technology.

BLOG POSTS

- **The Designated Projects Scheme, Not A Designated Survivor: The Supreme Court Weighs in on the Federal Environmental Assessment Regime** – The complexity of regulating environmental impacts in Canada has proven to be a thorny issue on both constitutional and practical fronts. On the heels of 2021's carbon pricing decision, the Supreme Court of Canada has again weighed in on how the division of powers can impact environmental regulation. This time, the Court considered the federal environmental assessment regime, ultimately finding that the federal legislation waded too far into provincial waters.
- **The Act (Mostly) Means What it Says: The First Judicial Insights into Dismissal for Delay under the Class Proceedings Act** – On October 1, 2020, section 29.1 of the *Class Proceedings Act* ("CPA") took effect. This provision, designed to address the phenomenon of class actions being started and then languishing in the system without advancement, provides for a mandatory dismissal of an action where, by the one year anniversary of the claim, the plaintiffs certification record has not been filed or there is no established timetable (by consent or Court order). This was a significant improvement to a class actions system that previously had no real tool for dealing with class actions that were languishing.
- **Inside or Out: Jurisdiction in the Context of Copyright** – The application of the test for jurisdiction in the copyright context can sometimes be an exercise in gut feel. Luckily for litigants who prefer to make decisions based more on case law than feelings, the Divisional Court recently provided clarification on the application of the test for jurisdiction for statutory torts, like copyright infringement. The Ontario Divisional Court's decision in *Pourshian v Walt Disney Company* ("*Pourshian*"), an appeal of a motion for an order to stay the plaintiff's copyright infringement action on the basis of lack of jurisdiction, will hopefully take some of the guess work out of jurisdictional issues in the future.
- **The Disaster Sequel: The Court of Appeal Weighs in on Tommy Wiseau's Best Worst Appeal Strategy** – Sequels in the movie business, just like appeals in the judicial system, carry certain undeniable risks. For every triumphant *The Empire Strikes Back*, there are dozens of *Speed 2: Cruise Control*, *Jaws: The Revenge*, *Weekend at Bernie's II* (or, heaven forbid, *Return of the Jedi*) which exist as a cautionary tale to revisiting the same material again.

- **What's in a Name: Reflecting on Douglas Cardinal's Injunction in the Wake of Cleveland's Decision to Change the Franchise's Name** – On December 13, 2020, news broke that Cleveland's professional baseball team was changing its name. After the 2021 season, the Cleveland baseball team will no longer use the name "Indians".
- **The Disaster Plaintiff: The Best Worst Litigation Strategy Created by and Starring Tommy Wiseau** – The legacy of the movie *The Room*, Tommy Wiseau's infamously terrible 2003 cult classic, reached new heights (or lows depending on your point of view) last week when it made its mark on Canadian law in Justice Schabas' decision in *Wiseau Studio, LLC v Harper*. A movie lovingly advertised as providing a viewing experience akin to "getting stabbed in the head" prompted copyright litigation and, in the process, has provided a new story of the risks of pursuing an ill-advised litigation strategy through trial.
- **Navigating Duplicate Proceedings: What Happens When Courts Certify Parallel Pharmaceutical National Class Actions?** – It is not uncommon in the Canadian class action landscape for competing class actions to be commenced in multiple jurisdictions, each procedurally vying in the horse race of who will be named the nation's choice as national class action. Competitors who lose that race are stopped in their tracks, having to sit along the side lines as the blue-ribbon action proceeds to trial.
- **All I Want for Christmas Is a New Standard of Review: The Supreme Court Changes Course on the Standard of Review for Administrative Decisions** – In the season of giving the Supreme Court of Canada has given lawyers and legal scholars the greatest gift of all: a new approach to the standard of review.
- **Dissent on the Standard of Review: The SCC Splits on True Questions of Jurisdiction** – To what extent can, or should, courts review decisions by government decision-makers? Administrative law is all about finding the right balance.

