

# Ian P. Katchin

**Partner and Litigation Department Chair**

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Ian is a Partner in the firm's Litigation and Dispute Resolution Group. He is also the Chair of the Litigation Department.

Ian's wide-ranging practice includes: commercial litigation with an emphasis on shareholder and partnership disputes, contractual disputes, insurance litigation and coverage disputes, construction litigation (including highway construction and lien matters), real estate disputes, matters before the Office of the Integrity Commissioner (Ontario) and the Mining and Lands Tribunal (Environment and Land Tribunals Ontario), professional negligence, bankruptcy and insolvency litigation, estate litigation, employment disputes, commercial landlord and tenant disputes, environmental litigation, transportation litigation and health law disputes.

Ian represents lawyers, law firms and politicians on litigation and non-litigation matters. He also acts for individuals, corporations and estates on matters which include: shareholder and partnership disputes, oppression remedy proceedings, insurance coverage disputes, injunctive proceedings including employment-related injunctions and Mareva injunctions, defamation (libel and slander), enforcement of guarantees and theft of goods while in transit.

Ian has represented clients before the Ontario Court of Appeal, Divisional Court, Ontario Superior Court of Justice, Ontario Court of Justice, and various tribunals, including the Licence Appeal Tribunal. Ian was counsel on one of the leading cases decided by the Court of Appeal for Ontario on the interpretation of the Taron Addendum in residential agreements of purchase and sale, and co-counsel on one of the leading cases decided by the same court dealing with the termination of a lease between a commercial landlord and tenant. Prior to joining Fogler, Rubinoff LLP, Ian practiced commercial and insurance litigation at the Waterloo office of a national firm.

Ian has a passion for education. During the Winter 2017 term, he was a Sessional Instructor at the University of Windsor - Faculty of Law where he taught Commercial Law - Secured Transactions. He was also an Adjunct Professor at Osgoode Hall Law School where he taught Commercial Law during the Winter 2019 term. Ian returned to the University of Windsor - Faculty of Law in the Winter 2022 term as a Sessional Instructor where he taught Commercial Law - Secured Transactions.

Ian also conducts speaking engagements both inside and outside of the firm.

## Education & Memberships

### EDUCATION

**Admitted to Ontario Bar, 2007**

**University of Windsor, LL.B., 2006**

**University of Waterloo, B.A. (Hons.), 2002**

### MEMBERSHIPS

**The Advocates' Society**

**Ontario Bar Association**

**Law Society of Ontario**

**Canadian Bar Association**

## Professional Designations

**Notary Public**

## Speaking Engagements & Publications

**Presenter, "Evidentiary and Procedural Issues: A Case Study of IAMGOLD Corporation v. Treelawn Capital Corp. and Wood Family Wealth Corporation, 2022 CanLII 109894 (ON LT)".**

[Fogler, Rubinoff LLP seminar \(May 17, 2023\)](#)

**Presenter, "The Importance of Commas in**

## PRACTICE AREAS

Administrative and Regulatory

Commercial Litigation

Construction

Estate Litigation

Employment Litigation

Insurance Litigation

Judicial Reviews and Appeals

Litigation and Dispute Resolution

Medical Industry Complaint, Discipline,  
Fitness, Quality Assurance and  
Registration

Real Estate Litigation

## Representative Work

### **IAMGOLD Corporation v. Treelawn Capital Corp. et al., 2022 CanLII 109894 (ON LT)**

Counsel for the successful respondents/applicants for the liability phase, Treelawn Capital Corp. and Wood Family Wealth Corporation, on an appeal to the Ontario Land Tribunal under section 181(4) of the *Mining Act* from the decision of the Tribunal under section 181(2) of the *Mining Act* in relation to expenses for mining activities on certain properties and declarations relating thereto in a 163 page decision.

### **IAMGOLD Corporation v. Treelawn Capital Corp. et al., 2021 CanLII 26647 (ON MLT)**

Counsel for the respondents/applicants for the liability phase, Treelawn Capital Corp. and Wood Family Wealth Corporation on an Application brought by IAMGOLD under s. 181(2) of the *Mining Act*.

### **IAMGOLD Corporation v. Treelawn Capital Corp. et al., 2021 CanLII 26650 (ON MLT)**

Counsel for the respondents/applicants for the liability phase, Treelawn Capital Corp. and Wood Family Wealth Corporation on a Pre-Hearing Conference relating to procedural issues concerning an Application brought by IAMGOLD under s. 181(2) of the *Mining Act*.

### **IAMGOLD Corporation v. Treelawn Capital Corp. et al., 2020 CanLII 103758 (ON MLT)**

Counsel for the respondents/applicants for the liability phase, Treelawn Capital Corp. and Wood Family Wealth Corporation on a Pre-Hearing Conference relating to procedural issues concerning an Application brought by IAMGOLD under s. 181(2) of the *Mining Act*.

