Construction Excedra Inc. v. Kingdom of Saudi Arabia as represented by the Cultural Bureau of the Royal Embassy of Saudi Arabia

The case deals with the unique issues which need to be considered when a contractor performs work for foreign governments in Canada.

John Melia acted for the Kingdom of Saudi Arabia, as represented by the Cultural Bureau of the Royal Embassy of Saudi Arabia. The Plaintiff contractor registered a claim for lien on title to the Saudi Embassy in Ottawa. The issue to be decided was whether or not the claim for lien registered by the Plaintiff attached to the subject property. John Melia successfully argued that the property was immune from attachment on the basis that the Embassy was subject to the Vienna Convention on Diplomatic Relations and, as a result, is immune from attachment of a lien.

The Department of Foreign Affairs (the “DFA”) issued a Note regarding the diplomatic status of the Embassy in 2005. The parties entered into a contract for the construction of a cultural centre on the subject lands in 2010. The Plaintiff registered its claim for lien on the subject Property in 2013. The DFA subsequently issued certain certificates regarding the diplomatic status of the Embassy in 2015 and 2016. Although the Plaintiff argued that these certificates did not constitute retrospective evidence of the diplomatic status of the Embassy, the Court disagreed. The Court found that the certificates were to be read together with the Note issued in 2005 and that they provided conclusive evidence of the status of the Embassy. As a result of the Court’s finding that diplomatic immunity did apply, it followed that the claim for lien of the Plaintiff did not attach to the Embassy lands and the Plaintiff’s lien was ordered to be discharged.

For more information, please contact:

Kate Gifford
Borden Ladner Gervais LLP
KGifford@blg.com
416.350.6540

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.

blg.com

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.