



Glenn Grenier

Co-Chair, Aviation, Construction
Toronto

416.307.4005
glenn.grenier@mcmillan.ca

education and year of call

- Called to the Ontario bar - 1991
- University of Toronto, LLB - 1989
- University of Toronto, BA Commerce - 1986

practice areas

litigation
construction litigation
construction
business litigation
mediation
appellate advocacy

industries

construction
aviation
aerospace and defence
transportation

profile

- Partner, since 2006
- Previously a partner with another Toronto-based law firm

Glenn Grenier carries on a commercial litigation practice with emphasis on construction and aviation law. He is Co-Chair of both the Construction Law and Aviation Law practice groups.

Construction

Glenn is one of the firm's leading experts on construction law, construction liens and construction litigation. He regularly acts for project owners and developers, project financiers, general contractors and major subcontractors, sureties as well as suppliers, architects, engineers, designers and planners. His experience includes dealing with all manner of construction disputes including claims for lien, claims for extras, claims for delay and acceleration, negligence claims, design claims, tender disputes and asserting and defending bond and trust claims.

Glenn's practice also involves drafting construction contracts, contracts for professional services related to construction, tendering documentation, finishing contracts and ongoing advice to clients involved in the construction process, proper release of holdbacks and dealing with close-out documents, whether or not this consultation also involves a dispute or litigation.

Although based in Toronto, Glenn has been involved in projects across Ontario and indeed across the country. He has been retained by both extra-provincial and international clients involved in construction projects and/or disputes throughout Canada and North America.

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Glenn was a long-standing member of the Executive of the Construction Law Section, Ontario Bar Association. He has chaired conferences and taught seminars and courses on construction law, construction claims and the Construction Lien Act of Ontario. He has been ranked in both L'Expert and The Best Lawyers in Canada as a leading practitioner in Construction Law for a number of years.

Aviation

Glenn is one of the firm's leading experts on aviation law and taught this subject at the University of Western Ontario for four years. He has been general counsel to the Canadian Owners and Pilots Association (COPA), a national association with over 18,000 members engaged in the promotion and advancement of general aviation in Canada. He is also counsel to the Civil Air Search and Rescue Association (CASARA). He was one of the lead class counsel for passengers on board Air Transat Flight 236 following the emergency landing of that flight in the Azores in August 2001. He has also acted for airlines, airports, other aviation associations, FBO's, aircraft owners, pilots, passengers and other parties involved in regulatory matters, litigation, enforcement proceedings and aircraft accidents internationally and across the country.

Glenn has acted in many commercial disputes involving aircraft, hangars and airports. This includes regularly acting for the owners and operators of airports/aerodromes and successfully challenging provincial and municipal attempts to regulate, restrict or prohibit aeronautical activities.

Glenn is the editor of the Aviation chapter in O'Brien's Commercial Forms. He is a licensed pilot and, until donated to the Canadian Aviation Museum, was the owner and operator of a 1948 Funk B85-C aircraft based at the Burlington Executive Airport.

Commercial Litigation

For over 27 years, Glenn has acted in a wide variety of commercial litigation matters including real estate and development disputes, commercial tenancy litigation, shareholder disputes, franchise litigation, collection enforcement and defence, repair and storage liens and other commercial disputes.

directorships and professional associations

- Ontario Bar Association
- Executive, Construction Law Section of OBA for over 10

years

- Executive, Insolvency Law Section of OBA
- Canadian Bar Association, Construction Law and Air and Space Law Sections
- Toronto Lawyers Association
- Canadian Owners and Pilots Association, Current Legal Counsel, Member and Past Director
- Air Transportation Associate of Canada
- Toronto Construction Association

representative matters

Construction

- Acting as carriage counsel and obtaining the largest 'notice holdback' award to be found in Canadian caselaw. In so doing, increasing the available holdback to the lien claimants by almost 50% as well as being awarded \$150,000 costs. *Trenchline Const. Inc. Unimac-United Mgmt. Corp.* 2016 ONSC 6136 and 2016 ONSC 7019.
- Defeating two concurrent motions for security for costs seeking over \$1.0 million in security by successfully arguing that unpaid holdback pursuant to progress draws signed by the owner represented a trust asset of the contractor, negating the need for security. Such being the first time such an argument had been posited or accepted by the court. *Yuanda Canada Enterprises Ltd. v. Pier 27 Toronto Inc.* 2017 ONSC 1892.
- Acting for one of the larger gold mines in Canada with respect to \$68 million of lien claims by a major contractor as well as the receivership of another contractor resulting in \$25 million of lien claims.
- Acting for the Canadian subsidiary of an international conglomerate in finalizing its contract for the building envelope for the Trump Tower in downtown Toronto including obtaining a \$3.2 million judgment against the developers and successfully defending that Judgment before the Ontario Court of Appeal. *Talon International Inc. v. Far East Aluminium*, 2014 ONCA 539. In addition, representing that same party with respect to a \$7.0 million delay claim by a subcontractor.
- Representing the owner with respect to \$5.0 million claim concerning deficiencies in the precast cladding system of a Toronto office building.
- Asserting construction claims on behalf of parties with respect the Trump Tower, the L-Tower, Pier 27, Peterborough Regional Health Centre, the Willowbrook Rail

