



DAVID A.
GARNER*
PARTNER

* Professional Law Corporation

BIOGRAPHY

David Garner is a Partner and a member of the firm's Business Disputes, Construction + Engineering, Environmental, Health, Insolvency + Restructuring, Insurance and Maritime Practices. Mr. Garner recently completed a six and a half year term as the firm's Managing Partner.

David Garner's practice is primarily litigation based with a considerable emphasis on alternate dispute resolution solutions including negotiation of settlements, releases and covenants, as well as standstill, tolling and related agreements. Mr. Garner has represented a diverse range of clients in commercial, professional and insurance-related litigation at all levels of court in British Columbia as well as in the Yukon and Alberta.

Mr. Garner has significant experience in Alternative Dispute Resolution. He has taken mediation training and is regularly involved in mediated settlements and negotiations, with many cases involving multi-party actions.

He is particularly well-versed in construction disputes and related insurance coverage issues as well litigation and arbitration arising from those matters.

Within his professional liability practice, he has represented the interests of architects, engineers, realtors, underwriters, lawyers, surveyors, financial advisors, accountants, trustees and receivers in litigation arising directly out of professional activities or specific transactions. He has been an active writer and presenter for the *Continuing Legal Education Society of British Columbia* and to many clients on a variety of topics.

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EDUCATION

- 1986 LL.B. [University of British Columbia](#)
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BAR ADMISSIONS

- 1987 Admitted to the British Columbia Bar
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PRACTICE AREAS

BUSINESS

- Business Disputes
- Construction + Engineering
- Insolvency + Restructuring
- Environmental
- Health
- Maritime
- Intellectual Property + Technology

ON A PERSONAL NOTE

Mr. Garner is a licensed private pilot, flying both Cessna 150/2 and 172 series aircraft. He is also an avid CrossFit enthusiast and recently obtained his CrossFit Level 1 Trainer Certificate.

RECOGNITION

- 1999 – 2019 Martindale-Hubbell® Environmental, Construction + Engineering, Financial Professional, Health, Insolvency + Restructuring, Insurance, Commercial Litigation and Maritime Distinguished® with high ethical standing
- 2024 Best Lawyers® in Canada Corporate and Commercial Litigation

REPRESENTATIVE EXPERIENCE

- Litigation arising from alleged breaches of commercial agreements
- Alleged breaches of a Letter of Intent for the sale of a wood processing business
- Litigation in Vancouver and New York between a software provider/website developer and an international publishing company respecting intellectual property, proprietary information, trade secrets and protection of subscriber income
- Franchising dispute between franchisee and franchisor over a failed business
- Asbestos litigation respecting construction and health-related issues
- Litigation arising from product liability claims in a ballooning accident
- Commercial arbitration and appeals between a dealer and manufacturers of luxury automobiles respecting sales territory rights
- Litigation in the context of licensing agreements
- Limitations Act litigation to protect a claim alleged to be out of time
- Numerous mediations and facilitated dispute resolution negotiations to achieve settlements
- Defence of professionals in cases of alleged negligence or breach of contract
- Delay and extra claims litigation respecting commercial, residential and

INSURANCE

- Construction + Engineering
 - Environmental
 - Directors + Officers
 - Professional Liability
 - Occupiers Liability
 - Maritime
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INDUSTRIES

- Accounting
 - Construction
 - Education
 - Environmental
 - Property Management
 - Real Estate
 - Technology
-



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industrial construction projects

- Land law including breaches of land and premises leases; enforcement of easements and rights of way including claims of estoppel; the enforcement of security related to land, including foreclosures and guarantees and environmental claims relating to land and land use
- Disputes arising out of insolvency of companies, and occasionally individuals, including contests over the rights and priorities of secured and unsecured creditors, the duties and obligations of trade contractors, lenders and others in Bankruptcy and Insolvency Act and Companies Creditors' Arrangement Act proceedings and related disputes

PUBLICATIONS

- May 9, 2018, "B.C. Court Decisions on Competency Highlight Need for Changes to Provincial Law: Experts", *The Lawyer's Daily*, Quoted
- October 25, 2017, "Tendering Case Law Update", *Continuing Legal Education Society of British Columbia*, Presenter
- 2009, "Tendering Law – 2009 Update", and "Tendering Law 2007", *Continuing Legal Education Society of British Columbia*, Speaker
- 2008, *The Annotated British Columbia Builders Lien Act – 2007-2008* (The third edition), published by *Continuing Legal Education Society of British Columbia*, Co-author
- *The British Columbia Builders Lien Handbook*, published by *Continuing Legal Education Society of British Columbia*, Co-author
- April 2006, "Conflict Issues", *Continuing Legal Education Society of British Columbia*, Speaker

PROFESSIONAL & COMMUNITY AFFILIATIONS

- [Law Society of British Columbia](#), Member
- [Canadian Bar Association](#), Member
- [Vancouver Bar Association](#), Member
- SilverTip Marine Inc., Director
- [Canadian Blood Services](#), Partners for Life



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