

# John Buhlman

Partner

## Toronto

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## Practice Areas

Administrative & Public Law

Aggregate Resources

Arbitration & Mediation

Commercial Litigation

Environmental

Litigation & Dispute

Resolution

Municipal

John Buhlman is an experienced litigator who acts on complex environmental and commercial litigation. A key part of his practice involves advising clients on regulatory compliance with environmental laws.

John is the former head of the firm's litigation practice. With degrees in both engineering and law, he practises in the areas of environmental law, litigation, and administrative law, and has appeared as counsel on matters in all levels of the courts in Ontario, and before several administrative tribunals, including the Environmental Review Tribunal, the Board of Directors of the College of Chiropractors of Ontario, the Commercial Registration Appeal Tribunal, the Law Society of Upper Canada, and the Royal College of Dental Surgeons. John also acts as a mediator and arbitrator and is a Mediation and Arbitration Member of the Arbitration and Mediation Institute of Ontario.

John assists clients in resolving disputes through negotiation, mediation, arbitration and litigation. He acts regularly in complex cases involving commercial disputes, injunctions, real estate issues, shareholder disputes, environmental claims, environmental law issues, the *Canadian Charter of Rights and Freedoms*, insurance coverage, class actions, and torts.

## WeirFoulds LLP

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| Called to the Bar                                                  | Education                                                                                                                                                                                                                                                                                                                                                                | Affiliations                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Ontario (1981)</li> </ul> | <ul style="list-style-type: none"> <li>• LL.B, University of Windsor, 1979</li> <li>• B.A.Sc., University of Waterloo, 1976</li> <li>• Certificate of Achievement, Applied ADR Workshop, University of Windsor, 2013</li> <li>• Certificate of Achievement, Advanced ADR Workshop &amp; Certificate of Achievement, ADR Workshop, University of Windsor, 1998</li> </ul> | <ul style="list-style-type: none"> <li>• Toronto Lawyers' Association</li> <li>• Past Executive Member of the Ontario Bar Association, Environmental Law Section</li> <li>• Canadian Bar Association</li> <li>• Ontario Bar Association</li> <li>• The Advocates' Society</li> <li>• Canadian Corporate Counsel Association</li> <li>• Toronto Commercial Arbitration Society</li> <li>• Air &amp; Waste Management Association</li> </ul> |

## Notable Mandates

John acts for Pit and Quarry owners with respect to approvals under the *Aggregate Resources Act*.

John acted for a multi-national chemical company in defending against Orders issued by the Ministry of the Environment relating to contamination of groundwater. After the longest environmental hearings in Ontario, the case was settled advantageously for his client. John also acted for the same client defending lawsuits arising out of the contamination. The claims were all settled.

John successfully defended a retailer in a multi-billion dollar class action relating to PVC mini-blinds containing a lead stabilizer. The action was dismissed early on a motion for summary judgment.

John successfully acted for a landlord seeking to recover substantial damages for breach of a lease from a tenant which held the lease through a shell company. The action was settled advantageously for his client.

John acted in the leading case on the inspection powers of a Provincial Officer working for the Ministry of the Environment.

## Reported Cases

*St. Mary's Cement Inc. (Canada) v. Ontario (Minister of Municipal Affairs and Housing)* (2013), 2 M.P.L.R. (5th) 46 (Ont. Div. Ct.)

*St. Mary's Cement Inc. (Canada) v. Ontario (Director, Ministry of the Environment)* (2012), 70 C.E.L.R. (3d) 266 (Ont. Div. Ct.)

*St. Mary's Cement Inc. (Canada) v. Ontario (Ministry of the Environment)* (2012), 65 C.E.L.R. (3d) 302 (ERT)

*St. Mary's Cement Inc. (Canada) v. Ontario (Ministry of the Environment)* (2011), 58 C.E.L.R. (3d) 125 (ERT)

McCutcheon v. Westhill Redevelopment Company Limited, (2010), 48 C.E.L.R. (3d) 259 (Ont. Div. t.)

