

Peter J. Roberts

Peter is a litigator with a wide range of experience, practising for over 20 years in Vancouver. For a number of years he practised criminal law before resuming civil and commercial litigation, including claims involving allegations of fraud. He has appeared before all levels of court in British Columbia as well as other professional bodies. His experience includes products liability, professional negligence claims, insurance defense and coverage, defamation, commercial disputes, contracts, class actions, copyright and trademark matters, company law and banking and insolvency litigation. He also has experience with various types of injunctions, including Mareva and Anton Pillar injunctions.

Peter was the Head of the Litigation Group at Lawson Lundell from 2008-2010.

Recognition And Ranking

- *Martindale-Hubbell International Law Directory*: BV Peer Review rated

Professional Activities

- Canadian Bar Association, Member
- British Columbia Trial Lawyers Association, Member
- Vancouver Bar Association Executive Committee (2002)
- Western Canada Business Litigation Blog, Contributor

Community Activities

- Touchstone Theatre Company, Director
- Lighthouse Park Preservation Society, Member
- Law Courts Inn, Director

Bar Admissions

- British Columbia (1991)
- Northwest Territories (2009)

Education

- McGill University (B.A. (History), 1985)
- University of British Columbia (LL.B., 1989)

Experience

Peter has been counsel on the following cases:

- Successfully defeated a products liability claim against an electrical manufacturer for the negligent design and manufacture of process logic controllers used in a municipal sanitary lift station: *Great Canadian Casino v. Schneider Canada Inc.*, B.C.S.C. Vcr. Reg. Action No. S065158, Oral Reasons, November 25, 2011.
- Defeated allegations of improvident realization of corporate debtor's assets raised by personal guarantors against a secured creditor as a defence to liability under their guarantees. Successfully obtained judgment against those personal guarantors: *HSBC Bank Canada v. Kupritz* 2011 BCSC 788.



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Practices

- Commercial Litigation
- Defamation and Media
- Financial Recovery
- Insolvency and Restructuring
- Insurance Litigation
- Litigation & Dispute Resolution
- Product Liability
- Real Estate Litigation

- Successfully set aside a Declaration of Trust as a "sham". The trust purported to make the registered owner of land simply a "bare trustee" for an insolvent company and defeat numerous creditors: *Forsyth (Re)*, 2010 BCSC 1720.
- Obtained enforcement of mortgage terms in complicated, multi-million dollar commercial foreclosure proceeding that was referred to the trial list: (*Bank of Montreal v. Blanshard Manor*, 2009 BCSC 972).
- Successfully challenged wrongful termination of lease by landlord: (*Canadian Petcetera Limited Partnership v. 2876 R Holdings*, 2009 BCSC 1135); Upheld on appeal: 2010 BCCA 469.
- Obtain Mareva Injunction, document recovery orders and \$1.4 million judgment on behalf of client following discovery of defalcation by former employee: (*West Care Medical Ltd. v. Brown*, 2009 BCSC No. S096285).
- Obtained judgment and recovery on behalf of RVYC following the discovery of the theft of a significant amount of money by a former employee. This case involved obtaining several Mareva injunctions to freeze and trace property: (*Royal Vancouver Yacht Club v. Datsko*, 2007 BCSC No. S076896).
- Successful defence of a defamation claim alleging malice against three medical professionals in the context of their work in a specialized hospital team: (*Lewis v. Abel and others*, 2007 BCSC 604).
- Successful defence of a claim for damages in breach of a terminated distribution agreement: (*National Importers Ltd. v. Williams Foods*, 2006 BCSC No. S042501).
- In this matter, nine separate injunctions were obtained to prevent and trace the dissipation of estate property to and through third parties and for the recovery of that property in the context of a complicated bankruptcy: (Bankruptcy of T.S. Gill, 2005 BCSC 227586/VA-02).
- A case involving a successful defence against a claim for defamation brought by one professional against others: (*Schut v. Magee*, 2003 BCCA 417).
- The certification of a class action in a claim by investors against a bank and solicitor: (*Elms v. Laurentian Bank of Canada*, 2000 B.C.S.C. 796; Upheld on appeal: 2001 BCCA 429).
- A successful appeal against an award of penalty interest in an expropriation compensation hearing: (*Daflos v. Board of School Trustees*, 2002 BCCA 475).
- A complex commercial dispute involving a successful determination of the terms of a commercial contract regarding the repair of a steam turbine (colloquially referred to as "The Battle of the Forms"): (*Repap B.C. v. Electronic Technology Systems, Inc. and others*, 2002 BCSC 539).
- A decision of the Court of Appeal regarding the production of documents in the possession of third parties: (*Amos v. Virk*, 2003 BCCA 449).

Conferences

- "Enforcement and Recovery Part 1: What to Do (And Not to Do) Before Judgment", Creditors' Remedies 2012 Course, (May 17, 2012)
- An overview of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, Seminar, (December 2010)
- "A Sign of the Times: What to do when you Discover Employee Fraud", (May 20, 2009)

News / Publications

- "How to Find Your Defamer on the Internet", *Internet and E-Commerce Law in Canada, Lexis Nexis Canada Inc., Vol. 12, No.11 and Western Canada Business Litigation Blog*, (March 2012), Author
- "A Cautionary Tale for Front Line Bank Employees", *Western Canada Business Litigation Blog and National Banking Law Review*, Vol 30, No. 5, LexisNexis Canada Inc., (October 2011), Author



Peter J. Roberts (Cont.)

- "I have a right to a bank account!", *Western Canada Business Litigation Blog and National Banking Law Review*, Vol 30, No. 5, LexisNexis Canada Inc., (October 2011), Author
- "But I spent the money already!", *Western Canada Business Litigation Blog and National Banking Law Review*, Vol 30, No. 5, LexisNexis Canada Inc., (October 2011), Author
- Peter Roberts quoted in *The Globe and Mail*, (September 8, 2011), Interview
- Peter Roberts quoted in *Canada.com* article, (January 26, 2011), Interview
- Lawson Lundell Launches the Western Canada Business Litigation Blog, (October 1, 2010)
- Practical Tips for Tough Economic Times, (May 20, 2009)
- The Advocate, Editorial Board, (2008 - present)
- "The Taxation of Contingent Fee Agreements in Bankruptcy Files", *Commercial Insolvency Reporter*, Vol 19, No. 5, (June 2007), Author
- "Adrift in a Sea of Government Searches: What to do when the M.V. Nadon pulls along side", *The Marina Mirror*, (2001), Author
- The Annotated British Columbia Limitation Act, Reviewed for the Advocate
- Lord High Executioner: An Unabashed Look at Hangman, Headsmen and Their Kind, Reviewed for the Advocate
- After the Madness: A Judge's Own Prison Memoir, (1997), Reviewed for the Advocate

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