

## PREET SAINI



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

Preet Saini is a litigation lawyer with a commercial litigation practice focused on construction and insolvency and restructuring. He also provides representation in general commercial disputes, as well as in municipal and land use planning matters.

Representing all levels of the construction pyramid, Preet acts for clients in contract disputes, construction liens, trust claims, lien priority disputes, lien funds, bond claims, Public Works Act claims and construction insolvencies.

Preet also brings significant experience in bankruptcies, receiverships, and all types of restructuring proceedings, acting for clients across a range of industries.

Appearing before all levels of court in Alberta, including the Court of King's Bench and the Court of Appeal, Preet also represents clients in municipal and administrative tribunals, including the Alberta Securities

Commission.

Preet is chair of the Canadian Bar Association's Alberta Civil Litigation South subsection. As a volunteer with the Pro Bono Civil Claims Duty Counsel program, he provides free legal advice to persons involved in civil actions. He was awarded the 2019 Outstanding Volunteer Award for working the highest number of shifts among Calgary lawyers across all national firms. Preet also volunteers as a mentor with the Diversity and Law Society and serves as a member of McMillan's Equity, Diversity and Inclusion Advisory Group, which implements various diversity and inclusion related initiatives across the firm.

A sessional instructor at the University of Calgary, Preet teaches an introductory business law course during the Winter semester and volunteers as a judge of moots and law student debates.

Prior to his start at McMillan, Preet gained experience as a business analyst in the oil and gas industry and a legal researcher.

**Email:** [preet.saini@mcmillan.ca](mailto:preet.saini@mcmillan.ca)

**Expertise:** Construction & Infrastructure, Corporate Commercial Litigation, Litigation & Dispute Resolution, Municipal, Land Use Planning & Development, Restructuring & Insolvency

**LinkedIn:** <https://www.linkedin.com/in/preetsaini/>

**Location:** Calgary

**Phone:** 403.531.4716

**Position/Title:** Partner, Litigation & Dispute Resolution

**Community Involvement:**

- Chair of Calgary Office Pro Bono Civil Claims Duty Counsel program

**Directorships & Affiliations:**

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

- Beta Gamma Sigma Honor Society

**Publications:** "[Whose Duty Is It? Responsibility for Site Safety under Ontario's Occupational Health and Safety Act.](#)" Article by Sean Ralph & Preet Saini (Spring/Summer 2023)

**Education & Admissions:**

**Degree:** Certificate in Construction

**University:** Osgoode Hall Law School

**Year:** 2020

---

**Degree:** Called to the Alberta bar

**Year:** 2017

---

**Degree:** JD

**University:** University of Calgary

**Year:** 2016

---

**Degree:** B.Comm. (with distinction)

**University:** University of Calgary

**Year:** 2013

**Media Mentions:**

- "[Legal Notes: Blending "pay when paid" clauses with prompt payment regimes.](#)" by John Bleasby, *Daily Commercial News* (December 8, 2022)
- "[Manitok Energy Inc \(Re\), 2022 ABCA 260](#)", commentary, *Take Five, On Point Law Corp*, Alberta Edition, pp.18-21 (August 2022)
- "[New provincial construction legislation introduces laws to support contractors](#)" by Rahma Dalmar, *LakelandToday* (September 17, 2022)
- "[Legal Notes: Never underestimate the Importance of contract notice provisions](#)" by John Bleasby, *Daily Commercial News* (July 21, 2022)
- "[Rising municipality charges stalling efforts to develop green buildings in Canada](#)", by Julius Melnitzer, *Financial Post* (September 8, 2021)
- "[A tale of two project conflicts: a non-starter and one running overtime.](#)" By John Bleasby, *Daily Commercial News*, Legal Notes, p.4 (February 24, 2021)

### Rankings & Recognition:

- Recognized by *Best Lawyers in Canada* (2023) as a 'One to Watch' in the areas of Construction Law and Corporate and Commercial Litigation
- Recognized by *Best Lawyers in Canada* (2022) as a 'One to Watch' in the areas of Construction Law and Corporate and Commercial Litigation

### Representative Matters:

- ***Re Manitok Energy Inc, 2022 ABCA 260*** - Successful appeal regarding the enforceability of a sale approval and vesting order granted in a proposal proceeding pursuant to the Bankruptcy and Insolvency Act prior to a receivership. The dispute concerned whether certain proceeds described in the court approved sale agreement were secured or unsecured assets due to the subsequent receivership of the debtor. The Court of Appeal of Alberta held that the sale approval and vesting order vested the assets absolutely in our client, the appellant. The assets were found to be subject to the sale approval and vesting order and the appellant was entitled to the assets.
- ***Air X Chartered Limited v Avmax Aircraft Leasing Inc, 2022 ABQB 355*** - Represented lessees of aircraft operating in Europe. After obtaining two separate injunctions permitting our clients to continue leasing the aircraft despite allegations of breaches by the lessor, we successfully obtained a third anti-suit injunction requiring a related dispute to be heard in Alberta. The lessor had sought that the related dispute be heard in Malta. The Court held that lessors had acted in an improper manner.
- ***Canadian Western Bank v Shamrock Valley Enterprises Ltd, 2022 ABQB 331*** - Successfully opposed request by defendant debtors to appoint case management over five actions. The defendants sought to raise the same or similar defences and requested that the five actions be heard in a coordinated manner. The Court held that there were no efficiencies to be gained by coordinating the actions given the different factual inquiries required to be undertaken in each action. Acted for the lender.
- ***Re Sultan Management Group, 2022 ABQB 262*** - Successfully obtained a bankruptcy order against a debtor despite procedural and substantive objections made by the debtor. Arguments by debtor included that an act of bankruptcy had not been proven, that the application for bankruptcy order did not satisfy formal requirements, and that the application was an abuse of process. Acted for the lender and petitioning creditor, Royal Bank of Canada.
- ***Polaris Financial Management Limited v AuVert Mining Group Inc, 2022 ABQB 419*** - Opposed application by defendants to strike or stay two actions on grounds that the two actions constituted litigation by installments. Successful in having application dismissed. Opposed separate application by

defendants to strike portions of client's affidavits on grounds that evidence was protected by privilege. Substantially successful in the result.

- ***Graham Construction and Engineering Inc v Alberta (Minister of Infrastructure), 2019 ABQB 543*** - Litigation on Public Works Act claim filed by client as sub-subcontractor to an insolvent subcontractor. Client received payment in full for its claim. 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
- ***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.
- ***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.

#### **Teaching Engagements:**

- Regular guest judge for the University of Calgary, Faculty of Law mooting program, including annual moots for the 1L legal research and writing course
- Sessional Instructor, University of Calgary: Introduction to Business Law

**Industries:** Construction & Infrastructure

**Practices:** Litigation & Dispute Resolution, Corporate Commercial Litigation, Municipal, Land Use Planning & Development, Restructuring & Insolvency