*James Dick Construction Ltd. v. Caledon (Town)*, (2010), 66 O.M.B.R. No. 263

*Westhill Redevelopment* (2009), 67 M.P.L.R (4<sup>th</sup>) 73 (OMB)

*James Dick Construction Ltd. v. Caledon (Town)*, [2006] O.M.B.D. No. 1116

*Hill and Hill Farms Ltd. v. Bluewater (Municipality)* (2006), 82 O.R. (3d) 505 (C.A.)

*Peacock et al v. Corporation of Norfolk County; Ontario Pork Producers' Marketing Board, Intervenor* (2006), 81 O.R. (3d) 530 (C.A.)

*v. Crompton Co./ Cie* (2005), 78 O.R. (3d) 135 (C.A.)

*Hill and Hill Farms Ltd. v. Bluewater (Municipality)* (2005), 26 M.P.L.R. (4th) 20 (C.A.)

*Peacock v. Norfolk (County)* (2004), 73 O.R. (3d) 200 (S.C.J.)

*R v. Crompton Co./ Cie* (2004), 76 O.R. (3d) 758

*Millgate Financial Corp. v. BCED Holdings Ltd.* (2003), 47 C.B.R. (4th) 278 (S.C.J.)

*Canadian Broadcasting Corp. Pension Plan v. BF Realty Holdings Ltd.* (2002), 38 C.B.R. (4th) 13 (Ont. C.A.)

*920935 Ontario Inc. v. Sudbury (Regional Municipality)* (2001), 22 M.P.L.R. (3d) 65 (Ont. C.A.)

*Uniroyal Chemical Co. v. Ontario (Ministry of the Environment)*, [2000] O.E.A.B. No. 37

*Philip Services Corp., Re* (1999), 15 C.B.R. (4th) 107 (Ont. S.C.J.)

*Ewaskiw v. Zellers Inc.* (1998), 40 O.R. (3d) 795 (Gen. Div.)

*Canadian Union of Public Employees (C.U.P.E.), Locals 1144 & 1590 v. Ontario (Superintendent of Pensions)* (1998), 19 C.C.P.B. 54

*Wellesley Central Hospital v. Ontario (Health Services Restructuring Commission H.S.R.C.)* (1997), 151 D.L.R. (4th) 706 (Ont. Gen. Div.)

*Pembroke Civic Hospital v. Ontario (Health Services Restructuring Commission H.S.R.C.)* (1997), 102 O.A.C. 207 (Ont. C.A.)

*Olympia & York Developments Ltd., Re* (1997), 143 D.L.R. (4th) 536 (Ont. Gen. Div.)

*Olympia & York Developments Ltd., Re* (1997), 45 C.B.R. (3d) 100 (Ont. Gen. Div.)

*All drew Holdings Ltd. v. Nibro Holdings Ltd.* (1996), 91 O.A.C. 241 (Ont. C.A.)

*Fidelity Bankers Life Insurance Co. (Deputy Receiver of) v. Dowsley* (1996), 2 C.P.C. (4th) 45 (Ont. Gen. Div.)

*Uniroyal Chemical Ltd. v. Kansa General Insurance Co.* (1996), 89 O.A.C. 311

*Central Capital Corporation, Re* (1996), 27 O.R. (3d) 494 (Ont. C.A.)

*APT Environment, Re* (1995), 18 C.E.L.R. (N.S.) 180

*Central Capital Corporation, Re* (1995), 22 B.L.R. (2d) 210 (Ont. Gen. Div.)

*Uniroyal Chemical Ltd., Re* (1994), 15 C.E.L.R. (N.S.) 83 (Ont. Gen. Div.)

*Tyre King Tyre Recycling Ltd. and Straza v. Director, West Central Region, Ontario Ministry of the Environment* (1992), 9 C.E.L.R. (N.S.) 314

*Uniroyal Chemical Ltd., Re* (1992), 9 C.E.L.R. (N.S.) 151

*Uniroyal Chemical Ltd., Re* (1992), 9 C.E.L.R. (N.S.) 85

*Dale v. Metropolitan Life Insurance Co.* (1991), 5 C.C.L.I. (2d) 220 (Ont. C.A.)