The Supreme Court of Canada announced this spring it has plans to revisit that balance and the standard of review for administrative decisions in a trilogy of cases to be heard by the Court in the fall of 2018. Its recent decision in *West Fraser Mills Ltd v Workers' Compensation Appeal Tribunal and Workers' Compensation Board of British Columbia*, released last week, might hint at how.
- **The regulated conduct defence: we'll drink to that** – It says something about Canada that many famous cases throughout Canadian legal history relate to the regulation of alcohol. Through the early 20th century, the regulation of alcohol was a fertile domain for disputes about Canadian federalism. Now, in the 21st century, the complicated regulatory scheme of governing alcohol sales in Ontario is once again making new law. This time, however, the dispute is not over arcane principles of federalism, but rather over the scope of the regulated conduct defence to conspiracies under the *Competition Act*. While early 20th century federalism cases may be of interest to only a select few, the decision of the Ontario Superior Court of Justice in *Hughes v Liquor Control Board of Ontario* is likely to attract significantly broader interest, particularly among companies operating in regulated industries.
- **Disrupting the Taxi Industry On a Class Wide Basis: The Certification Decision in Metro Taxi v City of Ottawa Raises Questions for Municipalities** – Since the introduction of ride sharing technology such as Uber, a legal dust-up with traditional taxi drivers and brokers seemed inevitable. Perhaps less predictable was the form that dispute would take. In *Metro Taxi Ltd. v. City of Ottawa*, the Court considered a certification motion for a class action brought by taxi license plate holders and brokers against the City of Ottawa for their regulatory

handling of the introduction of Uber, claiming both negligence and discrimination.

- **When Does the Clock Start: Limitation Periods in Contractual Claims for Indemnification** – The hardest mistake to fix in litigation may be missing the limitation period. Almost every other mistake can be fixed, but missing that critical window for bringing a claim can be catastrophic.

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 Welcomes Aoife Quinn and Margaret Robbins to the Partnership** – Canada's leading litigation firm is proud to strengthen its partnership with the addition of Aoife Quinn and Margaret Robbins.
- **Lenczner Slaght Stands Out as a "Litigation Powerhouse" in Legal 500 Canada** – Canada's leading litigation firm is once again ranked in Tier 1 for Dispute Resolution by *Legal 500 Canada*.
- **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.
- **Mercedes-Benz Settles Canadian Diesel Emissions Class Action** – Daimler AG and its Canadian and American Mercedes-Benz subsidiaries have agreed to settle a class proceeding concerning approximately 83,000 "BlueTEC" diesel vehicles in Canada. The proposed settlement provides for cash payments and other benefits to current and former owners and lessees.
- **Legal 500 Highlights Lenczner Slaght's Litigation Dominance** – Legal 500 recognizes Canada's leading litigation firm as "a regular fixture in the country's ground-breaking contentious cases".
- **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.
- **Four years after Indigenous man's human rights case, Cleveland removing 'Indians' from team name** – In a recent Law Times article, Monique Jilesen and Margaret Robbins reflect back on how the legal challenges over Cleveland's name came to Canadian shores during the 2016 American League Championship Series.
- **Court of Appeal Delivers Important Decision Regarding Toronto's Historical Landmark Mount Pleasant Cemetery** – Our expert litigators were successful in persuading a three-judge panel of the Ontario Court of Appeal to overturn a lower-court decision in *Friends of Toronto Public Cemeteries v Mount Pleasant Group of Cemeteries*.

- **SCC overhauls administrative law, clarifies standard of review –** Margaret Robbins was interviewed for Canadian Lawyer's article *SCC overhauls administrative law, clarifies standard of review*. Margaret comments on the new framework for standard of review in administrative law cases following the long-awaited decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*.
- **Cleveland Baseball Team Discontinues Chief Wahoo Logo –** Following a year and a half of ongoing litigation on this matter, Lenczner Slaght and Douglas Cardinal are delighted by the decision of Major League Baseball and the Cleveland baseball team to discontinue the discriminatory Chief Wahoo logo on the Cleveland uniforms beginning in 2019.
- **The Fight Against Cleveland's Baseball Team Name and Logo in Ontario Continues –** World-renowned Canadian activist for Indigenous Peoples, Douglas Cardinal, is continuing the fight against the Cleveland's baseball team's name and logo.
- **Lenczner Slaght and Koskie Minsky Commence Class Action Against Nissan Canada Inc. –** The two firms have combined forces and launched a class proceeding against Nissan, and other defendants, alleging that certain Nissan models contain a dangerous engine defect.

PROFESSIONAL ACTIVITIES

- The Advocates' Society
- Ontario Bar Association