



Colin Pendrith

Partner

Contact Information

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Office

Toronto

Expertise

- Litigation
- Cannabis
- Franchise
- Intellectual Property

Biography

Colin Pendrith is a partner in the Litigation Group at Cassels and a member of the firm's Franchise Law Group. Colin has a commercial litigation practice with a focus on franchise disputes, corporate defamation and brand protection, fraud and shareholder disputes. Colin takes a pragmatic approach to dispute resolution, using the courts and alternative dispute resolution strategies, including mediation and arbitration, as necessary, to achieve positive results for clients. Colin has litigated successfully at all levels of court in Ontario, as well as the Supreme Court of British Columbia, and the Court of Appeal for British Columbia.

Colin has worked on the following representative matters:

- *Diorite Securities v. Trevali*, 2019 ONSC 4225 (resisted application for leave to appeal from a successful arbitration decision concerning the interpretation of a mining royalty.)
- *526901 B.C. Ltd. v Dairy Queen Canada Inc.*, 2018 BCSC 1092, (resisted an injunction brought by a franchisee to restrain the termination of a franchise agreement.)
- *Dairy Queen Canada, Inc. v. M.Y. Sundae Inc.*, 2017 BCSC 358 (obtained judgment against franchisee for unpaid royalties and passing off following three-day summary trial and dismissed counterclaim for breach of contract, breach of duty of good faith and disclosure claims under the *Arthur Wishart Act (Franchise Disclosure)*, 2000) and *Dairy Queen Canada, Inc. v. M.Y. Sundae Inc.*, 2017 BCCA 442 (resisted appellants' motion to adduce fresh evidence on appeal and resisted appeal of trial judgment)
- *Resolute Forest Products Inc. v. 2471256 Canada Inc. DBA Greenpeace*, 2017 ONSC 5383 (defeated motion to strike or stay action based on alleged parallel proceeding) and *Resolute Forest Products Inc. et al. v. 2471256 Canada Inc.*, 2014 ONSC 3996 (resisted appeal of motion to strike claim for intentional interference with economic relations)
- *118143 Ontario Inc. v City of Mississauga*, 2015 ONSC 3691; 2015 ONSC 7528 (successfully defended plaintiffs' \$7.5 million claim for negligent enforcement of a bylaw by municipality following three-week trial, costs of \$390,000)

awarded and 18143 Ontario Inc. (Canamex Promotions) v. Mississauga (City), 2016 ONCA 620 (resisted appeal by plaintiffs of trial judgment)

- *Chuang v. Toyota Canada Inc.*, 2015 ONSC 885 (successfully defended plaintiffs' \$28 million claim for breach of contract and breach of the duty of good faith following a three-week trial, costs of \$1.2 million awarded) and *Chuang v. Toyota Canada Inc.*, 2016 ONCA 584 (resisted appeal of trial judgment and costs award, and further motion to re-open appeal)

Achievements

- *Benchmark Litigation* (Future Star)
- *Canadian Legal Lexpert Directory* (Franchise)
- *Franchise Times* (Legal Eagle)

Recent Representative Work

- GreanSeal Acquired by Atlas Global
- WMG Technologies Completes Sale to ABC Technologies for US\$165 million
- Canopy Completes Divestiture of Canadian Retail Operations
- Advanced Web Technologies Acquires Label Innovation

Insights

- What We're Up To – Franchise (Winter 2020)
- What We're Up To – Fall 2020
- Clean Break – Supreme Court of Canada Finds a Quebec Janitorial Services Franchisee is Actually an Employee

Education / Bar Admissions

- J.D., University of Windsor, 2010
- B.A.H. (English Language & Literature), Queen's University, 2005
- Ontario, 2011

Associations

- Canadian Bar Association

- Ontario Bar Association