



## Rodney A. Smith

### Partner

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[Construction](#)  
[Construction Disputes](#)  
[Disputes](#)  
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Rodney is a partner in BLG's Construction Group in Calgary. He represents clients in a broad range of civil litigation matters in court and arbitration.

Rodney's practice primarily focuses on construction litigation. He has represented owners, general contractors and subcontractors in disputes arising from large-scale construction and engineering projects. His experience includes multi-million dollar cases involving contractual disputes, negligence, deficiency claims and delay claims. Rodney has also represented clients in a variety of commercial disputes, insurance defence and subrogation claims, municipal liability and intellectual property litigation.

Rodney has significant trial experience, appearing before all levels of Court in Alberta, the Court of Queen's Bench of Manitoba, the Federal Court, the Federal Court of Appeal, as well as a variety of administrative tribunals. He has also participated in a number of arbitrations, mediations and Judicial Dispute Resolutions.

## Experience

- Counsel for a general contractor in an ICC arbitration with the owner over the termination of a contract for the construction of mine infrastructure in northern Canada.
- Counsel for the owner of a sulphur forming facility in a dispute with the EPC contractor.
- Counsel for an architect in a dispute with the owner over the construction of a skyscraper in Calgary.
- Counsel for an EPC contractor involved in a dispute with the owner of a carbon capture plant.
- Counsel for a large general contractor involved in disputes with the owner and a number of subcontractors arising out of the construction of an international airport terminal.

- Counsel for a joint venture in a dispute with a utility company arising out of the construction of a major highway project.
- Counsel for a contractor involved in a dispute arising from the design and installation of fuel tanks in the Northwest Territories.
- Successfully applied to strike a claim for breach of contract on the basis of abuse of process and *res judicata*.
- Successfully obtained a judgment for conversion and defended claims for malicious prosecution and defamation in a trial involving top fuel dragsters.
- Successfully defended an electrical utility company in a trial involving a dispute over a construction contract.
- Successfully defended a residential construction company in a trial involving a custom home construction contract.
- Successfully obtained a judgment against a contractor for residential home construction deficiencies; decision upheld on appeal.
- *Pyrrha Design Inc v Plum and Posey Inc*, 2019 FC 129; successfully defended claims of copyright infringement at trial.
- *EllisDon Corp v Winnipeg Airports Authority Inc*, 2018 MBQB 203; successfully advanced claims by a general contractor for payment of the outstanding contract balance and defended claims involving contractual set-off and interpretation of a CCDC contract at trial.
- *Pyrrha Design Inc v Plum and Posey Inc*, 2016 ABCA 12; successfully obtained summary dismissal of an action for breach of contract; decision upheld by the Court of Appeal of Alberta.
- *Krieter v Alberta*, 2014 ABQB 349; successfully applied to have an environmental claim against a municipality dismissed for long delay.
- *Westridge Utilities Inc v Alberta (Director of Environment, Southern Region)*, 2012 ABQB 681; co-counsel in a judicial review application upholding a decision of the Environmental Appeal Board.
- *Westridge Utilities Inc v Director, Southern Region, Environmental Management, Alberta Environment, re: Rocky View County* (30 November 2011), Appeal No. 10-032-D (A.E.A.B.); co-counsel in a successful hearing before the Environmental Appeal Board to have an appeal under the Water Act dismissed.
- *Pat's Off-Road Transport v Campbell*, 2010 ABQB 443; co-counsel in a successful trial against a former employee for breach of confidence and fiduciary duty.
- *Stonetile (Canada) Ltd v Castcon Ltd*, 2010 ABQB 392; co-counsel in a successful trial against a former employee for breach of confidence and fiduciary duty.

## Insights & Events

- Alberta's Builders' Lien Act - one step closer to prompt payment and adjudication
- Construction and autonomous vehicles — Considerations for increased adoption
- Alberta Builders' Lien Act Update – Red Tape Reduction Implementation Act (Bill 62)
- Author, “Case Summary: Gary Gurmukh Sales Ltd. v. Quality Goods IMD Inc.,” Intellectual Property Institute of Canada Bulletin
- Author, “Case Summary: Maple Leaf Foods Inc. v. Consorzio del Prosciutto di Parma,” Intellectual Property Institute of Canada Bulletin
- Author, “Case Summary: MC Imports Ltd. v. Afod Ltd.,” Intellectual Property Institute of Canada Bulletin
- Author, “Case Summary: Reynolds Presto Products Inc. v. P.R.S. Mediterranean Ltd.,” Intellectual Property Institute of Canada Bulletin

## Beyond Our Walls

### Professional Involvement

- Member, Canadian Bar Association
- Member, The Advocates' Society
- Member, Intellectual Property Institute of Canada (IPIC)
- Member, Calgary Bar Association
- Member, Emmanuel Society

### Community Involvement

- Volunteer, Legal Education Society of Alberta
- Volunteer, CBA Mentoring Program
- Volunteer, BLG Reads to Kids
- Volunteer, Spina Bifida and Hydrocephalus Association of Southern Alberta

## Awards & Recognitions

- Recognized in the 2022 edition (and since 2021) of *The Best Lawyers in Canada* (Construction Law)
- Recognized in the 2021 edition of *Benchmark Canada* as a Future Star

## Bar Admission & Education

- Manitoba, 2017
- Alberta, 2009
  
- J.D., University of Calgary, 2008
- M. Phil., University of Cambridge, Emmanuel College, 2004
- B.A. (with distinction), University of Calgary, 2003

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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 725 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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