

Bevan Brooksbank

Partner and National Co-Leader, Corporate and Shareholder Disputes Group

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Contract Disputes
Commercial Arbitration
Securities Disputes
Class Action Defence
Automotive
Commercial Litigation
Corporate & Shareholder Disputes

Bevan maintains a broad commercial litigation practice, providing time-sensitive effective advocacy and advice to clients. He possesses particular expertise in the Canadian automotive sector. In addition, he also represents clients in regards to complex shareholder and contractual disputes, oppression remedy litigation and franchise disputes.

Bevan acts for companies, receivers and court officers with respect to insolvency litigation on the Commercial List. He also possesses extensive experience and familiarity with respect to urgent injunctive relief, such as interlocutory injunctions, preservation, *Mareva* and *Anton Piller* Orders.

Bevan advises and advocates on behalf of clients involved in cross-border and complex commercial disputes. This rests on his substantial experience acting as counsel on applications to enforce or set aside arbitral awards, enforce foreign judgments, address letters rogatory, and contest multinational claims on the basis of jurisdiction

He frequently appears before the Commercial List of the Superior Court in Toronto on motions, applications and trials, and has otherwise appeared before all levels of courts in Ontario. Bevan also acts for clients in the context of commercial arbitrations.

From 2014-15, Bevan was seconded to Volkswagen Group Canada. He reported to the general counsel and advised on product liability, dealer advisory and commercial matters.

Experience

- **Commercial Disputes**
  - Successfully acted on behalf of a minority shareholder in a closely held company to obtain a buy-out remedy, and contested valuation date motion, in an oppression application on the Commercial List (*Byrne v. Pahmer*, 2025 ONSC 7177 (Commercial List) per Justice Black)
  - Successfully challenged jurisdiction over a claim on personal guarantees of non-resident directors and officers of an insolvent foreign entity (*Grand HVAC v. Dupuis et al*, 2025 ONSC 3866)
  - Acting on a confidential arbitration matter in connection with disputes over a large family trust and closely held company
  - Acted for a Singapore company to obtain the dismissal of an Ontario claim on the basis of jurisdiction, and subsequent appeal (*Abaxx Technologies v. Pasig & Hudson Private Limited*, 2024 ONCA 164)
  - Acted on behalf of a financial institution to enforce a contractual audit right (*Peoples Trust Company v. PSP Services*, 2024 ONSC 2616), and successfully pursued contempt proceedings for breaches of court orders (2025 ONSC 197) and appointment of an investigative receiver (2025 ONSC 2627) and subsequent appeal 2026 ONCA 229.
  - Obtained the dismissal of an oppression remedy application, with substantial indemnity costs (see *Fiorini v. Malanca et al,* 2024 ONSC 1653)
  - Acted successfully in enforcing a foreign judgment in Ontario, and defeating defences of natural justice and public policy (see *Agrest v. Pekker*, 2023 ONCA 616, leave to SCC denied)
  - Acted successfully for a minority shareholder on appeal on an oppression remedy application (*Bernier v. Kinzinger*, 2023 ONSC 5538 (Div Ct)
  - Acted for a global gold mining company at trial on a contractual dispute (*Kinross Gold Corporation v. Cyanco Company LLC*, 2023 ONSC 4058 (Commercial List)
  - Defeated a motion to impose a certificate of pending litigation over a disputed property, in the context of an action over the existence of a partnership (*HK United Construction v. Malanca et al*, 2022 ONSC 6783 (Commercial List)
- **Insolvency/Reorganizations**
  - Successfully acted for a trading broker in opposing an appeal of a creditor claim disallowance in a receivership, where a novel shareholder duty of care was rejected by the Court (*Ontario Securities Commission v. Traynor Ridge Capital Inc*. et al, 2026 ONSC 3179 (Commercial List)
  - Acted for a George Brown College affiliate in CBCA plan of arrangement proceedings (*In re Corus Entertainment Inc.*, 2026 ONSC 1852 (Commercial List)
  - Acted for a U.S. satellite company in CBCA plan of arrangement proceedings (*In re Xplore Inc.,* 2024 ONSC 4593 and 2024 ONSC 5250 (Commercial List)
  - Acted successfully on behalf of Deloitte Restructuring, as sales officer, in setting aside a purported lease termination in the context of a sales process (*RBC v. Oxford Medical Imaging*, 2019 ONSC 1020 (Commercial List)
  - Acted on behalf of a foreign investment trust and limited partnership concerning a motion to appoint a receiver over a winding up process
- **Injunctions**
  - Obtained *Mareva* and Norwich injunctions for a public sector entity in connection with an alleged employee fraud (*Peel Region v. Dualeh et al*, 2025 ONSC 7364 (Commercial List) and subsequent dismissal of a variation motion (2025 ONSC 4389 (Commercial List)
  - Obtained an *ex parte* preservation order over a specific fund (Rule 45.02) in connection with the repudiation of a service agreement
  - Acted as Court -appointed Independent Supervising Solicitor on an *Anton Piller* injunction

