



Preet Saini

Calgary

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education and year of call

- Called to the Alberta bar - 2017
- University of Calgary, J.D. - 2016
- University of Calgary, BComm (with distinction) - 2013

practice areas

litigation

commercial real estate

regulatory compliance

fraud law

securities litigation

restructuring and insolvency

construction

municipal and land use planning law

profile

Preet is a lawyer in McMillan's Advocacy and Litigation Group. Preet has a broad commercial and regulatory litigation practice, with a focus on construction and insolvency law. He regularly represents all levels of the construction pyramid on contract disputes, construction liens, trust claims, lien priority disputes, lien funds, bond claims, *Public Works Act* claims, and construction insolvencies. He is on the executive of the McMillan Construction Group. He has significant experience with bankruptcies, receiverships, and all types of restructuring proceedings. His other areas of practice include securities, product liability, general commercial disputes, municipal law, and administrative disputes.

Preet has represented clients before all levels of court in Alberta, including the Alberta Court of Queen's Bench and the Alberta Court of Appeal. He has appeared before various administrative tribunals, including the Alberta Securities Commission and municipal tribunals.

As a volunteer at the Pro Bono Civil Claims Duty Counsel program, Preet provides free legal advice monthly to persons needing help with civil actions in Provincial Court. He was awarded the 2019 Outstanding Volunteer Award for having attended the highest number of volunteer shifts among Calgary lawyers. He is on the executive of the Canadian Bar Association – Alberta Civil Litigation. He also volunteers as a mentor with the Diversity and Law Society and is a member of the South Asian Bar Association.

Preet is a sessional instructor at the University of Calgary, where he teaches an introductory business law course. He volunteers

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with the University of Calgary Faculty of Law on a regular basis, judging moots and debates of law students.

Preet earned a BComm with Distinction and a Juris Doctor from the University of Calgary. While attending the University of Calgary law school, Preet was an editor for the Alberta Law Review and on the executive of the Society of Law Students. Preet also participated in the Alberta Court of Appeal and Gale Cup moots during his final two years. Prior to his start at McMillan, Preet gained experience working as a business analyst in the oil & gas industry and as a legal researcher.

directorships and professional associations

- Canadian Bar Association – Alberta Civil Litigation South
- Calgary Bar Association
- Federation of Asian Canadian Lawyers
- Diversity and Law Society
- South Asian Bar Association

representative matters

- *Graham Construction and Engineering Inc v Alberta (Minister of Infrastructure)*, 2019 ABQB 543 - Client filed *Public Works Act* claim for its work done and materials supplied to a public project pursuant to a subcontract agreement with Schendel, as subcontractor, and our client, as sub-subcontractor to Schendel. Schendel later went insolvent and entered proposal proceedings under the *Bankruptcy and Insolvency Act*. Unpaid subcontractors on the project filed just over \$60,000,000 of *Public Works Act* claims. The Crown paid approximately \$30,000,000 into court pursuant to the *Public Works Act*. The Court lifted the stay of proceedings caused by Schendel's insolvency, and held that the *Public Works Act* afforded claimants protection similar to the *Builders Lien Act* for public projects. A direct contractual claim against a contractor in the event of that contractor's insolvency can be worthless. The *Public Works Act* provides protections to those working on public projects. The issue of special priority to *Public Works Act* claimants in an insolvency context was novel and had not been determined by Alberta courts in the past. Our client was paid out its *Public Works Act* claim in full from the funds held in court.
- *BullRun Capital Inc v GrowMax Resources Corp*, 2019 ABQB 107 – In the context of a heated proxy contest, successfully challenged use of an advance notice by-law and obtained declaration that by-law had been complied with. Also sought and obtained appointment of an independent chair for the shareholders meeting.

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- *Northern Sunrise County v Virginia Hills Oil Corp*, 2019 ABCA 61 – Successfully represented Bank against challenge by various municipalities to a distribution order made in the context of a receivership. Municipalities had argued for secured creditor status due to special lien.
- *Steam Whistle Brewing Inc v Alberta Gaming and Liquor Commission*, 2018 ABQB 476 – First successful challenge to a law under section 121 of the *Constitution Act*. Alberta beer mark-up regime declared unconstitutional and client awarded \$163,964.98 in restitution.

publications

May 20, 2020

Litigating During COVID-19: Still Possible
Litigation Bulletin

March 2020

Supreme Court of Canada Grants Leave to Appeal in "Canada North" CCAA Priming Charges vs. Payroll Deductions Case
Restructuring and Insolvency Bulletin

September 2019

Supreme Court of Canada Denies Leave to Appeal in "Virginia Hills" Linear Property Tax Case: Northern Sunrise County, et al. v. Bank of Nova Scotia, et al., 2019 SCC 38587
Insolvency and Restructuring, Energy Bulletin

January 2019

Supreme Court of Canada Allows Redwater Appeal: Regulator entitled to super-priority for abandonment and reclamation costs
Restructuring and Insolvency Bulletin

January 2018

Liens in the Context of Gas Processing Facilities
CAPL Negotiator