

Shelby Liesch

Partner

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Disputes
Commercial Litigation
International Arbitration
Class Action Defence
Contract Disputes
Real Estate Disputes & Litigation
Fraud
Banking Litigation

Shelby has significant experience with complex commercial litigation and arbitration matters across a range of industries and subject matters, with a particular focus on contract disputes, class actions, banking litigation and fraud recovery.

Shelby has successfully represented clients at all levels of court in British Columbia on a number of complex commercial matters, including defending high profile provincial, national and multi-jurisdictional class actions on behalf of clients. She has appeared as counsel before both domestic and international arbitration tribunals.

Shelby completed a secondment with a national in-house legal team at one of BLG's financial institution clients which has shaped the type of timely, practical and pro-active advice she gives to her in-house clients.

Shelby is a frequent author and speaker on a number of legal subjects. Shelby has served on the CBA Class Action Section executive since 2018.

Prior to joining BLG as an articling student, Shelby clerked for six justices of the Supreme Court of British Columbia.

Experience

- Acted as counsel to a non-profit organization seeking to enforce terms of use and advance claims under the *Copyright Act* relating to a data-scraping incident by an AI-driven tech startup (ongoing).
- Defended a private school in a certified class action (ongoing) (2022 BCSC 1762).
- Litigation counsel to a party alleging breach of fiduciary duty and civil conspiracy against former employees and a former consultant and seeking injunctive relief to prevent the former employees and consultant from using confidential and proprietary information, including software code.
- Litigation counsel to an investment fund that successfully enforced a large international arbitral award. In related enforcement proceedings, the fund successfully obtained declarations that a related transaction was void under the *Fraudulent Conveyance Act* and forced the sale of the defendant's property to satisfy the judgment (2024).
- Represented a financial institution in a class action alleging a duty to warn non-customers and other third parties. Settlement approved prior to common issues trial (2024).
- Acted as arbitration counsel to a vendor of mining assets, responding to allegations of breach of warranty and allegations of fraudulent misrepresentation (2023).
- Counsel for a party responding to a letters rogatory issued in an action alleging breaches of federal antitrust and trademark laws (2022 BCSC 1237)
- Defended a financial institution in a class action that alleged breaches of consumer protection legislation relating to an alleged failure to disclose foreign exchange conversion surcharges for withdrawing foreign currency from ATMs located outside of Canada. Settlement reached on eve of common issues trial; application to approve settlement granted in fall 2022.
- Counsel for the successful respondent in an appeal where the Court of Appeal upheld the trial judge's findings that the underlying action was an abuse of process (2022 BCCA 285).
- Represented a Provincial Crown Corporation in a dispute with a sports team relating to sponsorship rights under the BCICAC rules (2020).
- Acted as counsel for the successful party on a summary trial application where the court dismissed each of the declarations sought by the plaintiff (2019 BCSC 2188).
- Counsel to the successful party in a domestic arbitration proceeding where the tribunal awarded the key declarations sought under a commercial agreement and a supplementary award for reasonable legal costs incurred in the arbitration (2019).
- Counsel for the successful party in relation to an application for disclosure of joint defence and tolling agreements (2019 BCSC 1456)
- Counsel for the successful party in relation to an application for a declaration that privilege had been waived (2019 BCSC 947)
- Appellate counsel to a real estate developer who succeeded at trial by obtaining declarations contracts were valid and enforceable, successfully obtaining a dismissal of the appeal (2018 BCCA 337).
- Counsel for the successful party at trial defending an action for negligence relating to fraudulent cheques drawn on the claimant's account on the basis of the enforcement of an account verification provision in a business banking agreement (unreported).
- Counsel for the successful party on an application to dismiss or stay an action on the basis of territorial competence (2016 BCSC 238).
- Counsel for the successful party in a regulatory dispute before the British Columbia Provincial Court (unreported).
- Served as a prosecutor for the City of Vancouver for bylaw prosecutions, conducting seven trials before the British Columbia Provincial Court.
- *Lower v Investment Industry Regulatory Organization of Canada,* 2019 BCSC 2188 – counsel for the successful party on a summary trial application where the court dismissed each of the declarations sought by the plaintiff.