### **Oulahen et al. v. City of Toronto et al., 2021 ONSC 773 (CanLII)**

Counsel for the plaintiffs in a misfeasance of public office claim against the City of Toronto and a local councillor.

### **Kalinitchenko v. Allure at the Gate of Aurora Inc. et al., 2021 ONSC 438 (CanLII)**

Counsel for the non-parties/intervenors in an action for, among other things, specific performance of a new home purchase agreement.

### **Contract Drafting"**

This Fogler, Rubinoff LLP seminar discussed the implications of the decision in *Austin v. Bell Canada*, 2019 ONSC 4757 on contract drafting. ( June 9, 2021)

### **Presenter, The Civil Litigator's Survival Guide to Evidence conference (Osgoode Professional Development)**

"Evidentiary Issues on Motions and Applications: Overcoming Problems and Presenting Properly" (November 6, 2020)

### **Author, "Evidentiary Issues on Motions and Applications: Overcoming Problems and Presenting Properly".**

Presented at The Civil Litigator's Survival Guide to Evidence conference organized by Osgoode Professional Development (November 6, 2020)

### **Author, "Can Insurers Deny Coverage for Loss of Business Income of Business Interruption Arising from the COVID-19 Pandemic?"**

This article examined the implications of the decision in *MDS Inc. v. Factory Mutual Insurance Company (FM Global)*, 2020 ONSC 1924 on Business Interruption Claims Arising from the COVID-19 pandemic. Fogler, Rubinoff LLP Litigation Bulletin (April 23, 2020)

### **Author, "The Court of Appeal for Ontario Sets the Record Straight Concerning the Applicability of the Tarion Addendum on Residential Agreements of Purchase and Sale".**

Fogler, Rubinoff LLP Litigation Bulletin (March 30, 2020)

### **Presenter, "A Case Study of Di Giorgio v. Rao: What to do When Faced with an Aborted Real Estate Transaction?"**

Fogler, Rubinoff LLP Litigation Lunch (September 11, 2019)

### **Author, "A Win for Landlords at the Court of Appeal: Maplevew-Veterans Drive Investments Inc. v. Papa Kerollus VI Inc. et al."**

This article examined the Court of Appeal's decision to void a lease renewal due to a tenant's ongoing default at the time of renewal. Fogler, Rubinoff LLP Litigation Bulletin and posted to Lexology (February 9, 2016)

### **Presenter, "Managing Disputes in the Family Business"**

This Fogler, Rubinoff LLP seminar discussed the structure of the family business, shareholders' agreements, implications of *Bhasin v. Hrynew*, remedies (oppression, winding-up, med/arb), and valuation issues. (December 2, 2016)

### **Research Assistant, September 2014 - December 2014**

Aaron Dhir, "Realigning the Corporate Building Blocks: Shareholder Proposals as a Vehicle for Achieving Corporate Social and Human Rights Accountability" (2006), 43 American Business Law Journal 2, 365-412.

#### **J-R Sons Roofing Inc. v. Kumra et al., 2021 ONSC 370 (CanLII)**

Counsel for one of the defendants on a Motion to discharge a construction lien from title to a residential property.

#### **2410002 Ontario Inc. v. 2496582 Ontario Inc. et al., 2021 ONSC 77 (CanLII)**

Counsel for the moving parties on a Motion for leave to appeal to the Divisional Court from an interlocutory order granting a Certificate of Pending Litigation against a second charge in relation to a commercial property.

#### **IAMGOLD Corporation v. Treelawn Capital Corp. et al., 2020 CanLII 103758 (ON MLT)**

Counsel for the responding parties at a Pre-Hearing Conference before the Mining and Lands Tribunal in relation to a procedural dispute over which section of the *Mining Act* governs an Application commenced by IAMGOLD Corporation.

#### **Ingarra v. 301099 Ontario Limited (Previn Court Homes), 2020 ONCA 103**

Counsel for the appellant on an appeal involving whether an agreement between lawyers (made orally and through the exchange of correspondence) to extend a residential closing date superseded the operation and effect of the provisions of the Taron Addendum.

#### **Treelawn Capital Corp. et al. v. IAMGOLD Corporation, 2019 ONCA 1022**

Counsel for the appellant on an appeal involving the jurisdiction of the Mining and Lands Tribunal to hear a dispute concerning a claim for expenditures under section 181 of the *Mining Act*.

#### **Treelawn Capital Corp. et al. v. IAMGOLD Corporation, 2019 ONSC 1935**

Counsel for the applicant on an Application under section 107 of the *Mining Act* to transfer a proceeding commenced under section 181 of the *Mining Act* before the Mining and Lands Tribunal to the Superior Court of Justice.

#### **Bisquip Leasing Corporation v. Coco Paving Inc. et al., 2019 ONSC 341**

Counsel for the responding party on a motion for summary judgment.

