

# Matthew G. Swanson

## Partner

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Disputes
Commercial Litigation
Commercial Arbitration
Contract Disputes
Real Estate Disputes & Litigation
Construction Disputes
Franchise Licensing & Distribution
Corporate & Shareholder Disputes

Matthew Swanson is a leading litigation and disputes lawyer in BLG's Vancouver office. He has extensive experience acting for companies and individuals in critical business and personal disputes.

Matthew is known for his strategic approach to challenging cases. He regularly appears as counsel in complex matters and has conducted numerous trials, arbitrations, and appeals. He handles transactional disputes, contract disputes, real estate, and construction disputes, franchise disputes, and matters relating to the breakdown of business relationships, including partnership disputes, shareholder disputes and oppression claims.

Matthew is a frequent author and speaker. He has written and spoken extensively on a broad range of litigation and dispute resolution issues including topics relating to contract law, real estate law, construction law and franchise law.

## Experience

- **Protection of Confidential Information** – **Counsel's Eyes Only Restrictions** — Litigation counsel to the plaintiff (application respondent) in successfully **resisting a broad "counsels' eyes only" confidentiality regime** in a complex dispute involving alleged misuse of confidential information by former employees and a competing business. **The Court rejected the requested blanket restriction**,

holding that the defendants had not established a real and substantial risk of harm to justify excluding the plaintiff from access to key evidence. (2026 BCSC 862).

- **Real estate dispute – Certificates of Pending Litigation.** Litigation counsel to the registered owner of lands in a petition to discharge a certificate of pending litigation. Despite the complexity of the underlying pleadings, which advanced contractual, misrepresentation, and unjust enrichment theories, the Court discharged the certificate of pending litigation because the plaintiff failed to plead a coherent nexus between the claims and the subject property (2026 BCSC 529).
- **Real estate dispute** – **Collapsed transactions**. Litigation counsel to the vendor in a collapsed transaction where the purchaser claimed specific performance, obtaining an order for further discovery because the witness was non-responsive and his conduct was antithetical to the purpose of discovery (2025 BCSC 2179).
- **Real estate dispute – Certificates of Pending Litigation**. Litigation counsel to a defendant in an action by a former business associate who sought and obtained certificates of pending litigation after alleging a conspiracy in respect of several real estate transactions. The certificates of pending litigation were discharged because they were creating hardship and inconvenience (2025 BCSC 2095).
- **Joint venture dispute.** Litigation counsel to a joint venture partner in a claim that involved alleged breach of fiduciary and contractual duties, obtaining an adjournment of the trial on the commencement date due to incomplete disclosure by the opposing parties (2025 BCSC 2273).
- **Construction dispute.** Appellate counsel to a contractor, successfully resisting leave to appeal from an arbitration award, clarifying the interplay between sections 58 and 59 of the Arbitration Act (British Columbia) and the Court of Appeal's jurisdiction (2025 BCCA 166).
- **Construction dispute.** Arbitration counsel to a general contractor in a dispute relating to **non-payment**, successfully advancing a claim to obtain **compensation for services** rendered, and defending against claims for alleged **defects, and deficiencies** (2024).
- **Share purchase dispute.** Arbitration counsel to the purchaser of shares in a **post-closing adjustments** dispute, focussing on the application of generally accepted accounting principles (GAAP) (2024).
- **Real estate dispute - Commercial leasing**. Litigation counsel to landlord in a petition brought by a tenant for **relief from forfeiture** after the lease was terminated, successfully avoiding the reinstatement of the lease (2024 BCSC 2246).
- **Protection of Public Participation Act (PPPA) dispute.** Litigation counsel in defence of an application to dismiss counterclaims, successfully avoiding dismissal while confirming that **the PPPA did not protect against physical acts that lead to expression** (2024 BCSC 570).
- **Partnership dispute.** Litigation counsel to a limited partnership and its general partner in an application seeking and successfully obtaining a **stay of court proceedings** by a limited partner **in favour of arbitration** (2024 BCSC 528).
- **Defamation - Injunction.** Litigation counsel in defence of an application for a **broad sweeping gag order** relating to allegations of past and prospective instances of defamation, seeking and successfully obtaining a **dismissal of the application** and special costs (2023 BCSC 2112).
- **Protection of confidential information- Injunction**. Litigation counsel to the applicant seeking an injunction, successfully obtaining an interlocutory order preventing former employees and a former consultant from using **confidential and proprietary information,** including software code, in circumstances where there is a strong prima facie case of **breach of fiduciary duty** and **civil conspiracy** (2023 BCSC 1187).
- **Asset purchase dispute.** Arbitration counsel to a vendor of mining assets, responding to allegations of **breach of warranty** and allegations of **fraudulent misrepresentation** (2023).
- **Construction dispute.** Litigation counsel to a real estate developer seeking and successfully obtaining an order **dismissing Builders Lien Act claims** by relying on **accrued limitation defences** after the plaintiff was dissolved (2021).

