

Sean Foran

Partner

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Practice Areas

Expropriation
Employment & Labour
Infrastructure/P3
Litigation & Dispute
Resolution
Municipal
Real Property

Sean Foran is a leading expropriation lawyer, with extensive experience as counsel in large-scale infrastructure projects. Sean also practises real-estate, employment, business and government litigation.

Sean regularly appears before various boards and tribunals, before all levels of court up to the Ontario Court of Appeal, and as an advocate in commercial arbitrations. Sean is Past President of the Ontario Expropriation Association. He has written and delivered papers for conferences and seminars on various topics, including expropriation and employment law. Sean is also an instructor at The Advocates' Society.

Sean also practises in the area of employment law, including wrongful dismissal, employment standards, Canada Labour Code arbitrations, contract and policy drafting.

Called to the Bar

- Ontario (1990)

Education

- LL.M., University of Edinburgh, 1995
- LL.B., University of Ottawa, 1988
- B.A., Carleton University, 1985

Affiliations

- Ontario Bar Association
- Ontario Expropriation Association
- The Advocates' Society

WeirFoulds LLP

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Notable Mandates

Acted for:

- Ontario municipalities in large-scale infrastructure projects involving the expropriation of multiple properties;

- for multiple landowners in expropriation of their properties for transit infrastructure projects (Eglinton Crosstown; Union-Pearson Express; Ontario Line; Scarborough Subway Extension);
- Hydro One in the expropriation of multiple properties for the Bruce-Milton transmission line
- the Ontario Ministry of Transportation on expropriation matters arising out of the construction of major highways;
- one of the largest agricultural marketing boards in Canada on many issues, including constitutional and trade challenges;
- defendants in occupational health and safety prosecutions, including the successful defence to charges arising out of a workplace fatality.

Reported Cases

- *Nemeth v. City of Toronto*, 2023 CanLII 64038 (Ontario Land Tribunal).
- *Rossmann v. Canadian Solar Inc.*, 2019 ONCA 992
- *Friday Harbour Resorts v 2135746 Ontario Inc.*, 2017 ONSC 7444 (Ont.S.C.)
- *CAMS Atlas, LLC v Stang*, 2017 ONSC 6170 (Ont.S.C.)
- *CAMS Atlas, LLC v Stang*, 2017 ONSC 6553
- *Automotive Plaza (Hwy. 7 & Bowes Rd.) Ltd. v York (Municipality)* (2016), 3 L.C.R. (2d) 203 (OMB)
- *Spanter Developments Inc. v. Markham (City)* (2012), 110 L.C.R. 77 (OMB)
- *Brampton (City) v. Sidhu* (2012), 107 L.C.R. 33 (OMB)
- *Antrim v. Ontario (Ministry of Transportation)* (2009), 96 L.C.R. 100 (OMB)
- *Antrim Truck Centres Ltd. v. Ontario (Minister of Transportation)* (2008), 95 L.C.R. 229 (OMB)
- *Antrim Truck Centre Ltd. v. Ontario (Minister of Transportation)* (2008), 94 L.C.R. 240 (OMB)
- *Penney v. Penney* (2006), 153 A.C.W.S. (3d) 305 (Ont. Sup. Ct. J.)
- *Cunningham v. Front of Yonge (Township)* (2004), 72 O.R. (3d) 721, 245 D.L.R. (4th) 460, 5M.P.L.R. (4th) 15 (C.A.)
- *Dowdell (Trustee of) v. Rinzema* (2004), 7 C.P.C. (6th) 315 (Ont. Sup. Ct. J.)
- *Cunningham v. Front of Yonge (Township)* (2003), 5 M.P.L.R. (4th) 28 (Ont. Sup. Ct. J.)
- *565486 Ontario Inc. v. Tristone Properties Inc.* (2001), 54 O.R. (3d) 689 (Sup. Ct. J.)
- *Inter-Global Investments Inc. v. Tormina Markham Inc.* (2000), 34 R.P.R. (3d) 107 (Ont. Sup. Ct.J.)
- *Hullmark Development Ltd. v. Ontario (Minister of Transportation)* (2000), 70 L.C.R. 48 (OMB)
- *Wilson's Truck Lines Ltd. v. IWA-Canada, Local 700*, [1999] L.V.I. 30097, [1999] O.L.A.A. No.153, 55 C.L.A.S. 197 (Ont. Arbitration)
- *Deverell v. Anson, Hindon and Minden (Townships)* (1998), 110 O.A.C. 372 (C.A.)
- *Imperial Oil Ltd. v. Ontario (Superintendent of Pensions)* (1996), 15 C.C.P.B. 31 (Pension Commission)
- *Scharf v. Freure Homes Ltd.* (1994), [1996] 1 C.T.C. 70D (Ont. Ct. J. (Gen. Div.))
- *Richmond Hill (Town) Zoning By-law 44891 (re)* (1994), 21 M.P.L.R. (2d) 86 (OMB)
- *Harnox Holdings Ltd. v. Canada Post Corporation* (1993), 4 W.D.C.P. (2d) 281 (Ont. Ct. J. (Gen.Div.))
- *Albert Bloom Ltd. v. Intermetco Ltd.* (1992), 8 O.R. (3d) 625 (Ct. J. (Gen. Div.))