- Acted on behalf of a major automotive manufacturer to contest and pursue an injunction over labour blockades of its manufacturing facility, and on behalf of a U.S. Fortune 500 online sales company to obtain an injunctive Order to return propriety and sensitive materials held by a departing executive
- Act for clients in seeking interlocutory, *Mareva, Norwich* and *Anton Piller* injunctions in the banking, construction, franchise, healthcare and telecommunications industries (see for example *Bell Canada v. Cogeco Cable Canada*, 2016 ONSC 6044).

Insights & Events

- Presenter, “Cross-Border Contract Enforcement in a Fragmented World,” IADC Annual Conference, Prague, July 7, 2026
- Author, "Limitation periods apply to corporate disclosure requests: The Lagana case", BLG Article, November 2025
- Author, "The oppression remedy in Ontario: Basic principles", BLG Article, October 2025
- Author, "Dealer termination case reinforces fair dealing obligations under franchise legislation", BLG Article, October 2025
- Speaker, “Weak Links in the Chain: Litigating Supply Chain Disputes,” BLG Automotive Industry Seminar, June 2025
- Author, "Zoom hearings: Just one consideration when assessing jurisdiction", BLG Article, April 2023
- Author, "Ontario Court of Appeal rules on arbitrator’s power to grant summary judgment motion under Arbitration Act", BLG Article, March 2023
- Continued disruption to the auto dealer retail model, BLG Perspective, April 2021
- Author, "Where to Draw the Line on Pre-Certification Discovery: Karasik v. Yahoo", BLG Article, October 2019
- Author, “Summary Judgement on Six-Packs: Hughes v. LCBO,” BLG Publications, June 2019
- Author, "Bennett v. Hydro One: The Divisional Court Cuts the Power to a Systemic Negligence Class Action", BLG Article, February 2019
- Author, "When is a Promissory Note a Security and Not a Loan?", BLG Article, November 2018
- Speaker, “Update on Arbitral Jurisdiction”, ADR Institute of Canada Annual National Conference, October, 2018
- Author, ""Technically and Substantively Unfair": The Case against Case Splitting in Secondary Market Class Actions", BLG Article, September 2018
- Author, "Certainty trumps Equity: the continuing saga of Yaiguaje v. Chevron Corporation", BLG Article, June 2018
- Author, "International Insurance and Uber Drivers: The Ontario Courts Reinforce the Competence Principle", BLG Article, March 2018
- Author, "Wind-downs, Retainers And Releases: The Ontario Court Of Appeal Decision In Trillium Motor World", BLG Article, July 2017
- Speaker, “Dealer Relations and Litigation Update”, BLG Automotive Industry Seminar, June 2017
- Speaker, "NADAP and Industry Arbitrations," ADR Institute of Canada Annual National Conference, October 13, 2016
- Author, "Less is Not Always More: The Court of Appeal Addresses a Consortium Carriage Fight", BLG Article, July 2016
- Author, "Contribution and Causation: The IPEX Case", BLG Article, June 2016
- Speaker, "Dealer Litigation Update: Parent Liability, Disclosure and NADAP," BLG Automotive Industry Seminar, June 8, 2016

- Author, "Court of Appeal Provides Guidance on Common Issues and Franchisors' Duty of Good Faith", BLG Article, January 2016
- Author, "An Unassailable Right to Speak: Class Communications, Opt-out Rights, and the Class Proceedings Act," The Canadian Class Action Review, Irwin Law
- Author, "An Unconscionable Thing for One to Do Towards the Other: The Doctrine of Fraudulent Concealment," The Canadian Bar Review

Beyond our Walls

Professional Involvement

- Member, Canadian Bar Association
- Member, Ontario Bar Association (past executive committee member, Class Actions section)
- Member, The Advocates' Society
- Member, Osgoode Society for Canadian Legal History
- Member, IADC (International Association of Defence Counsel), Business Litigation and International Committees

Community Involvement

- Board of Directors (Governance Committee), Tafelmusik Baroque Orchestra
- Board of Directors, Osgoode Society

Bar Admission & Education

- Ontario, 2009

- LLB, Osgoode Hall Law School, 2008
- BA (Hons.), Queen's University, 2005

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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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