



Education

University of Western Ontario (2007)
LL.B. (Distinction)
Richard Ivey School of Business,
University of Western Ontario (2004)
HBA (Distinction)

Bar Admissions

Ontario (2008)

Practice Areas

Arbitration
Commercial Litigation
Construction and Infrastructure
Employment
Injunctions
Insolvency and Restructuring
Professional Liability and Regulation
Public Law

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Matthew B. Lerner

MATTHEW B. LERNER is a partner at Lenczner Slaght.

"Matt Lerner is an exceptional advocate. His legal expertise, combined with his business, strategic and practical advice, forthright communication style and absolute commitment to success, separates him from his competition." — *Chambers Canada*

Matthew's litigation practice is focused on complex commercial litigation, including infrastructure and real estate disputes, and insolvency matters. He is frequently retained by parties involved in complicated shareholder or partnership disputes, commercial arbitrations and in prosecuting or defending civil fraud claims.

Matthew has also acted on behalf of directors and officers in the defence of large multi-jurisdiction proceedings. He has been actively involved in a variety of insolvency proceedings, acting for the court-appointed officer or secured creditors.

Matthew also has significant expertise developed over many years in defending the interests of physicians involved in regulatory and malpractice matters.

Matthew has litigated at all levels of Court in Ontario and at many administrative tribunals. Matthew's clients span a wide range of industries, ranging from individual entrepreneurs to large real estate developers and public companies in the information and technology sector.

Since 2010, Matthew has been the Chair of the Lenczner Slaght Moot in Legal Ethics and Professionalism which is held annually for law students at Western Law.

Matthew is also a member of the firm's Management Committee.

RECOGNITION

- Chambers Canada (2024-2026)
Litigation: General Commercial (Ontario)
- Canadian Legal Lexpert® Directory (2018-2026)
Construction Law, Litigation - Corporate Commercial, Litigation - Directors' & Officers' Liability, Medical Negligence, Professional Liability, Insolvency Litigation (2023)

- Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada (2021-2024)
Corporate Commercial Litigation
- Lexpert Special Edition: Canada's Leading Litigation Lawyers (2020-2025)
- Lexpert Special Edition: Canada's Leading Infrastructure Lawyers (2020-2026)
- Lexpert Special Edition: Canada's Leading Health Sciences Lawyers (2021)
- Lexpert Rising Stars (2020)
Leading Lawyers Under 40
- The Legal 500 Canada (2020-2026)
Dispute Resolution (Leading Partner), Insolvency and Restructuring (Recommended Lawyer), Labour and Employment (Recommended Lawyer) (2018, 2020)
- Best Lawyers in Canada (2018-2026)
Construction Law, Corporate Commercial Litigation, Director and Officer Liability Practice, Health Care Law, Insolvency and Financial Restructuring Law, Labour & Employment Law, Medical Negligence, Real Estate Law
- Benchmark Canada (2018-2025)
Litigation Star – Arbitration, Bankruptcy, Commercial
- Benchmark Litigation (2017-2022)
Under 40 Hotlist
- Lexpert Guide to the Leading 500 Cross-Border Lawyers in Canada (2026)
Corporate Commercial Litigation
- Lexpert Special Edition: Canada's Leading Health Sciences Lawyers (2025)
- Lexpert Special Edition: Canada's Leading Insolvency and Restructuring Lawyers (2024-2025)

SELECT CASES

- **One York Street Inc v 2360083 Ontario Limited** – Counsel to Menkes Developments (One York Street) before the Ontario Court of Appeal in its first decision to substantively address how deemed waiver of solicitor-client privilege arises when a party places its state of mind at issue. The Ontario Court of Appeal allowed One York's appeal and required production of the respondents' solicitor's file on the basis of a deemed waiver of solicitor-client privilege.
- **Chapin v Baboolal** – Counsel to defendant physicians in successfully obtaining summary judgment dismissing a 14-year-old action on the basis that there was no genuine issue requiring trial.
- **Dream Impact Master LP v Harlo Scarborough Junction LP** – Successful counsel to a general partner in a partnership dispute regarding the validity of a capital call delivered by the general partner.
- **Cameron Stephens Mortgage Capital Ltd v 3803DSW TAS LP et al** – Counsel to a commercial mortgage lender on a receivership application and guarantee enforcement action with respect to a defaulted loan concerning a vacant Toronto commercial real estate development. A receiver was appointed, and judgment was obtained against the borrower and guarantor in the amount \$17,505,744.44.
- **North American Polypropylene v Williams Canada Propylene** – Appellate counsel to North American Polypropylene in a complex construction dispute involving the development of a polypropylene facility.
- **Zurich Insurance Company Ltd v Sunnybrook Health Sciences Centre** –