*Uniroyal Chemical Ltd. v. Ontario (Ministry of Environment)*, [1991] O.E.A.B. No. 3

*Uniroyal Chemical Ltd., Re* (1991), 6 C.E.L.R. (N.S.) 68

*Uniroyal Chemical Ltd. v. Ontario (Ministry of Environment)*, [1990] O.E.A.B. No. 31

*Dale v. Metropolitan Life Insurance Co.* (1990), 47 C.C.L.I. (2d) 253 (Ont. H.C.J.)

*Rigg v. Toronto (City)* (1989), 46 M.P.L.R. 113 (Ont. H.C.J.)

*Mar-Flite Ltd. v. Guardall Warranty Corp. (Trustee of)* (1989), 75 C.B.R. (N.S.) 203

*Metropolitan Toronto School Board v. Metropolitan Separate School Board* (1987), 20 O.A.C. 400 (Ont. Div. Ct.)

*Levita v. Board of Directors of Chiropractic*, [1987] O.J. No. 21 (Div. Ct.)

*Metropolitan Toronto School Board v. Foodcorp Ltd.* (1986), 18 O.M.B.R. 395

*Tien Kue Inn Ltd. v. Ontario (Minister of Transportation & Communications)* (1984), 32 L.C.R. 224

*Muskoka & Parry Sound Telephone Co. v. Ontario Telephone Development Corp.* (1984), 32 L.C.R. 154

*Essex (County) Roman Catholic Separate School Board v. Tremblay-Webster* (1984), 45 O.R. (2d) 83 (C.A.)

*392980 Ontario Ltd. v. Welland (City)* (1984), 45 O.R. (2d) 165 (H.C.J.)

*Essex (County) Roman Catholic Separate School Board v. Tremblay-Webster* (1983), 142 D.L.R. (4th) 479 (Ont. Div. Ct.)

*Black, Re* (1982), 37 O.R. (2d) 219 (H.C.J.)

## Awards

- Repeatedly recognized by *Best Lawyers in Canada* as a leading lawyer in Administrative and Public Law, Corporate and Commercial Litigation and Environmental Law
- Recognized as a leading practitioner in the 2016 *Canadian Legal Lexpert Directory*
- National Research Council scholarship (declined)
- The Advocates' Society Award for Excellence in Teaching, June 2009

## Professional Activities

- The Sopinka Cup Society, Secretary & Treasurer, Past President
- The Advocates' Society, Instructor and Past Director, Member of the Education Committee
- Chair of the Arnup Cup Committee, The Advocates' Society, since 1990
- Ontario Centre for Advocacy Training, Instructor, since 1989
- Arbitration and Mediation Institute of Ontario, Mediation and Arbitration Panel Member

## Corporate Directorship

The Sopinka Cup Society

Ontario Stone, Sand & Gravel Association

## Speaking Engagements

- Speaker, "Excess Soil Rules and Best Management Practices", OSSGA Virtual Conference, Online, February 25, 2021
- Speaker, "Judicial Review of Arbitration Decisions: What Standard Should Arbitrators Expect After Vavilov?", Advanced Administrative Law & Practice Conference, Canadian Institute, October 28, 2020
- John is a regular speaker at both professional development seminars and client-focused seminars. Key topics of particular interest to clients are:
- Panelist, "Entire Agreement Clauses", WeirFoulds LLP Beware of Boilerplate Seminar, May 2018
- Speaker, "Brownfield Redevelopment", WeirFoulds LLP Municipal and Planning Law Practice 2016 Private Sector Seminar, May 18, 2016
- Panellist, "Environmental Liability: Considerations & Strategies", Association of Corporate Counsel, October 28, 2015
- Moderator, *This Land is My Land, This Land is Your Land.. Wait a Minute. Whose Land Did We Say This Is?* A discussion of Aboriginal Land Claims and Resource Development", American Bar Association Section of International Law - 2015 Spring Meeting, Washington, D.C.
- "Resolving Growing Incivility Issues by Promoting Professional Courtesy", Canadian Institute,

