

Simon Grégoire

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Construction
Disputes
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Simon advises **construction** industry players both “upstream,” for example, concerning governance and integrity programs, and “downstream.” He is a **Fellow of the Chartered Institute of Arbitrators** (FCIArb) and has acted as both a **pleader** and an **arbitrator**.

Specializing in **complex litigation**, Simon has handled a large number of important cases, before both courts and arbitration tribunals. He has pleaded a number of landmark cases in the field of construction law in recent years.

Simon has published numerous articles and given many presentations in Canada, the United States and other countries in the Americas and Europe, on subjects related to the fields of litigation and construction, and he regularly serves as a trainer in workshops for younger lawyers on the art and techniques of trial advocacy.

Experience

- **Negotiated settlements:**
  - Negotiated favourable settlements for contractors, project owners, consulting engineering firms, and equipment manufacturers in several major claims relating to civil engineering projects (site preparation, roads, bridges, hydroelectric facilities), industrial projects (mines, petrochemical plants, sawmills), buildings (hospitals, stadiums, office buildings), and engineering services.
- **Favourable ruling obtained in about thirty major cases in recent years, including:**

- A ruling obtained from an international arbitration tribunal (Geneva) granting in full the compensation claim filed by a Canadian engineering firm against a public corporation based in Europe.
- *Construction Polaris Inc. v. Hydro-Québec*: The contractor, who was denied a receipt in full discharge, was awarded fair compensation for additional costs incurred with regards to a major construction site. This ruling, upheld on appeal, was one of the first to annul a release (transaction) for defect of consent resulting from economic violence.
- *Couillard Construction Limitée v. Procureur général du Québec*: The contractor was granted payment in full for additional work caused by soil contamination, and their client's counterclaim was dismissed in its entirety.
- *Couillard Construction Limitée v. Procureur général du Québec* (Ministère des Transports du Québec): The contractor was awarded compensation for damages suffered following the unlawful rejection of their bid by the Ministère des Transports.
- Successful arbitration in favour of the client owner consisting of the dismissal of a claim for additional compensation filed by a contractor and their subcontractor in connection with the rehabilitation and expansion of an airport.
- *Inter-Cité Construction Ltée c. Procureur général du Québec (MTQ)*: secured a judgment awarding the contractor, against whom a privilege clause was invoked to justify cancelling a call for tenders, more than one million dollars in compensation to cover costs incurred when the contractor placed resources (management staff and machinery) on hold for the project in vain for the period that preceded the notice of cancellation.
- *Constructions du St-Laurent c. Aluminerie Alouette:* secured a judgment awarding the contractor, who was responsible for preparing an industrial site, compensation to cover additional costs resulting from changes to the contract and differing soil conditions.
- *Kiewit c. Hydro-Québec*: secured a judgment awarding the contractor, who was responsible for concrete formwork at a hydroelectric power plant, compensation to cover additional costs resulting from design issues, delayed handovers, delayed answers to technical questions arising from the design issues, union pressure tactics, and unreasonable application of rules governing construction quality control.
- *Dawcolectric c. Hydro-Québec*: secured a judgment awarding the contractor, who was responsible for mechanical and electrical refurbishment work at an operational hydroelectric power plant, compensation to cover additional costs resulting from design issues, delayed handovers, delayed answers to technical questions arising from the design issues, unreasonable application of safety measures, and interference with the contractor’s work methods.
- Secured several arbitral awards granting additional compensation for companies behind major projects, including gas pipelines and terephthalic acid plants.
- *Lepage c. Aecon Group Ltée*: secured a judgment dismissing a claim for additional compensation of several million dollars filed by former employees of a construction company.
- *Ministre de l’Environnement c. 9007-5193 Québec Inc.*: secured a court order against the Minister of the Environment compelling the government to issue a certificate of authorization permitting a landfill to continue operations.
- *Planification-organisation-publications systèmes (POPS) Ltée et Elizabeth Posada c. 9054-8181 Québec inc.*, *Philippe Chapuis et Benoît Bazoge*: secured a judgment dismissing a copyright infringement lawsuit.
- *Minister of National Revenue v. Greater Montréal Real Estate Board*: The Federal Court of Canada annulled an ex parte order authorizing the Minister of National Revenue to force the GMREB to disclose information and documents (digital files) regarding a group of unnamed taxpayer

- *Fédération canadienne d'escrime c. Pound*: secured a judgment dismissing a motion to set aside an arbitral award issued by the Sport Dispute Resolution Centre of Canada.

