

# Philip Cho

Partner

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**Practice Areas**

Commercial Litigation

Employment & Labour

Insolvency & Restructuring

Litigation & Dispute

Resolution

Franchise Law

Philip Cho is a partner at WeirFoulds LLP and Chair of the Insolvency & Restructuring Practice Group.

Phil practises primarily in the area of Insolvency and Restructuring, with a complementary practice in Commercial Litigation. He has gained a reputation as an effective and practical advisor to his clients.

In insolvency and bankruptcy matters, Philip provides advice to debtors, creditors, trustees, monitors and receivers in the context of proceedings, disputes and transactions under the *Bankruptcy and Insolvency Act*, the *Companies' Creditors Arrangement Act*, and related provincial legislation, including Division 1 proposals and debtor-in-possession proceedings. Philip has also provided advice to clients in the context of informal restructuring or insolvency matters, both on the lender-side and on the debtor-side.

In addition, he is well versed at assisting his clients with matters concerning creditor rights, mortgage and personal property security enforcement, whether through direct litigation, power of sale, foreclosure or other types of enforcement proceedings. Philip also has extensive litigation experience acting for clients in breach of contract, oppression remedy, negligence, real property litigation, commercial lease disputes, and employment related matters, and has appeared before all levels of Court in Ontario. Philip is a frequent speaker having presented numerous times at the Law Society of Ontario's Six-Minute Creditor/Debtor and Insolvency Lawyer series. He is also a frequent panelist at the Annual Conference of the International Association of Korean Lawyers, having presented in 2012 (Los Angeles), 2014 (Washington D.C.) and 2018 (Atlanta). Since 2017, Philip has co-authored four chapters in the Law Society of Ontario's Lawyer Licensing Process Study Examination Study Materials.

Philip is also recognized for his community leadership and volunteer work. Since 2012, he has served as the Chairman of the Board for the Korean Canadian Scholarship Foundation, a registered charity founded in 1978. Philip is also a board member of the Korean Canadian Lawyers Association and served on its Executive Committee in 2005. In 2015, Philip was appointed a Regional Governor for Canada by the International Association of Korean Lawyers.

**WeirFoulds LLP**

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Called to the Bar	Education	Affiliations
<ul style="list-style-type: none"> <li>• Ontario (2002)</li> </ul>	<ul style="list-style-type: none"> <li>• J.D., Queen's University, 2000</li> <li>• B.A. (Hons), University of Toronto</li> </ul>	<ul style="list-style-type: none"> <li>• Ontario Bar Association</li> <li>• The Advocates' Society</li> <li>• Federation of Asian Canadian Lawyers</li> <li>• International Association of Korean Lawyers (Board of Governors)</li> <li>• Turnaround Management Association</li> <li>• National Asian Pacific American Bar Association – Member</li> </ul>
Languages		
<ul style="list-style-type: none"> <li>• English</li> <li>• Korean (Conversational)</li> </ul>		

## Notable Mandates

- acting for the proposal trustee in Division 1 Proposal of metal stamping and manufacturing company
- acting for debtor (smart energy electrical contractor) in Division 1 Proposal
- acting for debtor (specialty supplier) in Division 1 Proposal
- acting for debtor (window manufacturing company) in Division 1 Proposal including sale of business as going concern
- acting for debtor (jewellery manufacturing company) in CCAA proceedings including multiple sale processes
- acting for debtor (logistics company) in Division 1 Proposal
- acting for court-appointed liquidator in liquidation proceedings under the Ontario *Business Corporations Act*, arising out of shareholder dispute
- acting for court-appointed inspector under the Ontario *Business Corporations Act*, arising out of sale of business
- acting on behalf of Korean garment manufacturer in major retail CCAA proceedings
- acting as representative counsel of purchasers in receivership of a Korean-heritage retirement home and long-term care facility
- successfully acted as lead counsel in commercial trial for an Ontario manufacturer against a US logistics company for the loss of copper tubing in Mexico
- successfully opposed relief from forfeiture application by commercial tenant where tenant refused to vacate premises after lease terminated
- acting on behalf of condominium developer in enforcement proceeding with respect to approval and sale of a commercial geothermal energy system

## Awards

- Recognized in the *Lexpert Special Edition: Insolvency & Restructuring*, 2024, 2025
- Recognized by the *Canadian Legal Lexpert Directory* as a leading lawyer in Insolvency & Financial Restructuring (Insolvency Litigation) and Insolvency & Financial Restructuring (Financial Restructuring), 2024, 2025

- Nominated for *Canadian Lawyer Magazine's* Top 25 Most Influential Lawyers, 2018
- Profiled in the Federation of Asian Canadian Lawyers' Community Leader Showcase, 2017
- Ontario Social Justice Award, Federation of Asian Canadian Lawyers 16th Annual Conference, 2023

## Professional Activities

- Secretary, International Association of Korean Lawyers (2021-2023)
- Member-at-Large, Ontario Bar Association, Insolvency Law Section (2019-2020, 2021-2022, 2022-2023, 2023-2024)