- Counsel to Zurich in a matter arising out of the insolvency of Bondfield Construction, the general contractor for the construction of several large projects at the Sunnybrook Health Sciences Centre in Toronto, relating to alleged misrepresentations by Bondfield, Sunnybrook, and certain of their executives.
- **Topper Linen v Intact Insurance** – Counsel to a commercial textile rental company in an insurance appraisal and in coverage litigation with its insurer regarding a fire loss.
 - **Liberty Market Building Inc v WeWork Canada LP ULC et al** – Counsel to a Canadian commercial landlord in an action for breach of contract arising from the default by WeWork on certain commercial lease agreements and in respect of concurrent bankruptcy proceedings in the United States and Canada.
 - **Mel Pearl Construction Limited et al v Cubert Inc** – Counsel to a commercial landlord in an action for breach of contract arising from the default of a commercial lease agreement. Successful in obtaining a \$2 million default judgment.
 - **Jaroli v Dueck** – Counsel to the successful Defendant Physician in a trial for alleged negligence in respect of cancer treatments.
 - **Wyse Meter Solutions Inc v Carma Corp** – Counsel to the responding parties in successfully obtaining the dismissal of a motion brought by an employer seeking an interlocutory injunction to prevent a former employee from continuing to work for their competitor.
 - **Baines v Abounaja** – Counsel to the defendant emergency physician in an action relating to the transfer of the plaintiff from a community hospital to a tertiary centre.
 - **Urban Mechanical Contracting Ltd et al v Zurich Insurance Company Ltd** – Counsel to Zurich in an appeal from several applications brought by the lenders and subcontractors on the St. Michael's Hospital Redevelopment Project in Toronto. The lenders and subcontractors sought to prevent Zurich from seeking rescission of surety bonds worth nearly \$300 million in a separate action. The Court of Appeal dismissed the appeal, allowing Zurich to continue with its action for rescission.
 - **Florence v Benzaquen** – Counsel to successful obstetrician/gynecologist in the appeal of a motion striking the claims of minor triplets who made allegation so negligence for conduct arising pre-conception. A majority of the Court of Appeal agreed with the motion judge in favour of the defendant physician that no duty of care is owed to an as-yet conceived plaintiff.
 - **Famous Bakers Inc v Liberty Market Building Inc** – Counsel to the commercial landlord in an action arising from the seizure of restaurant equipment following the default of a commercial lease agreement. Successful in having multiple identical actions dismissed as an abuse of process.
 - **Bakaris v Southern Sun Pharma Inc et al** – Counsel to the respondent corporation and director in a breach of contract application related to the acquisition of a license to grow and sell cannabis in Zimbabwe. Successfully stayed the matter in favour of arbitration.
 - **Zurich Insurance Company Ltd v 2442931 Ontario Inc, Bondfield Construction Company Limited, John Aquino, Vasos Georgiou and Unity Health Toronto** – Counsel to Zurich in an action to rescind surety bonds worth nearly \$300 million, and to recover over \$68 million, due to collusion and misrepresentations in the bidding process for the St.

Michael's Hospital Redevelopment Project in Toronto.

- **Oxford Learning Centres, Inc v Nash et al** – Counsel to the defendant franchisee in proceedings concerning the disputed resale of a franchise.
- **Confidential Commercial Arbitration** – Counsel to the respondents in a partnership dispute concerning multiple high-value residential real-estate holdings in downtown Toronto.
- **Spencer Properties Ltd v 1863315 Ontario Inc et al** – Counsel to the successful defendants in resisting a summary judgment motion in an action for damages arising from the termination of a commercial lease.
- **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.
- **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.
- **Re Sears Canada Inc** – Counsel to Sears Holdings Corporation in connection with four Canadian class actions and related CCAA insolvency proceedings in Canada.
- **Re Essar Steel Algoma Inc** – Counsel to the GIP Primus, LP in oppression proceedings brought by the Monitor in the context of Algoma's CCAA proceeding.
- **The Guarantee Company of North America v Royal Bank of Canada** – Counsel to GCNA in a priority dispute with a secured creditor in the context of a receivership. Successfully overturned a body of prior jurisprudence, in an appeal heard by a five-judge panel of the Court of Appeal for Ontario, and established that deemed trust claims under the *Construction Lien Act* survive bankruptcy.
- **Re The Cash Store Financial Services Inc** – Counsel in the successful mediation and settlement of multiple Canadian and US class proceedings in the context of an Ontario CCAA proceeding, leading to...
- **Joyce v MtGox Inc** – Counsel to the CEO of MtGox Inc, a defendant in a proposed Ontario class proceeding, concerning the failure of the Japanese BitCoin exchange.
- **Polymath Studios Inc v 2362828 Ontario Inc et al** – Counsel to the plaintiff corporation in a fraudulent misappropriation case against a former employee. The proceedings were resolved by way of settlement.
- **Andersson v Aquino** – Counsel to the plaintiff in oppression proceedings concerning the alleged fraudulent execution of a share transfer agreement. Successfully obtained an order setting aside a finding of contempt of court.
- **myNext v Pacific Mortgage** – Counsel to the plaintiff/defendant by counterclaim in a complex dispute concerning allegations of misrepresentation in the course of a transaction to sell a mortgage brokerage.
- **Re Hollinger Inc** – Counsel in various proceedings on behalf of Ernst & Young, the court appointed Monitor of Hollinger Inc. and related entities in complex CCAA proceedings.