- **Real estate dispute - Collapsed transactions**. Litigation counsel in four actions, involving five applications to have **certificates of pending litigation cancelled** because the underlying pleadings did not claim an interest in land, successfully obtaining cancellation orders, with an order of special costs in three applications (2021 BCSC 1922, 2021 BCSC 2354, 2021 BCSC 2310, *Marharj v. Chou et al*, Action No. S-241757 (unreported) and 2021 BCSC 2580).
- **Partnership dispute.** Litigation counsel to a limited liability partnership and its managing partner, defending against an attempt by an equity partner to **dissolve the partnership** (2020-2021).
- **Construction dispute.** Litigation counsel to a general contractor in a claim relating to the construction of public highways, **successfully avoiding summary judgment while clarifying the law** on what it means for an applicant to put its best foot forward (2019 SKQB 254).
- **Real estate dispute - Collapsed transactions.** Appellate counsel to a real estate developer who succeeded at trail by obtaining declarations contracts were valid and enforceable, successfully obtaining a **dismissal of the appeal** (2018 BCCA 337).
- **Construction dispute.** Appellate counsel to a real estate developer in response to an appeal of a lower court judgment that dismissed the appellant's claims, successfully defending against an application for fresh evidence and obtaining a **dismissal of the appeal** (2017 BCCA 201).
- **Real estate dispute - Collapsed transactions.** Litigation counsel to a real estate developer at a trial about the validity and enforceability of contracts of purchase and sale tied to a land assembly project, successfully obtaining an order in favour of the developer that the **contracts were valid and enforceable** (2017 BCSC 430) and an order for a distinct costs award (2017 BCSC 1137).
- **Construction dispute.** Arbitration counsel to a construction manager, successfully advancing a claim to obtain **compensation for services** rendered, and defending against claims for alleged **defects, deficiencies and backroom deals** (2016); in turn, obtaining a supplementary award for legal costs incurred in the arbitration (2017).
- **Construction dispute.** Litigation counsel to a real estate developer in an application against the plaintiff for **want of prosecution**, successfully obtaining a **dismissal of all claims**, including builders lien claims (2015 BCSC 1928).
- **Franchise dispute**. Counsel to an auto dealer/franchisee in a National Auto Dealer Arbitration Program proceeding in respect of **alleged breaches of the franchise agreement** (2015).
- **Franchise and technology dispute**. Litigation counsel to a franchisor in a **breach of contract** action against a technology supplier, successfully defending against an application for an adjournment on the eve of trial, obtaining an order allowing the case to **proceed to trial without delay** ([2015] BCJ No 1969).
- **Creditors remedies - Execution on land.** Litigation counsel to mortgage lender in an application to **approve the sale of lands** in partial satisfaction of debt**,** successfully obtaining an order for sale without an appraisal, relying on the market to establish value ([2013] BCJ No. 2924).
- **Creditors remedies.** Litigation counsel for creditor at trial successfully enforcing an **indemnity agreement**, including legal fees (2012 BCSC 1283).
- **Joint venture dispute**. Litigation counsel to a real estate brokerage, successfully extricating the brokerage from a joint venture dispute between one of its realtors and others (2012 BCSC 997).
- **Creditors remedies.** Litigation counsel for creditor at summary trial, successfully enforcing an **indemnity agreement**, including legal fees (2011 BCSC 1825).
- **Real estate dispute**. Litigation counsel to vendor in defence of a summary trial for damages due to the state of property at closing, successfully relying on the **"as-is-where-is"** clause (2011 BCSC 1061).
- **Trust dispute.** Litigation counsel to financial institution at trial relating to competing claims over funds in a bank account and the application of trust principles (2011 BCSC 856).
- **Real estate dispute - Commercial leasing - Injunction.** Litigation counsel in an application for an injunction, successfully obtaining an order **restraining the landlord from interfering** with various parking rights (2010 BCSC 1371).