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Maintenance Facility, Etobicoke, the Gucci Flagship Store in San Francisco CA, Tauton Gardens Power Centre, Whitby, the Canadian Opera House, Toronto, the new Canada Bread processing facility in Hamilton, Richmond Hill Community Environmental Centre, Greenfield Power Generation facility, St. Clair, Richmond Hill Montessori School, expansion projects at the Ford Assembly Plant in Oakville, the GM Assembly Plant in Oshawa and the Chrysler Assembly Plant in Brampton, GO Transit expansion projects, Hospital for Sick Children, Toronto, Gallery Project, Toronto and the Waterloo City Centre.

- Defending construction claims on behalf of parties with respect to the Detour Lake Gold Mine, ICE Condominium Project, Toronto, Shangri-La Tower, Toronto, Pearson International Airport Expansion Project, Links Condominiums, Burlington, Allure Condominium Project, Thunder Bay, Cadbury Adams (Kraft) Canada plant expansion, Etobicoke, the Collins Bay Institute, Kingston, Bio-oil fuel facilities in Guelph, Ferrero Canada Plant, Brantford, Holt-Holloway Mine, Timmins, Rose Theatre, Brampton, Courthouse in Brampton, Vaughan Mills Mall, George Brown College, Rouge Valley Hospital, Liberty Village, Toronto, Residences at Shaftesbury Avenue, Toronto, Intrawest development projects in Collingwood and the Pacific Mall.
- Being consulted by parties with respect to construction issues with respect to the Ritz Carlton Hotel/Condominium, Toronto, Fort St John Hospital in Fort St. John B.C., Terrace Bay Pulp and Paper Mill, Mount Royal University Project in Calgary, ICE Condominium Project in Toronto, Soldier' Memorial Hospital, Orillia and The 400 Highway Series of Travel Centres.
- Negotiating and drafting both consultant and construction contracts for the cleanup of a contaminated industrial property on behalf of the owner as well as advising the owner throughout to the completion of the contracts including to the point of holdback release.
- Being retained by a consortium of contractors and successfully appealing a decision of the Ontario Divisional Court before the Ontario Court of Appeal and thereby asserting the priority of the construction liens of such contractors over the project mortgagee as reported in *Parkland Plumbing & Heating Ltd. v. Minaki Lodge Resort 2002 Inc.* (2009), 305 D.L.R. (4th) 577, 78 C.L.R. (3d) 1, 77 R.P.R (4th) 159, 2009 ONCA 256, [2009] O. J. No. 1195, 2009 CarswellOnt 1522 (Ont. C.A.).

Aviation

- General Counsel to the Canadian Owners and Pilots

Association (COPA) which represents over 16,000 aircraft owners and pilots across Canada. Advising on a very large range of aviation matters affecting members across the country. Mandates have included drafting submissions concerning amendments to *Canadian Air Regulations* concerning aerodrome development.

- Acting as General Counsel to the Civil Air Search and Rescue Association of Canada (CASARA)
- Representing an intervening party before the Ontario Environmental Review Tribunal and succeeding in having a proposed wind turbine project declared a “threat to human health” because of its proximity to two existing aerodromes. In the result, having the ERT revoke the project permit and thereby preserving the approaches, circuit and functionality of the two aerodromes.
- Acting for a number of airports and aerodromes and challenging the applicability of provincial or municipal laws/bylaws (including enforcement) with respect to activities at airport/aerodrome on the basis same are governed by the exclusive federal power over aeronautics further to the Canadian Constitution, including:
 - Leading the legal team in a successful five year battle on behalf of an aerodrome and having a court application by a municipality dismissed (with costs) pursuant to which the municipality attempted to stop airport improvements by the retroactive application of its by-laws;
 - Acting for a northern Ontario airport and FBO with respect to attempts of the provincial Ministry of Environment to control aircraft maintenance activities;
 - Successfully forcing injunction proceedings to be withdrawn by an Ontario municipality attempting to stop expansion of a helicopter maintenance base and to shut down the commercial operations at a registered aerodrome in central Ontario on the basis that the FBO had no building permit and the commercial operations breached the local zoning by-law;
 - Obtaining an Order from the Alberta Court of Appeal removing flight prohibitions and restrictions imposed by an Alberta Municipality upon a helicopter aerodrome;
 - Having charges withdrawn against an aerodrome operator brought by a municipality which alleged breach of its fill bylaw and lack of a fill permit during the construction of a runway; and
 - Having a municipality abandon attempts to shut down activities at a registered aerodrome on the basis same did not comply with a municipal by-law purportedly

regulating private airfields.

