

## GLENN GRENIER\*

**Categories:** [People](#), [Lawyers](#)

Glenn Grenier is a highly respected commercial litigator with recognized expertise in construction law and aviation law. He is a leader of the firm's Construction & Infrastructure and Aviation groups.

As one of the firm's leading experts on construction litigation, Glenn acts for project owners and developers, financiers, general contractors and major subcontractors, and sureties, as well as suppliers, architects, engineers, designers and planners. His experience includes all manner of construction disputes including claims for liens, extras, and delay and acceleration, as well as negligence and design claims. He also argues tender disputes, and asserts and defends bond and trust claims.

Glenn's practice involves the drafting of various contracts and tendering documentation relating to construction projects. He also provides counsel on the proper release of holdbacks and dealing with close-out documents, whether in the context of disputes or offered as ongoing advice.

Acting for airlines, airports, fixed base operators (FBOs), aircraft owners, pilots and passengers, Glenn provides advice and representation on regulatory matters, litigation, enforcement proceedings and aircraft accidents across Canada and beyond. He serves as general counsel to the Canadian Owners and Pilots Association (COPA), a national association engaged in the advancement of aviation in Canada. He is also counsel to the Civil Air Search and Rescue Association (CASARA).

Glenn has significant expertise in commercial disputes involving aircraft, hangars and airports. Acting for the owners and operators of airports and aerodromes, he has successfully challenged provincial and municipal attempts to regulate, restrict or prohibit aeronautical activities.

Experienced in a wide variety of commercial litigation matters, Glenn has acted in real estate and development disputes, commercial tenancy litigation, shareholder disputes, franchise litigation, collection enforcement and defence, as well as repair and storage liens.

Glenn is the editor of the chapter on aviation in *O'Brien's Commercial Forms*. A licensed pilot, he was the owner and operator of a 1948 Funk B85-C before donating it to the Canadian Aviation Museum.

**Email:** glenn.grenier@mcmillan.ca

**Expertise:** Aviation, Aerospace & Defence, Construction & Infrastructure, Corporate Commercial Litigation, Litigation & Dispute Resolution

**Location:** Toronto

**Phone:** 416.307.4005

**Position/Title:** Partner, Aviation | Construction & Infrastructure

**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 four years

**Directorships & Affiliations:**

- 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

**Publications:**

- "[Government of Ontario to amend emergency order to allow release of holdbacks](#)," Link2Build (April 2020)
- "[Supreme Court: Skydiving Remains Part of Aeronautics](#)," Canadian Owners and Pilots Association (May

2019)

- "[Permit for Collingwood Turbines Revoked](#)," Canadian Owners and Pilots Association (August 2017)
- "[Evaluating Concurrent Delay: Unscrambling The Egg](#)," Construction Law Letter, Vol. 26, No. 6. (July 2010)

#### **Education & Admissions:**

**Degree:** Called to the Ontario bar

**Year:** 1991

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**Degree:** LLB

**University:** University of Toronto

**Year:** 1989

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**Degree:** BA, Commerce

**University:** University of Toronto

**Year:** 1986

#### **Media Mentions:**

- [Can Airports Unilaterally Impose User Fees and Restrict Access? – It Ain't Necessarily So](#), July 29, 2021
- Government releases rules on lifting COVID-19 holdback suspension, Ontario Construction News, April 15, 2020
- Simple holdback fix tied up in AG's office: Funds frozen for contractors completing projects, Ontario Construction News, April 7, 2020
- Can I safely release holdback in Ontario after March 16, 2020?, Ontario Construction News, April 7, 2020
- [Freedom to fly at work - Windmills](#), COPA Flight, March, 2018

#### **Rankings & Recognition:**

- Recognized by *Best Lawyers* in Canada (2022) as a leading lawyer in the areas of Aviation Law and Construction Law
- Recognized in the 2021 Lexpert Special Edition on Canada's Leading Infrastructure Lawyers as a Infrastructure Lawyer
- Recognized in the 2021 Canadian Legal Lexpert Directory as a Consistently Recommended Lawyer in the area of Construction Law

- Recognized by the Best Lawyers in Canada (2021) as a leading lawyer in the area of Construction Law
- Recognized in the 2020 Lexpert Special Edition on Canada's Leading Infrastructure Lawyers as a Leading Infrastructure Lawyer
- Recognized in the 2020 Canadian Legal Lexpert Directory as a Repeatedly Recommended lawyer in the area of Construction Law
- 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 leading practitioner in the area of Construction Law
- Consistently Peer Reviewed as "Distinguished" by Martindale-Hubble for past 10 years

### **Speaking Engagements:**

- My Rights as a Hangar/Aerodrome Owner with McMillan COPA National Conference

- June 27, 2021

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[https://www.cbapd.org/details\\_en.aspx?id=ON\\_ON21CON01X&utm\\_source=LYR&utm\\_medium=EM&utm\\_campaign=PD](https://www.cbapd.org/details_en.aspx?id=ON_ON21CON01X&utm_source=LYR&utm_medium=EM&utm_campaign=PD)

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- Where the Rubber Hits the Road: Potential Pitfalls Along the Road to Applying the New Construction Act, The Canadian Bar Association

- March 25, 2021

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[https://www.cbapd.org/details\\_en.aspx?id=ON\\_ON21CON01X&utm\\_source=LYR&utm\\_medium=EM&utm\\_campaign=PD](https://www.cbapd.org/details_en.aspx?id=ON_ON21CON01X&utm_source=LYR&utm_medium=EM&utm_campaign=PD)

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- Responses to Select Questions from the "The Impact of COVID- 19 on the Construction Industry: McMillan Answers Your Questions" Webinar

- April 3, 2020

- <https://mcmillan.ca/wp-content/uploads/2020/07/19CON0501C.pdf>

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- Webinar: The Impact of COVID-19 on the Construction Industry: McMillan Answers Your Questions

- March 31, 2020

- <https://mcmillan.ca/wp-content/uploads/2020/07/19CON0501C.pdf>

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- Prompt Payment and How it Works - OBA | Professional Development

- May 2019

- <https://mcmillan.ca/wp-content/uploads/2020/07/19CON0501C.pdf>

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- Ontario's New Construction Act - McMillan Construction Counsel Series

- April 11, 2019

- <https://mcmillan.ca/wp-content/uploads/2020/07/Ontario-New-Construction-Act-seminar-6.pdf>

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

- April 2018

- [https://www.cbapd.org/details\\_en.aspx?id=on\\_18con0419c](https://www.cbapd.org/details_en.aspx?id=on_18con0419c)

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

- March 2018

- <https://mcmillan.ca/wp-content/uploads/2020/07/The-Construction-Act-HowBill-142-has-changed-the-Construction-Lien-Act-what-you-need-to-know.pdf>

### **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 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.

**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

**Industries:** Aerospace & Defence, Aviation, Construction & Infrastructure

**Practices:** Corporate Commercial Litigation, Litigation & Dispute Resolution