

Robert J.C. Deane KC

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Disputes
Commercial Arbitration
International Arbitration
Contract Disputes
Appellate Advocacy
Energy Disputes
Investor - State Dispute Settlement
Construction Disputes

Rob is a partner with Borden Ladner Gervais LLP, based in Vancouver, Canada, and is the National Leader of the Firm's Arbitration Group. He is also an elected member of the Firm’s Partnership Board (2013-2020, and 2022-present).

Rob is recognized nationally and internationally as a leading counsel in commercial litigation, as well as a leading counsel and arbitrator in international and domestic commercial arbitration.

As litigation counsel, Rob has litigated complex cases throughout Canada and at all levels of Court, including to the Supreme Court of Canada, in diverse areas including contractual disputes; arbitration-related litigation including appeals, set-aside applications and enforcement applications; mining disputes; construction and infrastructure disputes; shareholder disputes; life sciences and other intellectual property disputes; consumer class actions; sponsorship and advertising disputes; securities regulation; information and privacy law; and administrative law.

As arbitration counsel, Rob has appeared in significant arbitration proceedings in North America, Asia and Europe, under almost all major institutional sets of rules, in a wide array of industry sectors including construction and infrastructure, manufacturing, aerospace, technology, distribution, pharmaceuticals, energy (including geothermal and oil & gas), and mining as well as investor-State disputes.

As arbitrator, Rob has either chaired or been sole arbitrator in international and domestic proceedings involving parties throughout the world engaged in disputes arising in, among others, the infrastructure, energy, real estate development, distribution, intellectual property licensing and natural resource sectors.

After graduating from the Faculty of Law at the University of Victoria as the Law Society of British Columbia Gold Medalist in 1998, Rob served as a Law Clerk to the Honourable Madam Justice Beverley McLachlin of the Supreme Court of Canada (formerly the Rt. Honourable Beverley McLachlin, P.C., Chief Justice of Canada) in 1998-1999. Rob has been appointed King's Counsel (2025).

Experience

- **Litigation Matters**
    - Rob is a leading litigation counsel in British Columbia, and across Canada. A few of the many cases on which he has been counsel include the following:
        - *Morabito v. British Columbia (Securities Commission)* – counsel to the successful appellant in an appeal arising from an alleged abuse of process, with the Court of Appeal finding that the Commission had acted unfairly, and remitting the appellant's allegations of serious state misconduct to a differently-constituted panel.
        - *Trigon Pacific Terminals Limited v. Prince Rupert Port Authority* – counsel to the plaintiff in a dispute with a port authority regarding the grant of exclusivity to a third party in connection with the handling of bulk liquids.
        - *Pirani v. Pirani* – counsel to the successful appellants in an appeal from a judgment holding them liable for breach of trust in the administration and reorganization of a series of family trusts, created in connection with a significant family hotel and resort business. ***Selected as a "National Impact Case of the Year" by Benchmark Canada***.
        - *7779615 British Columbia Inc. v. British Columbia Hydro and Power Authority* – counsel to the defendant in a claim relating to a call for power, and the proposed development of a wind power project.
        - *Morabito v. British Columbia (Securities Commission)* – counsel to the appellant in a case establishing the burden of proof on a party seeking to set aside an investigation order under the *Securities Act*.
        - *Bollhorn v. Lakehouse Custom Homes Ltd.* – counsel to the Vancouver International Arbitration Centre, as intervener, in an appeal raising issues concerning VanIAC's *Expedited Arbitration Rules*.
        - *Surespan Structures Ltd. v. Lloyds Underwriters* – counsel to a successful contractor in obtaining a declaration that no policy limit applied to mitigation of loss coverage in a professional liability policy, in the context of a major public infrastructure project.
        - *Clemina Hydro Power Limited Partnership v. British Columbia Hydro and Power Authority* – counsel to the successful respondent on an application for leave to appeal from an arbitration award issued by the Honourable Ian Binnie, concerning the development of two hydroelectricity projects.
        - *Appleton & Associates v. Branch MacMaster LLP* – counsel to a successful party in a challenge to an arbitrator's costs award, in a case clarifying the Court's role where arbitral error has been established.
        - *South Coast British Columbia Transportation Authority formerly known as Greater Vancouver Transportation Authority dba TransLink, et al. v. BMT Fleet Technology Ltd., et al.* – counsel to a successful party in a jurisdictional challenge arising in a commercial arbitration arising from a major public transportation project.

