Garrett Finegan

Partner

T 403.232.9445
F 403.266.1395
Calgary
GFinegan@blg.com
LinkedIn

Disputes
Contract Disputes
Energy Disputes
Energy - Oil & Gas
Insurance Claim Defence
Administrative and Public Law
Construction Disputes

Garrett maintains a general litigation practice, with extensive experience in energy and oil & gas disputes, expropriation matters, construction disputes, shareholder and corporate governance disputes, insolvency disputes and general contractual and tort disputes.

In the area of energy and oil & gas, Garrett's experience includes disputes related to:

- The interpretation and implementation of purchase and sale agreements, project development agreements, joint venture/operating agreements, and construction, ownership & operatorship agreements;
- Environmental indemnities and liabilities;
- Freehold leases, including lease termination and top lease disputes;
- Operatorship of jointly owned assets;
- Assignment, novation, rights of first refusal and consents;
- Production and royalty accounting; and
- Abandonment and reclamation obligations.

In the area of expropriation, Garrett's experience includes:

- Pre-expropriation negotiations with expropriating authorities to avoid expropriations and/or minimize their impact;

- Maximizing compensation and protecting owner's rights in proceedings before the Land and Property Rights Tribunal, including for takings of commercial property, developer-owned vacant land, residential homes, apartment complexes, and agricultural land;
- Disputes regarding whether the government's use of regulatory powers has unreasonably impaired a landowner's use and enjoyment of property, giving rise to compensation for "de facto" or "constructive" expropriation; and
- Recovering owner's legal and expert costs arising from expropriations.

In the area of construction, Garrett's experience includes disputes related to:

- Cost overruns, delays and construction deficiencies in relation to major infrastructure projects, and commercial and residential developments;
- Professional negligence claims against builders, engineers and architects;
- Stormwater management, and water treatment and wastewater systems; and
- Building envelope failures and other latent defects.

In the area of shareholder disputes and corporate governance, Garrett's experience includes disputes related to:

- Oppression and derivative actions;
- Plans of arrangement;
- Convertible debenture rights;
- The interpretation and implementation of unanimous shareholder's agreements;
- Contested shareholders' meetings; and
- Director and officer liability.

In the area of bankruptcy and insolvency, Garrett's experience includes:

- Disputes related to priority over the assets of an insolvent person or entity;
- Disputes related to environmental liabilities in insolvency;
- Disputes related to fraudulent preferences and conveyances; and
- Advising trustees, receivers and monitors regarding sales processes, liquidations and restructurings.

Garrett also has broad experience assisting clients with varied commercial disputes related to breaches of contracts, including franchise agreements, and in relation to negligence and nuisance claims.

Garrett has represented clients in proceedings before all levels of court in Alberta, and before the Land and Property Rights Tribunal.

Garrett summered and articled with BLG.

Experience

- Successfully argued before Inquiry Officer that City of Calgary's proposed expropriations of two different condominium properties (Lewis Lofts and River Run Townhomes) were not fair sound and reasonably necessary (summer 2023).
- *Orphan Well Association v Trident Energy Corp*, 2022 ABKB 839 (represented successful party in dispute regarding priority of environmental liabilities over municipal taxes)

- *Re Manitok Energy*, 2022 ABCA 177 (successfully represented intervenor in dispute regarding priority of environmental liabilities over secured liens in insolvency context)
- *ConocoPhillips Canada Resources Corp and Shell Canada Limited*, 2019 ABQB 727 (represented successful party in application for summary judgment re interpretation of historical purchase and sale agreement and responsibility for environmental liabilities)
- *Canadian Pacific Railway Company v. Hatch Corporation*, 2019 ABQB 392 (represented successful party in application to transfer Alberta action to Saskatchewan)
- *RDX Technologies Corporation v Appel,* 2019 ABQB 477 (represented successful party in application for anti-suit injunction and to compel answers to questions and production of documents amid jurisdictional dispute)
- *Alberta Energy Regulator v. Lexin Resources Ltd*, 2019 ABQB 23 (represented successful party in dispute over operatorship of oil and gas assets in the context of a receivership).
- *Coyle v O'Keefe*, 2019 ABCA 442 (represented respondent in appeal as to appropriate interest to award in context of residential construction dispute)
- *Milota v. Momentive Specialty Chemicals Canada, Inc.* 2019 ABQB 117 (represented respondent in summary dismissal application on the basis of limitations) (aff'd 2020 ABCA 413).

Insights & Events

- Co-author, "Saskatchewan Court of Appeal Upholds Decision Respecting ROFR Obligations in Light of Duty of Honest Performance of Contracts," The Resource: BLG Energy Blog, August 2017
- Co-Author, "Immune (At Least For Now): Divided Supreme Court of Canada Strikes Claim for Charter Damages Against Energy Regulator," The Resource: BLG Energy Law Blog, January 31, 2017
- Co-author, "Alberta Court of Queen's Bench Sheds Light on Test Applicable to Alberta Energy Regulator's Statutory Immunity from Negligence Actions," The Resource: BLG Energy Blog, November 2016
- Co-Author, "Saskatchewan Court Addresses ROFR Obligations in Light of the Duty of Honest Performance of Contracts," The Resource: BLG Energy Law Blog, July 11, 2016
- Author, "Commercial litigation year in review: 5 notable dispute decisions from 2023", BLG Article, January 2024
- Author, "Freedom of contract removing shareholders dissent rights by agreement", BLG Article, April 2023
- Author, "Unable to Unwind: Despite finding error, Alberta Court of Appeal unable to unwind plan of arrangement", BLG Article, February 2023
- Author, "Freehold lessees facing increased risk of lease termination", BLG Article, November 2021
- Author, "Canadian energy oil and gas: Top 20 of 2020 - Judicial decisions", BLG Article, February 2021
- Author, "Alberta Court of Appeal sets negotiation parameters in interpreting contracts", BLG Article, February 2020
- Speaker Surrounding Circumstances and the Factual Matrix
- Co-Author, "2016 Year in Review: Top 10 Judicial Decisions and Trends of Import to the Canadian Energy Industry," The Resource: BLG Energy Law Blog, January 12, 2017.

Beyond Our Walls

Professional Involvement

- Member, Law Society of Alberta

- Member, Calgary Bar Association

Community Involvement

- Volunteer, Children's Legal & Educational Resource Centre (CLERC)
- Volunteer, BLG Reads to Kids
- Volunteer, Civil Claims Duty Counsel
- Volunteer, Queen’s Bench Amicus Program

Awards & Recognition

- Recognized in the 2025 edition (and since 2023) of *Best Lawyers in Canada* as "Ones to Watch" (Corporate and Commercial Litigation), and since 2022 (Corporate Law)

Bar Admission & Education

- Alberta, 2016

- JD, University of Alberta, 2015
- MA, Carleton University, 2011
- BA, University of Alberta, 2007

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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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