



## 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.

Glenn Grenier  
t: 416.307.4005  
glenn.grenier@mcmillan.ca

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

Glenn Grenier  
t: 416.307.4005  
glenn.grenier@mcmillan.ca

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 in the *2020 Lexpert Special Edition on Canada's Leading Infrastructure Lawyers* as a Leading Infrastructure Lawyer
- Recognized by the Best Lawyers in Canada (2021) as a leading lawyer in the area of Construction Law
- 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*

Glenn Grenier  
t: 416.307.4005  
glenn.grenier@mcmillan.ca

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-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

Glenn Grenier  
t: 416.307.4005  
glenn.grenier@mcmillan.ca

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, 1<sup>st</sup> Tansley Scouts, Burlington, Ontario and has done so for a total of 4 years

## media mentions

- "[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

## publications

### April 2020

Government of Ontario to amend emergency order to allow release of holdbacks

Link2Build

### April 10, 2020

Show Me the Money: Government of Ontario to Amend Emergency Order to Allow Release of Holdbacks  
Construction Bulletin

### April 8, 2020

Project Management Amid COVID-19 - The Triage  
Construction Law Bulletin

### April 3, 2020

The Impact of COVID-19 on the Construction Industry: A Reference Guide to the Changed Landscape  
Construction Law Bulletin

### April 2, 2020

Holdbacks in the time of COVID-19: Potential Impacts of Emergency Measures on BC  
Litigation/Construction Bulletin

### March 24, 2020

Can I Safely Release Holdback in Ontario After March 16, 2020?  
Construction Bulletin

### June 2019

Aviation – New Regulations Regarding Passenger Rights in Canada

Aviation Bulletin



Glenn Grenier  
t: 416.307.4005  
glenn.grenier@mcmillan.ca

## **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  
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

**April 3, 2020**

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

**March 31, 2020**

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

**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**

Glenn Grenier  
t: 416.307.4005  
glenn.grenier@mcmillan.ca

A Review of the Most Important Construction Law Cases of the 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)

Glenn Grenier  
t: 416.307.4005  
glenn.grenier@mcmillan.ca

Hot Topics in Construction Law , Ontario Bar Association  
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