## Insights & Events

- Author, "Just and equitable liquidation and dissolution: a remedy for shareholder disputes", BLG Article, October 2026
- Author, ""“Time is of the essence” in contracts: What the SCC may decide in Cold Ocean Salmon", BLG Article, October 2026
- Author, "CPL cancellation in B.C.: Court of Appeal clarifies protective actions and abuse of process", BLG Article, September 2026
- Author, "B.C. presale contracts declared unenforceable due to REDMA disclosure failures", BLG Article, September 2026
- Author, "Ontario Court of Appeal allows social media defamation claim to proceed and awards costs against anti-SLAPP applicant", BLG Article, August 2026
- Author, "Prompt payment in British Columbia construction: Deadlines, disputes and adjudication", BLG Article, August 2026
- Author, "ONCA weakens entire agreement clauses in contract interpretation", BLG Article, April 2026
- Author, "Rent, repudiation, and re-leasing: The February 18 SCC hearing that could shift Canadian leasing leverage", BLG Article, February 2026
- Author, "Beyond damages: When specific performance prevails in British Columbia real estate litigation", BLG Article, January 2026
- Author, "When dense makes sense: BCSC cancels obsolete building scheme to clear way for townhouses", BLG Article, January 2026
- Author, "Real estate purchaser protections upheld: B.C. Court of Appeal confirms that a purchaser’s lien survives despite an alternative claim for rescission", BLG Article, July 2025
- Speaker, “Protest Response & Injunctive Relief,” BLG Client Presentation, July 2025
- Author, "Will the Supreme Court of Canada impose a duty to mitigate on commercial landlords?", BLG Article, July 2025
- Author, "No signature, no sale: The emoji that couldn’t seal the deal", BLG Article, May 2025
- Speaker, “Rent Distress Done Right,” CLE BC’s Commercial Leasing 2025 Seminar, May 2025
- Author, "Broken beyond repair: Court declines to grant relief from forfeiture due to tenant’s poor conduct", BLG Article, February 2025
- Author, "Diving deeper into the PPPA: Reynolds v Deep Water Recovery Ltd.", BLG Article, February 2025
- Author, "A primer on the oppression remedy", BLG Article, December 2024
- Co-Chair, CLE BC's Creditors Remedies Seminar, June 2023 (and February 2021)
- Moderator, "A View From the Bench, How to Run a Summary Trail," CLE BC's Creditor's Remedies Seminar, June 2023 (and February 2021)
- Speaker “Problems Encountered by Landlords: Non-Payment of Rent," CLE BC's Commercial Leasing 2023 Seminar, May 2023
- Panelist, "Putting Commercial Leasing Concepts into Practice," CLE BC's Commercial Leasing 2023 Seminar, May 2023
- Co-author, "Franchise Law," Annual Review of Law & Practice, CLEBC, March 2023 (and since 2016)
- Presenter, "Collapsed Real Estate Transactions," CBABC Real Estate Subsection Meeting, December 1, 2022
- Legal and Legislative Update, BLG Franchise Seminar, November 23, 2022

# Beyond Our Walls

## Professional Involvement

- Member, Law Society of British Columbia
- Member, Law Society of Saskatchewan (non-practicing)
- Member, The Advocates' Society
- Member, American Bar Association

## Community Involvement

- Member, Leader's Council, VGH-UBC Hospital Foundation, 2022-present
- Member, Vitality Gala Committee, VGH-UBC Hospital Foundation, 2022-present
- Director, Kids Up Front - Vancouver Club, 2024-present
- Member, Governance Committee, Vancouver Club, 2024-present
- Co-Chair, Finance Committee, Vancouver Club, 2022-2024
- Chair, Discipline Committee, Vancouver Club, 2022-2024
- Past supervising lawyer, Pro Bono Students Canada ID Project, Powell Street Getaway Resource Centre
- Past member, BLG United Way campaign
- Past mentor, Canadian Bar Association

# Awards & Recognition

- Recognized in the 2027 (and since 2022) edition of *The Best Lawyers in Canada* (Franchise Law)
- Recognized as the 2026 & 2023 'Lawyer of the Year' in Vancouver by *The Best Lawyers in Canada* (Franchise Law)
- Recognized in the 2026 edition (and since 2022) of *Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a "Litigation Star" in British Columbia.
- Recognized in the 2021 (and since 2018) edition of *Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a "Future Star" in Litigation in British Columbia.
- Recognized in the 2019 and 2018 editions of *Benchmark Litigation — 40 & Under Hot List, Canada*, as a top litigation lawyer in Canada aged 40 or younger.
- Recognized in the 2019 Edition of *The Canadian Legal Lexpert Directory* as a Leading Lawyer to Watch (Litigation - Corporate and Commercial).
- Recognized in 2021 (and since 2017) as a Thomson Reuters Standout Lawyer (formerly known as Acritas Star Lawyers)

# Bar Admission & Education

- British Columbia, 2008
- Saskatchewan, 2019

- LLB, University of British Columbia, 2007
- BA (Dist., Philosophy), University of Regina, 2003

## BLG | Canada’s Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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