- **Northrop Grumman Corp v OpenText Corp** – Counsel to the responding party on an interlocutory injunction relating to an alleged business disruption from the termination of software license...
- **DLF Solutions Inc v Maple Leaf Sports & Entertainment Ltd** – Counsel in the successful defence of owner of the Toronto Raptors at trial of an action and on appeal alleging breach of contract with respect to the sale...
- **Healthy Body Services Inc v Raytek Communications** – Counsel to the plaintiff in the trial and appeal of an action to recover proceeds of fraud alleged to have been knowingly received from a convicted fraudster.
- **Western Larch Ltd v Di Poce Management Ltd** – Counsel to the successful moving party/defendants on a motion for summary judgment, dismissing an \$80 million claim alleging that a shotgun buy/sell offer did not comply with the parties' partnership agreement and amounted to a breach of fiduciary duty and oppression. Successful in upholding the result on appeal. Also successful in opposing a motion for an injunction to prevent the completion of a transaction mandated by a shotgun buy/sell offer.
- **Cambridge Elevating v Niagara Belco** – Counsel to the plaintiff employer in an action and an injunction to restrain former employees from the misuse of misappropriated confidential information.
- **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.
- **Re 144 Park Ltd** – Counsel to a purchaser in a successful proceeding to oppose a *Construction Lien Act* Trustee's attempt to disclaim several agreements of purchase and sale.
- **Ravago Americas LLC v Vinmar International Ltd** – Counsel to the defendant employer in an action and injunction concerning allegations of the misuse of confidential information by a former employee.
- **Commercial Arbitration** – Counsel to a landlord in an arbitration to determine fair market rent over a renewal term.
- **Commercial Arbitration** – Counsel in an arbitration concerning the division of profits from a successful architectural firm.
- **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.
- **Confidential Commercial Arbitration** – Counsel to the successful claimant in an arbitration concerning a Project Management Agreement governing the development of a large condominium complex in midtown Toronto.
- **Delrina Consolidated v Minexco Petroleum** – Counsel to the plaintiff in an action to recover funds advanced pursuant to a promissory note.
- **Terracap v Credit Andorra** – Counsel to the plaintiff in action to recover escrow funds from aborted real estate transaction. Successfully opposed a motion to stay the action on the...
- **White v Tandan** – Counsel to successful defendant surgeons at trial in a medical malpractice matter alleging a delayed diagnosis of an anastomotic leak, which lead to sepsis.

- **Poshnjari v Timothy's Coffees of the World** – Counsel to the defendant in a breach of contract and fraudulent misrepresentation action.
- **Rahemtulla v Bell** – Counsel to the successful responding parties on a motion to change the venue from the Toronto Commercial List of an application for an injunction prev...
- **Re ACE Aviation Holdings Inc** – Counsel to the Ernst & Young Inc in the liquidation of ACE Aviation Holdings Inc.
- **Inukshuk Wireless Partnership v 4253311 Canada Inc** – Counsel to the defendants in an action relating to an alleged breach of an agreement to convey radio wave spectrum licenses.
- **Polar Wireless Corporation v Roberts** – Counsel to the successful plaintiff on a motion for an interlocutory injunction preventing former fiduciaries from unfairly competing with their former...
- **Stevens v Stevens** – Counsel to the applicant on an application (and on appeal) to enforce the provisions of a domestic contract alleged to contain a fundamental mistake as...
- **1588143 Ontario Inc v Lantic Inc** – Counsel to the responding party on a motion to compel production of confidential financial information and tax returns refused to be produced at exami...
- **Law Society of Upper Canada v Coady** – Counsel for the Law Society in the successful prosecution of a member for professional misconduct. The decision was affirmed on appeal by the Law Society...
- **1214795 Ontario Inc v The Dominion Realty Company Limited** – Counsel to the applicant on an application to interpret the rent provisions within two reciprocating commercial lease agreements.
- **Salah v Timothy's Coffees of the World Inc** – Counsel in the trial of an action on behalf of defendant franchisor with respect to an alleged breach of a franchise agreement relating to the renewal of...
- **Inquest into the Death of Wayne Howard** – Counsel to three physicians at the Coroner's Inquest into the death of an inmate while in custody at the Central North Correctional Centre.
- **Svec v The College of Psychologists of Ontario** – Counsel to defendant professional regulator, its registrar and an investigator on a successful motion to strike out the plaintiff/regulated health...
- **Nutech Brands Inc v Air Canada** – Counsel for a defendant in a class action relating to an alleged price-fixing conspiracy in the market for air freight shipping services.
- **EMM Financial Corp v Kaushik** – Counsel on successful motion for summary judgment on behalf of a plaintiff landlord regarding an assignee's ongoing liability for rent pursuant to a...
- **779975 Ontario Limited v Mmmuffins Canada Corp** – Counsel to defendant franchisor on a successful motion to strike out the plaintiff franchisee's statement of claim as failing to disclose a reasonable...
- **College of Massage Therapists of Ontario v CA** – Counsel to the College in a successful prosecution of a member in respect of two incidents of sexual abuse of patients, as well as falsifying clinical...
- **The College of Psychologists of Ontario v Glatt** – Counsel to the applicant professional regulator on an application to enjoin the respondent from unauthorized practice and the performance of controlled...

