



## Grant H. Mayovsky

### Partner

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[Construction](#)  
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[P3 Contracts](#)  
[Commercial Litigation](#)  
[Commercial Arbitration](#)  
[Infrastructure](#)

Grant practices civil litigation, arbitration and dispute resolution with a focus on claims and disputes involving the construction industry.

Grant has in-depth knowledge and understanding of all aspects of construction law. He has over twenty years of experience as a member of BLG's Construction Group and has represented owners, engineers, design-builders, general contractors and subcontractors in all manner of significant construction disputes and insurance claims.

Grant is an experienced advocate, trial lawyer and arbitration counsel, having successfully represented construction clients on significant multimillion dollar matters at trial, arbitration hearings and in the B.C. Court of Appeal.

He also has extensive experience in alternative dispute resolution, having represented and acted for construction clients at numerous complex and challenging mediations and referee proceedings, which have resulted in successful settlements for his clients.

Grant's experience also extends to litigation involving general commercial matters, including fraud loss recovery, debt recovery, contract disputes and defence of claims against financial institutions.

Grant provides legal services through a Law Corporation.

## Experience

- **Litigation**

- *Acciona Infrastructure Canada Inc. v. Allianz Global Risks US Insurance Company*, 2014 BCSC 1568 – advised and acted as trial counsel for the Plaintiffs, in the successful pursuit of a builder’s risk insurance claim. Following a five-week trial, the defendant insurers were ordered to pay the Plaintiffs more than \$8.5 million in covered costs in relation to damage that occurred to concrete slabs during the Plaintiffs’ construction of the new patient care facility at the Royal Jubilee Hospital.
- Counsel for Parkway Infrastructure Constructors with respect to a \$140 million claim against contractors, engineers and insurers arising from the rejection of hundreds of defective concrete girders on the Herb Grey Parkway project in Ontario. The multiple lawsuits were successfully resolved by way of a confidential settlement.
- Part of a team of BLG lawyers representing K+S Potash in complex litigation involving multiple parties and claims, in respect of the Legacy potash mine and production facility in Saskatchewan.
- *Atlantic Industries Limited v. SNC-Lavalin Constructors (Pacific) Inc.*, 2017 BCCA 433, successfully opposed the mechanically stabilized earth (MSE) wall designer’s challenge of the arbitral award in the B.C. Court of Appeal.
- Counsel to Flatiron in complex litigation involving multiple parties in relation to the failure of the mechanically stabilized earth (MSE) walls during the construction of two large tailing thickener tanks for CNRL’s Horizon Oil Sands Project.
- Counsel to Fibreco in complex litigation involving the failure and collapse of a large silo during construction.
- Acted as counsel to various owners, developers, builders and subcontractors in pursuing and defending multimillion dollar construction defects and deficiency lawsuits, including numerous building envelope claims. Significant matters include: The Four Season Resort (Whistler); Atlas Logistics Distribution Centre (Surrey); The Boulevard Club (Surrey); Treeline Townhomes (Whistler); Happy Valley Resort (Kelowna); Vinterra Villas (Surrey); The Parkhill (Burnaby); and Westgate Mall Shopping Centre (Maple Ridge).
- *Kvaerner U.S. Inc. v. AMEC E&C Services Limited*, 2004 BCSC 635 – counsel for the applicant in its successful application to have a US\$46 million dollar claim against it, arising from the construction of a zinc recovery facility in California, stayed.
- *National Holdings Ltd. v. CIBC et al.*, 2005 BCSC 369 – counsel for CIBC in a summary trial dismissal of a claim brought against CIBC for conversion of a fraudulently negotiated cheque.
- Counsel to an engineering client in a lawsuit to recover costs against its supplier and insurer in relation to damage that occurred to a pre-heater system at a sulphuric acid plant in Arizona.
- Counsel to a design builder in a lawsuit against its subcontractor and others in relation the repair and replacement of the Fort St. John Hospital Roof.
- Counsel to Stuart Olson in two separate lawsuits brought against the City of Richmond in respect of the construction of the Minoru Aquatic Centre and the Brighthouse Firehall 1 projects.
- Counsel to BC Ferries in defence of a lawsuit brought against it by a shipyard seeking extra costs in relation to the refit of a vessel.
- Counsel to a general contractor in a lawsuit advancing change order, delay and productivity claims in respect of the construction of the Mt. Pleasant Civic Centre. Counsel to the owner and developer of The Exchange office tower in relation to a lawsuit brought by its general contractor for delays on the project.
- Counsel to a subcontractor in two lawsuits to pursue its change order, delay and productivity claims in respect of the construction of the Whistler Four Seasons Resort and the Westin Whistler Resort.
- Regularly represented and advised both warranty providers and owners in defending or pursuing building and home warranty claims.

