MENKA SULL

PARTNER

BIOGRAPHY

Menka Sull is a member of the firm's Construction + Engineering, Insurance and Administrative Law Practices.

Her practice is litigation-focused and includes a variety of areas of law, including construction litigation, occupiers' liability claims and professional negligence matters. Within her professional liability practice, Menka specializes in representing the interests of engineers and lawyers in litigation arising out of professional activities. She regularly represents clients on complex and technical multi-party disputes involving error and omissions claims and construction defects.

Menka also has a large administrative and public law practice. She represents both professional regulators and members of regulated practices at discipline hearings and on judicial review, and she has experience advising and representing public bodies.

Menka has represented clients before all levels of Court in British Columbia and before administrative tribunals – please refer to her Representative Experience.

Menka chairs Alexander Holburn's Women's Forum, which focuses on the professional and personal advancement of the firm's women lawyers. Menka was previously a member of its Diversity + Inclusion Committee. She is also active in student recruitment and hiring.

Menka is a graduate of the Allard School of Law at UBC. Prior to attending law school, Menka obtained a master's degree in political science from UBC and worked as a research consultant on the resolution of Indian Residential Schools claims with the federal government for a number of years.

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EDUCATION

- 2014 J.D. University of British Columbia
- 2004 M.A. University of British Columbia
- 2002 B.A. (with Distinction) University of British Columbia

BAR ADMISSIONS

- 2015 Admitted to the British Columbia Bar

PRACTICE AREAS

BUSINESS

- Administrative + Public Law
- Construction + Engineering

PERSONAL

- Administrative + Public Law

ON A PERSONAL NOTE

In her spare time, Menka enjoys being an amateur chef.

RECOGNITION

- 2027 Best Lawyers® in Canada (Insurance Law)
- 2024 - 2025 Best Lawyers® in Canada– Ones to Watch (Insurance Law)

REPRESENTATIVE EXPERIENCE

Menka has represented clients before all levels of Court in British Columbia and before administrative tribunals. She has also resolved matters through formal and informal mediation processes.

Menka's noteworthy decisions include:

- ***Saini v Taylor***, 2026 BCSC 1222

Menka successfully brought a summary dismissal application to dismiss the plaintiff's claim for solicitor's negligence on the basis it was statute-barred.

- ***Randhawa v. Boegman***, 2025 BCSC 1134; 2025 BCSC 2527; 2025 BCSC 2619; 2026 BCSC 1242

Menka represented Elections BC in an invalid election petition.

- ***Gurinder Malhi, District Electoral Officer for the Surrey-Guildford Electoral District v. Begg***, 2024 BCSC 2075

Menka represented Elections BC in a judicial recount proceeding.

- ***Rohani (Re)***, 2024 BCSRE 3 and 2024 BCSRE 31

Menka successfully represented the BC Financial Services Tribunal at discipline hearing involving professional misconduct.

- ***Laity v. British Columbia (Financial Services Tribunal)***, 2023 BCSC 1165

Menka successfully defended a judicial review of a Financial Services Tribunal decision on behalf of the B.C. Superintendent of Real Estate.

- ***Drennan v. Smith***, 2022 BCCA 86

Menka successfully appealed an order to dismiss a claim for want of prosecution after being retained as appellant counsel.

INSURANCE

- Occupiers' Liability
- Construction + Engineering
- Professional Liability
- Personal Injury
- Appeals Practice

INDUSTRIES

- Construction
- Local Government

- ***0694841 B.C. Ltd. v. Alara Environmental Health and Safety Limited,*** 2021 BCSC 128, aff'd 2022 BCCA 67

Menka was successful in a summary trial application to dismiss the plaintiff's claim for negligent misrepresentation on the basis of a disclaimer clause. The decision was upheld on appeal.

- ***Wozny v. Gelber,*** 2021 BCSC 314

Menka successfully brought a summary trial application to dismiss the plaintiff's claim for solicitor's negligence on the basis of the expiry of the limitation period and the doctrine of cause of action estoppel.

- ***Lu v. Real Estate Council of British Columbia,*** 2021 BCSC 109

Menka successfully brought an application to strike the plaintiff's claim for failing to disclose a cause of action and for being vexatious and an abuse of process.

- ***655515 B.C. Ltd. v. Palmer***, 2017 BCSC 335

Menka was successful in obtaining a dismissal after a trial of the plaintiff's claim for solicitor's negligence on the basis that the plaintiff could not demonstrate any loss.

PUBLICATIONS

- April 2022, "*Drennan v. Smith*, 2022 BCCA 86", Counsel Commentary, *Take Five Newsletter*, OnPoint Law Corp, Page 13, Author
- March 2022, "*0694841 B.C. Ltd. v. Alara Environmental Health and Safety Limited*, 2022 BCCA 67", Counsel Commentary, *Take Five Newsletter,* OnPoint Law Corp, Page 15, Co-Author
- November 2019, "Serving 'Rough Justice': Assessing Remediation Costs and Liability Allocation Pursuant to the British Columbia Environmental Management Act", *HazMat Management,* Author
- October 2019, "What constitutes a material change in risk: A review of two recent decisions", *The Lawyer's Daily*, Author

EVENTS

- 08/11/2018, Construction Seminar: Extras!

PROFESSIONAL & COMMUNITY AFFILIATIONS

- Law Society of British Columbia, Member
- Canadian Bar Association, Member
- Vancouver Bar Association, Member
- West Coast LEAF, Member
- British Columbia Civil Liberties Association, Member
- Canadian Construction Women, Member
- South Asian Bar Association of British Columbia, Member
- Federation of Asian Canadian Lawyers, Member