- Counsel to the successful party in a domestic arbitration proceeding where the tribunal awarded the key declarations sought under a commercial agreement and a supplementary award for reasonable legal costs incurred in the arbitration (2019).
- *Coburn and Watson's Metropolitan Home v. BMO Financial Group*, 2019 BCSC 1456 – counsel for the successful party in relation to an application for disclosure of joint defence and tolling agreements.
- *Coburn and Watson's Metropolitan Home v BMO Financial Group*, 2019 BCSC 947 – counsel for the successful party in relation to an application for a declaration that privilege had been waived.
- *Intergulf Investment Corporation v. 0954704 B.C. Ltd.*, 2018 BCCA 337 – counsel for the successful party defending an appeal from a trial order declaring that contracts for the sale of residential properties were binding and enforceable.
- *Transnet Carrier Ltd. v. Vancouver City Savings Credit Union* (unreported) – counsel for the successful party defending an action for negligence relating to fraudulent cheques drawn on the claimant's account on the basis of the enforcement of an account verification provision in a business banking agreement.
- *Canadian Olympic Committee v. VF Outdoor Canada Co.*, 2016 BCSC 238 – counsel for the successful party on an application to dismiss or stay an action on the basis of territorial competence.
- *BC Ferry Services Ltd. v. Canadian Freightways* (unreported) – counsel for the successful party in a regulatory dispute before the British Columbia Provincial Court.
- Served as a prosecutor for the City of Vancouver for bylaw prosecutions, conducting seven trials before the British Columbia Provincial Court.
- Completed a six month secondment with the in-house legal department of a leading financial institutions client.

Insights & Events

- Author, "B.C. legislature signals major shift to consumer protection legislation", BLG Article, March 2025
- Author, "BC Court of Appeal: Certification applications need not come first in class proceedings", BLG Article, August 2021
- Author, "B.C.'s New Arbitration Legislation comes into force", BLG Article, September 2020
- Author, "Human Rights and Labour Legislation Held Not to Oust Jurisdiction Over Class Action For Breach of Employment Contract", BLG Article, February 2019
- Author, "Navigating the Blockchain Revolution – Cryptocurrencies may be traced, but to where and whom?", BLG Article, February 2019
- Contributor, "Equitable Remedies," B.C. Creditors' Remedies – An Annotated Guide, CLE BC, 2019
- Author, "Reminder: litigants should withdraw unfounded allegations of fraud – and do it early – or risk cost consequences", BLG Article, June 2018
- Author, "Reminder: Litigants Should Withdraw Unfounded Allegations of Fraud – and Do it Early – Or Risk Cost Consequences," The Exchange, June 2018
- Co-author, "To Be or Not to Be (A Security): Regulatory Oversight of Crypto-Assets," The Exchange, August 2017
- Co-author, "Would a Bank Crime Prevention and Investigation Office by Any Other Name Smell as Sweet? Privacy Commissioner Guidance on Investigative Disclosures," The Exchange, May 2017
- Co-author, "Are Financial Institutions the Next Representative Plaintiffs in Canadian Class Action Proceedings? Lessons from Home Depot," The Exchange, March 2017
- Contributor, "Equitable Remedies," B.C. Creditors' Remedies – An Annotated Guide, CLE BC, 2017
- Contributor, "Civil Procedure: Small Claims Court," Annual Review of Law and Practice, CLE BC, 2016
- Contributor, "Shareholder Remedies," British Columbia Business Disputes, CLE BC, 2016
- Court Lifts Statutory Stay of Proceedings Where Proposed Class Action Alleges Fraud Against Bankrupts

- Unsubstantiated Allegation of Reasonable Apprehension of Bias May Result in Costs

Beyond Our Walls

Professional Involvement

- Treasurer, Class Action Section of CBABC
- Member, Canadian Bar Association
- Member, Law Society of British Columbia
- Member, Vancouver Bar Association
- Member, The Advocates Society
- Member, Young Canadian Arbitration Practitioners

Community Involvement

- Volunteer, Access Pro Bono Roster Program, Barrister and Court of Appeal
- Volunteer, Pro Bono Students Canada ID Project – Downtown Eastside Clinic
- United Way Campaign

Awards & Recognition

- Recognized in the 2026 edition of *Benchmark Litigation Canada*'s "40 & Under Hot List".
- Recognized in the 2023 edition (and since 2022) of *The Best Lawyers in Canada* - Ones to Watch™ (Corporate and Commercial Litigation).

Bar Admission & Education

- British Columbia, 2016

- JD, University of Victoria, 2014
- BA (with Distinction), Simon Fraser University, 2011

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.

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