

COLIN P. STEVENSON, M.A., LL.M.

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EDUCATION & AWARDS:

M.A. Law degree from Trinity College, Dublin	1982
LL.M. Masters from Osgoode Hall Law School, Toronto	1983
Called to Bar of Northern Ireland	1984
Called to Ontario Bar	1988
Certified as Specialist in Civil Litigation by the Law Society of Upper Canada:	2000
Toronto Commercial Arbitration Society Gold Standard Certificate in Commercial Arbitration	2017
ADRIC, Q.Arb.	2017
Harvard Program on Negotiation, Mediation Certificate	2019
ODACC (<i>Construction Act</i>) Adjudicator	2019

WORK EXPERIENCE:

Colin has experience in basically every facet of civil litigation. In recent years he has spent most of his time in real estate, construction, commercial and administrative litigation and class actions. In 2015 he commenced a complementary practice as an arbitrator and mediator.

Colin has litigated, mediated and arbitrated in almost every area of **real estate** law, from easements and fence disputes to condominiums, joint venture, partnership and cost sharing agreements. In November 2020 he was appointed by the federal Minister of Natural Resources as an *ad hoc* negotiator under s. 88 of the former *National Energy Board Act* in respect of a pipeline dispute.

In **construction** cases he regularly arbitrates and litigates all manner of construction issues, including recent arbitrations with respect to the proper interpretation of CCDC 3 (cost plus with GMP option) and CCDC 5B (construction management contract with GMP option) contracts.

Colin has an extensive practice in **commercial** litigation and appears regularly on Toronto's Commercial List. Recently, for example, he has acted for an Imam alleged to have fraudulently taken assets from a Sharia mortgage financing scheme in the context of CCAA proceedings, conducted a four month trial involving Russian oil and gas assets, as well as dealing with various oppression remedy disputes. In 2016 he successfully upheld on appeal to the Court of Appeal for Ontario the award of a religious tribunal subject to Ontario's *International Commercial Arbitration Act*. He has acted for a foreign state in issues of state and diplomatic immunity and the terrorist sponsor exemption.

In **administrative law**, he has acted as counsel to the College of Physicians and Surgeons of Ontario and independent legal counsel to the Discipline Committee of the College of Chiropractors of Ontario, as well as litigating various municipal issues before the Ontario Municipal Board, including the proper application of the *Development Charges Act*. In recent years he acted in significant proceedings under the *Municipal Conflict of Interest Act*. In his very first case in 1988 he obtained an injunction preventing the City of Toronto from changing Yonge Street and Bay Street to a one-way traffic flow.

In **class actions** he is or has been lead counsel or co-lead counsel in numerous cases, including food contamination (Maple Leaf Foods), propane explosions (Sunrise), pharmaceuticals and medical products (Zyprexa—an atypical anti-psychotic, DePuy, Stryker and Biomet—defective hip joints), defective gaskets (GM), defective ignition models (Ford), undisclosed foreign exchange fees (various institutions) and defective consumer products (Whirlpool washing machines). Colin has also defended developers and builders in class actions with respect to subdivision deficiencies and improper condominium purchase price adjustments.

BACKGROUND:

After obtaining his LL.M. from Osgoode Hall Colin returned to Ireland to teach law (contract, labour, evidence, administrative, introduction to law) at University College Cork until 1986.

In that period he also taught law at Osgoode Hall Law School as a visiting professor (property and municipal law) for the fall semester in 1985.

Colin moved permanently to Canada in 1986 when he practiced administrative law with Goodman & Goodman for a year—treated retrospectively as an articling year.

Colin joined Teplitzky, Colson LLP (a commercial litigation boutique) in 1988 and practiced commercial litigation there for some 15 years before starting his own litigation boutique, which is now called Stevenson Whelton LLP.

Stevenson Whelton LLP now has 11 lawyers in three office locations: downtown Toronto, Vaughan and Oshawa.

WORK FOR THE PROFESSION AND IN THE COMMUNITY:

Ontario Bar Association (OBA)—President, 2019-2020.

OBA—Director and Officer, 2015-2020.

OBA Policy & Public Affairs Committee—Chair, 2016-2017.

Law Practice Program at Ryerson—developed and taught the mediation module and the civil litigation program, 2015-2017.

Judicial Appointment Advisory Committee (for Superior Court of Justice appointments)—member, 2013-2015.

OBA Justice System Technology Committee—Chair, 2013-2015.

OBA Audit Committee—Chair, 2013-2015.

Elected member of OBA Council, 2012-2015.

OBA Civil Delay Working Group—member, 2015.

OBA Justice Effectiveness Task Force—Chair (responding to the 2012 Drummond Report), 2012-2013.

OBA committee which made submissions to the College of Physicians and Surgeons of Ontario on the standard of expert evidence—member, 2011.

OBA committee which made submissions to the Law Commission of Ontario with respect to judicial jurisdiction and questions of private international law (the *Model Court Jurisdiction and Proceedings Transfer Act*)—member, 2009.

Past Chair of the Civil Litigation executive of the OBA. Previously served for some years as Public Affairs representative and vice-chair of the Civil Litigation executive, 2008-2013. Civil Litigation executive of the Canadian Bar Association—served as a member *ex officio*, 2012.

OBA Award for Excellence in Civil Litigation (Committee)—co-Chair, 2010 and 2011.

Colin has published extensively and has spoken at numerous Continuing Legal Education events. Full particulars are available at www.swlawyers.ca and ADR papers are available at www.stevensonADR.ca.

Member of the OBA, the ABA, the American Association for Justice, the ADR Institute of Ontario, the Toronto Commercial Arbitration Society and the Advocates' Society.

Upper Canada College's Property Committee—member, 2013-2016.

RECENT PUBLICATIONS:

- AI Enabled Litigation Tools, chapter 12 in *Litigating AI* (Emond, May 2021)
- *10 Essential Tips for Any Commercial Mediation in Ontario* (October 2016)
- *10 Essential Tips for Any Commercial Arbitration in Ontario* (October 2016)
- *Arbitral Awards: Appeals, Setting Aside and Enforcement* (LSUC Primer on Arbitration April 5, 2016)
- *Negotiation Strategies* (LSUC Primer on Mediation April 5, 2016)
- *Consumer Class Actions: Tilting at Windmills* (Osgoode Hall Law School April 25, 2014)
- *Using the Rules to Speed Your Case to Trial* (OBA February 6, 2014)
- *Ethics and Negotiation in a Franchise Dispute* (OBA November 19, 2013)
- *Damages and Other Monetary Awards in Class Proceedings*, March 27, 2012 (LSUC)
- *Class Actions: Baby Steps Towards National Coordination, Civil Writes* CBA National Civil Litigation Section Newsletter (January 2012)
- *Ethics and Settlement: Let Right Prevail* (LSUC November 17, 2011)
- *Trial Tactics and Techniques* (April 9, 2010)
- *Understanding Cost Implications Should You Lose* (February 26, 2010)
- *Duty Calls: The New Role of Experts in the Ontario Civil Justice System* (February 8, 2010)
- *Maple Leaf Case Study: An Example of Crisis Management* (October 20, 2009)
- *Reforming the Law of Cross Border Litigation*, OBA Newsletter (Summer 2009)
- *How to Minimize Liability Exposure to Class Action Lawsuits or Third Party Claims*, BILD Seminar (February 2009)