- Counsel to a provincial Air Ambulance service with respect to recent amendments to helidrome standards.
- Providing expert evidence with respect to Canadian aviation law further to proceedings in Texas concerning the purchase and sale of a Bombardier Global 5000 aircraft.
- Acting for the vendor in a commercial dispute involving the sale of a business jet (CL 850).
- Acting as one of the Class Counsel for the passengers of Air Transat Flight 236 following the emergency landing of that flight in the Azores in August 2001. That effort led to the \$7,650,000 court approved settlement secured on behalf of 175 passengers.
- Acting for a passenger and family with respect to a claim arising from the crash of Air France 358 at Pearson International Airport.
- Acting for the family of passenger killed in a seaplane accident on the Fraser River, B.C.
- Acting for an international aircraft leasing company with respect to a multi-million dollar lawsuit against Boeing, Bahamasair and others concerning the lease of nine Dash 8-300 aircraft.
- Acting for pilots being investigated by Transport Canada with respect to alleged breaches of the *Canadian Air Regulations*.
- Acting for creditors with respect to the insolvencies of Air Canada and Canada 3000 Airlines Limited and Royal Aviation Inc.

awards and rankings

- Recognized by *Best Lawyers in Canada (2020)* as a leading lawyer in the areas of Aviation Law and Construction Law
- Recognized in the 2019 *Canadian Legal Lexpert Directory* as a Repeatedly Recommended lawyer in the area of Construction Law
- Recognized by *The Best Lawyers in Canada (2019)* as a leading lawyer in the area of Construction Law
- Recognized in the 2018 *Canadian Legal Lexpert Directory* as a Repeatedly Recommended lawyer in the area of Construction Law
- Listed in *The Best Lawyers in Canada 2018* as a leader in Construction Law
- Repeatedly recommended, Construction Law, in the 2017 *Canadian Legal Lexpert Directory*
- Listed in the *Canadian Legal Lexpert Directory 2016* as a

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leading practitioner in the area of Construction Law

- Consistently Peer Reviewed as "Distinguished" by *Martindale-Hubbe* for past 10 years

teaching engagements

- 2017 and 2018
Judge for University of Toronto Upper Year Mandatory Moots
- January 2010 – April 2013
MOS 3306B – Aviation Law
Course Instructor, University of Western Ontario, Aubrey Dan Program in Management and Organizational Studies

Course Lectures include:

- Federal Jurisdiction Over Aeronautics
- International Aeronautical Conventions including the *Chicago Convention*, the *Warsaw Convention* and the *Montreal Convention*
- *Aeronautics Act* and the *Canadian Air Regulations*
- Aerodromes, Airports and Airspace
- Personnel Licensing and Training
- Enforcement of *Canadian Air Regulations*
- Criminal Offences related to Aviation
- Civil Liability
- Aircraft Registration, Ownership and Airworthiness
- Aircraft Purchase, Sale and Leasing
- Aviation Security

community involvement

- As a member of COPA Flight 28 Inc. (including acting as Flight Captain) Glenn has, over the years, participated in large number of the community service activities of this organization including the Young Eagles Program, Big Brothers/Sisters Airlifts, flight education programs for local schools and running the scholarship committee
- Between 2002 and 2006, Glenn was an elected member of the Board of Directors of the Canadian Owners and Pilots Association representing Southern Ontario
- Glenn has volunteered as a Scout Leader for his two sons' Scout Troop, 1st Tansley Scouts, Burlington, Ontario and has done so for a total of 4 years

media mentions

- "[Freedom to fly at work - Windmills](#)", COPA Flight, March,

2018

publications

June 2019

Aviation – New Regulations Regarding Passenger Rights in Canada
Aviation Bulletin

May 2019

Supreme Court: Skydiving Remains Part of Aeronautics
Canadian Owners and Pilots Association

June 2018

Minimizing Risks Arising from the New Construction Lien Amendments
Litigation and Construction Bulletin

April 2018

New Regulations Add Detail to the *Construction Lien Amendment Act*
Litigation Bulletin

August 2017

Permit for Collingwood Turbines Revoked
Canadian Owners and Pilots Association

May 2017

No Security for Costs for Defendants With Trust Funds
Litigation Bulletin

March 2016

Final Report: *Canada Transportation Act* Review
Transportation Bulletin

2012

O'Brien's Commercial Forms
Co-Editor: Aviation chapter (ongoing)

July 2010

Evaluating Concurrent Delay: Unscrambling The Egg
Construction Law Letter, Vol. 26, No. 6.