- *Fortinet Technologies (Canada) ULC v. Bell Canada* – counsel to the successful appellant in parallel litigation to a commercial arbitration in the telecommunications infrastructure sector.
- *Centura Building Systems (2013) Ltd. v. 601 Main Partnership* – counsel to the successful appellant in a significant case concerning the law of builders' liens.
- *Re Hecla Mining Company* – counsel to the successful target in the first contested takeover bid proceedings heard jointly by the British Columbia Securities Commission and the Ontario Securities Commission.
- *Acuitas Therapeutics Inc. v. Arbutus Biopharma Corporation* – counsel to a successful applicant for an interlocutory injunction in a patent licensing dispute.
- *Nordural Helguvik ehf v. Alterra Power Corp.* – counsel in a contract dispute related to an international arbitration concerning the development of a geothermal power plant and an aluminum smelter.
- *Powerex Corp. v. Alcan Inc.* – counsel to a party to proceedings arising from an international arbitration award in the energy sector.
- *Wires Jolley LLP v. Wong* – counsel to the successful petitioner for enforcement of an international arbitration award in the professional services sector.

- **Arbitration and Arbitration-Related Litigation**
  - Rob's arbitration practice has provided him with the opportunity to work with most major sets of institutional rules in the world, including the LCIA Rules, the ICSID (Additional Facility) Rules, the ICC Arbitration Rules, the UNCITRAL Arbitration Rules, the Arbitration Rules of the Hong Kong International Arbitration Centre, the American Arbitration Association's International Arbitration Rules (ICDR), the Arbitration Rules of the Arbitration Institute of the Stockholm Chamber of Commerce, the Domestic and International Arbitration Rules of the Vancouver International Arbitration Centre, and the National Arbitration Rules of the ADR Institute of Canada, among others.
  - Rob has also represented the United Mexican States in *NAFTA* Chapter Eleven arbitral proceedings and related court proceedings before the Supreme Court of British Columbia, the Ontario Superior Court of Justice, the Court of Appeal for Ontario and the Supreme Court of Canada (*Metalclad Corp. v. United Mexican States; Feldman v. United Mexican States; Bayview Irrigation District v. United Mexican States; Corn Products International Inc. v. United Mexican States; Cargill Inc. v. United Mexican States, B-Mex v. United Mexican States*).
  - Rob also appeared for the United Mexican States in *Waste Management Inc. v. United Mexican States*, and has provided advice on numerous other *NAFTA* Chapter Eleven and other investment treaty arbitral proceedings.
  - Recent cases include:
    - Counsel to an investment bank and its principals relating to a joint venture (ADRIC)
    - Counsel to a public body concerning a software licensing dispute (VanIAC)
    - Counsel to an information technology company in a dispute with a public body (*ad hoc*)
    - Counsel to a property developer in a dispute relating to the fair market value of commercial density (*ad hoc*)
    - Counsel to a private equity firm in a dispute relating to an investment in wearable technology (ICDR)
    - Counsel to a commercial sponsor in a dispute with a professional sports team (*ad hoc*)
    - Counsel to a Canadian technology company in a dispute with an Asian mobile phone supplier (HKICAC)
    - Counsel to an Icelandic power producer in a series of disputes with an American-owned Icelandic aluminum smelter operator (SCC)
    - Counsel to a resource company in a joint venture dispute arising in relation to a major mine in an Asian state (UNCITRAL)

