



Education

University of Toronto (2007) JD
McGill University (2003) B.Eng.
(Mechanical Engineering)

Bar Admissions

Ontario (2008)

Practice Areas

Arbitration
Class Actions
Commercial Litigation
Construction and Infrastructure
Employment
Intellectual Property
Product Liability
Professional Liability and Regulation

Contact

T 416-865-3093
aparley@litigate.com

Andrew Parley

ANDREW PARLEY is a partner at Lenczner Slaght.

"Andrew is a compelling and capable advocate with a reputation and track record that speaks for itself but he is also a brilliant strategist in a broader sense, embodying the wisdom of picking your battles while avoiding others." — *Client Testimonial*

Andrew's practice spans a diverse range of industries from energy to construction and infrastructure to securities and finance. Focusing on commercial litigation matters, he represents individuals, and businesses of all sizes. As a mechanical engineer by training, Andrew has a strong understanding of engineering and construction project management.

Some of the clients that Andrew has represented include Crosslinx Transit Solutions, Aecon, British Energy, 407 ETR, the Gupta Group, McDonalds Restaurants of Canada Limited, BMO Nesbitt Burns, SNC Lavalin Inc., and the Government of Canada. He has appeared before the Ontario Superior Court, the Ontario Divisional Court, the Ontario Court of Appeal, the Supreme Court of Canada as well as various administrative tribunals. Andrew has also been involved in several private, local and international arbitrations.

RECOGNITION

- Benchmark Canada (2018-2023)
Litigation Star – Commercial, Construction, Energy, Securities
- Benchmark Litigation (2017-2019)
Under 40 Hotlist
- Best Lawyers in Canada (2020-2024)
Health Care Law, Medical Negligence
- Canadian Legal Lexpert® Directory (2020-2024)
Litigation - Corporate Commercial, Medical Negligence, Professional Liability
- Lexpert Special Edition: Canada's Leading Infrastructure Lawyers (2023)
- Lexpert Special Edition: Canada's Leading Litigation Lawyers (2023)

SELECT CASES

- **Confidential Arbitration** – Counsel to a general contractor in an arbitration relating to the construction of a major Canadian transmission line.
- **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.

- **Construction Arbitration** – Counsel to a general contractor in respect of a complex mediation/prospective arbitration process regarding a subway extension project.
- **2373480 Ontario Inc v Digreen Homes Vaughan Inc** – Counsel to a land developer and home builder in connection with a dispute relating to a large residential community development.
- **Tiger Calcium Services Inc v Clark Sazwan** – Counsel to the Plaintiff, Parallel49 in an Alberta action relating to alleged misrepresentations during the purchase and sale of a calcium chloride plant.
- **Icona Hospitality v 2748355 Canada Inc et al** – Counsel to a major real estate development company on appeal in a dispute relating to a large residential development and the interpretation of a restrictive covenant agreement.
- **Rovi Guides and TiVo Solutions v Bell Canada** – Counsel to TiVo Solutions and its subsidiary Rovi Guides in a patent infringement action, involving patents relating to interactive television program guides, DVR technology, and related technologies.
- **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.
- **Darnley v Thompson** – Counsel for Mayor of Caledon in an application brought pursuant to the Municipal Conflict of Interest Act, which resulted in all allegations being...
- **The Regional Municipality of Peel v MMM Group Limited** – Counsel to SNC Lavalin in connection with a dispute regarding the construction of a water main in Peel Region.
- **Construction Arbitration** – Counsel to a provincial government agency in an arbitration relating to a province-wide construction project.
- **Ontario Power Authority** – Counsel to the Ontario Power Authority in relation to the review of the construction and relocation of two gas plants by the Ontario legislature's...
- **International Commercial Arbitration** – Counsel to the respondent technology company in an international commercial arbitration relating to alleged non-payment of invoices and a priorities...
- **Peel Standard Condominium Corporation No. 776 v The Daniels Group Inc** – Counsel to SNC Lavalin in connection with a dispute relating to the construction of a condominium tower.
- **Zarubiak (Estate) v Luce** – Counsel to a family physician in the successful defence at trial of the decision to discharge a patient from hospital, following which the patient...
- **Various DCR Strategies Inc Matters** – Counsel to the Plaintiff DCR Strategies Inc. in a number of matters, seeking damages and injunctive relief relating to disclosure and use of confidential information.
- **Confidential Arbitration** – Counsel to a general contractor in an arbitration relating to a major Ontario transit project.
- **Hummel Properties Inc v Niagara-on-the-Lake (Town)** – Counsel to the Interveners in an application involving municipal planning law. Successfully argued that the lower court's interpretation and...

