



W. Brad Hanna, FCI Arb.

Co-Chair, Dispute Resolution, Franchising & Distribution,
International Arbitration
Toronto

416.865.7276
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education and year of call

- Called to the Ontario bar - 1994
- University of Ottawa, LLB (graduated Dean's List, *magna cum laude*) - 1993
- University of Waterloo, Honours Environmental Studies (graduated Dean's List, Top of Class) - 1989

practice areas

litigation
business litigation
fraud law
intellectual property litigation
arbitration
defamation and libel
appellate advocacy
franchise and distribution
franchising and distribution disputes
class actions

industries

food, beverage and agribusiness
automotive manufacturers and distributors
dealerships
suppliers
franchising and distribution

profile

Brad is the Co-Chair of the firm's Dispute Resolution, Franchising & Distribution, and International Arbitration Groups.

Brad has represented clients before all levels of courts in Canada, including the Supreme Court of Canada, as well as before domestic and international arbitration tribunals.

Brad's practice primarily consists of complex corporate commercial litigation. He has extensive experience in handling franchise and distributorship disputes, intellectual property disputes, internet disputes, commercial fraud, environmental litigation and a wide range of contractual and business relationship disputes. In addition to Canadian clients, he routinely represents American and other foreign entities that are parties to disputes in Canada.

Brad routinely advises and represents foreign and domestic manufacturers who are terminating relationships with distributors and franchisees. He has handled hundreds of termination disputes, including those involving claims of wrongful termination, breach of contract, bad faith, fraud, misrepresentation, intellectual property infringement, breach of non-compete and confidentiality covenants, licensing issues and competition law. Brad has represented numerous automotive clients in this context, including Honda, Mercedes-Benz, Mitsubishi, and Subaru. Brad has also defended several automotive manufacturers, food manufacturers, clothing manufacturers, petroleum suppliers and a national grocer against alleged breaches of franchise legislation, including rescission and breach of the duty of good faith and fair dealing claims.

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Brad has acted in numerous internet-related cases, including cases involving ICANN, "cybersquatting", internet defamation and other violations of intellectual property. He represents clients in trade-mark and copyright disputes and cases involving misappropriation of trade secrets and confidential information.

His corporate fraud practice encompasses all forms of crimes against the company committed by corporate representatives and unrelated parties. With respect to environmental law, Brad's practice includes representing both plaintiffs and defendants in civil environmental actions and he also regularly defends corporations who have been charged under a variety of environmental statutes and other regulatory laws. He has class action experience in defending cases involving breach of contract and fiduciary duties, misrepresentation and patents.

Brad also has extensive experience in alternative dispute resolution techniques. He is a Fellow and member of the Executive Committee of the Chartered Institute of Arbitrators (FCI Arb.) and routinely acts as counsel in private and court-annexed mediations, international and domestic commercial arbitrations and NADAP proceedings.

directorships and professional associations

- Canadian Franchise Association Legal & Legislative Affairs Committee
- Fellow of the Chartered Institute of Arbitrators (CI Arb)
- Member of the Executive Committee of the CI Arb
- Founding Member of the Toronto Commercial Arbitration Society and Member of its Liaison Committee
- Canadian Bar Association (Ontario)
- American Bar Association (Civil Litigation)
- Advocates' Society
- Metropolitan Toronto Lawyers Association

representative matters

Recent matters include:

- Representing Miller Brewing Company in a dispute with Molson regarding a Canadian license agreement;
- Representing Mitsubishi Canada in dealer termination litigation;
- Represented Johnson Controls in a corporate fraud case brought against several parties by Windsor Casino;
- Represented GlaxoSmithKline in a patent "evergreening" class action;

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- Represented Magna Companies in an international arbitration involving a joint venture dispute;
- Representing Sobseys in a franchise termination dispute; and
- Representing Subaru in dealer termination and intellectual property disputes.

