



## Matthew G. Swanson

### Partner

T 604.632.3474

F 604.687.1415

Vancouver

[MSwanson@blg.com](mailto:MSwanson@blg.com)

[LinkedIn](#)

[Disputes](#)

[Commercial Arbitration](#)

[Contract Disputes](#)

[Construction Disputes](#)

[Real Estate Disputes & Litigation](#)

[Franchise Disputes](#)

Matthew Swanson is a leading litigation and disputes lawyer in BLG's Vancouver office. He has extensive experience acting for companies and individuals in critical business and personal disputes, including corporate and commercial litigation, contract disputes, real estate disputes, construction disputes and franchise disputes.

Matthew is known for his strategic approach to challenging cases. He regularly appears as counsel in complex matters and has conducted numerous trials, arbitrations and appeals. He regularly handles matters involving collapsing and collapsed transactions, contract terminations, misrepresentation claims and disputes related to the breakdown of business relationships. This includes issues covered under the *Real Estate Development Marketing Act* (REDMA), the *Builders Lien Act* and the *Franchises Act* (B.C.).

Matthew is a frequent author and speaker. He has written and spoken extensively on a broad range of litigation and dispute resolution issues, including topics relating to contract law, real estate law, construction law and franchise law.

## Experience

- Counsel to vendors of development lands in five successive applications to have certificates of pending litigation cancelled, successfully arguing that the certificates of pending litigation were improper because the underlying pleadings did not claim an interest in land (2021 BCSC 1922, 2021 BCSC 2354, 2021 BCSC 2310, *Marharj v. Chou et al*, Action No. S-241757 (unreported) and 2021 BCSC 2580), obtaining special costs in three applications.

- Counsel to a real estate developer seeking to dismiss *Builders Lien Act* claims, successfully obtaining judgment in favour of the developer by relying on accrued limitation defences after the plaintiff was dissolved (2021).
- Counsel to a vendor in a collapsed commercial real estate transaction, successfully arguing that a bare pleading that the vendor was not ready, willing and able to complete was improper and incomplete (2021 BCSC 1956).
- Counsel to a limited liability partnership and its managing partner in relation to an attempt by an equity partner to dissolve the partnership, defending various interlocutory applications for accountings pursuant to the *Partnership Agreement and Partnership Act* (2020-2021).
- Counsel to a general contractor in defence of an application for summary judgment of a multi-million dollar claim, successfully avoiding summary judgment while clarifying the law on what it means for an applicant to put its best foot forward (2019 SKQB 254).
- Counsel to a franchisor in one of the leading cases on amendments to pleadings and limitations periods (2019 BCSC 906).
- Counsel to a real estate developer in response to an appeal of a lower court judgment in favour of that developer, declaring contracts of purchase and sale valid and enforceable. Successfully obtained a dismissal of that appeal (2017 BCCA 337).
- Counsel to a real estate developer in response to an appeal of a lower court judgment that dismissed all of the plaintiff's claims, successfully defending an application for fresh evidence and obtaining a dismissal of the appeal (2017 BCCA 201).
- Counsel to a real estate developer in a dispute about the validity and enforceability of contracts of purchase and sale tied to a land assembly project, obtaining an order in favour of the developer that the contracts were valid and enforceable (2017 BCSC 430).
- Counsel to private lenders in a priority dispute in respect of funds paid into court, obtaining an order for the distribution of funds in favour of lenders (2017).
- Counsel to a purchaser of luxury property in a collapsing real estate transaction, seeking and obtaining specific performance (2017).
- Counsel to a construction manager in a domestic arbitration, successfully advancing a claim to obtain compensation for services rendered, defending against claims for alleged defects, deficiencies and backroom deals (2016). In turn, obtained a supplementary award for reasonable legal costs incurred in the arbitration (2017).
- Counsel to a real estate developer in response to an appeal of a lower court judgment in which all of the plaintiff's claims were dismissed, avoiding a stay of the judgment and obtaining security for costs (2016 BCJ No. 1329).
- Counsel to a manufacturer and distributor in defence of a *quia timet* injunction brought by a competitor (2016).
- Counsel to a data centre operator in defence of claims by a customer for reduced up-time and alleged data loss (2016).
- Counsel to a real estate developer in defence of a claim for alleged breaches of contract relating to the provision of a mechanical system, obtaining a dismissal of all claims in favour of the developer (2015 BCSC 1928).
- Counsel to a franchisor in defence of an application for an adjournment on the eve of trial, obtaining an order allowing the case to proceed to trial without delay (2015 BCJ No. 1969).
- Counsel to an auto dealer in a National Auto Dealer Arbitration Program (NADAP) proceeding in respect of alleged breaches of the dealer agreement (2015).
- Counsel to a private lender in foreclosure proceedings, obtaining an order to sell property in partial satisfaction of the debt (2013 B.C.J. No. 2924).
- Counsel to a surety in respect of claims pursuant to an indemnity agreement, obtaining judgment for the full amount of the claim plus legal fees (2012 BCSC 1283).