Insights & Events

- Author, "Water contamination: MTQ gets blamed, contractor gets paid", BLG Article, June 2023
- Author, "Foreign states are not immune from the jurisdiction of Canadian courts in proceedings for enforcement of an arbitral award", BLG Article, January 2023
- "Développements récents en matière d'appel d'offres: clauses de réserve et recours à l'injonction," Ordre des ingénieurs du Québec, May 2018
- "Quelles sont les limites à l'obligation de poursuivre les travaux?," Construction Law Symposium, BLG, April 2018, and 17e journée d'études sur les réclamations sur contrats, Université Laval, February 2018
- "Abécédaire des principes juridiques pour les gestionnaires de projets, surintendants, et contremaîtres intéressés à maximiser les chances de succès d'un projet et à minimiser les risques de conflits," Private training, April 2017
- "Soumissionnaires Éconduits : Surtout, Ne Pas Baisser Les Bras!," 16e Journée D'études Sur Les Réclamations Sur Contrats, Université Laval, February 2017
- "Réflexions Au Sujet De Décisions Récentes En Droit De La Construction : Trois Principes À Retenir En Matière De Quantification Et De Preuve Des Dommages," Canadian Bar Association, October 2016
- "Le Droit De La Construction Au Canada," École Des Ponts, July 2016
- "Appels D'offres Et Clauses De Réserve : Fin De La Récréation," Construction Law Symposium, BLG, April 2016
- "L'impact Des Affaires Kiewit Et Dawco Sur Vos Chantiers," Journées De L'université Laval, February 2016
- Author, "The Superior Court Of Québec Rules On The Obligation Of Good Faith In Tendering Documents", BLG Article, January 2016
- DWORKIN, Ronald, dans la collection « Profiles in Legal Theory », 1988-1992, Presse de l'Université d'Edinburgh, 1992, 320 p. Assistant de recherche, S. Guest.

Beyond Our Walls

Professional Involvement

- Fellow, Canadian College of Construction Lawyers
- Fellow, Chartered Institute of Arbitrators (FCIArb)
- Member, Barreau du Québec
- Member, Canadian Bar Association
- Member, International Bar Association
- Member, International Chamber of Commerce

Awards & Recognition

- Recognized in the 2027 edition (and since 2006) of *The Best Lawyers in Canada* (Construction Law). Also recognized in the 2025 edition (and since 2019) (Alternative Dispute Resolution, International Arbitration). Recognized as "Lawyer of the Year" in the 2025 edition (Construction Law).

- Recognized in the 2027 edition (and since 2016) of *Chambers Canada* (Construction Law (Nationwide - Canada)).
- Recognized in the 2027 edition (and since 2023) of *The Legal 500 Canada* (Construction).
- Recognized in the 2025 edition (and since 2022) of *Lexology Index* (formerly *Who's Who Legal: Canada*) (Construction).
- Recognized in the 2026 edition of *Lexpert Special Edition: Energy*
- Recognized in the 2025 edition of *Lexpert Special Edition: Energy and Mining.*
- Recognized in the 2025, 2024, 2023, 2022, 2021, 2017 edition (and since 2015) of *Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a "Local Litigation Star: Québec" and a "Litigation Star: Arbitration, Construction, Commercial".
- Recognized in the 2026 edition (and since 2020) of *Lexpert Special Edition: Infrastructure.*
- Recognized in the 2024 edition (and since 2018) of *The Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada* (Construction Law).
- Recognized in all recent editions of *The Canadian Legal Lexpert Directory* (Construction Law).
- Recognized as a 2017 Acritas Star.

Bar Admission & Education

- Québec, 1988

- BCL (Civil Law) and LLB (Common Law), McGill University, 1987
- LLM (International Business Transactions), University of London UK, 1989

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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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