



# Kate Costin

## KATE COSTIN

is an associate at Lenczner Slaght.

Kate's practice encompasses complex commercial litigation, employment disputes, construction and infrastructure matters, and regulatory proceedings, acting for both prosecution and defence.

Kate has appeared before all levels of court in Ontario, the Alberta Court of King's Bench, the Saskatchewan Court of King's Bench, the Saskatchewan Court of Appeal and various administrative tribunals including the Consent and Capacity Board and Human Rights Tribunal.

Prior to attending law school Kate worked on and off Broadway in costume and prop design, and in the costume department for NBC, HBO and F/X Network television and film productions.

### Education

Osgoode Hall Law School (2023)  
OsgoodePD Certificate in  
Construction Law  
Schulich School of Law, Dalhousie  
University (2016) JD  
Parsons The New School for Design  
(2010) AAS (Fashion Design)  
University of Victoria (2008) BFA  
(Theatre)

### Bar Admissions

Ontario (2017)

### Practice Areas

Commercial Litigation  
Construction and Infrastructure  
Employment  
Professional Liability and Regulation  
Public Law

### Contact

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## RECOGNITION

- Best Lawyers in Canada (2024-2025)  
Ones to Watch – Corporate & Commercial Litigation, Labour & Employment Law

## SELECT CASES

- **Aecon v K+S Potash Canada GP and K+S Legacy GP Inc (Third Party Claim)** – Counsel to Aecon in a third party claim against Aecon relating to alleged design and construction deficiencies in the process plant for a \$4 billion solution potash mine in Saskatchewan.
- **Lithium Royalty Corporation v Orion Resource Partners et al** – Counsel to Lithium Royalty Corporation in a successful trial to enforce a binding contract for the purchase of an 85% interest in a Nevada lithium royalty for US\$18.7 million total consideration.
- **Tiger Calcium Services Inc v Sazwan** – Counsel to Parallel49 Equity in a \$102M investor action relating to a private equity acquisition of a calcium chloride plant in Alberta.
- **Liam Marshall v College of Psychologists** – Counsel to the successful respondent, the College of Psychologists of Ontario, in an appeal to Divisional Court from a decision of the Health Professions Appeal and Review Board confirming the College's decision not to register the appellant as a psychologist
- **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.
- **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.

- **GolfNorth v Rebel Land Holdings** – Counsel to a limited partnership and its general partner in various proceedings contesting the sale of partnership units after the exercise of a right of first refusal.
- **TSCC 2282 v Bay-Yorkville Developments** – Counsel to the defendant developer in proceedings alleging construction deficiencies in the construction of the Four Seasons Residences in Toronto.

## SELECT PUBLICATIONS AND PRESENTATIONS

- **46th Annual Intensive Trial Advocacy Workshop (ITAW)** – Lawrence Thacker, Risa Kirshblum, Monique Jilesen, Brendan Morrison, and Jonathan Chen will participate as instructors at the *46th Annual Intensive Trial Advocacy Workshop (ITAW)*, hosted by Osgoode Professional Development. Jonathan McDaniel and Kate Costin will also take part in *ITAW*, serving as Mock Expert Witnesses. This program will gather over 100 experts in advocacy skills training and guest speakers who are active members of the Bench and Bar. Attendees will have the opportunity to develop and refine their advocacy skills.
- **2023 Snapshot: Through the Lens of Lenczner Slaght** – Lenczner Slaght launches our *2023 Snapshot*, a look at the most significant developments, decisions, business takeaways, and trends in litigation from the last year, across 15 practice areas. Revisit 2023 and look ahead to 2024 through the lens of our expert litigators.

## BLOG POSTS

- **Representative Counsel Not Needed for The Body Shop Employees** – In March 2024, The Body Shop Canada (“TBS Canada”) filed a Notice of Intention to make a Proposal under the *Bankruptcy and Insolvency Act* after its UK parent company completed a cash sweep of TBS Canada. The cash sweep instantly eliminated TBS Canada’s liquidity, forcing it to suspend online orders and close 33 retail stores.
- **What’s Control Got to Do With It: Construction Owners are Employers Under the OHSA** – On November 10, 2023, when the Supreme Court of Canada (“SCC”) released their decision in *R v Greater Sudbury (City)*, the internet responded with widespread panic because, for the first time, the Court has confirmed that a project owner is an employer under Ontario’s *Occupational Health and Safety Act* (“OHSA” or the “Act”).
- **When intention matters: assessing the enforceability of termination clauses** – An invalid termination clause is a former employee’s golden ticket for employment litigation, increasing a notice period from the statutory minimum to what is reasonable at common law. The monetary difference can be substantial. Given the financial implications, there is a large and growing body of case law on when a termination clause will be deemed unenforceable.

## SELECT NEWS ARTICLES

- **Lenczner Slaght Litigators Recognized as the Best Lawyers in Canada** – In the 2025 edition of *Best Lawyers in Canada*, Lenczner Slaght is proud to receive 168 total rankings, with 45 of our expert litigators recognized for their expertise across 25 practice areas.
- **Ruling Reinforces Contract Formation Principles During COVID-19 Pandemic** – Canadian Lawyer Magazine interviewed Brendan F. Morrison and Kate Costin on their recent trial success, which involved one of the world's largest lithium mining projects and has reinforced the principles of contract formation in the modern world.
- **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.
- **Ontario Court Enforces US\$18.7 Million Contract to Purchase Royalty Interest in Mine** – Interviewed by Law360 Canada, Brendan F. Morrison and Kate Costin comment on their trial success for Lithium Royalty Corporation, which has significant commercial implications for securities markets and the growing North American lithium industry.
- **Lenczner Slaght's Trial Lawyers Successful in Enforcing Significant Lithium Contract** – In a significant trial decision released yesterday in *Lithium Royalty Corporation v Orion Resource Partners*, our expert litigators were successful in...
- **Lenczner Slaght Welcomes Back Chloe, Kate, and Nilou** – Lenczner Slaght adds to its collective experience and vast knowledge with the addition of three new associates, bringing Canada's leading litigation firm to a total of 54 expert litigators.

## PROFESSIONAL ACTIVITIES

- Ontario Bar Association