- **Regal Windows v Marsh Canada** – Counsel on motion by defendant to strike statement of claim as failing to disclose a reasonable cause of action.

SELECT PUBLICATIONS AND PRESENTATIONS

- **Commercial List Year in Review 5-Year Retrospective (2021-2025)** – This guide offers data-driven analysis on all decisions published on CanLII from 2021-2025, an overview of the top 10 noteworthy cases, as well as key developments in insolvency matters, shareholder disputes, injunctions, and securities litigation.
- **2025 Snapshot: Through the Lens of Lenczner Slaght** – We've released our *2025 Snapshot*, highlighting the most significant developments, decisions, and trends in litigation from the past year across 21 practice areas. Reflect on 2025 and look ahead to 2026 through the lens of our expert litigators.
- **Mediation Strategies** – Matthew B. Lerner was invited to share his expertise at The Advocates' Society's program titled *Mediation Strategies*. Matt shared his top tips on how to effectively prepare for mediation and assess legal risks.
- **2024 Snapshot: Through the Lens of Lenczner Slaght** – Lenczner Slaght launches our *2024 Snapshot*, which highlights the most significant developments, decisions, and trends in litigation from the past year across 20 areas of expertise. Reflect on 2024 and look ahead to 2025 through the lens of our expert litigators.
- **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.
- **Lenczner Slaght Advocacy Competition in Legal Ethics and Professionalism 2023** – We were proud to continue our sponsorship of Western Law's Annual Legal Ethics and Professionalism Moot! Matthew B. Lerner, Sean Lewis, Sean Blakeley, Jim Lepore, and Allison Jandura participated as judges.
- **Emerging Issues in Directors' and Officers' Liability 2021** – Matthew B. Lerner shared his expertise at the LSO's program *Emerging Issues in Directors' and Officers' Liability 2021*. Matthew discussed *Internal Investigations and Professionalism Issues*.
- **Professionalism for In-house Lawyers** – In Episode #8 of the LAWPOD podcast, Matthew B. Lerner interviews two seasoned in-house counsel on their roles, with a specific focus on ethics and professionalism.
- **The Rise and Fall of Heenan Blaikie with Norm Bacal** – In Episode #7 of the LAWPOD podcast, Matthew B. Lerner interviews Norman Bacal on the professionalism lessons learned from the rise and fall of his former firm, Heenan Blaikie.
- **Fast Moving Train of Legal Technology** – Matthew B. Lerner is a host of the LAWPOD podcast. In Episode #3, Matthew interviews Carla Swansburg and Noah Waisberg on how innovation in legal technology is quickly changing the way we practice law.
- **COVID-19: Litigation Fallout - What Organizations Need to do to Mitigate Their Risk** – Matthew B. Lerner spoke on Canadian Lawyer's webinar "COVID-19: Litigation Fallout - What Organizations Need to do to Mitigate Their Risk." His panel discussed the heightened risk of

liabilities and the resulting litigation fallout for all organizations as businesses take stock on how best to mitigate the financial impact of the pandemic.