- Acted as counsel to Travelers Guarantee in various lawsuits to enforce claims under indemnity agreements in relation to bond defaults.
- Acted as counsel on significant performance bond and labour and material bond disputes for both contractors and sureties.
- **Arbitration and ADR**
  - Successfully represented design-builder in relation to claims arising from the failure of a mechanically stabilized earth (MSE) retaining wall built for a highway upgrade and interchange project. Following a four-week arbitration hearing, client obtained a multimillion dollar award against the MSE wall designer.
  - Part of a team of BLG lawyers that successfully represented and advised a Canadian joint venture in responding to a \$1.1 billion arbitration claim that arose after the construction of a mineral processing facility.
  - Counsel to an engineering client at an ICC arbitration hearing in London, U.K. in advancing delay claims under an EPM contract against the owner of a Turkish power plant. The claims were successfully resolved by way confidential settlement after several days of hearing.
  - Counsel to a design builder in referee proceedings pursuing multi-million dollar change order, delay and productivity claims against project owners in relation to a P3 extension of a rapid transit line.
  - Acted for and advised various design-builders in pursuing multi-million dollar change order, delay and productivity claims against project owners in relation to two major P3 bridge and highway infrastructure projects in B.C.
  - Counsel in an arbitration involving an owner and a shipyard in relation to the design and construction of a new vessel.
  - Counsel for a design builder in an arbitration commenced to recover costs incurred in relation to defects in the design of a hospital mechanical system.
  - Counsel to a general contractor in referee proceedings brought by it in support of its change order, delay and impact claims in relation to the upgrade of a powerhouse and hydropower facility.
  - Counsel to a project owner in defense of significant delay, productivity and change order claims brought by the general contractor of a major electrical transmission line project.
  - Counsel in an arbitration involving an owner and a subcontractor in relation to disputes involving the supply of fencing and protective taping for a transmission line.
  - Counsel to a project owner in respect of significant claims for delay and disruption brought by general contractor in respect of the installation of turbines and generators for a major hydroelectric project.
  - Counsel to an engineering client with respect to delay claims pertaining to the construction of a wastewater treatment facility.

## Insights & Events

- Speaker, "Construction Law Roundtable", BLG, December 2021
- Presenter, Case Law Update, PBLI Conference Successful Construction Projects in a Post-COVID World, October 6, 2021
- [Author, "Spoliation and the risk of remediation." On-Site Magazine, February 19, 2020](#)
- Speaker, "Builder's Risk Policies," Lexpert's 4th Annual Canadian Construction Insurance Law Conference, Toronto, June 20
- Speaker, "Check Your Privilege: A Primer on Legal Privilege and How to Keep it," BLG U, May 2016

- Speaker, "Builder's Risk Policies," Lexpert 3rd Annual Canadian Construction Insurance Law course: New Ways to Manage Risk and Avoid Liability," June 2015
- Co-Author, "Damages for Breach of Contract: How are such damages measured?" On-Site Magazine, March 2015
- Co-Author, "Course of Construction ("ALL RISKS") Insurance Standard Defect Exclusion Interpreted for First Time; Fortuity, Damage and other Insurance Coverage Issues Clarified," Insight from Hindsight, February 2015
- Co-Author, "Design, Build, Insure: What a B.C. Court Case Means For Your Construction Clients," Canadian Insurance Top Broker, January 2015
- Co-Author, "What Does Your Client's Course of Construction Policy Really Cover?" Construction Economist, Summer 2015
- Co-Author, "Legal Issues: Infrastructure project insurance," Construction Canada, December 2014
- Author, "Standard Exclusion Clause in Course of Construction Insurance Interpreted for the First Time: Acciona Infrastructure Canada Inc. V. Allianz Global Risks US Insurance Company," Construction Law Letter, Volume 31, Number 2, November/December 2014
- Speaker, "Insurance, Recent Trends and Developments," CBA National Construction Law Conference, Toronto, September 2014
- Co-Author, "Precedent setting case: standard exclusion in course of construction insurance policy interpreted for first time," BLG's Construction and Engineering Newsletter, August 2014
- Co-Author, "Discretionary Clauses: Unfettered Discretion, Reasonableness and Good Faith," On-Site Magazine, February 2014
- Speaker, "Change Management," SNC Lavalin Seminar, November 2013 and December 2013
- Co-Author, "Extensions of Time Matter: A Primer on Time Being at Large and Acceleration," On-Site, Canada's Construction Magazine, June 2013
- Speaker, "Claims: Understanding the Consequences of Changes and Supervening Events," BLG Construction Law Seminar, June 2013
- Co-Author, "BC's New Limitation Act – Significant Changes to BC Claim Deadlines," BC Road Builders' Newsletter, The Voice, July/August 2012
- Co-Author, "BC's New Limitation Act," Construction Business Magazine, May/June 2012
- Co-Speaker, "Mortgage Fraud," Mortgage Brokers Association of British Columbia Conference and Trade Show, May 2012
- Co-Author, "Utility Relocation Risks," On-Site Magazine, Sept/Oct 2011
- Speaker, "Creditor Remedies for Legal Support Staff," The Continuing Legal Education Society of British Columbia (CLE BC), 2011
- Speaker, "Practising Under the New Rules: Strategic Considerations," CLE, Civil Litigation Bootcamp, 2010
- Co-Speaker, "Follow Up: Using the Results of Your Investigation," Canadian Institute's Conducting Internal Investigations Conference, 2009

## Beyond Our Walls

### Professional Involvement

- Member, Canadian Bar Association (Construction, Civil Litigation Subsections)
- Member, American Bar Association

## Awards & Recognitions

- Recognized in the 2020 edition of the *Doyles Guide - Leading Construction, Engineering & Infrastructure Lawyers* – British Columbia

## Bar Admission & Education

- Saskatchewan, 2019
- British Columbia, 2001
  
- LLB (with Distinction), University of Saskatchewan, 2000
- BA, Simon Fraser University, 1997

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