- **Rovi Guides v BCE Inc, Ericsson et al** – Counsel to Rovi Guides (a subsidiary of Xperi Holding Corporation) in a patent infringement action involving four patents related to digital entertainment technologies.
- **Crosslinx Transit Solutions Constructors v Form & Build Supply (Toronto) Inc** – Counsel to Crosslinx Transit Solutions Constructors in a successful motion to declare a lien from a sub-subcontractor expired. The decision was the first to consider and apply the transition provisions in the *Construction Act*, R.S.O. 1990, c. C.30 to the time limit to register a lien.
- **Crosslinx v Metrolinx** – Counsel to Crosslinx Transit Solutions Constructors in an application against Metrolinx and Ontario Infrastructure (HMQE) in relation to HMQE's failure to declare an emergency as a result of the COVID-19 pandemic. Crosslinx is a design and construction consortium established to deliver and maintain the Eglinton Crosstown LRT, the second largest Canadian transit infrastructure project. We successfully resisted a motion to stay and succeeded entirely on the application to obtain contractual relief due to the pandemic. This is notable as it may have broader implications for other P3 Projects across the province of Ontario.
- **Construction Dispute** – Counsel to a general contractor in a dispute with a design subcontractor on a very large transit project regarding design deficiencies and payment for design changes that have arisen over the course of construction.
- **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.
- **McAllister v 1537768 Ontario Inc** – Counsel to General Electric in product liability proceedings relating to light bulbs alleged to have caused a fire at a marina.
- **Dow v 407 ETR Concession Company Limited** – Counsel to the defendant 407 ETR in a class action relating to the use of the statutory licence plate denial remedy in relation to insolvent individuals...
- **Steelcon Fabrication v City of Oshawa** – Counsel to a steel manufacturer in a successful hearing before the Building Code Commission.
- **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.
- **Rafat General Contractor Inc v 565 Gordon Baker Road Holdings Inc** – Counsel to a general contractor in a claim under the *Construction Lien Act*.
- **Paletta International Corporation v McDonald's Restaurants of Canada Limited** – Counsel to McDonald's Restaurants in connection with a dispute relating to a lease for a restaurant.
- **ECMI LP v Baywood Homes Partnership** – Counsel to the development Empire Communities in a dispute relating to a joint venture for a large residential community development.
- **International Commercial Arbitration** – Counsel to a German-based nuclear energy company in an international commercial arbitration relating to a long-term uranium supply agreement.

- **Construction Arbitration** – Counsel to a project manager in a series of disputes involving the design and construction of a mining project, including processing and power generation...
- **Sobeys Capital Incorporated v Sentinel (Sherbourne) Land Corporation** – Counsel to a developer in connection with dispute relating to a large mixed residential commercial project.
- **Magder v Ford** – Counsel for Robert Ford, the former Mayor of Toronto, in application alleging breach of the *Municipal Conflict of Interest Act*.
- **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.
- **Perfect 10, Inc v Google, Inc** – Counsel for Google in copyright case relating to image search.
- **Weninger Farms Ltd v Canada (Minister of National Revenue)** – Counsel to the Government of Canada in a class proceeding brought by tobacco quota farmers against the Minister of National Revenue. Successfully...
- **McCarthy v Canadian Red Cross Society** – Counsel to the Trustee of the settlement fund created following the settlement of a class action brought against the Red Cross Society surrounding tainted...
- **The Superintendent of Bankruptcy v 407 ETR Concession Company Ltd** – Counsel to 407 ETR before the Supreme Court of Canada in a division of powers case regarding the *Bankruptcy and Insolvency Act*.
- **Piedra v Copper Mesa Mining Corp** – Counsel to TSX defendants in a mining case involving allegations of negligence. Successfully moved to strike the statement of claim without leave...
- **Tanglewood (Sierra Homes) Inc v Munro Golf Limited** – Counsel to the successful respondent in resisting a motion for an interlocutory injunction to shut down the respondent's business.
- **Trade Capital Finance Corp v Cook** – Counsel to a defendant in an action alleging receipt of fraudulently obtained funds, which included a motion and appeal relating to contempt of court.
- **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

