Energy Disputes

BLG's Oil and Gas Group is unique in the Canadian market, practising both dispute resolution and regulatory work, which enables us to represent our clients in complex disputes involving both court and administrative proceedings.

BLG's commercial energy litigation lawyers are industry leaders, with the depth of knowledge and technical expertise to handle the most complex commercial litigation matters. BLG is a recognized leader in handling significant oil and gas disputes, and our team is especially noted for its work in bet-the-company litigation, with a focus on significant matters in the oil and gas, pipeline, securities litigation/regulatory sectors.
Members of BLG's disputes group regularly appear before all levels of provincial and federal courts, and the Supreme Court of Canada. Our commercial dispute resolution group in Alberta is well known and its expertise and record in the Alberta Court of Appeal.

Experience

- A local distribution company in a dispute with a developer group over capital cost responsibilities under the Distribution System Code in relation to connecting a new development to the main distribution line. The litigation involves defending against the developers' challenge to decisions of the Ontario Energy Board, including through an application for judicial review, Superior Court application and appeal to the Court of Appeal for Ontario, and raises significant administrative law issues as well as the application of the beneficiary pays principle.
- ITP SA, a pipeline technology company, in defending a $450 million claim related to the rupture of a pipeline in the northern Alberta oil sands, a matter that received significant media coverage and was also the subject of Alberta Energy Regulator proceedings.
- Signalta Resources Limited in a claim against Canadian Natural Resources Limited related to natural gas rights dissolved in bitumen, successfully establishing that CNRL had knowingly or recklessly produced and converted gas belonging to Signalta.
- PrairieSky in a claim related to an overriding royalty granted in respect of an oil and gas lease, successfully obtaining a declaration that Yangarra Resources was bound by the 8 per cent royalty.
- Alberta Infrastructure, as owner of the Swan Hills Treatment Facility, together with the facility operator, in ensuring that nearby oil and gas wells would not compromise the facility's operations.
- BHE Canada, along with several U.S. individuals and corporations, in a complex multi-million-dollar accounting action involving sophisticated commercial entities and claims estimated to exceed $1 billion related to the Horizon oil sands project.
- ConocoPhillips in a dispute concerning whether certain abandoned Arctic wells were transferred under a purchase and sale agreement, successfully obtaining a declaration that Shell was responsible for remediation of environmental contamination.

- A defendant in the successful defence of an oil and gas patent infringement claim involving billions of dollars, in one of Canada's leading patent infringement cases.
- An international protective coating manufacturer in a $150 million claim related to alleged failures of passive fire protection coating supplied and applied to steel beams in Korea, which were later transported to Canada for the Fort Hills Oil Sands Project in Fort McMurray.
- An oil and gas joint venture in a $150 million claim related to the construction and operation of a gas plant, pipelines and batteries.
- A seismic company in $2 billion claims against the federal government related to the taking of seismic data and its release to the public.
- Several major construction and energy project proponents in obtaining project-based environmental and other approvals, including for commercial in situ oil sands projects, SAGD and other oil and gas projects, transmission facilities and other electrical facility builds.
- An oil sands owner in its successful application to the Alberta Energy and Utilities Board to shut in gas production in the Surmont area of northern Alberta, resulting in the Board-ordered shut-in of 146 producing gas wells overlying oil sands interests.
- The Alberta Market Surveillance Administrator in a regulatory prosecution that received national industry and media attention for landmark findings on electricity market manipulation and the imposition of a record $56 million administrative penalty.
- An oil and gas company in federal regulatory proceedings related to the approval of Energy East, a proposed $15.7 billion, 4,500-kilometre pipeline intended to carry 1.1 million barrels of crude oil per day from Alberta and Saskatchewan to refineries in Eastern Canada.
- Fitzroy Bess Inc., alongside the City of Ottawa, in successfully defeating a judicial review of a zoning by-law amendment, overcoming bad faith and Planning Act allegations to remove a significant roadblock for a major battery energy storage system (BESS) project.
- City of Ottawa in successfully defending judicial review of Zoning By-law 2025-493 permitting battery energy storage systems in rural Ottawa, achieving complete dismissal of bad faith and procedural allegations with Divisional Court upholding the municipality's discretion to weigh provincial energy needs in its planning decisions.
- Province of British Columbia on a 160 day trial in the BC Supreme Court, in defence of a treaty infringement claim by the Blueberry River First Nations (BRFN) relating to the cumulative effects of industrial development. The BRFN sought to prohibit all development over a 40,000 km^2 area in northeastern B.C.
- Crew Energy Inc. with respect to several appeals before the British Columbia Oil and Gas Appeal Tribunal that raise unique issues relating to Crown Land subject to an agricultural lease.
- Counsel to the Canadian Energy Pipeline Association (CEPA) before the Supreme Court of Canada in the *B.C. Environmental Management Act* Reference.
- Weatherford International PLC and Weatherford Canada Ltd. in respect to: a patent infringement lawsuit, related to fracking technology. an international arbitration under UNCITRAL involving global usage of drilling technology.
- A vital industry association on the British Columbia Court of Appeal pipeline constitutional reference involving bitumen transportation.
- Husky Oil Operations in a number of oil and gas related matters.
- A leading E&P company on oil sands project, pipeline and contractual disputes.
- An international oil and gas enterprise and its affiliates in negligence, gas processing and contractual disputes.

- A multinational energy corporation concerning a dispute over ownership of abandoned wells in the Arctic.
- A global technical services provider in relation to damages claimed by the owner of a Fort Hills Oil Sands Project totalling approximately $150 million, including repair costs, delay damages, and loss of value to the project due to the alleged failure of a passive fire protection coating.
- Spectra Energy Transmission in its $228 million claim for negligent supply of service, materials and project delay, related to the construction of a $1 billion gas processing plant in northern B.C.
- A dispute involving local government and a world-class waste treatment center in a series of disputes with an in-area oil and gas company.
- PNW and Pacific Northwest LNG Ltd. in defence of the action commenced by Lax Kw'alaams First Nation seeking declaratory and injunctive relief against the Attorney General of Canada, the Province of British Columbia, the Prince Rupert Port Authority, Pacific Northwest LNG Ltd. and PNW.
- A publicly-listed oil and gas royalty corporation on various oil and gas related matters.
- One of Canada's largest oil and gas E&P companies, and a number of other oil and gas companies, in defending against actions taken by the largest non-Crown lessor of oil & gas rights in Alberta, to terminate multiple petroleum & natural gas (PNG) leases throughout central Alberta through service of hundreds of notices to caveator to take proceedings on caveat.
- A Calgary technology company in relation to an international arbitration under the ICC Rules of Arbitration involving Middle Eastern and North African oil and gas operations.
- An E&P company in environmental contamination claims involving contamination and stigma/financing claims related to: rural/residential claims arising from well site operations; abandoned and operating well sites and pipelines; and commercial properties arising from heritage service station or bulk fuel storage facilities.

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.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

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