May 7, 2013

- "Environmental Law & Regulation in Ontario", Canadian Institute, October 25 & 26, 2012
- "Advanced Administrative Law & Practice Conference", Canadian Institute, October 25 & 26, 2011
- "Certificates of Pending Litigation", Ontario Bar Association's program, "Walking the Tightrope: Pre-Trial Remedies in the age of high costs and low budgets", October 11, 2005
- "Recent Developments in Environmental Law: The Environmental Bill of Rights and The Three Rs Regulations", WeirFoulds LLP Client Seminar, May 1994
- Panel Member at the Ontario Stone, Sand, & Gravel Association, Annual General Meetings, 2012 & 2013
- "The Farm Next Door - The Right to Farm", Ontario Bar Association's Nasty Neighbours IV: Noise and Nuisance, December 5, 2006
- "Persuasive Arguments", Advocates' Society Program: "A Trial from A-Z", March 8, 2005
- "Best Practices and Procedures in Commercial and Civil Litigation Case Management", Insight seminar, "3rd Annual Law Clerks' Forum", March 7, 2005
- "10 Tips for Improving your Examinations-in-Chief", The Advocates' Society, November 24, 2005
- John is also a highly valued instructor within the legal community.
- He has been a skills instructor since 1989 in many programmes offered by The Advocates' Society, a sampling of which is listed.
- Office of Administration of Justice, United Nations, New York - Administration Tribunal Advocacy, New York, April 2015
- "Tenant Duty Counsel Advocacy Skills Training Workshop", The Advocates' Society, October 15, 2007
- Civil Litigation Skills Certificate Program - The Advocates' Society, since 1989:
- "Do a Trial", The Advocates' Society, 2005-2014
- "Advanced Do a Trial", The Advocates' Society, December 2014
- "Discovery Done Right - Controlling the Process and Getting the Facts", April 29, 2007
- "Evidence for Litigators" - January 11, 2006
- "Winning with Experts" - December 7, 2006
- "Advocacy Skills Examination-in-Chief and Cross-Examination", The Advocates' Society Newfoundland Bar Admission Course, October 24, 2006
- "Advocacy Skills Training Workshop Cross-examination and Impeachment", The Advocates' Society Newfoundland Continuing Legal Education, October 23, 2006
- "Fall Forum 2006", The Advocates' Society, September 29 and 30, 2006
- "Train the Trainer", The Advocates' Society, September 2006, 2008, 2011, 2013

### Additional Publications:

- Co-author, "Rule 32 Inspection of Property", *Civil Procedure & Practice in Ontario*, September 7, 2021

### Publications

- When is a Pollutant Not a Pollutant: Total Pollution Exclusions in Commercial General Liability Policies, June 30, 2022
- Excess Soil Regulation Partial Pause Commences April 20, until December 31, 2022 – What

you need to know!, April 21, 2022

- Expert Evidence: A Refresher from the Court of Appeal on the Key Roles of the Judge, Expert and Counsel, May 20, 2021
- A Matter of National Concern: The Supreme Court of Canada Upholds a Federal Price on Carbon, March 26, 2021
- Uber Arbitration Agreement not so Uber, September 29, 2020
- Webinar Series: Beware of Boilerplate, February 05, 2020
- Webinar: Entire Agreement Clauses, November 25, 2019
- The Arbitrator's Right to be Unreasonable or Incorrect, September 19, 2019
- Contracts with Arbitration and Jurisdictional Clauses: Are They in Conflict?, November 27, 2018
- Client Newsletter – Spring 2013, March 11, 2013
- Quiz: Legal interests in the pipeline, April 01, 2012
- Client Newsletter – Spring 2012, March 05, 2012
- Doing Business in Ontario: An Overview of Environmental Protection Law – 2011, November 01, 2011
- Doing Business in Ontario: An Overview of Environmental Protection Law, April 30, 2009
- Environmental Law Quiz, August 01, 2008