- **Construction Law Reception & Fireside Chat** – Andrew Parley is looking forward to hosting the *Construction Law Reception & Fireside Chat* program with The Advocates' Society's Construction Law Practice Group. The program will feature a special fireside chat with our very own Ian Binnie, where he will be sharing his valuable experience and insights.
- **Lessons From Canada and the UK: Lien Reform and Adjudication** – Andrew Parley moderated The Advocates' Society's Construction Law program "Lessons From Canada and the UK: Lien Reform and Adjudication" on everything you need to know about the construction legislative reforms coming to jurisdictions across Canada.
- **Stop the Clock: Preserving Rights and Relationships Through Tolling Agreements** – Andrew Parley and Drew Black co-authored the article "Stop the Clock: Preserving Rights and Relationships Through Tolling Agreements" which was published by On-Site Magazine. In this article, Andrew and Drew discuss the practical, cost-conscious solution of implementing a tolling agreement to defer a dispute when it arises.

- **Construction Law Update: Legal Project Management** – Andrew Parley was invited to speak at Canadian Lawyer's Construction Law Update on Legal Project Management. The panel will offer practical tips and strategies for construction lawyers on how to proactively manage a construction project from inception to completion.
- **Stop or Go: The Role of Mandatory and Prohibitive Injunctions in Construction Projects** – Andrew Parley authored the article "Stop or Go: The Role of Mandatory and Prohibitive Injunctions in Construction Projects" which was published by On-Site Magazine. In this article, Andrew discusses the legal remedies available to keep a construction project moving.
- **Maximizing the Expert Witness in Civil Litigation** – Andrew Parley shared his expertise at the OBA's Civil Litigation program on *Maximizing the Expert Witness in Civil Litigation*. Andrew presented on the panel "Dealing with Experts Remotely – the Virtual Trial."
- **Managing the Cost, Risk, and Disruption of E-Discovery in Complex Litigation** – Andrew Parley moderated the CCCA webinar on complex e-discovery projects. He shared his expertise on the best practices for successfully managing these projects, which can be long, complicated, expensive, and disruptive to the business.

BLOG POSTS

- **Ontario Court of Appeal Restricts Municipality's Use of Interim Control By-Laws** – In a recent decision, *Hummel Properties Inc v Niagara-on-the-Lake (Town)*, the Ontario Court of Appeal affirmed that the Town of Niagara-on-the-Lake's enactment of an interim control by-law ("ICBL") was illegal. The decision, summarized below, has important implications for municipalities, developers, and builders across Ontario.
- **Class actions against investment advisors? Don't bet on it** – Class actions are common in the financial services sector. The relatively low bar for certification of such claims as class proceedings means that many such claims are certified. Yet certification is by no means automatic: where the litigation will not be significantly advanced through the resolution of common issues, courts will typically be reluctant to certify an action as a class proceeding.
- **Partial Summary Judgement: a tool used to simplify** – In *Bisquip Leasing Corporation v Coco Paving Inc*, Bisquip Leasing Corporation ["Bishop"] brought a motion for summary judgment against Coco Paving Inc. ["Coco"] for unpaid invoices on various projects. Coco asserted a counterclaim against Bishop arising out of "deficient work" and an incident in which a gas line was allegedly struck by Bishop during excavation.
- **The Terms of Fair Settlement: Pierringer Agreements and the Benefits of Settlement in Multi-Party litigation** – Settlement in multi-party litigation is to be encouraged, as confirmed by the Supreme Court of Canada in *Sable Offshore Energy Inc v Ameron International Corp*. One common mechanism for achieving settlements in multi-party litigation is through what is commonly known as a *Pierringer* agreement. A *Pierringer* agreement allows the settling defendants to be released from the lawsuit with the non-settling defendants left exposed to their proportionate share of liability. Despite their popularity, the impact of a *Pierringer* Agreement on the remaining defendants and the continuing litigation is not always clear.
- **Can an employee refuse reinstatement and still claim damages for wrongful dismissal?** – It is well established that an employee who has

been dismissed from his or her position has a duty to mitigate their damages by seeking reemployment. The central question is whether a reasonable person in the employee's position would have accepted the offer of employment.

- **Bankruptcy won't shield debtor from Court's contempt powers** – A fundamental purpose of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 (the "Act") is the financial rehabilitation of the "honest but unfortunate" debtor. One way that this purpose is achieved is through the automatic stay of proceedings granted under section 69(1)(a) of the Act.

