

## Real Estate Disputes & Litigation

Litigation can be unpredictable, slow and frustrating, and adjudication before a judge or arbitrator who doesn't know you or your business is a dated, impractical tool for dispute resolution. It's key to have a skilled team of advocates who can provide a speedy and fair resolution to your real estate dispute—or, if necessary, precise and effective litigation.

As Canada's preeminent litigation practice, we can advise on a range of real estate-related disputes, including:

- Agreements of Purchase and Sale of real estate property
- mortgage, title and commercial lease disputes

Our team will carefully review your position to provide timely, realistic and forthright advice on the case's strengths and weaknesses—the sooner everyone involved in a dispute understands their positions, the sooner everyone is likely to settle. We will collaborate with you to create a strategy that's most likely to resolve the litigation early so you can focus on the work that matters most to you and your business.

Our professionals work with real estate agents, brokers and companies involved in real estate deals across Canada.

### Experience

- *Maple Leafs Sport Entertainment Ltd. v. Loblaw Properties Limited and Ryerson University* (2012), a complex dispute regarding the enforcement of restrictive covenants relating to the use of a valuable and historical property in Toronto
- *Red Carpet Inns Ltd and Wayne Levy Corp. v. Red Carpet Inns Ltd.*, 2012 ONSC 694 (Superior Court) and 2012 ONCA 600 (Court of Appeal), successfully obtained summary judgment dismissing a claim for payment of a disputed real estate commission
- *PKF Hotel Realty Inc. v. 3414574 Canada Inc. and Jack Lee*, 2010 ONSC 3725 (Superior Court) and 2011 ONCA 77 (Court of Appeal), successfully defending against a claim for payment of a disputed real estate commission
- *Ahanotu v. Basas* (Ontario Superior Court), successfully defended action for vacated specific performance and Certificate of Pending Litigation in a failed Agreement of Purchase and Sale
- *Loblaw Companies Limited and National Grocers Co. Ltd. v. Mitra Kermani* (Ontario Superior Court of Justice), obtained injunctive relief for nuisance and interference with enjoyment of commercial real property

- Pivotal Corporation v. MetCap Living Management Inc., a leasing dispute involving nonpayment of rent and removal of fixtures
- Plain v. CN and Doe v. CN, where we obtained court orders to enjoin blockade on CN tracks during the course of the 2012-2013 Idle No More Protests
- Longwood Station Ltd. v. Coast Capital Savings Credit Union, 2007 BCSC 1564. Successfully opposed an injunction requiring a tenant to continue business at the landlord's premises
- Kusumoto v. Marquess Financial Corporation, 2011 BCSC 1061. Successfully defended an action for alleged breach of an agreement for purchase and sale.

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## BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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