- **Discoveries: An Update for Litigators** – Matthew B. Lerner presented at the LSO program Discoveries: An Update for Litigators. He shared his expertise on the panel *Getting to the Answer – Issues that arise in the discovery process*.
- **Alive and well: Construction Lien Act deemed trust after bankruptcy** – Matthew Lerner and Scott Rollwagen co-authored the article *Alive and well: Construction Lien Act deemed trust after bankruptcy* in The Lawyer's Daily February 8, 2019 edition. They discuss the recent decision in *Guarantee Company of North America v Royal Bank of Canada* that has upset the long-standing conventional wisdom among bankruptcy and insolvency practitioners in Ontario about the fate of provincially-created statutory trusts in bankruptcy.
- **Successful Advocacy in Insurance Mediations** – Matthew B. Lerner spoke at OsgoodePD's program on the panel "Advocacy at the Mediation, Part 2 (After the Opening: Crucial Turning Points and Breaking Impasses)". He shared his expertise on finding creative solutions and approaches to commonly-encountered problems in mediations.
- **Examinations for discovery - Advanced Skills Workshop** – Matthew B. Lerner served as Faculty at the Osgoode Professional Development Intensive Trial Advocacy Workshop, Advanced Skills Series.
- **Examinations for Discovery: Advanced Skills Workshop** – Eli S. Lederman chaired a one day skills workshop on May 13, 2016 for Osgoode Professional Development. Matthew Lerner served as an instructor for the...
- **A new approach to resolving questions of law on pretrial motions** – Matthew Lerner and Stephen G.A. Pitel co-authored an article which appeared in the January 19, 2015 issue of Law Times.

BLOG POSTS

- **5-Year Retrospective: Insolvency & Restructuring** – Matthew B. Lerner, Christopher Yung, and Ravneet Minhas' blog, *5-Year Retrospective: Insolvency & Restructuring*, was published on commercialist.com as part of the Commercial List Year in Review: 5-Year Retrospective (2021-2025) guide. In this blog, they discuss the period of doctrinal consolidation between 2021 and 2025 which is unlike anything since the 2009 statutory reforms. The recurring lesson for practitioners, in-house counsel, and business clients is to build the evidentiary record early, because restructuring outcomes are often determined before filing — by the quality of financial disclosure, corporate structure, and stakeholder management.
- **Breaking New Ground: Ontario Court of Appeal Issues Landmark Ruling on Deemed Waiver of Privilege** – In *One York Street Inc v 2360083 Ontario Limited*, Lenczner Slaght's Matthew Lerner and Jim Lepore succeeded with an appeal on behalf of their client, Menkes Developments (One York Street) in the Ontario Court of Appeal's first decision to substantively address deemed waiver of solicitor-client privilege by pleading a party's state of mind. Waiver of privilege is often said to exist when a party "places its state of mind in issue," but before the Court of Appeal provided clarity, there was much confusion as to what it means for a party to place its state of mind in issue.
- **Practical Takeaways from the 2026 Annual Review of Insolvency Law Conference** –

The 2026 Annual Review of Insolvency Law Conference (ARIL) brought together judges, practitioners, and academics to discuss developments in restructurings, bankruptcies, and receiverships. While the panels covered a wide range of topics, three themes stood out as particularly relevant to day-to-day practice:

- **The (Corporate) Mind Is Its Own Place** – As important as corporations are to modern commerce, Courts have long struggled with how to make these fictional persons responsible for their actions when allegations against them require the Court to assess their state of mind. The problem is as old as the modern corporation, and can cause exasperation when corporations fail, leading Lord Chancellor Thurlow in the 18th century to remark that a corporation, being a fiction, “has neither a body to kick, nor soul to be damned.”
- **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.
- **Mere Share Ownership Not Enough to Justify Enforcement of Non-Compete Against an Employee** – In the recent decision of *Wyse Meter Solutions Inc v CARMA Corp*, Justice Audrey P. Ramsay rejected an attempt by a former employer to obtain injunctive relief enforcing a non-competition clause against an employee who had been required, as a condition of employment, to purchase shares in the employer.
- **Orphan Well Association v Grant Thornton Ltd: The Supreme Court Pivots on the Enforceability of Environmental Claims in Bankruptcy** – The Supreme Court of Canada today released its long-awaited decision in *Orphan Well Association v Grant Thornton Ltd*. The Court reversed a decision of the Alberta Court of Appeal that allowed the trustee of a bankrupt oil and gas company to sell its profitable wells and disclaim unprofitable ones, leaving the public to bear the end-of life liability associated with those wells.
- **Don’t Believe What You’ve Heard: Provincial statutory trusts do survive bankruptcy** – A five-judge panel of the Court of Appeal for Ontario has upset the long-standing conventional wisdom among bankruptcy and insolvency practitioners in Ontario about the fate of provincially-created statutory trusts in bankruptcy.
- **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.
- **Resignation or Termination? New Guidance on Navigating Constructive Dismissals** – In most cases, an employee who resigns voluntarily from employment is not legally entitled to damages. However, the line between resignation and constructive dismissal has become increasingly blurred and is a common issue of contention in employment litigation. In the recent case of *Persaud v Telus Corporation*, the Ontario Court of Appeal provides useful guidance regarding the effect of conduct in determining whether a resignation is actually a constructive dismissal.
- **So Apparently Pleadings Do Matter...** – Lawyers are reminded of the importance of exercising care when drafting pleadings. In the recent case *Strudwick v. Applied Consumer & Clinical Evaluations Inc.*, the

Ontario Court of Appeal held that not even the particularly egregious conduct of the defendants warranted relaxation of the principle that a court's jurisdiction to award damages is limited by the amount sought in the pleadings.