April 2010

Quirky Liens – Part 2
Construction Lien Primer and Update, Ontario Bar Association, October 2009. Part 1 of this paper appeared in Lang Michener's Commercial Litigation Brief Fall 2009, and Part 2 appeared in Commercial Litigation Brief Spring 2010

November 24, 2009

Quirky Liens – Part 1
Construction Lien Primer and Update, Ontario Bar Association, October 2009. Part 1 of this paper appeared in Lang Michener's

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Commercial Litigation Brief Fall 2009, and Part 2 appeared in
Commercial Litigation Brief Spring 2010

February 2009

Alternative Remedies to Construction Liens – PPSA and RSLA
Remedies

Hot Topics in Construction Law, Ontario Bar Association
Canadian Institute of Continuing Legal Education

August 2008

Lienability and the Kennedy Electric Saga (A Weighty Issue)
C.L.R. (3d) 157, August 2008, Hot Topics in Construction Law,
Ontario Bar Association, November 2007

February 2008

The Repair and Storage Liens Act, The One To Watch Out For
Commercial Times, No. 487, CCH

September 2006

Evaluating Concurrent Delay – Unscrambling the Egg
C.L.R. (3d) 46, September 2006; Construction Delay Claims,
Ontario Bar Association, March 2006; The Traps and Pitfalls of
Construction Delay Claims in Ontario, Lorman Educational
Services, May 2005

May 2005

Acceleration - Between A Rock and A Hard Place
C.L.R (3d) 55

presentations

May 2019

Prompt Payment and How it Works
OBA | Professional Development

April 11, 2019

Ontario's New Construction Act
McMillan Construction Counsel Series

April 2018

Key Update on the New Construction Act
Joint OBA and CBA Construction and Infrastructure Law

March 2018

The Construction Act - How Bill 142 has changed the
Construction Lien Act – what you need to know
McMillan Construction Counsel Series

February 2017

Navigating Everyday Construction Law Landmines: Best
Practices for Smooth Digging
Construction & Infrastructure Law, OBA Institute 2017

February 2013

A Review of the Most Important Construction Law Cases of the

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Year

Construction Law – Hot Topics, Tips and Tactics to Build Your
Construction Law Toolkit, OBA Institute 2013

October 2012

OBA Roundtable
Speaker and Discussion Leader

March 2, 2012

A Landmark of a Case? Landmark II
Hot Topics in Construction Law, Ontario Bar Association
Canadian Institute of Continuing Legal Education

January 2012

Managing the Legal Aspects of Construction Financing
Construction Financing Conference

December 2011

Fundamentals of Construction Law
Construction Superconference

February 2010

Getting Paid in Lien Times
RONA University, February 16, 2010 and April 28, 2010

November 2009

Alternatives to Construction Liens
Construction Liens and Insolvency, Ontario Bar Association

October 2009

Quirky Liens
Construction Lien Primer and Update, Ontario Bar Association

September 2009

Strategic Drafting Considerations at the Pre-Tender Stage
Managing Risk at the Pre-Tender Stages, Canadian Institute
Conference

February 2, 2009

Alternative Remedies to Construction Liens – PPSA and RSLA
Remedies
Hot Topics in Construction Law, Ontario Bar Association
Canadian Institute of Continuing Legal Education

October 2008

What You Don't Know May Hurt You! Strategies for Minimizing
Risk
Lang Michener Five O'Clock Seminar

May 2008

Construction Remedies, Beyond the Lien
Ontario Bar Association Continuing Legal Education Program

November 2007

Lienability and the Kennedy Electric Saga (A Weighty Issue)
Hot Topics in Construction Law , Ontario Bar Association

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Continuing Legal Education Program

October 2007

Repairers' Liens, presented at Remedies Fast Forward
Ontario Bar Association Continuing Legal Education Program

April 2007

Construction Liens, Don't Panic
When the Dirt Flies, Strategies and Remedies for Landlords and
Tenants, Lang Michener LLP 5 O'Clock Lecture Series

February 2007

Delay Claims
Jointly sponsored by the Construction Management and
Architectural Technologist Program Section of George Brown
College, February 13, 2007 and March 29, 2006

March 2006

Construction Delay Claims
Ontario Bar Association Continuing Legal Education Program
including presentation of a paper on Concurrent Delay Claims

May 2005

The Traps and Pitfalls of Construction Delay Claims in Ontario
Including the presentation of three papers on the Issues of i)
Acceleration Claims, ii) Concurrent Delay and iii) Overhead and
Profit in Delay Claims, Lorman Educational Services

February 2005

Risk, Responsibility and Dispute Avoidance (in Construction
Litigation)
Jointly sponsored by the Construction Management and
Architectural Technologist Program Section of George Brown
College