- Counsel to a major real estate development company in a dispute relating to the assignment of density in respect of a significant office tower project (VanIAC)
- Counsel to a Provincial Crown Corporation in a series of disputes relating to the effect of *force majeure* provisions in multiple power purchase agreements (VanIAC)
- Counsel to a Canadian biopharmaceutical developer in a royalty dispute (VanIAC)
- Counsel to a Provincial health authority in a dispute relating to the supply of personal protective equipment in the context of the COVID-19 pandemic (VanIAC)
- Counsel to a Provincial Crown Corporation in a series of disputes relating to a major infrastructure project (VanIAC)
- Counsel to a law firm in a dispute among the members of a counsel consortium (ICDR Canada)
- Counsel to a Canadian metal refining company in an investor-State dispute with an Asian state (UNCITRAL)
- Counsel to a Provincial Crown Corporation in a dispute with a sports team relating to sponsorship rights (VanIAC)
- Counsel to a Canadian airline in a dispute with its former CEO (VanIAC)
- Counsel to one of the parties in the dissolution of a law firm partnership (VanIAC)
- Counsel to a Canadian biopharmaceutical developer in a dispute with a Canadian licensor (VanIAC)
- Counsel to a Canadian partner in a dispute with an American partnership relating to a large casino project (VanIAC)
- Counsel to a United States supplier of large aircraft landing gear systems in a dispute with a Canadian sub-supplier (ICC)
- Counsel to a Canadian pharmaceutical company in a dispute with a South Korean company arising out of a license and revenue sharing contract (ICC)
- Counsel to a Canadian software development company in a dispute with American licensees arising out of a license and development contract (VanIAC)
- Counsel to a British Columbia energy utility in a series of disputes with contractors in relation to a major infrastructure project (VanIAC)
- Counsel to a British Columbia energy utility in a dispute with a major forestry company under a clean energy purchase agreement (VanIAC)
- Counsel to a major North American forestry company in a series of arbitrations relating to a revenue-sharing agreement with its primary forestry services-provider (VanIAC)
- Counsel to a Canadian heavy equipment supplier in in a dispute with a Texas distributor (ICDR)
- Counsel to a major British Columbia insurer in a series of disputes with brokers (VanIAC)
- Counsel to a Canadian-based electricity utility in a dispute concerning liability for and quantification of a termination payment under a long term power purchase and sale agreement consequent upon the Enron bankruptcies (AAA)
- Counsel for an Alberta energy utility in a dispute concerning representations and warranties given by the vendors of two run-of-river power plants in British Columbia (ADRIC)

o Rob is also regularly appointed to act as arbitrator. Recent cases include:

- Sole arbitrator of a dispute concerning a distribution agreement (VanIAC)
- Sole arbitrator of two disputes in the natural gas extraction and processing industry (*ad hoc*)
- Member of a three-member tribunal hearing the first contested person-to-Government proceeding under the *Canadian Free Trade Agreement*

- Sole arbitrator of a dispute between developers of clean energy commercial mobility technology (VanIAC)
- Sole arbitrator of a dispute arising from the sale and purchase of a South American mine (VanIAC)
- Sole arbitrator of a dispute arising from the purchase and sale of an agrifoods company (VanIAC)
- Sole arbitrator of a dispute arising from the alleged failure of certain pulp mill technology (VanIAC)
- President of a tribunal hearing a dispute relating to development and distribution rights in the entertainment sector (VanIAC)
- Sole arbitrator of a dispute arising in the commercial real estate development sector (VanIAC)
- Sole arbitrator of a dispute arising from a mining transaction between a Canadian company and an Australian company (VanIAC)
- President of a tribunal hearing a dispute arising in connection with a purchase and sale transaction in the energy sector (ADRIC)
- Sole arbitrator of a dispute arising from a shotgun clause in a shareholders agreement in the private education institutional sector (VanIAC)
- Sole arbitrator in a dispute arising from a joint development agreement in the real estate sector (VanIAC)
- Sole arbitrator of a dispute arising under a share purchase agreement in the military and law enforcement supply sector (*ad hoc*)
- Sole arbitrator of a dispute arising from a purchase and sale agreement in the clean energy sector (VanIAC)
- Sole arbitrator of a dispute in the real estate development sector (VanIAC)
- Sole arbitrator of a dispute between Australian and American parties regarding a patent assignment agreement (ICC)
- President of a tribunal hearing a dispute among Irish, French, and American parties arising in the pharmaceutical distribution industry (ICC)
- Sole arbitrator hearing a dispute between the seller and purchaser of an oil services business, in relation to a working capital adjustment (CAA)

Insights & Events

- Co-Author, "Canada: Rulings demonstrate judicial deference to arbitration," Global Arbitration Review, July 2025
- Author, "Court of Appeal finds the British Columbia Securities Commission treated the appellants unfairly: No sheltering behind deference", BLG Article, November 2024
- Co-Author, "Canada: Rulings demonstrate judicial deference to arbitration," Global Arbitration Review, July 2024
- Co-author, "The Arbitration Review of the Americas", Global Arbitration Review (GAR), November 2023
- Quoted, "B.C. court grants leave to appeal dismissal of abuse of process stay application," Law360 Canada, October 2023
- Co-author, "The Arbitration Review of the Americas," Global Arbitration Review (GAR), 2021
- Author, "International Chamber of Commerce to update Rules of Arbitration in January 2021", BLG Article, October 2020
- Author, "The Arbitration Review of the Americas 2021 - Canada Chapter", BLG Article, October 2020
- Author, "B.C.'s New Arbitration Legislation comes into force", BLG Article, September 2020