- **Court's CCAA supervision trumps forum selection clause** – An ongoing insolvency proceeding under the *Companies' Creditors Arrangement Act* can now be added to the short list of circumstances in which a court will decline to follow a forum selection clause in a commercial contract.

SELECT NEWS ARTICLES

- **Lenczner Slaght Celebrates 25 Years on the Lexpert Bull's-Eye** – The 2026 Canadian Legal Lexpert Directory continues to recognize Lenczner Slaght as the #1 firm in Toronto for Litigation and Commercial Litigation.
- **Litigants Waive Solicitor-client Privilege When They Invoke Their Understanding of Their Rights** – Matthew Lerner was interviewed by Law Times on our recent trial success on appeal in *One York Street Inc v 2360083 Ontario Limited*. In the article, Matthew noted that the Ontario Court of Appeal's decision clarifies confusion from past decisions and serves as a cautionary notice to counsel about invoking a client's understanding of their legal rights in a claim or defence.
- **Practical Takeaways from the 2026 Annual Review of Insolvency Law Conference** – Matthew Lerner, Brian Kolenda, Christopher Yung, and Ravneet Minhas were featured in *Insolvency Insider Canada*, which reshared their blog on key takeaways from the 2026 Annual Review of Insolvency Law Conference. Our expert litigators highlight three insolvency themes that can help legal counsel approach exceptional relief, manage greater attention to process and privilege, and respond to *Companies' Creditors Arrangement Act* protections.
- **11 Lenczner Slaght Litigators Recognized in Lexpert 500 Cross Border** – The 2026 edition of *Lexpert's Leading 500 Cross-Border Lawyers* features 11 of our preeminent lawyers, reflecting their exceptional advocacy and the trusted counsel they provide to clients navigating complex, high-stakes cross-border disputes.
- **Lenczner Slaght Recognized in Legal 500 Canada for Litigation Excellence** – As Canada's leading litigation firm, we are proud to maintain our Tier 1 ranking in Dispute Resolution in *Legal 500 Canada*.
- **Lenczner Slaght Recognized as Canada's Leading Litigators** – Based on an in-depth peer review process across the legal profession, 26 Lenczner Slaght lawyers are recognized in the 2025 Lexpert Special Edition: Canada's Leading Litigation Lawyers for their exceptional advocacy and extensive courtroom experience.
- **Chambers Canada Highlights Lenczner Slaght's Excellence in Advocacy** – Canada's leading litigation firm continues to be recognized in world-renowned directory, with new rankings highlighting its deep bench of expertise.
- **Lenczner Slaght Litigators Featured Among Best Lawyers in Canada** – The 2026 edition of *Best Lawyers in Canada* recognizes Lenczner Slaght with 180+ rankings, featuring 48 of our expert litigators across 27 practice areas.
- **London, Ont., Hospital Accuses Former CEO of Failing to Act on Evidence of Alleged \$50-Million Contract Fraud** – Matthew Lerner was featured in an article by The Globe and Mail examining a \$50 million

procurement fraud lawsuit filed by the London Health Sciences Centre. In the article, Matthew noted that the allegations in the case are not an isolated issue.

