

FRANCHISE

Franchising is one of the quickest, most profitable ways for businesses to scale. With approximately 1,300 franchises active in Canada, the franchise industry contributes close to \$100 billion per year to our nation's economy and generates millions of jobs, according to the Canadian Franchise Association (CFA). New financing opportunities are becoming available to franchisors through private equity and commercial banks, many of whom have established dedicated franchise divisions. Despite a slowing economy, franchise sales remain strong as entrepreneurs—including many millennials and women (the fastest-growing demographic of buyers)—look to establish their own businesses. The Franchise Team at Alexander Holburn understands this sector. Our lawyers have the knowledge, skill, and experience to provide strategic advice to growth-minded entrepreneurs and franchisors.

Alexander Holburn is a leader in providing franchise law services in Canada with particular expertise in franchise litigation. We work with a wide range of franchisors including quick-service restaurants, real estate companies, personnel service companies, and hotels. We also represent large franchisees, area representatives, and master franchisees.

This diverse experience has given us an in-depth understanding of the franchise business model and the challenges that clients face. One such challenge is compliance with the requirements of the *Franchises Act (BC)* which came into force on February 1, 2017. Uncertainty remains as to how the courts will enforce this *Act*. Franchisors must also protect their interests against claims, including potential class action lawsuits, and deal with defaults and terminations. Our lawyers can help you navigate these issues.

Clients turn to us for effective solutions in embarking on a new business venture or for advice in scaling their business nationally. We provide a full spectrum of legal services to franchisors including:

- Disclosure documents
- The preparation and review of franchise, development, and other related agreements
- Mergers and acquisitions
- Sales of individual franchises
- Trademark registration and enforcement
- Protection of confidential information and trade secrets

TEAM LEADER



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- Handling defaults and terminations
- Enforcing Non-Solicitation and Non-Competition Clauses

Our ability to provide comprehensive service allows us to respond quickly and effectively to changing client needs. For example, we have had matters that started in litigation and later resulted in a successful sale of the franchised business. In other litigation proceedings, it became evident that a franchisor's agreements needed to be updated. We were able to move quickly to help our clients address these issues.

The competitive nature of this industry can lead to litigation. Clients turn to our litigators for strong defence against claims and for strategic advice in advancing claims against other parties. We also provide alternative dispute resolution services, including mediation and arbitration, to help our clients achieve their objectives without resorting to protracted trials. Our firm offers highly skilled litigation counsel including Judy Rost, who has been recognized by leading directories—including *Lexpert*, *Who's Who Legal Canada*, and *Who's Who Legal International*—for her work in franchising.

Our lawyers are actively involved in industry organizations and we are members of the Canadian Franchise Association, the American Bar Association Forum on Franchising and the International Franchise Association. We've brought together local franchise business owners and suppliers to discuss topics of interest. Our lawyers regularly write articles and chapters exploring developments in franchise laws and industry practices.