Awards

- Repeatedly recognized in *Best Lawyers in Canada* as a leading practitioner in Expropriation Law and Real Estate Law

Professional Activities

- Past President, Ontario Expropriation Association
- Advocacy Instructor, The Advocates' Society

Community Involvement

- Past Chair, MS Society, Toronto Chapter
- Past Director, MS Society, Ontario Division
- Past Director, St. Felix Centre, Toronto

Speaking Engagements

- Speaker, "Update on *Expropriations Act*", 2024 Spring Conference, International Right of Way Chapter 29, Niagara Falls, ON, April 12, 2024
- Speaker, "Municipal, Planning & Land Development Law Update", WeirFoulds LLP, Online and In-person, May 10, 2022
- Speaker, "Employment Law Update: What Employers Should Know to Help Navigate 2020", WeirFoulds LLP, Online, January 27, 2022
- Speaker, "COVID-19: Key Considerations for Employers in the "New Normal" Workplace in Stage 3 and Beyond", WeirFoulds LLP, Online, August 5, 2020
- Speaker, WeirFoulds Employment and Labour Seminar - Fall Session, Toronto, ON, November 28, 2019
- Speaker, "Acquiring Infrastructure Project Lands by Expropriation", Current Issues in Municipal Infrastructure Projects, Municipal Infrastructure Forum, Kleinburg, ON, April 15, 2019
- Speaker, WeirFoulds Employment and Labour Law Seminar - Spring Session, Toronto, ON, April 5, 2018
- "Statutory Offers and Multiple Interests in Expropriated Lands", International Right of Way Association, 2017 Spring Education Seminar, Niagara Falls, May 12, 2017
- "Restrictive Covenants in Employment Agreements", WeirFoulds, Toronto, ON, November 10, 2016
- "Municipal Land Acquisition: Alternatives to Expropriation", Association of Municipalities Conference, Windsor, August 15, 2016
- "Expropriations and Compensation", presentation to the Commercial Law Section of the Federal Department of Justice, Toronto, October 14, 2015
- "Recent Developments in Expropriation Law", presentation to the Commercial Law Section of the Federal Department of Justice at conference on public private partnerships, Ottawa, October 8, 2013
- Co-presenter, Legal and Regulatory Issues for Property Managers and Owners, Property Management Exposition & Conference, Toronto, November 28, 2012
- Co-presenter, Springfest Toronto - Roundtable on Legal and Regulatory Issues for Property Managers and Owners, April 17, 2012.
- "Winning & Defending Strike Motions", Canadian Institute, Bringing & Defending Litigation Against the Crown, April 12, 2010
- Annual Case Update, Ontario Expropriation Association, 2009 Fall Seminar
- Chair, Ontario Expropriation Association, 2006 Fall Seminar

- Injurious Affection - No Land Taken, Ontario Expropriation Association, 2002

Publications

- Get It in Writing: Ontario Court Upholds Termination for Cause Based on Written Employment Agreement and Clear Employee Expectations, March 13, 2023
- Amendments to the *Expropriations Act* Proposed Under Bill 245, February 26, 2021
- Is it Time For Employers to Review Your Employment Contracts? The Supreme Court of Canada Says Yes, January 18, 2021
- Ontario Announces Provincewide Shutdown: What Does This Mean for Employers?, December 23, 2020
- Federal Government Extends the Canada Emergency Wage Subsidy Program: What Employers Need to Know, August 13, 2020
- Ontario Court of Appeal Finds Unenforceable Language in "For Cause" Termination Provision to be Fatal Even When Employee Terminated "Without Cause", July 09, 2020
- Ontario Government Introduces Significant Changes to Temporary Layoffs and Constructive Dismissals under the ESA, 2000, June 01, 2020
- As Ontario Begins to Reopen, Provincial Health and Safety Associations Provide Guidance to Employers Regarding the COVID-19 Pandemic, May 01, 2020
- The "New Normal": What Ontario's Plan to Reopen Means for Employers, April 29, 2020
- Further Details on the Canada Emergency Wage Subsidy: Applications Process to Open April 27, 2020, April 22, 2020
- Helping Employers Understand the Canada Emergency Wage Subsidy, April 13, 2020
- Ford Government Tightens Lockdown on Ontario Businesses: New Truncated List of Essential Workplaces Released, April 06, 2020
- The Canada Emergency Wage Subsidy: What All Employers Need to Know, April 02, 2020
- Navigating Ontario's Closure of Non-Essential Businesses, March 26, 2020
- A Novel Type of Leave in the Wake of COVID-19: The Ontario Government's Changes to the *Employment Standards Act, 2000*, March 20, 2020