

John Logan Q.C. - Curriculum Vitae

John grew up in Halifax, Nova Scotia and graduated from Dalhousie Law School. While there, he was elected President of the Dalhousie University Student Union and served on the Dalhousie Board of Governors and the Dalhousie Senate.

John articulated with Russell and DuMoulin and was admitted to the Bar in BC in 1983 and to the Nova Scotia Bar in 1986. As an associate and partner, John practiced primarily commercial and construction litigation at Russell and DuMoulin until 1994 when he, Dinyar Marzban, QC, and Robert Jenkins, QC (as he then was), left Russell and DuMoulin to start Jenkins Marzban Logan LLP. The firm has grown to 23 lawyers and John is the managing partner.

John is an acknowledged leader of the construction bar both as counsel and as a neutral. He has represented a long list of companies involved in the construction industry, including many of the largest contractors in British Columbia and Canada. He has acted as counsel in many complex and notable construction and commercial cases including *Foundation Co. of Canada v. United Grain Growers Ltd.*, 1995 CanLII 3392 (BCSC). He has been counsel in a number of leading procurement cases including *Fred Welsh v. BGM Construction*, 24 BCLR (3d) 52; *Stanco Projects v. H.M. Queen*, 53 BCLR (4th) 16 (CA); and *Hub Excavation v. Orca Estates*, 92 BCLR (4th) 286.

John has long been listed in the LEXPERT/American Lawyer Guide to the Leading 500 Lawyers in Canada and is also listed by Lexpert as one of the three most frequently recommended construction lawyers in British Columbia. John has the highest possible (AV) rating in both Commercial and Construction Litigation from U.S. ratings agency Martindale & Hubbell, is listed in Chambers and Partners and Who's Who Legal as one of Canada's top construction lawyers and mediators, is currently listed in Canada's Best Lawyers as construction lawyer of the year and is listed in Doyle's List as construction market leader in British Columbia.

John frequently acts as mediator, arbitrator, referee or fairness commissioner in connection with construction projects and construction or commercial disputes across Canada. John is a member of the Chartered Institute of Arbitrators and the British Columbia Arbitration and Mediation Institute. John is or has been involved as mediator or arbitrator in the resolution of many disputes on major infrastructure projects and in the oil sands. For a general summary of John's experience as arbitrator or referee, please see Schedule "A".

John has been chair or speaker at most of the CLEBC courses on construction law in the last 25 years and has participated in many conferences on commercial litigation and ADR. Last year John received special recognition from CLEBC as one of its most prolific volunteers in the last 20 years. John was one of the original authors of the B.C. Builder's Liens Practice Manual. In addition to his CLEBC contributions, John taught the builder's lien course to almost every PLTC class for twenty five years.

John is a member of VanIAC's Application and Appellate panel established by the Centre. As well, John is included in the Register of Mediators and Arbitrators for the Timber Harvesting Contract and Subcontract Regulation of the *Forest Act*.

John was a member of the *Builders Lien Act* Reform Project Committee of the British Columbia Law Institute. The Ministry of Justice asked the Committee to identify problems in the operation of the *Act* and make concrete law reform recommendations. The Committee issued its report in 2020.

John was a founding member of the Canadian College of Construction Lawyers and from time to time has been a member of its board. He is a member of the Vancouver Regional Construction Association, the British Columbia Construction Association and the Urban Development Institute.

John was a director of the Law Courts Inn Society and the Vancouver Bar Association and was a member of the Advocates Club. He has participated in the BC Branch of the CBA, particularly the construction subsection.

John has helped raise many thousands of dollars over the years for the Lawyer's Benevolent Society through his involvement as a fundraiser and performer in the "Battle of the Bands". He has also raised tens of thousands through his participation in various charitable endeavors including the Ride to Conquer Cancer and the Alzheimer's Hockey Tournament.

John is involved in community sports through coaching, supporting or volunteering for minor baseball, soccer and track and field, and is a member of the YMCA's Strategic Asset Development Committee.

Schedule “A” Arbitration Experience

Over the course of John’s career as counsel on a variety of construction and commercial disputes, he received an increasing number of unsolicited requests to act as mediator, arbitrator or referee in construction and commercial matters. John now spends the majority of his time as an arbitrator, referee or mediator.

John gained much of his experience in arbitration through acting as counsel in arbitrations, primarily in construction disputes where arbitration has become much more common in recent years. He currently acts as counsel in a number of arbitrations including:

- A dispute between a designer and a JV involving the construction of a major BC transmission line;
- A dispute between a government and major contractor involving the construction related to the installation of hundreds of kilometers of fibre-optic cable;

Although John has never actively solicited work as an arbitrator, he is a member, panelist or sponsor of a number of entities with a focus on arbitration. Those include:

- CIArb
- ADR Institute of BC
- VanIAC
- VanIAC Appeal Panel
- Canadian Journal of Commercial Arbitration

Over the years, John has chaired courses on arbitration topics, or has spoken or written on arbitration topics for:

- The Advocate
- CIArb Vancouver Chapter
- The Continuing Legal Education Society
- Pacific Business and law Institute
- Affinity Institute

As a founding member of the Canadian College of Construction Lawyers, John has assisted over the years with the development of arbitration topics particularly relevant to construction cases. John is currently a member of the CCCL arbitration and mediation committee. John has been asked to speak at the May, 2022 CCCL conference on preparation for the first procedural conference.

For the 2021 year, John has been involved as arbitrator or referee in proceedings of the following nature:

- Sole arbitrator in a commercial arbitration involving the management and sale of a liquor distribution outlet;
- Party appointee in an arbitration involving an Annual Basic Rent determination for a commercial building occupied by a restoration company;
- Tribunal Chair in a three party arbitration involving refit work on a submarine;
- Sole arbitrator in a matter involving a major financing transaction and a success fee allegedly owing;
- Referee in a matter between MOT and a general contractor involving major roadworks;
- Sole arbitrator in a dispute related to the sale of a construction business;
- Sole arbitrator in a dispute between a well-known major corporate cannabis supplier and corporate purchaser;
- Sole arbitrator in an Alberta dispute between an oil major and a contractor related to major oil

distribution infrastructure;

- Sole arbitrator in a dispute between a developer and contractor involving high-rise construction;
- Chair of a tribunal in a dispute between an owner and tenant involving determination of Basic Rent for shopping centre;
- Sole arbitrator in a dispute between a contractor and a local government regarding procurement;
- Sole arbitrator in a tax appeal between a developer and Ministry;
- Sole arbitrator in a dispute between a technology developer and purchaser over ownership of the technology.

Prior to 2021, John has been involved in dozens of arbitrations. A few examples include:

- Party appointee of the Newfoundland government in an arbitration involving a major well-known infrastructure project;
- Sole arbitrator between government and a major contractor involving a section of the Trans-Canada Highway in Alberta;
- Sole arbitrator in an Edmonton arbitration between government and a major contractor involving tunneling;
- Sole arbitrator in a matter involving a government related entity and a developer relating to high rise construction;
- Referee between a government entity and major contractor relating to construction of a well-known public transportation system;
- Sole arbitrator between a BC technology provider and an international purchaser.