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.
- **Lexpert Recognizes Lenczner Slaght's Litigation Strength** – An increasing number of our expert litigators continue to be recognized as the foremost lawyers in their fields by peers and senior members of the legal profession.
- **Resolving Construction Disputes Mid-Project** – In Lexpert's Special Edition on Litigation, Andrew Parley was interviewed for an article feature on construction disputes. Andrew provided his expert insights on the use of mediation mid-project in construction matters to keep projects on track when disputes arise.
- **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 Litigators to Serve on The Advocates' Society's Leadership** – We are pleased to announce that Christopher Yung, Paul-Erik Veel, Andrew Parley, Anne Posno, Lidiya Yermakova, and Brendan Morrison will be serving prominent executive and committee positions at The Advocates' Society, a preeminent organization dedicated to promoting effective advocacy and access to justice.
- **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.
- **Lenczner Slaght Litigators Elected to The Advocates' Society's Leadership** – We are pleased to announce that Brendan Morrison, Christopher Yung, Paul-Erik Veel, Andrew Parley, Nina Bombier, and Anne Posno will be serving prominent executive positions at The Advocates' Society, a preeminent organization dedicated to promoting effective advocacy and access to justice.
- **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 Appointed to The Advocates' Society's Leadership** –

We are pleased to announce that Brian Kolenda, Andrew Parley, Shara Roy, Nina Bombier, Larry Thacker and Anne Posno have been elected to prominent leadership positions at The Advocates' Society, a preeminent organization dedicated to promoting effective advocacy and access to justice.

- **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.
- **Benchmark Canada Recognizes Lenczner Slaght as a "Powerhouse"** – Canada's leading litigation firm continues to be recognized with the top tier ranking of "Highly Recommended in Ontario" for its Dispute Resolution practice.
- **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.
- **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.
- **Lexpert Highlights Lenczner Slaght's Professional Excellence** – Lenczner Slaght's litigators continue to be recognized by their peers as the foremost practitioners in their fields.
- **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.
- **Benchmark Recognizes Four Lenczner Slaght Partners** – Benchmark Litigation has recognized four Lenczner Slaght partners among the most talented litigators under the age of 40.
- **Benchmark Canada Highlights Lenczner Slaght's Litigation Excellence** – Benchmark Canada 2019 not only recognizes Canada's leading litigation firm with the top tier ranking of "Highly Recommended in Ontario", 17 Lenczner Slaght litigators are also ranked for their expertise.
- **Lenczner Slaght Partners Featured in Latest Benchmark Recognitions** – Benchmark Canada has recognized six Lenczner Slaght partners as the most talented litigators under 40 and two partners recognized as two of the top female litigators in Canada.
- **Lenczner Slaght Receives Top Tier Ranking in Benchmark Litigation** – 19 Lenczner Slaght leading litigators are ranked in Benchmark Litigation's 2018 directory, including 7 new additions since last year. Three of the firm's litigation stars are also recognized as a Top 50 Trial Lawyer in Canada.
- **McDonald's lease dispute highlights need for reasonable notice in revocation of waiver** – Andrew Parley is quoted in the Lawyer's Daily article *McDonald's lease dispute highlights need for reasonable notice in revocation of waiver* on February 6, 2018. Andrew comments on the recent Ontario Court of Appeal decision in *North Elgin Centre Inc v McDonald's Restaurants of Canada Limited*. Andrew, Ronald Slaght, and Margaret Robbins are counsel for McDonald's.
- **Seven Lenczner Slaght Partners Named in Benchmark's Under 40 Hotlist 2017** – Benchmark Litigation has recognized seven Lenczner Slaght partners as the most promising emerging talent in their respective fields.
- **Darnley v Thompson** – Ontario Superior Court of Justice dismisses all

allegations against the Mayor of Caledon in an application brought pursuant to the *Municipal Conflict of Interest Act*.

- **Lenczner Slaght Welcomes Four New Partners** – Canada's leading litigation practice promotes four associates.
- **Curry sees "very dramatic shift" in handling of paramouncy law** – Tom Curry and Andrew Parley were quoted in *The Lawyers Weekly* on November 27, 2015.
- **A Victory for Ford and The Rule of Law** – Alan Lenczner and Andrew Parley's successful representation of Toronto Mayor, Rob Ford, in the application brought against him alleging that he breached...

PROFESSIONAL ACTIVITIES

- The Advocates' Society
Vice-Chair of the Construction Law Practice Group
- Canadian Bar Association
- Ontario Bar Association
- Pro Bono Law Ontario
- Law Help Ontario