

Franchise Disputes

With the rapid growth of franchising in Canada over the last 30 years, its importance to the economy has flourished and given rise to unique legal issues. Brand standards, system compliance, disclosure compliance and consistency of experience are critical to the reputation of a franchise system. We recognize that franchise disputes can cut to the very core of a franchise system, and unless dealt with effectively, can threaten the continued existence of a franchise system.

We have extensive experience advising and representing franchisors and franchisees in all types of franchise disputes. We seamlessly draw on the resources of our team in Vancouver, Calgary, Toronto, Ottawa and Montréal to implement innovative and strategic approaches. We are guided by our clients' objectives and work to solve their problems.

Our franchise litigation and dispute resolution services cover all issues facing the franchise sector, including:

- franchise default and termination
- restrictive covenants and non-competition clauses
- claims under provincial franchise legislation (British Columbia, Alberta, Manitoba, Ontario, New Brunswick and Prince Edward Island)
- breach of contract, breach of the duty of good faith and fair dealing, misrepresentation, fraud, negligence, unconscionability, duress, breach of fiduciary duty, conspiracy, defamation and claims under the *Competition Act* and the *Trade-marks Act*
- injunctions
- class-action defence
- mediation and arbitration
- summary judgment, summary trial and trial
- appeals

We also have significant experience in providing advice on dispute avoidance and risk management.

Our expertise and dedication to franchise law has been recognized by the foremost legal ranking directories (*Chambers*, *Benchmark Litigation*, *Best Lawyers*, *Lexpert* and *Acritas*), the Canadian Franchise Association (CFA) and most importantly, the clients we serve.

We are proud to be able to act for local, national and international franchisors (from start-ups to some of the most recognizable brands in Canada and the world) as well as for multi-unit franchisees and master franchisees spanning a broad range of industries, including:

- full-service restaurants, fast food, quick service, fast casual and cafes
- hotel, hospitality, bars and lounges
- automotive, including manufacturers, dealerships, repair shops, maintenance and car and truck accessories
- large retail, including apparel, automotive, housewares, fitness, grocery, department and discount stores
- health care, elder care, naturopath, optometry, dental, massage and mobility products and services
- storage units and moving services
- real estate and property management
- tax services
- education, tutoring and child care
- junk removal, pest control and home maintenance services
- painting, paving, landscaping and home renovation services
- gym, yoga, Pilates and other fitness classes and services
- entertainment, including escape rooms, play centers, sports teams and adventure parks
- product sales, including hot tubs, appliances, heavy machinery, food smokers, skin care products and electronic vapers

In addition to franchise law, our clients rely on our expertise across complimentary and related practice areas. This includes:

- Corporate Commercial
- Private Equity
- Capital Markets
- Intellectual Property
- Cybersecurity, Privacy & Data Protection
- Labour & Employment
- Commercial Real Estate
- Construction
- Competition & Foreign Investment Review

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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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