



Anthony Burden (He/Him)

Partner

in

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Overview

Based in Field Law's Calgary office, Anthony Burden is a partner focusing in the areas of construction, general litigation and insurance. Anthony's clients are diverse and represent multiple industry sectors, and range in size from individuals to multinational organizations.

Anthony's practice focuses on construction claims, in particular construction liens, *Public Works Act* claims, and surety claims with respect to performance bonds and labour and material payment bonds. He regularly acts for all levels of parties within the contractual chain: owners, general contractors, subcontractors, suppliers and consultants. He also has extensive experience in the drafting and reviewing of construction contracts, including custom contracts, subcontracts and supplemental conditions to standard form contracts tailored to particular clients and projects. Although he is based in Calgary, Anthony's clients are located throughout Alberta, and often have operations throughout Canada and beyond.

Anthony also has extensive experience defending Alberta municipalities in a range of litigation including injury claims, construction and building code issues, and development claims.

Anthony has appeared on behalf of clients at all levels of court in Alberta. His approach to providing legal services sees him delivering efficient counsel while also maintaining a focus on avoiding unnecessary, costly litigation. With this approach, he is able to come to a resolution quickly and fairly, while still preserving amicable relations with all sides. Anthony is the sole author of *The Canadian Treatment of Construction and Builders' Liens on Crown Lands*, the only text which provides an overview of every Canadian province and territory's approach to construction liens on land owned by the Crown.

Value to Clients

"My goal is to provide my clients with the best possible outcome as quickly and efficiently as reasonably possible. Sometimes this requires litigation or arbitration, but often effective negotiations and frank correspondence is the best way to achieve resolution. I believe that being up front with both clients and opposing counsel is the quickest route to an amicable resolution for all sides. By being approachable, knowledgeable and dependable, I deliver business-focused solutions."

Outside the Office

Industries

Construction
Insurance
Municipal

Services

Construction
Litigation
Alternative Dispute Resolution
Corporate + Business Disputes
Construction Bonds
Surety
Construction Liens

Education

Osgoode Hall Law School, 2016,
Certificate in Construction Law
University of Alberta, 2013, Juris
Doctor
University of Alberta, 2010,
Bachelor of Arts, Mathematics,
With Distinction

Admissions

Alberta, 2014

When Anthony is not at the office, he can be found spending time with his two young children and large Inuit husky. An avid athlete, Anthony is also a competitive powerlifter and has taken his passion for the sport to a number of world championships and other national and international competitions. He has continued competing throughout his legal career despite a number of injuries. Anthony also uses his free time to give back to the community and to the legal profession with a number of volunteer roles.

Experience

Steer v Chicago Title Insurance Company, 2019 ABQB 318

Factors Western Inc v DCR Inc, 2021 ABCA 433

Gradziel v Town of Coalhurst, 2020 ABQB

Malmberg v Boyd, 2020 ABQB 326

Malmberg v Boyd, 2020 ABQB 80

Nelson v Grande Prairie (City), 2019 ABQB 897

Steer v. Chicago Title Insurance Company, 2019 ABQB 670

Steer v Chicago Title Insurance Company, 2019 ABQB 318

Amble Ventures (Alberta) Ltd v D.B.K. Engineering Ltd, 2019 ABQB 287

Golden Triangle Construction Management Inc v Nuwest Interior Systems Inc, 2019 ABQB 292

Professional

Canadian Bar Association - National Construction and Infrastructure Law Section

Member of Executive

2022 - Present

Society of Construction Lawyers - North America

2019 - Present

Surety Association of Canada

2019 - Present

Advocates Society

2019 - Present

Canadian Bar Association

2013 - Present

Law Society of Alberta

2013 - Present

Community

Regional Director, Society of Construction Law North America, 2022-Present

Member of Board of Directors, Calgary Construction Association, 2019-Present

Volunteer, Court of Queen's Bench Amicus Program, 2015-Present

Referee, Alberta Powerlifting Union, 2012-Present

Vice President, University of Alberta Powerlifting Association, 2010-2013

Recognition

Class of 2023, On-Site and SitePartners' 40 Under 40 in Canadian Construction

Client Stories

Builder's Lien Precedent

Our client was the general contractor for two school construction projects in Alberta. Several builders' liens were registered by various sub-contractors, creating additional expense for our client. The schools in question were designated as "municipal reserve" lands, which impacts what use can be made of the lands on sale.

Previous case law indicated that such lands could not be subject to forced sale and therefore builders' liens on those lands were unenforceable.

Anthony advised his client not to make the payments on these liens. Instead, he recommended arguing that all builders' liens registered on both projects were invalid - setting a precedent for future work. Several liens were withdrawn by consent as a result of our approach.

During this process, three lienholders disputed our interpretation, and a contested Court application was held to determine if these liens were valid. The Court accepted our interpretation of the law and held that the builders' liens, in this case, were invalid.

The Court decision provided certainty to our client for this project and in the future that any lands designated as "municipal reserve" cannot be validly liened.

Slip and Fall Defence

The insurer for a local municipality approached Field lawyer, Anthony Burden to aggressively defend a negligence claim and contest liability.

Within two weeks of having the file Anthony successfully opposed a previously scheduled Application, and took steps to apply for summary dismissal of the claim. By applying for summary dismissal as soon as possible and questioning the Plaintiff on undertakings, Anthony was able to obtain helpful evidence on quantum moving forward. The co-plaintiff abandoned its claim prior to the Application. The Application for summary dismissal was initially dismissed, with leave granted to re-apply with fuller evidence. On the second Application, the claim was summarily dismissed in its entirety.

Anthony helped his client gain a better idea of the strength of both parties' evidence, providing the knowledge needed to confidently defend the claim.

News + Views + Events

April 2024 - 5 min read

[Mastering Compliance: Understanding Safety Codes Council Orders and Appeals in Construction](#)

April 2024

[Spoiler Alert: Don't Destroy Evidence](#)

April 2024 - 5 min read

[When Is a Lien For Design Work Valid?](#)

March 2024 - 7 min read

[The Owner Strikes Back: Subcontractor Unjust Enrichment Claims](#)

February 2024 - 3 min read

[The Fine Line in Construction Lien Errors](#)