

Ben Kates

Partner

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Practice Areas

Litigation & Dispute

Resolution

Administrative & Public Law

Regulatory

Ben Kates is a litigation partner and Co-Chair of the Regulatory Practice Group at WeirFoulds LLP.

Ben's practice straddles administrative and civil law. Ben provides advice and counsel to a number of industry regulators, and also practises civil litigation for public and private sector clients. Ben is experienced in civil, corporate-commercial, and administrative matters, having handled corporate and contractual disputes, as well as professional liability, media and defamation, and class actions.

Immediately prior to joining WeirFoulds, Ben acted as a Discipline Counsel for the Law Society of Ontario, serving as lead prosecutor on discipline and good character matters before the Law Society Tribunal. At the Law Society, Ben provided strategic support and prosecutorial assessment of Law Society investigations, and appeared before the Law Society Tribunal Hearing and Appeals Divisions, as well as the Divisional Court.

Ben spent his articling year clerking for the judges at the Ontario Superior Court of Justice in Toronto. He began his practice litigating at one of the top boutique firms in Canada, acting as a client-facing lawyer responsible for managing ongoing litigation in civil, corporate-commercial, administrative and regulatory matters. In this role, he appeared before trial and appellate courts and administrative tribunals while representing individuals, governments, government agencies, and corporations operating in finance, insurance, manufacturing, cannabis, media, professional services, and other sectors.

Prior to attending law school, Ben helped launch Billiter Partners, a consultancy focused on strategic risk and corporate intelligence based in London, UK. He has also worked as a journalist in Dakar, Senegal.

WeirFoulds LLP

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Called to the Bar <ul style="list-style-type: none"> • Ontario (2011) 	Education <ul style="list-style-type: none"> • University of Toronto, J.D., 2010 • The London Schools of Economics, MSc, 2006 • University of King's College (Halifax), BA. (Hons), 2004 	Affiliations <ul style="list-style-type: none"> • Canadian Network of Agencies for Regulation • The Advocates' Society • Canadian Bar Association (Ontario) • Toronto Lawyers Association
Languages <ul style="list-style-type: none"> • English • French 		

Notable Mandates

- Acted as prosecutor for the Ontario College of Pharmacists in discipline matters.
- Acted as Discipline Counsel for the Law Society of Ontario in good character and discipline matters, appeals, and applications for judicial review.
- Acted as co-counsel for a major Canadian bank in civil litigation and regulatory matters, including class action defence.
- Acted as co-counsel to LawPRO in lawyers' professional liability cases.
- Acted as co-counsel for a children's aid society in the Inquest into the Death of Jeffrey Baldwin.

Reported Cases

- *Ontario (College of Pharmacists) v. Kubar*, 2024 ONCPDC 9
- *Spasiw v. Law Society of Ontario*, 2024 ONSC 1486
- *Ontario College of Social Workers and Social Service Workers v Erin Nolan*, 2024 ONCSWSSW 2
- *Ontario College of Social Workers and Social Service Workers v Sweet*, 2024 ONCSWSSW 1
- *Ontario (College of Chiropodists of Ontario) v Élie Bélanger*, 2024 ONCOCOO 1
- *Ontario College of Social Workers and Social Service Workers v Maryana St. Hiliare*, 2023 ONCSWSSW 10
- *Ontario College of Social Workers and Social Service Workers v Fortier*, 2023 ONCSWSSW 9
- *Ontario College of Social Workers and Social Service Workers v Joseph Pinckney*, 2023 ONCSWSSW 6
- *A. A. v Chartered Professional Accountants of Ontario*, 2023 ONCPA 11
- *Ontario (College of Chiropodists) v Casella*, 2023 ONCOCOO 4
- *Ontario (College of Chiropodists of Ontario) v. MacMull*, 2023 ONCOCOO 3
- *Yan v. Law Society of Ontario*, 2023 ONSC 1290
- *Ontario (College of Chiropodists of Ontario) v. Casella*, 2023 ONCOCOO 1
- *Perciballi v. Law Society of Ontario*, 2022 ONLSTH 120
- *Law Society of Ontario v. Eliezer*, 2022 ONLSTH 98
- *Law Society of Ontario v. von Achten*, 2022 ONLSTH 74
- *Law Society of Ontario v. Cadogan*, 2022 ONLSTH 39
- *Law Society of Ontario v. Rapoport*, 2022 ONLSTH 17
- *Amendola v. Law Society of Ontario*, 2022 ONLSTA 3
- *Law Society of Ontario v. Harris*, 2022 ONLSTH 4
- *Law Society of Ontario v. Collins*, 2021 ONLSTH 177
- *Law Society of Ontario v. Cadogan*, 2021 ONLSTH 149
- *Law Society of Ontario v. Rapoport*, 2021 ONLSTH 100
- *Law Society of Ontario v. Amendola*, 2021 ONLSTA 11