## Community Involvement

- Board of Directors, Korean Canadian Lawyers Association
- Board of Directors, Korean Canadian Scholarship Foundation (Board Chair from 2012-2022)
- Board of Directors, The Foundation for the Advancement of Racial Equity
- OBA Law Day Volunteer (mock trial at public school), 2018

## Speaking Engagements

- Speaker, "Year in Review: Top Construction Law Cases in 2025", The Advocates Society, Online, January 29, 2026
- Moderator, "Putting on the Red Sash: A Dialogue With the Bench", Ontario Bar Association, Toronto, ON, February 29, 2024
- Speaker, "Anti-Asian Racism Panel", 2023 EDI Conference, Halton Equity & Diversity Roundtable, Oakville, ON, June 8, 2023
- Speaker, "4th Annual Legal Guide to Managing Construction Liens in Ontario," Osgoode Hall Law School, April 11, 2023
- Speaker, "Advanced Corporate/Commercial Law", Lincoln Alexander School of Law, March 14, 2023
- Speaker, "The Osgoode Certificate in Construction Law on Insolvency and Restructuring", Osgoode Hall Law School, February 24, 2023
- Speaker, "Navigating Insolvency and Bankruptcy Priorities and Key Legal Risks", 3rd Annual Legal Guide to Managing Construction Liens in Ontario, Osgoode Hall Law School, Online, April 1, 2022
- Faculty Member, "Insolvency and Restructuring", The Osgoode Certificate in Construction Law, Online, October 22, 2021
- Speaker, "Employment Law Issues During Bankruptcy, Restructuring and/or Insolvency", Canadian Bar Association, Online, September 9, 2021
- Speaker, " Legal Guide to Managing Construction Liens in Ontario, Osgoode Hall Law School, Online, February 22, 2021
- Speaker, "The Return of Holding Proposals Triggered by COVID0-19", The Six-Minute Debtor-Creditor and Insolvency Lawyer, Law Society of Ontario, ON, October 28, 2020
- Speaker, "Creditors' Rights Roundtable", Bankruptcy Basics, Ontario Bar Association, ON, October 22, 2020
- Panelist, "Bankruptcy Law", 27th Annual Conference, International Association of Korean

Lawyers, Seoul, South Korea, September 19, 2019

- Speaker, "Effect of Bankruptcy on the Employment Relationship", The Six-Minute Employment Lawyer, Law Society of Ontario, Toronto, ON, June 2019
- Moderator and Panelist, Bankruptcy Law, 26th Annual Conference, International Association of Korean Lawyers, Atlanta, GA, 2018
- Speaker, "Bankruptcy and Insolvency Update for Business Lawyers", The Six-Minute Business Lawyer, Law Society of Ontario, Toronto, ON, 2018-2019
- Panelist, Litigation, Asian Canadian Law Students Conference, 2017
- Speaker, The Six-Minute Debtor-Creditor and Insolvency Lawyer, Law Society of Ontario, Toronto, ON, 2009-2012, 2014, 2016, 2018
- Panelist, Bankruptcy Law, 24th Annual Conference, International Association of Korean Lawyers, Washington, DC, 2016
- Keynote Speaker, Korean Canadian Law Students Conference, 2016

## Publications

- Another Ontario CCAA Order Stays Claims Against Performance Bonds, August 06, 2025
- Carillion 2.0? Ontario Judge orders stay of claims against performance bonds, July 14, 2025
- Ontario Court of Appeal Addresses Use of Fresh Evidence in Obtaining a Declaration that Judgment Debt Survives Bankruptcy, September 06, 2022
- WEPPA Amendments in Force: Some Welcome Changes, January 24, 2022
- If a debt is outstanding, but not enforceable in court... is it really a debt?, June 17, 2021
- The Collapse of a House of Cards: Estoppel by Convention and the Need for a Shared Assumption, August 31, 2020
- The *Bluberi* Decision: "No" to Vote-Rigging and "Yes" to Litigation Funding, June 23, 2020
- Webinar: Commercial Litigation Seminar – Pre-Litigation Positioning: Tips for Improving Your Case, November 06, 2019
- Enhancing Security of Pensions in Insolvency Proceedings: Amendments to BIA and CCAA to Take Effect in November, October 29, 2019
- The Standard of Appellate Review for Standard Form Contracts versus CCAA Plans – *SFC Litigation Trust v. Chan*, 2019 ONCA 525, July 06, 2019
- "Just Friends" or Something More? Court Finds Shareholders in Closely-Held Corporation Were Dealing at Arm's Length, June 04, 2019
- International Commercial Arbitration Awards: When Does an Arbitration Award Become Binding?, August 03, 2018
- Equity Rules the Day: The Supreme Court of Canada Clarifies the Tenets of Proprietary Estoppel, January 08, 2018
- Webinar Series: All About Shareholders, December 07, 2017
- Make a Will Month provides an annual checkup for lawyers and the public, November 21, 2017