- **2025 Lexpert Directory Highlights Lenczner Slaght's Excellence in Advocacy** – Peers and senior members of the legal profession across the country continue to recognize the depth and breadth of Canada's leading litigation firm in the latest *2025 Canadian Legal Lexpert Directory*.
- **Lenczner Slaght Lawyers Recognized as Canada's Leading Litigators** – Following an in-depth peer review process across the legal profession, 21 Lenczner Slaght lawyers have been recognized in the *2024 Lexpert Special Edition: Canada's Leading Litigation Lawyers* guide for their extensive courtroom experience and subject-matter expertise.
- **Lenczner Slaght Recognized as a Leading Litigation Firm in Legal 500 Canada** – Canada's leading litigation firm has reaffirmed its Tier 1 ranking in Dispute Resolution in *Legal 500 Canada*.
- **Chambers Canada Recognizes Lenczner Slaght's Deep Bench of Expert Litigators** – Canada's leading litigation firm continues to advance their position in the latest edition of the world-renowned directory.
- **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.
- **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 Remains at the Centre of the Lexpert Bull's Eye** – The 2024 Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada recognizes Lenczner Slaght as the #1 firm in Toronto for Litigation and Commercial Litigation for the 23rd consecutive year.
- **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.
- **Lenczner Slaght Stands Out as a Top-Tier Litigation Firm in Legal 500 Canada** – Canada's leading litigation firm is once again recognized as a "litigation powerhouse" according to *Legal 500 Canada*.
- **Chambers Canada Recognizes Lenczner Slaght as a Top-Tier Litigation Firm** – Canada's leading litigation firm and its expert litigators continue to be recognized by world-renowned directory, Chambers & Partners.
- **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’s 22nd Year at the Centre of the Lexpert Bull’s Eye**
 – The 2023 Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada continues to recognize Lenczner Slaght as the #1 firm in Toronto for Litigation and Commercial Litigation.
- **Lenczner Slaght Recognized Among Canada’s Leading Litigation Lawyers** – Following an in-depth peer review process, the 2022 Lexpert Special Edition: Canada’s Leading Litigation Lawyers guide recognizes 15 Lenczner Slaght lawyers for their extensive courtroom experience and subject-matter expertise. We know courts, and courts know and trust us. That is why clients turn to us to solve their most complex legal problems.
- **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 Announces Monique Jilesen Will Succeed Tom Curry as Managing Partner** – Interviewed by Canadian Lawyer, Monique Jilesen speaks more about the direction she intends to lead the firm following her appointment in 2023. Matthew B. Lerner was also mentioned, as he has been appointed to the Management Committee and will join current members, Eli Lederman, and chief operating officer Tracie Crook.
- **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.
- **Court Says Trial Should Decide Whether Surety Bonds Can Be Rescinded Due to False Representation** – Matthew B. Lerner speaks to Law Times about the latest decision in *Urban Mechanical Contracting Ltd v Zurich Insurance Company Ltd*.
- **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’s 21st Year at the Centre of the Lexpert Bull’s Eye** – Lenczner Slaght continues to be recognized as the #1 firm in Toronto for Litigation and Commercial Litigation by the 2022 Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada.
- **Lexpert Recognizes Lenczner Slaght’s Litigation Expertise** – Following an in-depth peer review process, the 2021 Lexpert Special Edition: Canada’s Leading Litigation Lawyers guide recognizes 19 Lenczner Slaght lawyers for their extensive courtroom experience and subject-matter expertise.
- **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”.
- **Federal Judge Hears Arguments in Roberts Bank Battle** – Business in Vancouver provides coverage of Peter Griffin, Matthew B. Lerner, and Chris Yung on their recent appearance before the Federal Court regarding Vancouver Fraser Port Authority and GCT Global Container Terminals Canada Ltd.
- **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.
- **Lexpert Recognizes Lenczner Slaght’s Leading Health Sciences Expertise** – The inaugural issue of Lexpert’s Special Edition on Canada’s Leading Health Sciences Lawyers recognizes 11 Lenczner

Slaght lawyers for their extensive industry experience. The rankings are also published in the June issue of the Globe & Mail's Report on Business.

- **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.
- **The Secret Bondfield Files: Records Outline Alleged Kickbacks Between Former Executives Over St. Michael's Hospital Bid** – In a recent Globe and Mail article, Matthew Lerner and Brian Kolenda are quoted regarding their involvement in litigation between Zurich Insurance and Bondfield and Toronto's St. Michael's Hospital.
- **Lenczner Slaght Achieves 20 Years at the Centre of the Lexpert Bull's-Eye** – The 2021 Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada continues to recognize Lenczner Slaght as the #1 firm in Toronto for Litigation and Commercial Litigation.
- **Lexpert Recognizes Lenczner Slaght Lawyers for Litigation Excellence** – An increasing number of our expert litigators continue to be recognized as the foremost litigators in their fields by peers and senior members of the legal profession.
- **Legal 500 Recognizes Lenczner Slaght's Top-Tier Litigation Expertise** – Canada's leading litigation firm is "recognized across the country as a force in complex disputes" according to Legal 500.
- **Matthew Lerner Named a 2020 Lexpert Rising Star** – This prestigious honour celebrates leading lawyers under the age of 40 who have an outstanding track record of success and have demonstrated exemplary leadership at their firm and in the community. Matthew is a deserving winner.
- **Lawyers producing podcast for more easily accessible CPD training** – Matthew B. Lerner is mentioned in the Law Times article "*Lawyers producing podcast for more easily accessible CPD training*". Matthew is a host of the podcast, LAWPOD.
- **Lexpert Recognizes Lenczner Slaght's Leading Infrastructure Lawyers** – Our expert litigators continue to be recognized as foremost litigators in their fields by peers and senior members of the legal profession.
- **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.
- **Top 10 business decisions of 2019: From bankruptcy to beer** – *The Guarantee Company of North America v Royal Bank of Canada* is named in the Lawyers' Daily's article *Top 10 Business Decisions in Canada for 2019*. Matthew B. Lerner and Scott Rollwagen are mentioned as counsel to the successful appellant, The Guarantee Company of North America. Matt is also quoted in the article.
- **Legal 500 Recognizes Lenczner Slaght as a "Litigation Powerhouse"** –