- *Law Society of Ontario v. Harris*, 2021 ONLSTH 76
- *Watson v. Law Society of Ontario*, 2021 ONLSTH 31
- *Law Society of Ontario v. De Rose*, 2021 ONLSTA 9
- *Ontario (College of Pharmacists) v. Aslam*, 2020 ONCPDC 31
- *Ontario (College of Pharmacists) v. Abdul*, 2020 ONCPDC 9
- *Ontario (College of Pharmacists) v. Federico*, 2019 ONCPDC 29
- *The Toronto-Dominion Bank (Re)*, 2019 ONSEC 29
- *Ontario (College of Pharmacists) v. Aslam*, 2019 ONCPDC 10
- *Allen v. MacDougall*, 2019 ONSC 1939
- *Mancinelli v. Royal Bank of Canada*, 2019 ONSC 626
- *Ontario (College of Pharmacists) v. Aslam*, 2019 ONCPDC 3
- *Abdul v. Ontario College of Pharmacists*, 2018 ONCA 699
- *Mancinelli v. Royal Bank of Canada*, 2018 ONCA 544
- *Watson v. Law Society of Ontario*, 2018 ONLSTA 14
- *Ontario (College of Pharmacists) v. Aslam*, 2018 ONCPDC 2
- *Brooks v. Ontario Racing Commission*, 2017 ONCA 833
- *Toronto (City) v. Lenova Outsourcing Corp.*, 2017 ONSC 5743
- *Law Society of Upper Canada v. Sumner*, 2017 ONLSTA 17
- *Crees (Eeyou Istchee) et al v. Canada (Attorney General)*, 2017 ONSC 3729
- *Ontario (College of Pharmacists) v. Fabello*, 2016 ONCPDC 32
- *Usand Group v. Kempton*, 2016 ONSC 3175
- *Nobili v. Economical Mutual Insurance Company*, 2015 ONCA 472
- *Guergis v. Hamilton*, 2015 ONSC 4915
- *Downtown Pallets Ltd. v. Ontario Food Terminal Board*, 2013 ONSC 502
- *Continental v. Singh*, 2012 ONSC 7122
- *Attawapiskat First Nation v. Canada*, 2012 FC 948
- *Attawapiskat First Nation v. Canada*, 2012 FC 146

Awards

- Recognized by Best Lawyers in Canada as a leading practitioner in Administrative and Public Law (2024)

Professional Activities

- Member, The Advocates' Society, 10+ Committee (2021 – present)
- Member, Ontario Bar Association, Administrative Law Executive Committee (2018-2020)
- Chair, The Advocates' Society, Young Advocates' Standing Committee (2017-2018)
- Member, The Advocates' Society, Young Advocates' Standing Committee (2012-2018)

Community Involvement

- Volunteer Duty Counsel, Pro Bono Law Ontario Law Help Clinic at the Superior Court of Justice
- Volunteer Duty Counsel, Pro Bono Law Ontario Appeals Assistance Program
- Mentor, University of Toronto Faculty of Law

Corporate Directorship

- Director and Corporate Secretary, Canadian Association of MAiD Assessors and Providers, (2022-present)
- Governor, University of King's College (2018-2020)
- Director, Music Without Barriers (2015-2018)

Speaking Engagements

- Speaker, "A Focus on legal Ethics for Solo/Small Firm Practices: Strategies to Manage Challenging Issues", 18th Solo and Small Firm Conference: Evolution, Law Society of Ontario, Toronto, ON, June 13, 2024
- Instructor, "Canadian Administrative Law", Canadian Common Law Program, Osgoode Professional Development, Online, January 24 - April 10, 2024
- Panelist, "Module 5: Penalty Hearing and Appeals", Professional Regulation and Discipline in the Ontario Health Care Sector, Osgoode Professional Development, Online, December 6, 2023
- Speaker, "Substantive Review & the Charter", Osgoode Hall Law School - Administrative Law course, March 14, 2023
- Speaker, Humber College - Sports Business Management Program, March 13, 2023
- Speaker, "Impartiality, Bias, Independence", Osgoode Hall Law School - Administrative Law course, February 16, 2023
- Speaker, "Delays and Reasons", Osgoode Hall Law School - Administrative Law course, February 7, 2023
- Moderator, "How to Mentor: It's Not About You", The Advocates' Society, November 9, 2021
- Speaker, "Pre-Hearing Issues," Administrative Tribunal Advocacy, The Advocates' Society, April 29, 2021
- Speaker, "Quashing the Stigma: Addiction, Mental Illness, and Accommodation", 2019 CNAR Conference, Quebec City, Quebec, October 30, 2019
- Speaker, "The Meaning of #MeToo: Regulating Sexual Misconduct Amidst Normative Change", 2018 CNAR Conference, Banff, Alberta, October 17, 2018

Additional Publications:

- Co-Author, "Pardons don't go far enough. Convictions for cannabis must be expunged, CBC Online, October 29, 2018
- Author, "Private and Public Retail Dispensaries Are the Way to Go, Mr. Ford" iPolitics.ca, August 8, 2018
- Co-Author, "Pulling Back Anonymous' Mask: Norwich Orders and Online Defamation," Ontario Bar Association Institute, Dealing with Online Defamation, February 7, 2018
- Co-Author, "Publication Ban Practice in Ontario", The Advocates' Journal, Vol. 36, No. 6, Summer 2017
- Co-Author, "What Legal Weed Needs", iPolitics, December 23, 2016
- Co-Author, "Confusion Over Pot Laws Has Consequences", The Toronto Star, August 18, 2016
- Co-Author, "Dealing with a Deadlocked Tribunal", (September 2016) 29(3) Canadian Journal of Administrative Law & Practice, 333-344

- Co-Author, "Update on Motions for Disqualification of Tribunal Members on Account of Reasonable Apprehension of Bias: The Presumption of Impartiality Revisited", (October 2015) 28(3), Canadian Journal of Administrative Law & Practice, 309-322
- Author, "The Supply Chain Gang: Enforcing the Rights of Subcontracted Labour in Ontario", The Canadian Labour & Employment Law Journal, Vol. 16, No. 2, 2012

Publications

- *Wagg the Dog: A Focused Approach for Regulators Seeking Crown Disclosure*, September 11, 2023
- *Admit it: There's a Role for Requests to Admit in Disciplinary Proceedings*, October 03, 2022
- *Help Me Help You: Self-Represented Litigants in Professional Discipline Proceedings*, August 15, 2022