- Counsel to a real estate brokerage in defence of an application to add it as a party to a real estate investment dispute, successfully obtaining an order dismissing the application and avoiding further involvement (2012 BCSC 99).
- Counsel to a vendor of a luxury real estate pursuant to a court ordered sale, successfully defending a summary trial for breach of the purchase and sale contract (2011 BCSC 106).
- Counsel to a financial institution in proceedings relating to competing claims to funds (2010 BCSC 1230 and 2011 BCSC 856).
- Counsel to a commercial tenant in successful injunction proceedings, preventing a landlord from interfering with parking rights (2010 BCSC 1371).
- Counsel to a financial institution in respect of proceedings relating to counterfeit cheques, obtaining judgment against the customer who deposited the counterfeit instruments pursuant to the account agreement and pursuant to the *Bills of Exchange Act* (2010 B.C.J. No. 2997).

## Insights & Events

- Co-Chair, CLE BC's Creditors Remedies Seminar, June 2023 (and February 2021)
- Moderator, "A View From the Bench, How to Run a Summary Trial," CLE BC's Creditor's Remedies Seminar, June 2023 (and February 2021)
- Speaker "Problems Encountered by Landlords: Non-Payment of Rent," CLE BC's Commercial Leasing 2023 Seminar, May 2023
- Panelist, "Putting Commercial Leasing Concepts into Practice," CLE BC's Commercial Leasing 2023 Seminar, May 2023
- Co-author, "Franchise Law," Annual Review of Law & Practice, CLEBC, March 2023 (and since 2016)
- Presenter, "Collapsed Real Estate Transactions," CBABC Real Estate Subsection Meeting, December 1, 2022
- Legal and Legislative Update, BLG Franchise Seminar, November 23, 2022
- Panelist, "Commercial Leasing Hot Topics," CLE BC's Commercial Leasing 2021 Seminar, May 2021
- Speaker, "Rent Distress: Cautionary Tales and How to Do it Right," CLE BC's Commercial Leasing 2021 Seminar, May 2021
- Speaker, "To Breach or Not to Breach: Examining the Doctrine of Efficient Breach," BLG U, November 2017.
- Author, "TRAK Energy Corp. vs. Happy Valley: a cautionary tale for builders' lien claimants," On-Site Magazine, October 2017.
- Speaker "Case Law Update," BLG franchise law seminar, September 2017
- Speaker "System Compliance: How to Get It and How to Lose It," BLG franchise law seminar, September 2017.
- Author, "Franchise Law In British Columbia: The New Franchises Regulation", BLG Article, July 2017
- Speaker, "Realtor Beware: Lessons Learned from Collapsed Real Estate Transactions," BLG client seminar, June 2017.
- Co-author, "The British Columbia Franchises Act and Franchises Regulation: A Primer," Franchising World, May 2017.
- Co-author, "Real Estate Development Marketing" chapter, Real Estate Development Practice Manual, February 2017.
- Speaker, "Franchise Case Law Update," BLG franchise law seminar, September 2016
- Speaker, "Franchise Class Actions: What's Going On and How to Avoid Them," BLG franchise law seminar, September 2016
- Author, "British Columbia Becomes the Sixth Province in Canada to Introduce Franchise Legislation", BLG Article, August 2016

- Co-author, "The Importance of Bid Compliance," On-Site Magazine, August 2016.

## Beyond Our Walls

### Professional Involvement

- Member, Law Society of British Columbia
- Member, Law Society of Saskatchewan
- Member, Greater Vancouver Home Builders' Association
- Member, Vancouver Regional Construction Association
- Member, Canadian Franchise Association
- Member, International Franchise Association
- Member, American Bar Association
- Past member, editorial advisory board, Journal of Commerce

### Community Involvement

- Director, Vancouver Club 2022-present
- Chair, Governance Committee, Vancouver Club, 2022-present
- Chair, Discipline Committee, Vancouver Club, 2022-present
- Member, VGH-UBC Hospital Foundation, Emerging Leaders Committee, 2022-present
- Member, VGH-UBC Hospital Foundation, Vitality Gala Committee, 2022-present
- Past supervising lawyer, Pro Bono Students Canada ID Project, Powell Street Getaway Resource Centre
- Past member, BLG United Way campaign
- Past mentor, Canadian Bar Association

## Awards & Recognitions

- Recognized as the 2023 'Lawyer of the Year' in Vancouver by *The Best Lawyers in Canada* (Franchise Law)
- Recognized in the 2024 edition (and since 2022) of *Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a "Litigation Star" in British Columbia.
- Recognized in the 2021 (and since 2018) edition of *Benchmark Canada – The Definitive Guide to Canada's Leading Litigation Firms & Attorneys* as a "Future Star" in Litigation in British Columbia.
- Recognized in the 2024 (and since 2022) edition of *The Best Lawyers in Canada* (Franchise Law)
- Recognized in the 2019 and 2018 editions of *Benchmark Litigation — 40 & Under Hot List, Canada*, as a top litigation lawyer in Canada aged 40 or younger.
- Recognized in the 2019 Edition of *The Canadian Legal Lexpert Directory®* as a Leading Lawyer to Watch (Litigation - Corporate and Commercial).
- Recognized in 2021 (and since 2017) as a Thomson Reuters Standout Lawyer (formerly known as Acritas Star Lawyers)

## Bar Admission & Education

- British Columbia, 2008
- Saskatchewan, 2019



- LLB, University of British Columbia, 2007
- BA (Dist., Philosophy), University of Regina, 2003

---

## **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.

[blg.com](https://www.blg.com)

© 2024 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.