awards and rankings

- Recognized in the *2019 Benchmark Litigation Canada Guide* as Litigation Star
- Recognized in the *2018 Benchmark Litigation Canada Guide* as Litigation Star
- Acritas Star- independently rated lawyer
- *Canadian Legal Lexpert Directory 2017* repeatedly recommends Brad in the area of Litigation - Corporate Commercial
- Recognized in the *Canadian Legal Lexpert Directory 2016* as a leading lawyer in the area of Litigation - Corporate Commercial
- Ranked in *The Legal 500 Canada 2015* as a leader in the area of Dispute Resolution
- Benchmark Canada ranks Brad as a "Litigation Star" for commercial litigation, arbitration and intellectual property disputes
- *Global Arbitration Review* includes Brad as a "Lawyer to Know" in its GAR 100 Guide
- Received both entrance and senior year scholarships at the University of Waterloo based on academic performance
- Award for attaining the highest grade in Constitutional Law at the University of Ottawa
- Advocates' Society award for attaining the highest grade in the Administrative Law component of the Bar Admissions Course
- 2002 Leadership in Mentoring Award

teaching engagements

- Professor Adjunct at Osgoode Hall Law School teaching a course on mediation and arbitration (2004-2007);
- Professor Adjunct at Queen's Law School teaching a course on mediation and arbitration (1998-2004); and
- Lectures for LSUC and the Advocates' Society on a variety of civil litigation and arbitration topics, including Evidence in Arbitrations and Summary Judgment.

publications

November 2019

Advisory Council Recommends that Ontario Government Clarify Provisions of the *Arthur Wishart Act (Franchise Disclosure), 2000*

Business Law Bulletin

June 2019

Franchisees Cannot Claim Statutory Damages For Misrepresentation When a Franchisor Voluntarily, But Without Obligation, Provides a Disclosure Document

Franchise and Distribution Bulletin

January 2019

Franchising in Canada: 2018 Year in Review

December 2018

Five Key Takeaways from the 18th Annual Franchise Law Conference

Franchise and Distribution Bulletin

November 2018

A Word of Warning to Franchisors – ADR Provisions May Postpone the Limitation Period for Rescission

Franchise and Distribution Bulletin

July 2018

No Injunction For You – Recent Victory for Franchisors Seeking to Terminate Franchise Agreements

Franchise and Distribution

June 2018

SCC Says Judges Have No Business Reviewing Decisions of Voluntary Associations

Litigation and Administrative Law Bulletin

February 2018

Ontario Court of Appeal Finds for Franchisors: Imperfect Disclosure is Not Equivalent to No Disclosure

Franchise & Distribution Bulletin; Litigation Bulletin; Business Litigation Bulletin

November 2017

Changes to Ontario's Franchise Legislation: Bill 154 Receives Royal Assent

Litigation, Business Litigation, and Franchise & Distribution Bulletin

October 2017

Changes to Ontario's Franchise Legislation Are Underway

Business Litigation Bulletin

July 2017

Release Me: Ontario Court of Appeal Clarifies When Franchisors Can Enforce Releases
Litigation Bulletin

June 2017

Ontario Court of Appeal to Franchisors: "Comply with your disclosure requirements, or else..."
Litigation, Franchise and Distribution Bulletin

May 2017

Changing Workplaces Review Final Report – Who Must Bargain with Franchise Employees?
Business Law, Labour and Employment, Franchising and Distribution Bulletin

April 2017

New Act Modernizes Ontario's International Arbitration Regime
Litigation Bulletin

March 2017

If Your Dealer Agreement Permits you to Terminate "Immediately" for Breach, Do So Promptly or Risk Paying Damages for Breach of Contract
Litigation Bulletin

October 2016

Franchise Legislation has Arrived in British Columbia
Franchise Bulletin

August 2016

A Good Liability Exclusion Clause Can Protect You From A Bad Termination Of Contract
Litigation Bulletin

August 2016

From Franchisor to Joint Employer – Update on Potentially Increasing Liabilities of Franchisors for the Employees of their Franchisees
Litigation and Employment and Labour Relations Bulletin

April 2016

Big Changes Coming to Canadian Franchise Legislation
Franchise Bulletin

November 2015

Franchise Legislation is Coming to British Columbia
Franchise Bulletin

July 2015

Restructuring a Franchise in Crisis: Court Dismisses Former Dealers' Class Action Against General Motors
Litigation Bulletin



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January 2015

Let's Be Honest, eh: The New Canadian Duty of Honesty in Contractual Performance
Deal Points, Winter 2015 (Volume XX, Issue 1)

November 2014

Let's Be Honest: The New Duty of Good Faith in Contractual Performance
Litigation Bulletin

December 2013

The Essential Guide to Settlement in Canada
LexisNexis Canada

presentations

January 2015

Let's Be Honest: The New Canadian Duty of Honesty in Contractual Performance
McMillan Webinar