



Howard Borlack

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A founding partner of McCague Borlack LLP, Howard has been lead counsel on many of its most significant cases. Howard is best known for his ability to handle all types of complex civil litigation where he will find a creative solution to resolve the case or, if necessary, he will take the matter to trial. He has appeared before all levels of courts including the Supreme Court of Canada and has also represented our clients before many tribunals.



Partner

Bar Admission: 1982

Practice Areas

Appeals
Bankruptcy and Insolvency Litigation
Civil Fraud Recovery
Class Actions
Commercial & Business Litigation
Construction Law
Criminal, Regulatory & Administrative Law
Cyber Risk
Debt Collection and Recovery
Defamation & Reputation Management
Directors & Officers Liability
Employment Law
Energy Law
Estate & Trust
Health, Life & Disability Insurance
Insurance Coverage
Intellectual Property Litigation
Landlord and Tenant
Marine Law
Police Services
Privacy Law & Investigations
Product Liability
Professional Liability
Sports, Recreation & Resort Liability
Subrogation

Many significant cases Howard handled include major restructurings in Canada, as well as, cases involving the successful recovery of millions of dollars for insurers in subrogation claims, including shareholder fraud, environmental contamination or, construction defects.

Howard has acted on behalf of most major Canadian insurers and reinsurers and has represented and been a special advisor to a number of Boards of Directors and Directors in their personal capacity.

In 2014, Howard was listed as a LEXPERT Canadian Leading lawyer in the area of Construction Law, and for the sixth year Howard was selected by his peers for inclusion in The Best Lawyers International® 2012 in the field(s) of Construction Law and, Corporate and Commercial Litigation. Howard has received numerous other awards and honours from professional organizations and much recognition from outside organizations and publications. He is most proud of his award from the CBAO for his service to the profession and the Arbor Award from the University of Toronto for outstanding volunteer services. Howard has also been recognized by Lexpert for the skills he provides to our clients.

Howard is a driving force for the firm's growth and culture taking pride in the careers of the lawyers he has worked with at the firm.

Education

- Bachelor of Science, University of Toronto
- Bachelor of Law, University of Toronto

Professional and Business Affiliations

- Ontario Bar – 1982
- Canadian College of Construction Lawyers
- CBAO Construction Law – Past Chair
- College of Construction Lawyers - Original Member

TORONTO

OTTAWA

KITCHENER

BARRIE

Featured Cases

McCague Borlack on winning side of two cases released by the Supreme Court of Canada

Publications and Speeches (sampling only see web)

Howard has spoken and published extensively regarding debtor and creditor issues, insolvency, construction law, business law, and insurance matters, and he is the former editor of *Ubertima Fides*, an insurance law journal.

Legislative Progress Towards Legalization: An Overview of the Recently Published Cannabis Regulations

To Warn or Not To Warn: An Explanation of the Duty to Warn and the Reasonable Foreseeability Analysis: Case Comment: *Maxrelco (Immeubles) v Lumipro Inc.*

Common Interest Privilege: A New Tool in the Litigation Basket

Here, There and Everywhere, Chasing Fraudsters - An Indictment in a New York Slip and Fall Scheme raises concerns about Insurance Fraud

Old McDonald had a Farm and Kids: A Tale of Succession and Unjust Enrichment Case Comment: *McDonald v McDonald*

Improper Policy Cancellation Leads to "Risky Business"- Case Comment: *Minister of Finance v AXA Insurance*

HPARB Rules on Kinesiologists and FAE Reports Featured Case: C.M. & P.M.

Auditor Held Liable in Negligence for Non-Clients' Losses - Case Comment: *Lavender v. Miller Bernstein*

One small step for summary judgements, one giant leap for efficiency

Medical Records: Personal Privacy in Conflict with the Rule of Law



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**McCague
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Barristers & Solicitors

A member of the Canadian Litigation Counsel. Through CLC's association with The Harmonie Group, our clients have access to legal excellence throughout North America, Mexico, the UK, and Europe.