#### **Coco Paving Inc. v. Durham (Municipality), 2018 ONSC 2849 - Counsel**

Counsel for the responding party, Coco Paving Inc., on a motion to stay several actions pending the outcome of an arbitration under s. 106 of the *Courts of Justice Act*

#### **Di Giorgio v. Rao, 2018 ONSC 7427**

Counsel for the vendor in an aborted residential real estate transaction, in which damages were awarded for difference in the sale prices of the two agreements of purchase and sale for the property in question, together with carrying costs/expenses and legal fees on a substantial indemnity basis.

#### **The Vinyl Company Inc. v. Magnolia Windows and Doors, LLC, 2018 ONSC 2561 - Counsel**

Counsel on a motion to strike certain paragraphs of a Statement of Claim and on a cross-motion to amend the Statement of Claim

## **Teaching Experience / Engagements**

### **University of Windsor, Faculty of Law - Windsor, Ontario (January 2022 - April 2022)**

*Sessional Instructor - Commercial Law (Secured Transactions)*

- Prepared all course materials, including weekly PowerPoint slides and the final examination, and instructed a class of 40 students on the law of secured transactions in personal property and suretyships, which was primarily based upon an analysis of the Ontario *Personal Property Security Act (PPSA)*, related provincial and federal statutes, and applicable caselaw.

### **Osgoode Hall Law School, York University - Toronto, Ontario (January 2019 - August 2019)**

*Adjunct Professor - Commercial Law*

- Prepared all course materials, including weekly PowerPoint slides and four final examinations, and instructed a class of 40 students on the law of secured transactions in personal property and suretyships, which was primarily based upon an analysis of the Ontario *Personal Property Security Act (PPSA)*, related provincial and federal statutes, and applicable caselaw.

### **University of Windsor, Faculty of Law - Windsor, Ontario (January 2017 - April 2017)**

*Sessional Instructor - Commercial Law (Secured Transactions)*

- Prepared all course materials, including weekly PowerPoint slides and the final examination, and instructed a class of 60 students on the law of secured transactions in personal property and suretyships, which was primarily based upon an analysis of the Ontario *Personal Property Security Act (PPSA)*, related provincial and federal statutes, and applicable caselaw.

**Houle et al. v. Sostarich et al, 2017 ONSC 6025 - Counsel**

Counsel on a motion for summary judgment and for an Interpleader Order and on a cross-motion for partial summary judgment.

**ON Main Inc. v. Kempf, [2016] ONSC 5152 - Counsel**

Counsel on a motion with respect to defeating an Easement By Prescription and related relief claims on behalf of a development client.

**Mapleview-Veterans Drive Investments Inc. v. Papa Kerollus VI Inc. (Mr. Sub), 2016 ONCA 93 - Counsel**

Counsel on an appeal concerning the termination of a commercial landlord and tenant lease, and the ability of a tenant to renew when in default under the lease.

**Sky Solar (Canada) Ltd. v. Economical Mutual Insurance Company et al., 2015 ONSC 4714 - Counsel**

Counsel on a motion for an Order that privilege was waived by the opposing party and for production of a further and better Affidavit of Documents.

**Bandiera (Re), [2012] O.J. No. 1654 - Lead Counsel, 2012**

Counsel on a Motion to lift a stay of proceedings under the Bankruptcy and Insolvency Act, and to validate a Mareva Injunction *nunc pro tunc*.

**Canadian Managed Healthcare Ltd. v. Appleton et al., [2011] O.J. No. 3821, 2011 ONSC 5054 - Counsel, 2011**

Counsel on a Motion for Security for Costs, which were ordered in the amount of \$50,000.00

**Cecilio v. Turnberry Green Homes Inc. et al., [2010] O.J. No. 5663, 2010 ONSC 7077 - Lead Counsel, 2010**

Counsel to one of several defendants, in which Ian's client sought and obtained Summary Judgment dismissing the Plaintiff's action.

**Gemstar Canada Inc. v. George A. Fuller Co., [2009] O.J. No. 4878, 2009 CarswellOnt 7151 - Lead Counsel, 2009**

Counsel to Gemstar Canada Inc. in the successful opposition to a Motion setting aside amendments to a Statement of Claim and to a Motion challenging the Ontario Court's jurisdiction over the action.

## Recent Insights

### LITIGATION AND DISPUTE RESOLUTION

#### Evidentiary Issues on Motions and Applications: Overcoming Problems and Presenting Properly

Article

### LITIGATION AND DISPUTE RESOLUTION

#### The Civil Litigator's Survival Guide to Evidence Conference - Osgoode Professional Development

Speaking Engagement

### LITIGATION AND DISPUTE RESOLUTION

#### Can Insurers Deny Coverage For Loss of Business Income or

**Business Interruption Arising From The COVID-19 Pandemic?**

Article, COVID-19 Resource

**LITIGATION AND DISPUTE RESOLUTION**

**A Win for Landlords at the Court of Appeal: Maplevue - Veterans Drive Investments Inc. v. Papa Kerollus VI Inc. et al.**

Article

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