- Author, "Uber v. Heller: Supreme Court applies the law of unconscionability to arbitration agreements and identifies a new role for the Court", BLG Article, June 2020
- Panelist, "ICDR and ICDR Hosting WCCAS's 2020 Canadian Arbitration Case Law Update," *BIICL*, May 2020.
- Author, "Objections for Relevance" and "Parliamentary Privilege" in C. Marseille and J. McArthur (eds), *The Law of Objections in Canada: A Handbook*, (Toronto: LexisNexis, 2019).
- Panelist, “The New International Arbitration Act: Has Anything Changed One Year Later?” *2019 ADRBC Symposium* – Vancouver, British Columbia, June 2019
- Panelist, “Efficient Procedures in International Arbitration”, *Judge Judith O. Hollinger ADR Program, Fourth Annual Symposium: Best Practices in International Arbitration,* University of Southern California, JAMS Arbitration Institute – Los Angeles, California, March 2019
- Co-Author, “The Arbitration Review of the Americas”, *Global Arbitration Review (GAR),* 2015-present
- Co-Author, "Canada Chapter," Global Arbitration Review (GAR) *Investment Treaty Arbitration Know-How,* November 2012-present.
- Panelist, “BITs in the Background”, *Rocky Mountain Mineral Law Foundation – International Mining and Oil & Gas Law, Development and Investment Conference* – Quito, Ecuador, April 2017
- Faculty, *Singapore International Arbitration Academy,* National University of Singapore – Centre for International Law, November 2015; Singapore
- Panelist, “Practical Issues Relating to Costs and Interest in International Arbitration”, *Dublin International Arbitration Day*, November 2015 – Dublin, Ireland
- Investment Arbitration Section Editor, *IBA Arbitration News,* International Bar Association - Investment Arbitration Section/Committee, 2011-present
- Co-Author, “Foreign Investment Protection Under Investment Treaties: Recent Developments Under Chapter 11 of the North American Free Trade Agreement”, *ICSID Review: Foreign Investment Law Journal,* 16:1 299 (with Patrick G. Foy, QC)
- Author, “Varying the Plaintiff’s Burden: An Efficient Approach to Interlocutory Injunctions to Preserve Future Money Judgments”, (1999), 49 *University of Toronto Law Journal* 1

Beyond Our Walls

Professional Involvement

- Member, Law Society Tribunal
- Member, Attorney General’s Advisory Committee on Commercial Arbitration
- Director, The Advocates’ Society, and a Member of the British Columbia Regional Advisory Committee (and former chair of the Advocacy, Justice Reform & Diversity Sub-Committee), Court Data Task Force, Modes of Hearing Task Force
- Member, Roster of Advocacy Advisors, Supreme Court Advocacy Institute
- Member, Western Canada Commercial Arbitration Society
- Member, International Arbitration Committee of the Canadian Chamber of Commerce
- Member, Advisory Board, ADRIC Rules Modernization Project
- Member, Advisory Board, International Centre for Dispute Resolution (Canada)
- Member, Canada Advisory Board, Centre for Conflict Resolution and Prevention
- Member, Advisory Board, Institute for Transnational Arbitration
- Faculty Member, CLEBC Winning Advocacy Skills Course
- Most Prolific Volunteers, CLEBC (1996-2016)
- Editor (Investment Arbitration Section), IBA Arbitration News (International Bar Association – Arbitration Committee)

- Co-Chair, Working Group on Best Practices for Electronic Document Discovery and Production in Canada (Sedona Canada) (2010-2014); Member of Steering Committee and Editorial Board, Sedona Canada, 2005-2010
- Roster Member – BC Bid Protest Mechanism, New West Partnership Trade Agreement, and the Canadian Free Trade Agreement
- Roster Member of multiple arbitral institutions including the Vancouver International Arbitration Centre
- International speaking engagements: invited to speak at seminars and conferences around the world, including National University of Singapore, Ireland, and the U.S.
- Extensive publications, presentations and faculty service concerning arbitration, electronic discovery, litigation practice, intellectual property, privacy, and competition law

Community Involvement

- Chair, Cystic Fibrosis Canada (2026 to present); Vice-Chair, Cystic Fibrosis Canada (and Chair, Governance Committee), 2019 to 2026; and President, Cystic Fibrosis Canada, Vancouver Chapter (2013-2019)

Bar Admission & Education

- British Columbia, 2000

- LLB, University of Victoria, 1998, (Law Society of BC Gold Medallist)
- BA, Simon Fraser University, 1995

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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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