Legal 500 distinguishes Canada's leading litigation firm for its "deep bench and first-class trial experience."

- **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.
- **The 2019 Lexpert Directory Recognizes Lenczner Slaght with 89 Rankings** – An increasing number of our expert litigators are recognized by their peers as the foremost practitioners in their fields.
- **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.
- **Top 10 and More Deals** – Canada's leading litigation firm is proud to have acted in one of Lexpert's Top 10 Deals of 2018. *Algoma Steel Inc.* was featured in the February issue of Lexpert Magazine as one of the most impactful deals in Canada last year. Lenczner Slaght represented GIP Primus, L.P. and Brightwood Loan Services L.L.C. in connection with the sale of the port assets with a team consisting of Peter Griffin, Monique Jilesen, Scott Rollwagen, and Matthew Lerner.
- **Provincially created trusts deemed valid** – Matthew B. Lerner and Scott Rollwagen were interviewed by Law Times in their featured story on the Court of Appeal's recent landmark decision in *The Guarantee Company of North America v Royal Bank of Canada*. The decision upset the long-standing conventional wisdom among bankruptcy and insolvency practitioners in Ontario about the fate of provincially-created statutory trusts in bankruptcy. Matt and Scott acted for the successful appellant, The Guarantee Company of North America.
- **Lenczner Slaght Litigators Ranked in Best Lawyers in Canada** – Canada's leading litigation firm is proud to announce that 25 of the firm's 58 lawyers have been recognized in the *Best Lawyers in Canada 2019* publication across multiple categories.
- **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.
- **Lexpert Recognizes Lenczner Slaght's Professional Excellence** – An increasing number of the firm's lawyers have been ranked by their peers as leading practitioners in their field.
- **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.
- **Lenczner Slaght is Named a Top-Tier Firm in Legal 500 Rankings** – Along with the firm's Tier 1 ranking in Dispute Resolution with four leading lawyers and one next generation lawyer recognized, Lenczner Slaght is also ranked in Intellectual Property, Labour and Employment, and Competition and Antitrust.
- **Lexpert's Big Suits: Essar Steel Algoma Inc. et al (Re), 2017** – *Essar Steel Algoma Inc. et al (Re), 2017* featured in the 2017 issue of Lexpert/ROB Special Edition: Canada's Leading Litigation Lawyers as

one of the Top 5 Big Suits of 2017. In this particular litigation of significance, Lenczner Slaght's Peter Griffin, Monique Jilesen, and Matthew B. Lerner represented GIP Primus LP and Brightwood Loan Services LLC.

- **Lenczner Slaght Ranked Among the Best** – Almost half of the leading litigation firm's lawyers are recognized in the *Best Lawyers in Canada*.
- **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.
- **Lenczner Slaght Welcomes Four New Partners** – Canada's leading litigation practice promotes four associates.
- **Lenczner Slaght Sponsors Advocacy Competition in Legal Ethics and Professionalism** – Proud Sponsors of Advocacy Competition in Legal Ethics and Professionalism.
- **Matthew B. Lerner, counsel to Maple Leaf Sports & Entertainment, successfully defended against a \$2 million claim by season seat holder** – In a case arising out of a seat reconfiguration at Air Canada Centre for Toronto Raptors basketball games, Justice Beth Allen of the Ontario Superior Court of Justice has found that DLF Solutions Inc. and its principal Mark Michalkoff failed to establish that Maple Leaf Sports & Entertainment breached the plaintiffs' Personal Seat License by reconfiguring several courtside seats prior to the 2007 basketball season. In demonstrating that the plaintiffs' evidence regarding alleged pre-contractual representations was evasive and inconsistent and, by satisfying the Court that Maple Leaf Sports had in no way misrepresented the amenities associated with the plaintiffs' seats, Lenczner Slaght was successful in defeating DLF's claim in its entirety.

PROFESSIONAL ACTIVITIES

- The Advocates' Society
- Ontario Bar Association
- Toronto Lawyers Association
- Canadian Bar Association